

# Monmouthshire County Council: Joint Allocations Policy



## Contents

Item Number	Title	Page Numbers
1.	Introduction	3
2.	Purpose of the Policy	3
3.	Scope	3
4.	Legal Framework	3
5.	Roles and Responsibilities	4
6.	Review and Performance Monitoring	4
7.	Registration	4
8.	Assessing Applicants	6
9.	Choice and Preference Options	9
10.	What is an Allocation Under this Scheme?	9
11.	Choice Based Lettings Allocation Model	12
12.	Offers and Refusal	14
13.	Decision Reviews and Complaints	16
14.	Medical and Welfare Cases	16
15.	Property Size and Type	18
16.	Summary of the Bands	23
Appendix 1	Rural Allocation Policy	25
Appendix 2	Bypassing Policy and Procedures	28
Appendix 3	Exclusions Policy and Procedures	30
Appendix 4	Customer commitments	37
Appendix 5	Information Sharing	38
Appendix 6	Eligibility and Allocations Guidance	39
Appendix 7	Housing Band Guidance	40

## **Allocations Policy 2016**

### **1. Introduction**

- 1.1 Monmouthshire County Council (MCC) transferred its housing stock to MHA in January 2008. However, it remains a legislative requirement for the Council to formulate, adopt and amend an allocation scheme for social housing in Monmouthshire.
- 1.2 Monmouthshire Housing Association (MHA) administers a choice based lettings scheme through Homesearch, on behalf of MCC and other RSL partners. This partnership is called the Monmouthshire Housing Register Partnership (MHRP).
- 1.3 Homesearch is managed via service level agreements between MHA and MCC and other RSL partners.
- 1.4 Applicants are placed in date order into bands of housing need, according to their circumstances.

### **2. Purpose of the Policy**

- 2.1 This Policy sets out the governing principles for letting all social housing vacancies under the Monmouthshire Housing Register.

#### **The aims of this Policy are to:**

- a) Provide a service that is informative, easy to access and gives high customer satisfaction and responds to changing demands and meets the needs of customers
- b) Provide a service that is high performance and effective
- c) Create and maximise choice by providing information about various tenures and waiting times
- d) Support the whole community by retaining customers
- e) Allocate social housing fairly, equitably and transparently
- f) Develop an adaptable and transparent approach to sustaining tenancies
- g) Support access to affordable housing and make best use of our housing stock to meet priority need and help support families and protect vulnerable people
- h) Minimise rent loss, but emphasise pre-tenancy advice and support
- i) Ensure that the policy provides an up to date strategic direction, to support procedures that are effective for staff
- j) Adhere fully to legislation and regulatory framework

### **3. Scope**

- 3.1 The allocation of properties through the Monmouthshire Housing Register will be undertaken in strict accordance with this policy.
- 3.2 Allocations by other Registered Social landlords (RSLs), not part of the MHRP, may also be undertaken in accordance with this policy. Such RSLs have limited stock, but will have the option of using Homesearch for the letting of their vacant homes, at a cost.

### **4. Legal Framework**

4.1 This Policy is framed and governed by relevant legislation, which includes Housing Act 1996, Homelessness Act 2002 and Housing (Wales) Act 2014. In particular this means:

- a) Part VI Housing Act 1996, as amended by Homelessness Act 2002 and Housing (Wales) Act 2014, sets out the legal framework for the allocation of accommodation by local authorities and registered social landlords (RSLs).
- b) Section 167 of the Housing Act 1996 defines reasonable preference.
- c) MHRP will maintain a housing register and only qualifying persons will be registered on it
- d) Each partner has a duty to ensure that in letting its property it gives reasonable preference to certain categories of housing need defined in the Housing Act 1996. Subject to this requirement partners must also reflect local priorities.
- e) A published summary of the allocations scheme must be made available free of charge on request.

4.2 This Policy is also framed by other legislation, including but not limited to:

- a) Equality Act 2010 (in particular s.149)
- b) The Human Rights Act 1998
- c) The Freedom of Information Act 2000 (in particular s.19)
- d) The Data Protection Act 1998
- e) Crime and Disorder Act 1998 (in particular s.17)
- f) Social Services and Wellbeing Act 2014 (in particular part 9)
- g) Anti-social Behaviour, Crime and Policing Act 2014 (in particular s.97 & 98)

## **5. Roles and Responsibilities**

5.1 The Council retains full responsibility for the Policy itself including any amendments to it and for consulting other Registered Social Landlords (RSL's) on any proposed changes to the Policy. The administrative functions that the Council has transferred out to Monmouthshire Housing Association are:

- a) The receipt of housing applications
- b) All assessment matters and decisions regarding eligibility under the scheme
- c) Carrying out any statutory review of a decision made
- d) Making arrangements to ensure that advice and information on allocations and the Council's scheme are available in the County

## **6. Review and Performance Monitoring**

6.1 The Allocations Policy will be formally reviewed every 3 years, or amended and updated as is necessary in order for it to remain fit-for-purpose. Any amendments to the Policy will be agreed by all Partners before being implemented.

6.2 Applicants will be consulted regarding a major change to the policy.

6.3 Homesearch will utilise customer feedback, best practice, performance data, operating experience and respond to legislative changes to continually improve the procedures and where applicable the policy.

## **Policy Detail**

### **7. Registration**

## **7.1 Making a Housing Application**

- 7.1.1 All applicants will need to register by completing an online form (including existing tenants of MHA, Melin, Charter, United Welsh and Derwen, wishing to transfer). This also includes households owed a Section 66, 73 or 75 homeless duty.
- 7.1.2 All applicants will be offered advice and assistance in completing the application form including translation and interpreting facilities where required.
- 7.1.3 The applicant will receive notification of their eligibility and banding and a User Guide detailing how Monmouthshire Homesearch works.

## **7.2 Who Can and Can't Register**

- 7.2.1 Anyone can register who is aged 16 years and over, providing they are not already registered for housing on their own or on someone else's application. They must, however, not be subject to immigration control. By law we cannot allocate housing accommodation to anyone who is subject to immigration control within the meaning of prevailing immigration law. We reserve the right to seek independent advice to resolve the issue of eligibility. [The Allocation of Housing and Homelessness \(Eligibility\) \(Wales\) Regulations 2014](#) and the [updated 2017 regulations](#) informs the eligibility of persons for allocation of social housing and the eligibility of homeless applicants for housing assistance under Parts 6 and 7 of the Housing Act 1996.

## **7.3 Applicants Living Away from Monmouthshire**

- 7.3.1 Where the applicant has been resident in the Monmouthshire area but is staying away from their home because of domestic violence or racial harassment for example, we will seek to verify their circumstances. This also applies to applicants who would normally be resident in Monmouthshire but who, due to circumstances (such as serving in the armed forces) are not able to do so.

## **7.4 Rough Sleepers/No fixed Abode**

- 7.4.1 Applicants may register where they have no fixed abode, only where they provide a correspondence address. Where an applicant uses a care of address for correspondence, they will also be required to provide the address they reside at, unless they are sleeping rough.

## **7.5 Local Connection**

- 7.5.1 In order to meet local housing need, we will give priority to persons who do have a local connection to Monmouthshire.
- 7.5.2 Local connection for this policy is defined as:
  - a) The applicant or a member of their household has lived in the County in accommodation of their choice for 12 out of the past 24 months or 3 out of the past 5 years. For a local connection to apply, an applicant must have lived in Monmouthshire through their own choice.
  - b) The applicant holds an RSL tenancy in Monmouthshire.
  - c) The applicant or a member of their household are employed within the County, where they work within the area and not where the employers head office is. Employment will be deemed to be work that is permanent or long term in nature and is for 15 hours a week or more.

- d) The applicant or a member of their household has a family association, (being mother, father, brother, sister or dependent children or adult children) who reside within the County and have done so for the past 5 years continuously. This includes step children and adopted children.
- e) The applicant has just been or is about to be discharged from the British Armed Forces and has previously lived in the County as defined in 7.4.2 (a) immediately prior to joining the armed forces.
- f) There are special circumstances, for example, the applicant needs to be near special medical or support services that are only available in the Monmouthshire area. A local connection established on these grounds is likely to be exceptional.
- g) The applicant is owed a Homeless Section 66, 73 or Section 75 duty by MCC under the Housing (Wales) Act 2014.
- h) An applicant has been provided with accommodation (at any time) in Monmouthshire, in relation to [Section 95 of the Immigration and Asylum Act 1999](#) or succeeding legislation and in line with Section 81 of the Housing (Wales) Act 2014.

7.5.3 If the applicant has no local connection to Monmouthshire as detailed above, their application will be placed into Band 5. If the applicant either has a medical or welfare need which does not require them to locate to Monmouthshire, they will remain in Band 5 and advised to contact their Local Housing Authority for assistance.

7.5.4 Applicants registering with no fixed abode will need to prove a local connection to the Monmouthshire area if they are unable to do this they will be placed into Band 5. Although those owed a Section 66 and 73 homeless duty (as confirmed by MCC) will be placed in band 3 and those owed a Section 75 homeless duty in band 2B.

## **7.6 Exclusions from the Housing Register**

7.6.1 We may exclude someone from the Housing Register if it is considered proportionate and reasonable to do so, as a result of unacceptable behaviour. We will take into account relevant factors when making these decisions.

## **Section 8 - Assessing Applications**

### **8.1 How Applications are Assessed**

8.1.1 In order to assess an applicant's priority on the Monmouthshire's Allocation Scheme the band that reflects the greatest housing need will be awarded.

### **8.2 Age Limit**

8.2.1 Applicants aged between 16 and 17 years old can register for accommodation, however, they will be granted a tenancy in trust until they reach the age of 18.

8.2.2 RSL Partners should not offer tenancies in trust where there is no trustee (as the landlord becomes the trustee by default).

8.2.3 Should court action be required for a breach of the equitable tenancy the landlord will ask the court to appoint a litigation friend on behalf of the young person (if their trustee does not act in this capacity).

8.2.4 Homeless applicants aged 16 or 17 years old will be referred to Social Services for an assessment of their needs under the Child In Need legislation. Where social services provide support, they will be expected to act as trustee.

8.2.5 Where we receive a joint application and one of the applicants is aged under 18 years old, the application will be placed into the sole name of the applicant over 18.

### **8.3 Serious Offenders**

8.3.1 Homesearch will seek to minimise the risk to the community and the applicant where individuals are considered to pose a risk to themselves and/or others (even where an individual has not been convicted of an offence).

8.3.2 We will work with the Police and Probation Services to assess and manage risk and will apply special arrangements where cases are referred through the Multi-Agency Public Protection Panel (MAPPA) or any protocol with Probation Services Officers.

8.3.3 This may result in restrictions being placed upon the applicant in their choice of property or area, or a direct offer of suitable accommodation being made.

### **8.4 Senior Officer Discretion**

8.4.1 It is recognised that there may be exceptional circumstances where the only way an applicant's urgent housing need can be resolved, is through the use of discretion. The use of this provision will be kept to a minimum, in the interests of fairness to all Homesearch applicants. Note: this does not replace direct lets.

### **8.5 Deferred Status**

8.5.1 It may be necessary to defer an application while we verify an applicant's circumstances.

### **8.6 False or Withheld Information**

8.6.1 Under Section 171 of the Housing Act 1996, it is a criminal offence for an applicant to knowingly give false information, or to withhold information relevant to their application. Where there is suspicion, that a person has done so, the application will be suspended pending the outcome of an investigation.

8.6.2 If the outcome of any investigation reveals that they did not provide false information, or the withholding of information was accidental, then the application will be reinstated from the date of registration.

8.6.3 Where the investigation shows that false information was provided on the application form, or was deliberately withheld, then the application may be removed from the register and there will be no right to re-register for a period of 12 months.

8.6.4 A partner landlord will exercise its right to seek possession of a property where it has been granted as a result of a false statement.

### **8.7 Incomplete Applications**

8.7.1 If an applicant makes an application under the MHRP which is incomplete, we will not register the application.

8.7.2 Applications will not be made live until all information requested has been provided by the applicant.

### **8.8 Applications from Councillors, RSL Board Members, Staff or their Close Relatives**

- 8.8.1 MCC Councillors, RSL Board Members and staff of MCC, MHA, Charter, Melin, Derwen and United Welsh and their close relatives can apply to join the Housing Register. This is also applicable to RSLs that are not part of the MHRP, but allocate housing through the Homeseach scheme. Upon application individuals must disclose this information. Applicants will be neither advantaged nor disadvantaged following disclosure.
- 8.8.2 If an applicant fulfilling the above criteria is due to be made an offer of accommodation, approval must be sought from the respective RSL Board and in some circumstances the Welsh Assembly Government, at the point of allocation.
- 8.8.3 If the applicant fulfils the criteria by way of being an employee of MCC then approval must be sought from at MCC, at the point of allocation.
- 8.8.4 If the applicant is a Councillor of MCC or a Town or Community then approval must be sought for the Council's Compliance Officer.
- 8.8.5 This Section applies to ex-employees who have worked for one of the partner organisations during the last 12 months.

## **8.9 Change of Circumstances**

- 8.9.1 It is the responsibility of an applicant to notify us of any changes in their circumstances (relevant to their housing application), as soon as possible.
- 8.9.2 Where priority increases we will back date any new banding decision to the date the change of circumstance form was received.
- 8.9.3 If an applicant moves down a band as a result of a change in their circumstances they will retain their original registration date.

## **8.10 Deliberately Worsening Circumstances**

- 8.10.1 Applicants must not deliberately worsen their circumstances to gain greater priority under the scheme.
- 8.10.2 Where we believe this has happened, the applicant will be awarded the band that they would have been entitled to had they not worsened their housing circumstances.

## **8.11 Reviews of the Register**

- 8.11.1 In order to maintain the data of applicants on the Housing Register the register will be reviewed periodically.
- 8.11.2 Following a review applicants will be informed about any changes to their band or status.
- 8.11.3 Applicants who fail to respond to a review will be removed from the register.
- 8.11.4 An application can only be reinstated within a period of 3 months, following removal. After this time a new application will need to be made.

## **8.12 Cancelling Applications**

8.12.1 Applications will be cancelled where there is a viable reason.

8.12.2 Decisions taken to cancel an application will be reviewed if requested by the applicant.

## **Section 9 - Choice and Preference Options**

9.1.1 In line with Section 167(1A) of Housing Act 1996, Homesearch will inform applicants about their ability to choose their housing accommodation or express preferences about accommodation to be allocated to them. Note: it is only a requirement to be informed of this, and this should not be confused with a requirement to offer applicants choice or unlimited choice.

9.1.2 Applicants will be made aware that Homesearch's ability to meet applicant's expressed preference may be severely reduced due to limitations of housing stock in some areas and the responsibilities that the Council has to home some groups in housing need.

9.1.3 Applicants will be given the widest possible choice via a choice based lettings scheme. The majority of vacancies will be advertised and applicants will be encouraged to take an active part in the process by expressing their interest during the bidding process.

9.1.4 Where a household has welfare priority due to fleeing violence or harassment, their choice may be limited by a concern for safety and the suitability of a property.

9.1.5 In conjunction with Section 8.3 (serious offenders), we may remove the applicant's choice, in order to best manage risk in relation to that applicant.

9.1.6 MCC may bid on behalf of homeless applicants who are owed a Section 75 duty.

9.1.7 In order to mitigate the risk to RSL's from Welfare Benefit Reforms, the partner Housing Associations have discretion to advertise, and allocate properties on the criteria of maximising occupation.

9.1.8 Under occupation by up to one bedroom will be allowed in limited circumstances. The RSL of the property will carry out an affordability assessment prior to letting the property and if under occupation will create an affordability issue, the offer may be withdrawn.

## **Section 10 - What is an Allocation under this Scheme?**

### **10.1 Allocations and Choice Based Lettings**

10.1.1 An allocation under this scheme is defined as:

- a) A housing association allocating an assured tenancy or starter tenancy.
- b) Existing tenants of any Housing Association in Monmouthshire who wish to transfer to another Housing Association property in Monmouthshire are able to register under this scheme. To transfer outside of Monmouthshire they would need to contact their landlord housing association to make enquiries about their transfer policy.

### **10.2 Allocations Not Covered by this Scheme**

10.2.1 The following are allocations not covered by this policy:

- a) Conversion of a Starter Tenancy into an Assured Tenancy
- b) Nomination of a property that is to be used as temporary accommodation to house households with a homeless duty
- c) Assignments and successions
- d) Mutual exchanges of housing association or local authority tenancies
- e) Nominations not under Part VI of the Housing Act 1996 for offers of assured tenancies, assured short hold tenancies, or other tenancies or licences, to private landlords or housing charities who are not RSLs.
- f) RSL tenants in Monmouthshire needing to be temporarily moved from their home for major works to be carried out
- g) Intermediate or market rent allocations (assured shorthold tenancy)
- h) Specialist housing/bespoke developments e.g. supported housing

### **10.3 Starter Tenancies**

10.3.1 An applicant who is not currently a tenant of either a Housing Association or Council will be given a starter tenancy at the beginning of their tenancy.

10.3.2 If an applicant is currently an introductory or starter tenant and has not been for 12 months when they transfer, they will be given a starter tenancy for the remaining time up to 12 months (a timeframe that could be extended for a further 6 months, if tenancy conditions are breached).

### **10.4 Joint Tenancies**

10.4.1 It is for the housing association who will be the applicant's landlord to decide whether to allow a joint tenancy depending on the circumstances of the case.

### **10.5 Transfers**

10.5.1 Only RSL tenants living in Monmouthshire with a property managed by a Homesearch Partner will have transfer status on the waiting list.

10.5.2 For tenants transferring from one Homesearch partner to another, a repayment plan may be offered, if a tenant is unable to pay rent arrears because a notice period is required. It will be recommended that individuals seeking transfer save for this eventuality.

### **10.6 Older Person's Housing for the Elderly**

10.6.1 Applicants aged over 60 (for MHA properties) or over 55 (for other RSL properties) wishing to register for older person's housing will be able to do so. Their application will be assessed in accordance with this policy.

10.6.2 Before being offered older person's housing they will be contacted and arrangements made to assess their support needs. If the applicant does not have any support needs they may not be offered this kind of accommodation but will be given detailed advice on their housing options. Note: Further assessment may be required to check suitability if the property being offered is specifically for an older person or has communal facilities.

### **10.7 Letting Quotas**

10.7.1 To help ensure that all groups of applicants are given an opportunity to move under this scheme, (based on housing need) and to further promote sustainable communities, letting quotas may be applied if deemed necessary.

10.7.2 If applied, quotas will be advertised based on applicant type and quotas periodically reviewed by the MHR partners.

10.7.3 Where quotas are applied, property adverts will be used to inform applicants of the quota criteria relating to the individual letting.

10.7.4 Where a quota is applied, all appropriate applicants will be considered on the shortlist for bands 1 to 4 (irrelevant of quota) before applicants in band 5 are considered. This criteria, may however, be circumvented where a local lettings plan is applied.

## **10.8 Use of Local Lettings Plans**

10.8.1 We may, in agreement with other partners, develop local letting plans for specific areas, estates, or blocks of flats in order to develop and promote balanced and sustainable communities.

## **10.9 Exceptional Property Criteria (Sensitive Lettings)**

10.9.1 In exceptional circumstances it may be necessary for us to add restrictions to household types to be rehoused in a certain property.

10.9.2 If a partner landlord wishes to carry out a sensitive re-let on a property, they must seek majority approval from the Homeseach Partners.

## **10.10 New Developments**

10.10.1 When developing affordable housing in rural areas/villages the Council has discretion to initiate a Rural Allocations Policy for the new properties being built.

10.10.2 When developing in non-rural areas the RSL's may use lettings quotas to determine the distribution of allocations by application type, to help create sustainable communities.

10.10.3 All new-build properties built with the aid of Social Housing Grant from the Welsh Government will be neutral tenure. This means that the tenure of the housing is not predetermined but can vary.

## **10.11 Decanting Tenants**

10.11.1 If the home is undergoing major refurbishment and the tenant is required to move out, a 'decant' will be temporary and it is not necessary for a tenant to register under this scheme.

10.11.2 If the original home will no longer exist (i.e. as a result of redevelopment) the 'decant' will be counted as an allocation and the tenant will be placed into Band 1. This will only apply to tenants of MHA, Charter or Melin and whose property is in Monmouthshire.

## **10.12 Nominations to Other Housing Associations**

10.12.1 When Homesearch or MCC receives a request for a nomination from an RSL not part of the Homesearch Partnership, the RSL in question will be directed to advertise their property via the Monmouthshire Home Search scheme. The RSL will be helped with this by Homesearch.

## **Section 11 – Choice Based Lettings Allocation Model**

### **11.1 Advertising Properties**

11.1.1 Vacant properties will be advertised via the Homesearch website, possibly outside of the housing register (only after two advertising cycles have taken place first).

11.1.2 Adapted properties will be advertised as suitable for applicants with matching mobility needs and adaptations.

11.1.3 Properties will be advertised daily on the Monmouthshire Homesearch website. Homesearch will ensure that property adverts are available online and can be viewed at a variety of locations (i.e. libraries) across the County. Applicants will also be able to contact the Homesearch Team.

11.1.4 Properties would be advertised for a minimum of 8 days and a maximum of 16 days and after this time a property would be let on a first come first served basis.

11.1.5 Vulnerable applicants will be provided with assistance to safeguard their participation in this scheme.

### **11.2 Property Adverts**

11.2.1 Property adverts will give information about each available property and include a photograph.

11.2.2 Applicants will be able to view all properties that they are eligible for (after a successful bid).

11.2.3 Property adverts may also include details of how preference will be awarded in accordance with the lettings quotas, if applied i.e. Homeseekers, Transfers or Homeless Households.

### **11.3 Insufficient Demand for a Property**

11.3.1 Where a property does not attract any eligible bids from applicants, consideration may (at the discretion of the RSL) be given to applicants who would under-occupy the property. The RSL partners will make it clear on the property advert if under-occupation will be considered, subject to an affordability assessment.

11.3.2 For OAP designated properties the age criteria may be decreased if a suitable applicant cannot be found.

11.3.3 Where there is insufficient demand, the partner RSL may also consider advertising the property outside of the scheme through other methods.

### **11.4 How Applicants Bid for Properties**

11.4.1 Any live applicant on the Monmouthshire Housing Register will be eligible to bid under the Monmouthshire Homesearch Scheme.

11.4.2 A variety of bidding methods is being offered. For example, bids will be accepted via:

- a) The internet (including Mobile app)
- b) Text message
- c) Homesearch Staff and assisted bidding

11.4.3 Bids will need to be received during the period where the advert is available and bids can be made, before the closing date on the advert.

11.4.4 The onus is on the applicant to ensure that their bid is received in time.

11.4.5 Any bids received after the cycle is closed will not be registered.

11.4.6 The process for bidding will be clearly advertised in the Scheme User Guide, which all applicants will receive when they register with the Monmouthshire Housing Register.

11.4.7 Applicants unable to bid themselves can be placed on the assisted bidding service.

### **11.5 The Selection Process – Short-listing**

11.5.1 The choice based lettings scheme will create a shortlist from all those who have bid for a property and be ordered according to the priority set by this policy. All eligible bids for each property are placed in priority order in accordance with banding. An allocation will be made to the applicant in most need, who has waited the longest in accordance with lettings quotas (where quotas are applied) and who meet the criteria as per the advert (e.g. for age, adaptations or Local Lettings Plan criteria).

11.5.2 Should more than one eligible applicant in the same band with the same effective date bid for a property, the RSL will use the following selection process to determine the successful applicant:

- 1<sup>st</sup> choice – The applicant who can demonstrate cumulative (multiple) need
- 2<sup>nd</sup> choice - The applicant who can best use the property (i.e. size)
- 3<sup>rd</sup> choice - The applicant who applied to the register first
- 4<sup>th</sup> choice – The applicant who submitted their bid first

11.5.3 If there are no eligible bidders for the property the relevant RSL may decide to re-advertise the property or offer the property to a person below the required age limit.

11.5.4 Applicants may be bypassed in line with the Bypassing Policy and Procedure. Applicants have the right to review this decision.

### **11.6 Pre-Tenancy**

11.6.1 Due to welfare reform each partner RSL will ensure that sufficient affordability advice is given to an applicant during the verification process. To inform advice, a risk assessment may be carried out in order to determine the applicant's ability to maintain their tenancy.

11.6.2 Homesearch partners will seek to operate a consistent approach to pre-tenancy services.

## **11.7 Verification Visits**

- 11.7.1 Before making a full offer of accommodation to the applicant, we may arrange to undertake a home visit to verify an applicant's circumstances and that the property is suitable for the household size.
- 11.7.2 In response to changes in welfare benefits and legislation, all new tenants will be required to complete an affordability assessment to ensure a property is affordable. Where the property is considered to not be affordable, an applicant may be bypassed for an allocation.
- 11.7.3 If this visit identifies new information, their application will be re-assessed, which could affect an application. This may result in an offer being withdrawn, the applicant changing bands, being removed from the housing register or being excluded from the register.
- 11.7.4 An application will be deferred until the applicant provides proof of their change of circumstances. If there is a delay, this may result in an offer being withdrawn.

## **11.7 Viewing a Property**

- 11.7.1 Viewing takes place after the bidding process has finished and the short-listing has been completed.
- 11.7.2 The relevant RSL will contact the successful applicant as soon as the property is available for viewing.

## **11.8 Applicants Who Fail to Bid**

- 11.8.1 Homesearch will review non-bidder applications periodically.
- 11.8.2 For applicants in higher bands, partners may instigate assisted bidding.
- 11.8.3 Homesearch reserves the right to reduce priority.

## **11.9 Direct Lets**

- 11.9.1 Most properties will be advertised through the Homesearch scheme, however, in certain circumstances we may let some properties directly to applicants.
- 11.9.2 Where an applicant is identified as requiring a direct let the case will be referred to the MHR Operational Sub Group for approval.

## **11.10 Feedback on Let Properties**

- 11.10.1 In order to promote openness and transparency in the allocations system we will provide feedback in relation to the banding priority of applicants who were successful for previous lets.
- 11.10.2 This should help applicants on the register estimate their potential time to be rehoused.
- 11.10.3 The feedback will not provide any details relating to the actual successful applicant.

## **Section 12 – Offers and Refusals**

- 12.1.1 The applicant who has bid for the property, with the highest priority and the earliest date, who has not been bypassed, will be offered the property (in accordance with lettings quotas, if they are applied).
- 12.1.2 Offers will be made in writing by the respective RSL.
- 12.1.3 If an applicant is unable to keep a viewing appointment but was also unable to notify the relevant RSL of this, the offer may at the discretion of the relevant RSL be re-instated, provided the property has not already been re-offered. This will also apply to vulnerable applicants who, by reason of their vulnerability, were unable to attend a viewing appointment.
- 12.1.4 Where an applicant does not keep an appointment to view a property or we are unable to contact them this will be treated as a refusal, within 3 working days of making an offer.
- 12.1.5 If an applicant does not respond to an offer of accommodation we may cancel their application, within 3 working days of making an offer.
- 12.1.6 Where an applicant has refused 2 suitable offers of accommodation within a 12 month period, their priority for re-housing may, depending on the circumstances, be demoted. Should they refuse a 3<sup>rd</sup> property, the application will be excluded for 12 months from the register.
- 12.1.7 Any applicant will remain in this lower band for a 12 month period after which, they may be returned to their original band. Their effective date for the higher band will be the date that they returned to that band i.e. 12 months later.
- 12.1.8 If an applicant is demoted and they cancel their application and reapply, they will remain demoted for the remainder of the 12 months, depending on circumstances.
- 12.1.9 If an applicant refuses a property or cannot be contacted the next highest ranking applicant on the shortlist will be offered the property, as per 12.1.1.

## **12.2 Offers of Accommodation to Homeless Applicants**

- 12.2.1 Homeless applicants will be supported in accordance with the relevant Code of Guidance and within the procedures of MCC.
- 12.2.2 Homeless applicants owed a Section 75 duty will generally be expected to bid for advertised properties in the same way as other applicants, although bids may be submitted for suitable properties on their behalf. If within 13 weeks of the date of acceptance of the homeless duty, no suitable offer has been made, MCC may place a bid. If Successful this would discharge the Council's final offer under Section 75 of the Housing (Wales) Act 2014. An applicant's banding would then be re-assessed as per the allocations policy, dependent on their new circumstances.

## **12.3 Withdrawing Offers of Accommodation**

- 12.3.1 Homeseach reserves the right to withdraw offers in the following circumstances:
- a) Where we have evidence that the applicant has given false information.

- b) Where the applicant's circumstances have changed, or new information comes to light and this changes their priority or makes them ineligible for the property or makes them ineligible to appear on the Housing Register.
- c) Where we require the property for another emergency reason.
- d) Where we have made the offer in error.
- e) Where the applicant has been asked to provide supporting documentation and fails to do so.
- f) Where the property fails to become vacant e.g. withdrawal of notice.

## **Section 13 - Decision Reviews and Complaints**

### **13.1 Reviews of Decisions Made**

13.1.1 An applicant is encouraged to speak to the person or organisation who has notified them of the decision, if they disagree.

13.1.2 After speaking to the relevant partner if the applicant feels that the decision is wrong they have the right to request a review if:

- a) The applicant's housing application has been refused or an applicant has been removed from the housing register, on the grounds of eligibility.
- b) The applicant has been excluded from the register on the grounds of serious unacceptable behaviour.
- c) Applicants can ask for a review if they feel all details haven't been considered.
- d) A homeless applicant has refused one offer of accommodation (or two offers if still owed an old homeless duty under the Housing Act 1996) and as a result of which has been demoted to a lower band.
- e) A medical or welfare assessment decision.

13.1.3 All reviews will be carried out by a senior member of staff at MHA or MCC, who was not involved in the original decision, in accordance with The Allocation of Housing and Homelessness (Review Procedures) Regulations 1999".

13.1.4 For applicants that have been bypassed for an offer, reviews will be dealt with by the RSL who bypassed them.

### **13.2 Complaints**

13.2.1 A complaint will be referred to the partner organisation to whom the issue relates. The matter will be investigated in accordance with the organisation's internal complaints procedure.

13.2.2 If the complaint relates to the waiting list, it will be dealt with by MCC.

## **Section 14 - Medical and Welfare Cases**

### **14.1 Medical Priority**

14.1.1 Applicants who have a medical need will be required to complete a Medical Assessment Form and to provide evidence to support the medical application.

14.1.2 Applicants will only be offered additional priority if their medical condition or that of a member of their household, necessitates a move. The medical assessment is not based on the seriousness of an applicant's condition, but is solely based on the impact of their current housing or in exceptional circumstances the location.

- 14.1.3 Additional priority will only be given to homeowners for a social housing allocation, where they can prove that they do not have financial resources or equity in a property, to purchase another suitable property.
- 14.1.4 Priority given due to unsatisfactory or unfit housing will be considered on a case by case basis in conjunction with Environmental Health. Some discretion will be needed, it will depend on how urgent the matter is before banding is decided.
- 14.1.5 Homesearch will decide whether to award priority or not, on the basis of the information provided in the Medical Assessment Form and any additional information provided by the GP, hospital or consultant or via any other suitable supporting evidence.
- 14.1.6 Applicants may be placed into one of the following bands following an assessment of their medical need:
- a) **Band 1 – Exceptional Medical Need**, where applicants are unable to continue to occupy their current accommodation. Or the applicant is unable to leave hospital due to their current permanent housing being unsuitable. An applicant's circumstances will be reviewed after 3 months.
  - b) **Band 2 – High Medical Need**, where the medical condition and or disability, is having a significant detrimental effect on the ability to live independently.
  - c) **Band 3 – Medium Medical Need**, where a move to suitable alternative accommodation would significantly improve their health, or upon the recommendation of Monmouthshire County Council's Social Services, to enable them to live independently.
  - d) **Band 4 – Low Medical Need**, where there is a low medical condition or disability and a move would improve their health.
  - e) **No Medical Need** – where there is no medical need or moving accommodation would not address the medical need. Or there is no evidence to suggest a move would produce a significant impact.
- 14.1.7 The medical assessment decision will not result in an applicant losing priority if they would otherwise have been placed in a higher band due to other circumstances.
- 14.1.8 Applicants can only re-apply for medical assessment or request that any medical priority already awarded is re-assessed, if there has been a change in their circumstances.

## 14.2 Welfare (Social) Priority

- 14.2.1 Applicants who demonstrate that they need to move for welfare or social reasons will be asked to complete a Welfare Assessment Form and provide evidence to support the application.
- 14.2.2 Applicants will only be offered additional priority if their social wellbeing or that of a member of their household, is significantly affected by remaining in their current accommodation. This will normally relate to the location of the property but can occasionally be caused by the physical condition of the property.
- 14.2.3 Additional priority will only be given to homeowners, where they can prove that they do not have financial resources, or equity in a property, to purchase another suitable property.

14.2.4 The assessment is based solely on the impact of their current housing, on social well-being and whether a move to alternative housing would improve their welfare.

14.2.5 Applicants may be placed into one of the following bands:

- a) **Band 1 – Exceptional Welfare Need**, where applicants are unable to continue to occupy their current accommodation. Where failure to address this would cause exceptional hardship to themselves or others. The applicant's circumstances will be reviewed after 3 months.
- b) **Band 2 – High Welfare Need**, applicants needing to move urgently on welfare grounds or who need to move to a particular locality. Where failure to meet that need would cause serious hardship to themselves or others. This band will be reviewed after six months.
- c) **Band 3 – Medium Welfare Need**, where applicants are identified as having a medium need to move on welfare grounds. Where failure to meet that need would result in significant hardship to their social well-being.
- d) **Band 4 – Low Welfare Need**, applicants assessed as having a low welfare need and moving to alternative accommodation would improve their well-being.
- f) **No Welfare Need** – This is where the applicant is assessed as having no welfare need or moving accommodation would not address the need. Or there is no evidence to suggest a move would produce a significant impact.

14.2.6 The outcome of a welfare assessment will not result in the applicant losing priority if they would otherwise be placed in a higher band due to other circumstances.

### **14.3 Effective Date for Applicants with a Medical/Welfare Need**

14.3.1 Where an application indicates a medical or welfare need, following assessment, the effective date will be the date of their housing application. This will only apply to those applicants who have made us aware of this need at the time of their application.

### **14.4 Change of Circumstances for Medical and Welfare Cases**

14.4.1 Applicants who have been awarded medical or welfare priority who subsequently submit a change in circumstances will have their medical or welfare priority removed. They will need to re-apply for medical or welfare priority.

## **Section 15 - Property Size & Type**

### **15.1 Property Size Eligibility Criteria**

15.1.1 The table in 15.7 shows the size and type of property that applicants may be considered for based on their household composition.

15.1.2 These are general guidelines and all properties that are advertised through Monmouthshire Homesearch will be clearly labelled to identify the household type and size eligible to bid for each property.

15.1.3 Applicants will be expected to only bid for properties which suits their household size.

15.1.4 Older Person's accommodation is for applicants aged 60+ years (for MHA schemes) or 55+ years (for Melin, Charter and United Welsh and Derwen schemes). However,

an OAP property may be offered to younger applicants if there is insufficient demand.

## **15.2 Pregnant Women**

15.2.1 It is the responsibility of the applicant to contact Monmouthshire Homeseach to update their application with this information. The expected child will only be added to the application from week 20 of the pregnancy.

15.2.2 The applicant is required to provide proof of pregnancy before the expected child can be added to the application.

## **15.3 Access to Children**

15.3.1 Single applicants or couples, who do not have children residing with them on a full time basis, will only qualify for two bedroom accommodation providing they can supply written evidence that their child/children have an overnight stay on average at least two nights a week.

15.3.2 An affordability assessment will be carried out prior to an offer of accommodation being made to ensure that the applicant can afford the rent.

## **15.4 Purpose Built or Adapted Disabled Accommodation**

15.4.1 We are committed to addressing the housing needs of disabled applicants, and to help further address this need we have a limited stock of purpose built and adapted accommodation.

15.4.2 An applicant's (or a member of their household) disability must match the specification/adaptations of the property.

15.4.3 In order to be considered for purpose built or adapted disabled accommodation the applicant (or the member of their household with the disability) will be expected to provide an assessment from an Occupation Therapist or other similar professional person.

## **15.5 Three to Four Bed Transfers**

15.5.1 Where an applicant currently occupies a 3 bedroom non parlour type property and is transferring on the grounds of overcrowding, they will only be eligible to bid on 3 bedroom parlour or four bedroom properties, i.e. Not bid on a like for like transfer, unless the bedroom sizes are significantly larger.

## **15.6 Monmouthshire RSL tenants transferring to OAP or Sheltered accommodation**

15.6.1 RSL tenants of the partnership, who reside in Monmouthshire, who are over pension credit age and under-occupying their current property by two or more bedrooms, will be eligible to under-occupy by one bedroom.

**15.7 Property Size and Type Eligibility – Table 1 - General Needs Accommodation**

**NOTES:**

Household Size	Bedsit	Flat/Maisonette			House				
		1 Bed	2 Bed	3 Bed	1 Bed	2 Bed	3 Bed (NP)	3 Bed (P)	4 Bed +
Single Person	✓	✓			✓				
Single person with overnight access to one child +*		✓	✓		✓				
Single/Couple who are pregnant 20+ weeks **		✓	✓		✓	✓			
Couple ***		✓	✓		✓				
2 Single Adults			✓						
3 Single Adults			✓	✓			✓		
4+ Single Adults			✓	✓			✓	✓	✓
Single Adult/Couple + 1 child or non-dependent			✓			✓			
Single Adult/Couple + 2 children (different sex aged under 10)****			✓	✓		✓	✓		
Single Adult/Couple + 2 Children (Same Sex under 16)****			✓	✓		✓	✓		
Single Adult/Couple + 2 Children (Different Sex where at least 1 child is aged 10+)			✓	✓		✓	✓		
Single Adult/Couple + 2 Children (Different sex over 16)				✓			✓		
Single Adult/Couple + 3 Children (Same Sex)				✓			✓	✓	
Single Adult/Couple + 3 children (Where 2 children are over the age of 16) ****				✓			✓	✓	✓
Single Adult/Couple +4 or more children							✓	✓	✓

✓ **Potential Under-Occupation**

\*Single person with overnight access to one child+, the applicant will be classed as having a spare room under housing benefit/universal credit criteria

\*\*Single/couple who are pregnant, housing benefit will only pay for 2nd bedroom once baby is born (this should be the same under universal credit).NB: If claiming housing benefit/universal credit an individual will be required to apply for a DHP to cover the shortfall in their benefit until the baby is born.

\*\*\*An adult couple (under pension credit age) are expected to share a bedroom under housing benefit/universal credit criteria  
 \*\*\*\*Under housing benefit/universal credit criteria the applicant will be allocated one bedroom for two children of the same sex under the age of 16, or two children under the age of 10 regardless of their sex  
 \*\*\*\*\*Parents with children can be housed in 2 bed house whatever the age of the child (including step children).

If the applicant is classed as under occupying the property by one bedroom and the applicant is claiming housing benefit/universal credit housing element this will result in a 14% reduction towards the rent

For applicants requiring an extra room for a full-time carer, a spare bedroom will be allowed, where overnight care is needed. In addition, an applicant would need to be in receipt of the higher rate of Disability Living Allowance, Personal Independence Payment or in receipt of Attendance Allowance/Carer’s Allowance. Homesearch reserves the right to allow an extra bedroom, in exceptional cases, outside of this criteria.

**15.8 Property Size and Type Eligibility – Table 2 - OAP/Sheltered Accommodation**

**NOTES:**

- \*\* An adult couple (under pension credit age) are expected to share a bedroom under the Housing Benefit criteria.
- \*\* If no interest has been expressed by a couple, two bedroom OAP/sheltered accommodation can then be offered to single applicants
- \*\*\* As long as the property they are moving to is of a smaller size than their current home, transfer applicants are allowed to under-occupy by one bedroom in their new home.

If the applicant is classed as under occupying the property by one bedroom and the applicant is claiming housing benefit/universal credit housing element this will result in a 14% reduction towards the rent

Household Size	Bedsit	Flat		Bungalow**	
		1 Bed	2 Bed	1 Bed	2 Bed
Single Person aged over 55 or 60*	✓	✓	#	✓	#
Couple aged over 55 or 60**		✓	✓***	✓	✓***
Non Co-Habituating Couple aged over 55 or 60*			✓		✓

**15.9 Property Size and Type Eligibility – Table 3 – Partner RSL Tenants wishing to downsize due to under occupation**

**NOTES:**

**\*\* An adult couple (under pension credit age) are expected to share a bedroom under the Housing Benefit criteria**

Household Size	Bedsit	OAP Flat or Bungalows		General Needs Flat (inc Maisonettes)			GN House	
		1 Bed	2 Bed	1 Bed	2 Bed	3 Bed	1 Bed	2 Bed
Single tenant aged over 55 or 60 wishing to downsize & move to older persons accommodation	✓	✓	✓					
Single tenant living in a 3 bed & wishing to move to smaller accommodation	✓			✓	✓		✓	✓
Single tenant living in a 2 bed & wishing to move to smaller accommodation	✓			✓			✓	
Single adult/couple & two children same sex under 16 currently living in 3 bed					✓			✓
Single adult/couple & two children different sex aged 10 currently living in 3 bed					✓			✓

**If no interest has been expressed by a couple, two bedroom OAP/sheltered accommodation may be offered to single applicants (with the exception of RSL transfers)**

**If the applicant will be classed as under occupying the property by one bedroom and the applicant will be claiming housing benefit/universal credit housing element this will result in a 14% reduction towards the rent**

## Section 16 – Summary of the Bands

<b>Band 1</b>	<b>Urgent Housing Need</b>
Priority within this Band will be by date of entry into Band 1 not original date	<ul style="list-style-type: none"> <li>➤ Special Management Lettings</li> <li>➤ People Occupying Unsanitary or Unfit Housing</li> <li>➤ Exceptional Medical Need</li> <li>➤ Exceptional Welfare Need</li> <li>➤ RSL Tenants Requiring Decanting</li> <li>➤ National Witness Mobility Scheme Referrals</li> </ul>
<b>Band 2A</b>	<b>High Housing Need</b>
Priority within this Band will be by date of entry into Band 2 not original date *these will go from date of Homesearch registration, once proof provided.	<ul style="list-style-type: none"> <li>➤ Lacking 2 or More Bedrooms</li> <li>➤ Lacking Basic Amenities*</li> <li>➤ Care Leavers / Child in Need</li> <li>➤ Vacating Adapted or Disabled Property</li> <li>➤ Transfers Under-Occupying by One or More Bedrooms</li> <li>➤ Successors who are Under-occupying</li> <li>➤ Move on from Supported or Shared Housing</li> <li>➤ High Medical Need*</li> <li>➤ High Welfare Need*</li> <li>➤ Major Disrepair</li> <li>➤ Foster Carers, Adoptive Parents, Adult Placement and Supported Lodging Providers</li> <li>➤ Social Services Referral 1</li> <li>➤ Displaced Agricultural Workers</li> </ul>
<b>BAND 2B</b>	<b>Homeless Households</b>
	<ul style="list-style-type: none"> <li>➤ Owed Section 75 Duty</li> </ul>
<b>BAND 3A</b>	<b>Medium Housing Need</b>
Priority within this Band will be by date of entry into Band 3 not original date *these will go from date of Homesearch registration, once proof provided.	<ul style="list-style-type: none"> <li>➤ Lacking One Bedroom*</li> <li>➤ Intentionally Homeless</li> <li>➤ Medium Medical Need*</li> <li>➤ Medium Welfare Need*</li> <li>➤ Leaving Armed Forces</li> <li>➤ Split Families</li> <li>➤ Children in Flats*</li> <li>➤ Occupying one bedroom/bedsit accommodation with resident child(ren)</li> <li>➤ Social Services Referral 2</li> <li>➤ Caravan Dwellers*</li> <li>➤ Private renting &amp; receiving Discretionary Housing Payment</li> <li>➤ Families sharing facilities*</li> </ul>
<b>BAND 3B</b>	<b>Homeless Households</b>
	<ul style="list-style-type: none"> <li>➤ Owed Section 66 or 73 Duties</li> </ul>
<b>BAND 4</b>	<b>Low Housing Need</b>
Priority within this Band will be arranged in order of date of application	<ul style="list-style-type: none"> <li>➤ Low Medical Need</li> <li>➤ Low Welfare Need</li> <li>➤ Sharing facilities</li> <li>➤ Reduced Preference due to Refusals</li> <li>➤ Adequately Housed Private Tenants with a local connection</li> <li>➤ Minor Disrepair</li> </ul>
<b>BAND 5</b>	<b>No Housing Need</b>
Priority within this Band will be arranged in order	<ul style="list-style-type: none"> <li>➤ Home Owners</li> <li>➤ Serving Armed Forces Personnel</li> <li>➤ Serving Prisoners</li> <li>➤ Sufficient Financial Resources</li> </ul>

of date of application	<ul style="list-style-type: none"><li>➤ Reduced Preference Due to Refusals</li><li>➤ No Local Connection</li><li>➤ Adequately housed RSL tenants</li></ul>
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## **Appendix 1 – Affordable Housing, Rural Allocations Policy**

The purpose of the policy is to ensure that homes developed for local people are allocated as intended. This policy is to be used in addition to both Monmouthshire County Council's Common Allocations Policy and any other or succeeding allocations policy for letting of affordable housing in Monmouthshire.

The Registered Social Landlord requires assurance for its future business security that the local connection policy will not be allowed to cause empty properties. There is flexibility built into this policy to allow a broadening of both occupancy levels and geographical connection in order to allow properties to be tenanted swiftly and therefore ensure that the affordable housing resource is utilised.

The Rural Allocations Policy will be used to allocate the first 10 homes on all new housing sites and on all subsequent lettings of these properties (once identified via the first round of lettings) in rural areas of Monmouthshire other than:

- The main settlements of Abergavenny, Caldicot, Chepstow, Monmouth and Usk (Abergavenny includes the waiting list areas of Mardy, Croesonen and Llanfoist – but not Llanellen and Govilon. The settlement of Monmouth includes the waiting list area of Wyesham)
- The Severnside settlements of Magor, Undy and Rogiet.

### **Geographical Criteria**

The aim of this policy is to ensure that households with strong links to rural areas are given the opportunity to remain in these communities thus helping to maintain sustainability in the future. The local qualification will be based on villages within the Community Council boundary where the properties are located and then will cascade out to the immediately adjoining communities using community council boundaries. (See Appendix 1(a) for a list of the properties covered by this policy).

As there are some rural areas in Monmouthshire where development is unlikely due to land supply and topography, the Council reserves the right to widen qualification to a neighbouring Community Council on occasions where there is a proven local need.

### **Under Occupation**

Priority will be given to applicants who have a local connection and who fully occupy a property in line with local housing allowance size criteria. If there are no applicants meeting that criteria then one spare room may be accepted and two considered according to circumstances. Under occupation by two spare rooms will need to be approved by the Operational Sub Group or nominated by the Local Authority. In the case where there are more applications received that meet the rural housing lettings criteria than there are properties to allocate, these applications will then be assessed to the current Monmouthshire Common Allocations Policy.

### **Rural Housing Lettings Criteria**

Priority order: Priority will be given, in the first instance, to (a), with (b) and (c) having equal priority.

- (a) Applicants with a housing need who have lived in the community (defined as the Community Council area) for a period of at least 5 years at the time of application, or in the past.

- (b) Applicants who need to live in the community in order to provide support to a dependent child or adult or to receive support from a principal carer.
- (c) Applicants who are principally (>20 hours per week) employed in the community (defined as the Community Council area).

Applicants will be prioritised using the above criteria and will be shortlisted by housing need accordance with the Monmouthshire County Council Joint Allocations Policy. If more than one applicant has the same priority, the applicant who has lived (or previously lived) in the Community Council area for the longest and will fully occupy the property, will be given priority.

**Households already living in affordable housing and considered to be adequately housed in the community council area where the homes are being built (or the neighbouring community council areas, should cascading out be necessary) will not be eligible to apply unless they are downsizing.**

In the event there is no suitable [insert Community Council] applicant, these criteria will then be applied in the same order to applicants from immediately adjoining communities as set out above. Should there be no suitable applicant from the Community Council area where the properties are located or from the immediately adjoining Community Council areas then the properties will be allocated to applicants with a connection to Monmouthshire in line with the Monmouthshire Homesearch Common Allocations Policy.

**It should be noted however that the Partnership reserves the right to nominate applicants for rural vacancies, who do not meet the above criteria, where it is considered that the circumstances of the individual case warrant special consideration. Such cases can only be considered for the offer once the decision has been agreed by the Common Housing Register Operational Sub Group and the Housing and Communities Manager.**

### **Evidence of Local Connection**

In all cases, at the request of the Registered Social Landlord, the applicant will be expected to demonstrate their local connection **within 7 working days of an offer being made by the Registered Social Landlord**. If no verifiable evidence has been produced within that time period the applicant will be overlooked and the household next in line will be made an offer. Applicants living at home with parents and looking to leave home for the first time would be expected to provide evidence to show that they have local a local connection. This may include evidence that their parents have achieved the local connection. Suitable supporting evidence – any of the following:

- Bank statements
- Service bills
- Medical registration documents
- Education records

If an applicant does not have any of the above forms of supporting evidence we may accept:

- Letter confirming the necessary local connection from the Clerk on behalf of the Community Council
- Letter confirming the necessary local connection from the Elected Member for the Ward in which the development is located

Applicants not living in the Community, but who are applying for reasons of employment must provide evidence to show that they are principally employed (working > 20 hours) within the area, including the date of commencement of employment and confirmation from their employer of employment status, and whether this is likely to continue for the foreseeable future.

Applicants not living in the Community, but who are applying for reasons of providing support to a dependent child or adult or receiving support from a principal carer must provide evidence such as:

- Social Services care package
- Carer's allowance/attendance allowance
- GP letter

Applicants will also be asked to consent to the landlord making enquiries of the electoral register, council tax records and Experian credit checks should it be necessary to confirm local connection.

An offence may be committed if an applicant knowingly gives false information or knowingly withholds information which has been reasonably requested. An offence is also committed if the applicant allows a third party to provide false information on his or her behalf, or at his or her instigation.

Where there is suspicion, or an allegation has been made, that a person has either provided false information or has withheld information, the application will be suspended pending the outcome of an investigation. If the outcome of any investigation shows that false information was provided or was deliberately withheld, then the application may be removed from the register and there will be no right to re-register for a period of 12 months. Applicants giving false information may be subject to investigation through the organisation's fraud processes.

### **Future Voids**

The properties identified for each site will remain ear marked for all future lettings. Therefore, all future lettings for these properties will also be carried out as per this policy.

### **Monitoring**

The Council will ensure that lettings through this policy will not dominate the main allocation scheme. The Rural Allocations Policy will be monitored on an ongoing basis to ensure that overall reasonable preference for allocation in Monmouthshire is given to applicants in the reasonable preference groups.

The policy will also be monitored in order to assess its impact, the outcome of which will be regularly reported.

The policy will also be monitored to ensure that void properties are re-let to qualifying households who satisfy the Rural Allocations Policy.

## Appendix 2 - Bypassing Policy and Procedure

### Policy Principles:

- Blanket bans will not be used.
- A decision to bypass an applicant will only be taken according to the criteria set out in this document.
- Any local letting agreement must be agreed by all partners and adhere to this document.
- If a Monmouthshire Homeseach partner wishes to retain bypassing rules outside of the Common Allocation Policy and Procedures e.g. rules relating to the size of the accommodation to be offered, or offers where there are rent arrears or unresolved unacceptable behaviour – these rules will be recorded as an appendix to the Common Allocation Policy and Procedures. They will be transparent, so it is clear when a partner will bypass an applicant and why
- All parties have agreed, as far as possible, to set a common set of rules and to keep exceptions to a minimum. All Monmouthshire Homeseach Partners also recognise the need for each body to manage their dwellings appropriately.

It is not possible to describe every situation where an applicant may be bypassed. The following checklist describes the most common:

<b>Applicant not suitable for social housing allocation with communal entrances/facilities</b>	Applicants who are vulnerable or pose a risk to themselves or others can be bypassed by partners.
<b>Applicants who are vulnerable and have high support needs or applicants who require a sensitive letting such as MAPPA cases</b>	<p>This may be where:</p> <ul style="list-style-type: none"> <li>• An applicant may be too vulnerable/lack capacity and considered not able to sustain a tenancy.</li> <li>• There may be a risk to the applicant or others, where for example, a MAPPA case needs to be housed.</li> </ul>
<b>Current arrears/former tenancy related debt</b>	<p>Where information on former tenant arrears only emerges after an offer is made, that offer may be withdrawn by that housing association and the policy for arrears applied. This would be where the arrears are above 19 weeks' net rent or £500 (A payment plan would also need to be in place and paid for at least 13 weeks.) Applicants with a housing related debt up to £500 or 19 weeks net rent (whichever is lower), could be considered for housing, providing that they had agreed to a repayment plan and there is evidence that they are actively following the plan. Adherence with the plan would be checked prior to an offer of accommodation being made by the landlord concerned and would be at their discretion.</p> <p>Where information of pending or outstanding charges only emerges after an offer has been made, that offer may be withdrawn by that housing association. This would apply to charges for repairs with a total value of over £500 and the case would be referred to the Exclusion Panel for their consideration.</p>

<b>The property is not suitable for a disabled applicant's long term needs</b>	When considering an offer of accommodation to applicants with a disability, their current and long term needs will be assessed with regards to the suitability of the property.
<b>Medical needs</b>	Where the property does not meet the medical needs of the applicant.
<b>Pending information</b>	Where an applicant will not provide relevant information.
<b>Wrong banding</b>	Where the applicant's circumstances may have changed, which alters their band and means that they no longer qualify for the offer.
<b>Pre void inspection</b>	Where a pre-void inspection is carried out and a property has been damaged/neglected.
<b>Affordability</b>	Where it cannot be proved that welfare benefits will be paid to an applicant to sustain a tenancy or a person hasn't been employed for a minimum of three months (with an income sufficient to sustain a tenancy) or does not have sufficient enough savings to sustain a tenancy for at least 12 months, an applicant will be bypassed.
<b>Senior Officer Discretion</b>	Exceptional circumstances not listed in this table.

Individual cases that fall outside the above criteria will need to be discussed by the Exclusion Panel; discussions may have to be conducted via email as the panel only meets once a month. The application of senior officer discretion will need to be approved by all partners (via email).

However, it is important that such applicants do not end up being bypassed because of a lack of pre-offer planning, resulting in an offer not being made because of a lack of information, or an appropriate support package.

Where there are applicants who are extremely vulnerable or considered to pose a risk to themselves or to others, the case should be submitted to the monthly Exclusion Panel (or discussions conducted via email) to decide whether they are ready to sustain a tenancy and what support package is required, so that an offer can be made.

The type of information to be considered by the panel may include:

- Details of any long-term illness, health problems or disability that requires specific or specialist housing, care or support.
- Details of other care and support needs, for example because of vulnerability due to learning difficulties.
- Details of proposed, existing and previous packages of care provision provided by statutory or other bodies where known.
- Relevant and reasonable information with regard to previous history of anti-social behaviour that might impact on the safety of the community.
- Type of accommodation moving from and any additional available accommodation history.

### **Appendix 3 – Exclusions Policy and Procedure**

The partners of the Monmouthshire Housing Register (MHR) are listed below. These organisations will be referred to as ‘we’ throughout this policy document. The Monmouthshire Housing Register will be referred to as the MHR.

- Monmouthshire County Council
- Monmouthshire Housing Association
- Melin Homes
- Charter Housing Association
- United Welsh Housing Association
- Derwen

#### **1. Introduction**

- 1.1 This document is a sub-policy and procedure of the Monmouthshire County Council Housing Allocation Policy and Procedures. It describes the circumstances in which an applicant can be excluded from the register and also describes how long we will exclude and what an applicant needs to do to have the exclusion removed. We are committed to minimising the number of exclusions we make, however, there will be certain circumstances when it will be necessary. The policy applies to all applications on the MHR including existing tenants who wish to transfer and other applicants who are not currently our tenants.

#### **2. What is an Exclusion?**

##### **2.1. Exclusions**

- 2.1.1 Occurs when an applicant has been assessed and but for their behaviour would have been accepted onto the housing register. They will remain excluded until certain conditions have been met, for example, a certain period has elapsed, their conduct has changed; or there has been a change in circumstances. Generally the applicant will be expected to take prescribed action to address their unacceptable behaviour, such as making payments to reduce rent arrears. Partners will seek to avoid using prescribed actions that are likely to be unreasonable for an applicant to meet.

- 2.1.2 In addition, a joint allocation will not be made where one applicant is excluded from the register.

##### **2.2 Inclusion**

- 2.2.1 When an applicant has satisfied the prescribed measures to address the behaviour which has resulted in them being excluded they will then be assessed on their housing need. The onus will be on the applicant to prove that his/her behaviour has improved sufficiently and been sustained, before consideration will be given to accepting the applicant onto the Housing Register.

#### **3. Legal Framework**

- 3.1 The legislation setting out the legal requirements for access to Waiting Lists is contained in the Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness 2015.

- 3.2 Under S.160A (7) of the 1996 Act a local authority may, where it is satisfied that an applicant (or household member) is guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant at the time their application is considered, decide to treat the applicant as ineligible for an allocation.
- 3.3 S160A (8) provides that the only behaviour which can be regarded as unacceptable for the above purposes is behaviour by the applicant (or household member) that would, if the applicant had been a secure tenant of the local authority at the time, have entitled the authority to a possession order under s.84 of the Housing Act 1985 in relation to any of the discretionary grounds in Part 1 of Schedule 2, other than Ground 8. These are fault grounds and include behaviour such as non-payment of rent, breach of tenancy conditions, conduct likely to cause nuisance or annoyance, and the use of property for immoral or illegal purposes. Under s.84 of the Housing Act 1985, the court can only make a possession order if satisfied that it is reasonable to do so.
- 3.4 If an applicant's conduct entitles possession under anti-social behaviour (under 84A of the 1985 Housing Act, amended by the Anti-social Behaviour, Crime and Policing Act 2014), a landlord is entitled to decide that the applicants is ineligible for an allocation.
- 3.5 S160A (3) provides that a person subject to immigration control, within the meaning of the Asylum and Immigration Act 1996, is ineligible for accommodation unless prescribed in [The Allocation of Housing and Homelessness \(Eligibility\) \(Wales\) Regulations 2014](#) and [updated 2017 regulations](#).
- 3.6 S167 (4A)(d) provides that an applicant has the right to request a review in relation to eligibility or loss of preference and the right to be informed of this right. They must also be informed of the ground(s) for any decision affecting eligibility or resulting in reduced preference.

#### **4. Policy Aim**

##### 4.1 The aim of the policy is

- To ensure that all the partnership landlords have a common approach to dealing with exclusions.
- To ensure fair and equal treatment for all applicants.
- To enable the partnership landlords to efficiently manage access to housing where applicants have breached the terms of their tenancy agreement.
- To minimise exclusions.
- To recognise individual circumstances and acute housing need.
- To ensure that the applicants excluded are formally monitored.
- To reinstate applicants to the Housing Register at the earliest opportunity once they have addressed the reason that has led to their exclusion.
- To be accountable through an open and transparent appeals process.
- To ensure that applicants for housing are given fair and equal treatment regardless of disability, gender, age, race, culture, sexual orientation, marital status or religion in line with the partner landlord's equalities policies.
- To be sensitive to applicants' individual needs and tailor our services and approach, where practical to do so.
- To ensure that all applications are processed within the legal framework as detailed in the Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness 2015.

- To ensure that vulnerable applicants are not disproportionately affected by this Policy.

## **5. Policy Content**

### **5.1 Implementation of the Policy**

- 5.1.1 Applicants subject to MAPPA Level 3 are exempt from this policy due to the need to manage these applicants and the statutory duty placed on the Authority as a partner to MAPPA and the RSL's as a duty to co-operate body.
- 5.1.2 Each application will be assessed on an individual basis, with relevant and available information taken into account.
- 5.1.3 We will work collaboratively with the police and probation services and other agencies to share information as appropriate.

### **5.2 Reasons for Exclusion**

- 5.2.1 Applicants can be excluded for the following reasons (not exhaustive);
- Outstanding current and /or former tenancy debt (social or private)
  - Anti-social behaviour/ASB Injunction
  - Tenants who have had their tenancy demoted due to ASB.
  - Other breach of tenancy conditions (social or private)
  - Refusals (after 3rd refusal) [Automatic and therefore not referred to panel]
  - Use of property for immoral or illegal purposes
  - Immigration status/ineligible person from abroad
  - Criminal convictions
  - Being violent towards a partner or members of the family (potentially without conviction).
  - Obtaining a tenancy by deception, for example, by giving untrue information or by withholding information.
  - Paying money to illegally obtain a tenancy.
  - Allowing the condition of a property to deteriorate beyond a level deemed reasonable by the Partnership.
  - Having lost accommodation provided in connection with employment due to conduct making it inappropriate for the person to reside there.
- 5.2.2 It is not necessary for the applicant to have actually been a tenant of the local authority or RSL when the unacceptable behaviour occurred.
- 5.2.3 Unacceptable behaviour is defined as behaviour which would, if an applicant or member of their household was a secure tenant, entitle MCC to possession under Grounds 1-7 in, Schedule 2 of the Housing Act 1985. Or a possession order under section 84A of the 1985 Act in relation to serious anti-social behaviour. To be reasonably classed as unacceptable behaviour there must be a belief that the court would be prepared to grant a possession order based on the behaviour (normally an outright order should be expected). The circumstances at the time of the application must also still mean the applicant is unsuitable. Previous unacceptable behaviour or even an outright possession order, may not justify a decision to treat the applicant as ineligible where that behaviour can be shown by the applicant to have improved.

5.2.4 When considering cases of rent arrears for exclusion, the Exclusion Panel should consider whether the rent arrears are caused by Welfare Benefit Reform or directly attributable to the actions of an applicant. Consideration should also be given to arrears prior to Welfare Benefit Reform. Also, any pre-tenancy advice given to tenants concerning financial capability.

### **5.3 Applying and Removing an Exclusion**

#### **5.3.1 Property Related Debt:**

For the purpose of this policy the Monmouthshire Homeseach Team, when carrying out an assessment, will take into consideration all property related debts, associated with either a current or former tenancy with any private or social housing provider in the UK. Only debts that are both recoverable and not statute barred will be taken into consideration. These include (but are not limited to) any:

- Current or former tenancy rent arrears;
- Outstanding re-chargeable repairs;
- Current and former housing related service charge arrears;
- Bed and breakfast charge arrears
- Housing benefit or universal credit housing element over-payments;
- Associated court costs.

5.3.2 Property related debts apply to both the applicant, spouse, joint applicant and partner of their prospective household.

5.3.3 Where the property related debt is over £500 or the equivalent of 19 weeks net rent (whichever is lower), the application for housing would be automatically excluded. The applicant would not be actively considered for housing until such time as they have:

- Entered into a repayment plan with the former and current landlord;
- Made a minimum of 13 consecutive weekly payments, at an agreed level; and
- Repaid a minimum of 25% of the debt.

5.3.4 This process can only be circumvented where the debt is repaid in full. Or where the Monmouthshire Homeseach partners 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 Exclusion Panel for consideration.

5.3.5 Applicants with a housing related debt of below £500 or up to and including 18 weeks net rent, could be considered for housing immediately providing that they had agreed and were actively following a repayment plan. Adherence with the plan would be checked prior to an offer of accommodation being made by the landlord concerned and would be at their discretion.

5.3.6 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 5.3.5 would still apply.

5.3.7 Once accepted on the Housing Register, regular agreed payments should be maintained up to the point of an offer of accommodation. If this is not the case, the

applicant will be given 48 hours to make up the missed payments otherwise the offer will be withdrawn.

- 5.3.8 The review process and the circumstances when the exclusion will be removed are to be decided on a case by case basis. All anti-social behaviour cases will be referred to the Exclusion Panel.
- 5.3.9 If the decision is not unanimous among the Exclusions Panel then the exclusion can only be activated after ratification by the MHR Operational Sub-Group. The application would be placed into pending whilst Homesearch waits for the Operational Sub Group to make a decision.
- 5.3.10 Sanctions under this policy will be implemented at the point the application is registered save for those cases where information has come to light during the course of the 'live' application. This is to ensure that the applicant is made aware at the earliest stage of the application and is able to address their behaviour.
- 5.3.11 For applicants who are referred under this policy during their live application or at the 'offer' stage, because information has come to light, it will be for the RSL to show that this information was not available at the time of registration or would not have come to light under normal investigative procedures. Failure to show this may result in the applicant not being excluded.
- 5.3.12 An exclusion can be removed at an applicant's request. In most cases a review will be reconsidered when there is clear evidence that:
- The applicant (or a member of their prospective household) has addressed their behaviour to the satisfaction of the Exclusion Panel.
  - There has been no cause for complaint against the applicant (or members of their prospective household) for a continuous period of 12 months (depending on the severity of the behaviour) from the point where action has been agreed with the applicant to address their behaviour or other identified problems. The onus is on the applicant to inform the Homesearch Partners that any condition has been met to resolve exclusion. Applicants that are considered vulnerable, will, however, still be contacted by Homesearch periodically to discuss their prescribed actions and enquire if they are able be restored to the housing register.
- 5.3.13 Excluded applicants will be eligible to join or re-join the Housing Register once their unacceptable behaviour has been addressed. Their effective date on the Housing Register will be the date that their exclusion was lifted.
- 5.3.14 The Homesearch Partnership will apply the Test of Unacceptable Behaviour suggested procedure as set out in sections 2.32 to 2.44 of the 2015 Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness.

## **5.4 Notifying Applicants of the Exclusion**

- 5.4.1 Applicants will be notified in writing if their application for housing is subject to the sanction. Applicants will be told why they have been excluded, how long it is for, what they need to do to address the behaviour, and how to inform the Monmouthshire Homesearch Team that their behaviour has been addressed. They will also be advised of the appeals procedure. If considered necessary this information will also be given verbally and/or translated.

## **5.5 Appealing an Exclusion**

- 5.5.1 Applicants can exercise this right to review verbally or in writing. In the first instance any additional information should be sent to Monmouthshire Homesearch to enable them to informally reassess their decision. Known circumstances at the time of the review will be taken into consideration. Applicants will be given at least 5 working days to provide further information. If Monmouthshire Homesearch are satisfied that the decision to exclude is correct they will forward the case to Monmouthshire County Council. They will undertake the formal review of the decision. The Council will request any additional information within 28 days of the papers being received from Monmouthshire Homesearch and will make a decision after 28 days.

The Panel will consider:

- Whether the application would result in the applicant being awarded reasonable preference under the Council's allocation scheme. If so, whether the applicant's circumstances (or those of a member of the applicant's household) are so exceptional that the exclusion decision should be overturned.
- The Exclusions Panel will assess the case using guidance criteria and will record all decisions reached with full reasons on that decision. The applicant will receive a written decision with the full reasons set out.
- Please note that the council cannot waive the eligibility exclusion rules for applicant's who are legally not allowed to access social housing under the eligibility rules set by Welsh Government and such cases will not be referred to the panel

## **6. Implementation**

### **6.1 Responsibilities**

- 6.1.1 The overall responsibility for this policy lies with the Housing & Communities Manager of Monmouthshire County Council, and the Chief Executive of the respective partner Housing Associations. However the decision to invoke any of the sanctions under this policy will be made in the first instance by the Monmouthshire Homesearch Team. Decisions will be ratified by the Manager of the Monmouthshire Homesearch Team
- 6.1.2 All partners of Monmouthshire Homesearch are responsible for submitting information relating to their tenants unacceptable behaviour and also to provide evidence of extenuating circumstances.
- 6.1.3 The Panel will conduct its business by way of email, circulating completed pro-forma for each case to be considered under this policy. However in exceptional cases the Panel can meet in person.
- 6.1.4 Each member of the panel will have a nominated deputy to cover periods of absence.
- 6.1.5 Responsibility for co-ordinating the Panel will lie with the Monmouthshire Homesearch team as they are the only point of access onto the Housing Register.
- 6.1.6 The same will apply if the Panel meets in person.
- 6.1.7 Emails from the panel members should be used as evidence of a decision being made and maintained on files to provide an appropriate audit trail.

## **6.2 Scrutiny Panel**

- 6.2.1 The Panel will consist of members from the MHR Operational Sub Group.
- 6.2.2 The role of the Panel is to scrutinise, and change adverse decisions.
- 6.2.3 The Panel will meet on a quarterly basis (or more frequently if agreed).
- 6.2.4 Decisions will be made on the information available to the Panel. Insufficient information will result in the case being deferred and reconsidered via email when information is available.

## **7. Staff Training and Development**

- 7.1 The Council will provide detailed training for staff of the MHR landlords who implement this policy and procedures. This ensures that we meet our legal duties and follow good practice guidance.

## **8. Monitoring and Reporting**

- 8.1 Monitoring is essential to evaluate how effectively we meet our legal requirements and the policy and procedural guidance.
- 8.2 Monitoring will be performed by the Operational Subgroup of the MHR.
- 8.3 The following indicators will be monitored by the Council (which MCC will collect):
  - No. of exclusions and a breakdown of the reasons;
  - The average length of time applicants are excluded by reason;
  - The number of excluded applicants as a percentage of the total number of applicants on the MHR;
  - The number of appeals of exclusion;
  - The number of appeals upheld and decisions over-turned by reason;
  - The length of time between receipt of the appeal letter and notification of the appeal outcome.

## **9. Review**

- 9.1 The Council will review this policy 3 years, or earlier if required in light of changes in the law or good practice guidance.

## Appendix 4 - Customer Commitments

- ✓ consider every application received
- ✓ Make sure the Partnership meets its legal obligations.
- ✓ Provide free advice and information about the right to apply for accommodation.
- ✓ Provide free assistance to applicants who may have difficulty when making an application, for example help completing the application for accommodation form.
- ✓ Make sure any information we provide is easy to understand and is readily accessible.
- ✓ Provide information to all applicants on what types of accommodation are available throughout the County.
- ✓ Supply information to the applicant to enable them to ascertain how long they are likely to have to wait before being offered accommodation.
- ✓ Advise those applicants with low housing need that they are extremely unlikely to be offered social housing through this scheme.
- ✓ Provide a full copy or a summary of this Allocation Scheme to all households who request one.
- ✓ We will be sensitive to tenants' individual needs and tailor our services and approach accordingly.
- ✓ To re-let all vacant housing association homes that are ready to let as quickly as possible.
- ✓ Ensure that all information provided by applicants will be treated in strictest confidence, adhering to the Data Protection Act.
- ✓ Provide services in Welsh, or direct applicants to where they can access the service in Welsh.
- ✓ Assess the language need of applicants and respond appropriately.
- ✓ Homesearch will respond to all emails and letters sent by applicants within 10 working days; assess and register all housing applications within 10 days of receiving all necessary information.
- ✓ Senior Officers at either the Council or the partner organisation will undertake statutory reviews of decisions made in accordance with regulations and aim to complete the review within 56 working days.
- ✓ Homesearch will undertake an initial assessment of medical and welfare cases within 20 working days of receiving all necessary information, including any supporting information from third parties.

## Appendix 5 - Information Sharing

### 1. Data Protection

- 1.1 All identifiable personal information held on natural persons (someone alive) is subject to the General Data Protection Regulations and Data Protection Act 2018. We seek the explicit consent of applicants joining the Housing Register to share personal information. A copy of our privacy statement can be accessed via the link [here](#), explaining what data we process and why. The Privacy notice provides further information regarding legal rights and is available at [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk) or by emailing [dataprotection@monmouthshire.gov.uk](mailto:dataprotection@monmouthshire.gov.uk).
- 1.2 Information may be shared about the individual and their history irrespective of whether their consent has been obtained in exceptional circumstances which will include:
- a) In accordance with the provisions of the Crime and Disorder Act 1998 (Section 115).
  - b) For the purposes of the prevention or detection of crime and fraud.
  - c) Where there is a serious threat to the applicant or a third party including staff or contractors.
  - d) Where information is relevant to the management or support duties of the proposed landlord or support organisation to ensure the health and safety of the applicant, a member of his or her household, or a member of staff.
  - e) To safe-guard children and address child protection issues or vulnerable adults.

### 2. Information Sharing within the Partnership

- 2.1 Partners will adhere to an Information Sharing Protocol (ISP), in line with the Welsh Accord on the Sharing of Personal Information. The ISP has been prepared to support the regular sharing of personal information for the provision of social housing across Monmouthshire. A copy of this is available upon request by contacting [homesearch@monmouthshirehousing.co.uk](mailto:homesearch@monmouthshirehousing.co.uk).
- 2.2 Information with regards to applications made under Monmouthshire's Allocation Scheme will be shared with and available to all members of the Partnership. Information may also be shared with other housing providers for the purpose of allocating housing, assessing applications or identifying current or former tenant arrears.

## **Appendix 6 - Eligibility and Allocations Guidance**

**A Local Authority can't allocate housing to a person from abroad who is not eligible.**

This is covered in [The Allocation of Housing and Homelessness \(Eligibility\) \(Wales\) Regulations 2014](#) also the [updated 2017 regulations](#). [See Welsh Government Guidance for further information](#) (note legislation on immigration and related case law is subject to frequent change)

Also refer to pages **22 to 30** of the [Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness](#) and Annex 4 and 6.

## **Appendix 7 – Housing Band Guidance**

### **1. Band 1 – Urgent Housing Need**

This band is for people who have an urgent housing need, who need immediate rehousing and who are unable to resolve their own housing need. We arrange priority within Band 1 in the first instance in date order of entry into Band 1 and not by the original application date.

Applicants placed into Band 1 will have their circumstances and bidding history reviewed after 3 months to ensure that they are actively bidding for suitable available properties and their situation remains unchanged. Applicants may be downgraded as an outcome of the review.

#### **1.1 Special Management Lettings**

There may be exceptional circumstances where the only way an exceptionally urgent housing need can be resolved is through the use of management discretion.

There is ability in very urgent cases for MHR Operational Sub Group to exercise discretion. In the interests of fairness to all applicants these circumstances are kept to an absolute minimum. Such cases will include the following circumstances:

- a) Residents of Monmouthshire who are RSL tenants whose homes are damaged by flood, fire or other disaster may be provided with another tenancy immediately if it is not possible to repair their existing accommodation.
- b) Households who on Police advice must be moved as a matter of urgency, e.g. continued harassment, racial harassment, hate crimes, and domestic abuse.
- c) An applicant has an exceptional need that is not covered by the allocation scheme. For example, where Child or Public Protection issues require urgent rehousing.
- d) To support humanitarian protection/vulnerable persons and resettlement schemes.

#### **1.2 People Occupying Unsanitary or Unfit Housing**

A private sector property either owned or rented where a statutory notice has been issued by the Environmental Health Department that an unfit property is to be demolished under the Housing Act 2004.

A private sector tenant where the Council's Public Health Team have served a Prohibition of Use Notice on the property or part of the property and the tenant cannot continue to occupy.

#### **1.3 Exceptional Medical Need**

Where an applicant or a member of their household is unable to continue to occupy their current accommodation due to extreme medical need. Or the applicant is unable to leave hospital due to their current permanent housing being unsuitable to return to will be determined as exceptional medical need. This will be reviewed after 3 months if the applicant has not been offered accommodation.

#### **1.4 Exceptional Welfare Need**

Where an applicant or a member of their household is unable to continue to occupy their current accommodation due to extreme welfare need. This will be reviewed after 3 months if the applicant has not been offered accommodation.

## **1.5 Monmouthshire RSL Tenants Requiring Permanent Decanting**

RSL tenants of the partnership, residing in Monmouthshire, who are required to move due to the Housing Association carrying out major works resulting in their property being demolished or disposed of.

## **1.6 National Witness Mobility Service (NWMS) Referrals**

Where we have agreed to accept a referral from the NWMS the household will be placed into Band 1.

## **2. BAND 2A – High Housing Need**

This band will be for applicants whose housing need is very urgent and who are unable to resolve their own housing circumstances. We arrange priority in the first instance in date order of entry into Band 2A&B and not by the original application date.

For administrative purposes this Band is split between Homeseekers Band 2A and Homeless Households Band 2B(Section 75 duty), therefore, both Band 2A and 2B have equal priority.

### **2.1 Lacking 2 or more Bedrooms**

Applicants who are lacking 2 or more bedrooms in accordance with the “Size of Property” eligibility criteria. Applicants who are eligible for 2 different property sizes (i.e. 2 and 3 bedrooms) will be assessed on their minimum entitlement. However, where the children are of different sexes and aged over 10 years or over an additional bedroom over the minimum entitlement will be allowed when making the lacking assessment.

### **2.2 Lacking Basic Amenities**

Applicants without access to any of the following facilities:-

- a) Neither bath nor shower;
- b) Toilet;
- c) Cooking facilities;
- d) Running hot water supply; or
- e) Neither electric and gas needed for essential activities.

### **2.3 Care Leavers and Child in Need**

A care leaver is defined as a young person between the age of 16 and 21 who was in the care of MCC at the time of their 16<sup>th</sup> birthday. It is further extended to include care leavers aged 21 to 25 who have re-engaged with education or when duty ends when leaving education. It is the responsibility of Social Services to advise Monmouthshire Homesearch when a care leaver is eligible for the care leaver’s status. However the care leaver status will only apply until the applicant has achieved a social tenancy and any subsequent applications after this will be determined under the remainder of this policy.

We will liaise with Social Services to ensure that Care Leavers do not receive an offer of accommodation until they are ready for independent living.

A young person who has been assessed by MCC Social Services as being a Child In Need under Sections 17 or 20 Children Act 1989 following a presentation as a homeless young

person and has been assessed as being ready for independent living will be placed into Band 2A from their application date.

A care leaver will only be entitled to Band 2 priority when they are registering for housing, and will not therefore have held a previous social tenancy. Therefore a Care Leaver who is looking for a transfer will be assessed on their current housing need and will not be deemed as a care leaver. However the care leaver does not need to be applying straight from their placement. This is in recognition that care leavers may make choices on their accommodation that are not sustainable.

Any tenancy offered to a care leaver will generally be a sole tenancy in the name of the care leaver.

#### **2.4 Tenants Vacating Adapted or Disabled Accommodation**

A tenant/applicant who is releasing a RSL disabled adapted property in Monmouthshire, with no other housing need will be placed in Band 2 if the adaptations are no longer required by the tenant/applicant. This would not apply to those tenants who have had minor adaptations to their property e.g. level access showers, stair-lifts, ramps, grab rails, etc.

#### **2.5 Transfers who are Under-Occupying by one or More Bedrooms**

To make best use of the housing stock within Monmouthshire we will offer accommodation to Monmouthshire RSL tenants who are currently under-occupying general needs accommodation by one or more bedrooms.

To be considered as a tenant under-occupying you must be a current tenant of one of the housing partners i.e. MHA; Melin; Charter; United Welsh Housing Association or Derwen.

The property size eligibility criteria will be used to determine the level of under-occupation. However, applicants who are eligible for two property sizes will be assessed on their minimum entitlement, therefore maximising the under-occupation. When an applicant wishes to downsize to smaller accommodation, due to Welfare Benefit Reform, any offer of accommodation will only be made if the accommodation is smaller.

#### **2.6 Successors who are Under-Occupying**

When a Monmouthshire RSL tenant dies and another member of that household has a right to succeed to that tenancy but the property is deemed too large for that person's needs, the applicant will then be placed in Band 2A in order to facilitate move on. This again makes best use of stock and releases family sized accommodation.

#### **2.7 Move on from Supported Housing Projects or Shared Accommodation**

In order to be placed into Band 2A, applicants must occupy one of the supported housing projects in Monmouthshire that receive funding from MCC's Supporting People Team or MCC's Social Services.

This includes applicants who need to leave supported housing within the next 12 months or in a planned time and who are ready for independent living with or without support.

Where there are support needs, we will work with support providers to establish a suitable care package.

We expect the applicant to accept the support services made available to them in order to ensure the necessary standard of independence is achieved and the tenancy is sustainable.

Band 2A is also applicable where a tenant is currently living in shared accommodation, owned by a Homesearch partner and the applicant has been in employment for at least 6 months and not claimed housing benefit or universal credit housing element for 6 months either.

## **2.8 High Medical Need**

Applicants assessed as having a high medical priority because their medical condition and/or disability is having a significant detrimental effect on their ability to live independently at home will be placed in Band 2A.

## **2.9 High Welfare Need**

Applicants assessed as having a high welfare need and need to move urgently and where failure to move will cause serious hardship to themselves or others will be placed into Band 2A.

## **2.10 Major Disrepair**

The applicant is a private tenant and the Council's Environmental Health Department has identified a Category 1 hazard under the Housing, Health and Safety Rating System. The applicant will be required to provide written confirmation from the Environmental Health Officer of the disrepair and the action to be taken to rectify the hazard(s). Once the relevant actions have been carried out to address the disrepair issue(s) the application will be reassessed.

## **2.11 Foster Carers, Adoptive Parents, Adult Placement and Supported Lodging Providers**

An applicant who has been accepted by Monmouthshire County Council Social Services to be a provider of foster care, an adult placement or supported lodgings or to be an adoptive parent and who require a larger property in order to provide this service/placement. Applicants will only be eligible for one extra bedroom.

## **2.12 Social Services Referral 1**

The above band reason will be used for clients of Social Services who require specialist or supported housing urgently in order for them to resettle into the community or make the transition to independent living. This priority will not be awarded to Social Service clients who currently live independently.

## **2.13 Displaced Agricultural Workers**

The Rent (Agriculture) Act 1976 (the 1976 Act) requires MCC to use its best endeavours to provide accommodation for displaced agricultural workers. In order to be placed into Band 2A:

- a) The dwelling-house from which the worker is displaced is needed to accommodate another agricultural worker
- b) The farmer cannot provide suitable alternative accommodation for the displaced worker and
- c) They need to re-house the displaced worker in the interests of efficient agriculture
- d) It is important, therefore, for Local Authorities to include in their allocation schemes a policy statement in respect of cases arising under the 1976 Act.

### **3. BAND 2B – Homeless Applicants**

#### **3.1 Homeless Households Owed a Section 75 Duty by MCC**

Applicants accepted as being owed a duty under Section 75 of Part 2 of the Housing (Wales) Act 2014 by MCC. To be owed the duty the applicant would need to be considered by MCC to be in priority need and unintentionally homeless. They would also not have suitable accommodation available for occupation, which is likely to last for at least 6 months. Applications for homelessness assistance made to MCC made before 27 April 2015, would be considered under the Housing Act 1996, Part 7.

### **4. BAND 3A – Medium Housing Need**

This band is for applicants who have a housing need and are unable to resolve this need themselves. We arrange priority within Band 3A in the first instance in date order of entry into Band 3A and not by the original application date.

#### **4.1 Lacking One Bedroom**

Applicants who are lacking one bedroom in accordance with the “Size of Property” eligibility criteria. Applicants who are eligible for 2 different property sizes (i.e. 2 and 3 bedrooms) will be assessed on their minimum entitlement. However, where the children are of different sexes and aged 10 years or over, an additional bedroom over the minimum entitlement will be allowed when making the lacking assessment.

Applicants occupying bedsit accommodation are not considered to be lacking a bedroom and therefore will be assessed as adequately housed.

Couples who are occupying one bedroom accommodation which cannot accommodate a double bed (as determined by environmental health) will be eligible for lacking one bedroom. The room will only be required to be capable of containing a double bed, a bed side table of reasonable dimension and adequate floor space to walk around the bed and reasonable sized storage for clothing.

#### **4.2 Medium Medical Need**

Applicants assessed as having a medium medical condition or disability whereby a move to alternative suitable accommodation would significantly improve their health.

#### **4.3 Medium Welfare Need**

Applicants assessed as having a medium welfare need and moving to alternative accommodation would significantly improve their well-being.

#### **4.4 Applicants Leaving the Armed Forces**

Applicants will meet this category when leaving the Armed Forces and are in receipt of their “Cessation of Duty” notice or their “Testimonial of Military Service” notice and they have a local connection to Monmouthshire.

If the applicant has left the armed forces and secured alternative accommodation, they will be assessed on the accommodation they currently occupy.

#### **4.5 Split Families**

This category is for families that are reasonably expected to live together but are unable to live together because of their housing situation.

To qualify for this category a family must be living separately from each other having previously lived together as a family unit.

Applicants will need to demonstrate why they have to live apart e.g. living together would create severe over-crowding.

#### **4.6 Children in Flats**

Applicants with a child or children under the age of 12 living in a first floor flat or above, will be placed into Band 3A.

If the child turns 12 years of age before an offer of accommodation is made, the application will need to be reassessed and determined on the current circumstances.

#### **4.7 Applicants with Children Occupying One Bedroom or Bedsit Accommodation**

Applicants with a child (who is normally resident with them) who occupy one bedroom or bedsit accommodation will be placed into Band 3A.

#### **4.8 Social Services Referral 2**

The above band reason will be used for clients of Social Services who require specialist or supported housing (not urgently) in order for them to resettle into the community or make the transition to independent living. This priority will not be awarded to Social Service clients who currently live independently.

#### **4.9 Caravan Dwellers**

Applicants living in a caravan (as their main home) will be placed into Band 3A.

If there are any amenities lacked in the caravan accommodation then the applicant will be assessed based on the amenities lacked. See Lacking Basic Amenities in Band 2A.

#### **4.10 Private Rented & Claiming Discretionary Housing Payment (DHP)**

To differentiate between private rented tenants that can and can't afford their private rented accommodation, applicants receiving DHP will be placed in band 3A.

#### **4.11 Families Sharing facilities**

Applicants with dependent children who are sharing with friends or relatives and who are not included in their application. This award should not be made where the applicant is the householder and has invited other people to live in the accommodation. This is because the applicant has chosen to share facilities. Home-owners who are sharing facilities following a relationship breakdown will be banded based on their circumstances.

### **5. BAND 3B – Non-priority Homeless Households**

#### **5.1 Homeless Households - Owed a Section 66 and 73 Duty by MCC**

Applicants owed a Section 66 duty, would be threatened with homelessness within 56 days and their priority need and/or intentional homelessness remains under investigation by MCC. Applicants owed a Section 73 duty, under the Housing (Wales) Act 2014, would be considered homeless and eligible for assistance.

## **5.2 Intentionally Homeless Households**

Applicants who have a priority need under homeless legislation but were deemed by MCC to have made themselves homeless intentionally.

## **6. BAND 4 – Low Housing Need**

This Band will be for applicants with a low housing need. Priority within this Band will be arranged in order of date of application. The following groups of applicants will be placed into Band 4:

### **6.1 Low Medical Need**

Applicants assessed as having a low medical condition or disability where a move to suitable alternative accommodation would improve their health.

### **6.2 Low Welfare Need**

Applicants assessed by as having a low welfare need and moving to alternative accommodation would improve their well-being.

### **6.3 Sharing Facilities**

Applicants who are sharing with friends or relatives and who are not included in their application. This award should not be made where the applicant is the householder and has invited other people to live in the accommodation. This is because the applicant has chosen to share facilities. Home-owners who are sharing facilities following a relationship breakdown will be banded based on their circumstances.

### **6.4 Reduced Preference Due to Refusals**

Where an applicant has refused 2 suitable offers of accommodation, their priority for re-housing may, depending on the circumstances, be downgraded.

Applicants who are in Bands 1, 2 or 3 who are owed a reasonable preference will be downgraded to Band 4.

Applicants who are in Band 4 will be downgraded to Band 5.

An applicant will remain in this lower band for a 12 month period after which, if their current housing circumstances at the time warrant it, they will be returned to their original band with the effective date being the date they returned into that band and not their original registration date.

If an applicant who has had their priority reduced to Band 4, and subsequently refuses a 3<sup>rd</sup> offer of accommodation (whilst under demotion), they will be excluded from the register for a period of 12 months, from the date of refusal, unless they experience a significant change in circumstances.

Any refusals under the previous “Points Based” allocation system will not count.

See Section of this policy.

### **6.5 Adequately Housed Private Tenants with a local connection**

Adequately housed private tenants with a local connection to Monmouthshire. Would include all privately renting applicants not claiming DHP.

### **6.6 Minor Disrepair**

Where the applicant is a private tenant and is living in accommodation which the Council's Environmental Health Department have confirmed that it is a Category 2 Hazard under the Health & Safety Rating System.

The applicant will be required to provide written confirmation from Environmental Health of the disrepair and the action to be taken.

## **7. BAND 5 – No Housing Need**

This Band is for applicants with no recognised housing need and these applicants are extremely unlikely to receive an offer of accommodation under this scheme. Priority within this band will be arranged in order of date of application.

### **7.1 Home Owners**

All home owners will be placed into Band 5. However, owner-occupiers who are experiencing affordability problems will be advised to contact MCC's Housing Solutions Team for advice and assistance.

Owner Occupiers who need to move due to medical or welfare reasons will be assessed under the relevant procedure, however, they will be expected to demonstrate why they are unable to adapt their property to meet their needs.

Applicants who have a financial interest in a property they don't occupy will be required to demonstrate why they do not reside in their property. If there are justifiable reasons as to why they do not occupy the property they own, they will be assessed on where they currently reside.

### **7.2 Serving Armed Forces Personnel**

Applicants who are serving in the British Armed Forces can apply to join the Housing Register and will initially be placed into Band 5.

Those applicants who have a local connection to Monmouthshire will be moved into Band 3 on receipt of their Cessation of Duty Notice.

Applicants who are Reservists (Territorial Army, Royal Navy / Royal Marine Reserve, Royal Airforce Reserve), will not be considered under this priority.

### **7.3 Serving Prisoners**

Applications from serving prisoners will be placed into Band 5 until they are released from prison.

They will then be required to complete a change of circumstances form on release and their application will re-assessed based on the accommodation that they occupy.

Any prisoner who is going to be homeless on release from prison should be referred to the relevant Council's homelessness team i.e. the Local Authority where they have a local connection.

#### **7.4 Sufficient Financial Resources**

We will take into account an applicant's financial resources in determining whether an applicant would qualify for reasonable preference or whether their preference should be reduced. Regard will be given to any resources wherever in the world they are situated. This category applies to households whose gross income from all sources exceeds the threshold for the higher rate of income tax (currently calculated at £34,371 for single applicants or £50,000 for joint applicants) or whose household's capital assets or savings exceeds £50,000. Such applications will be placed into Band 5 and are unlikely to receive an offer of accommodation.

#### **7.5 Reduced Preference Due to Refusals**

Where an applicant has refused 2 suitable offers of accommodation, their priority for re-housing may, depending on the circumstances, be downgraded.

Applicants who are in Band 4 will be downgraded to Band 5.

An applicant will remain in this lower band for a 12 month period after which, if their current housing circumstances at the time warrant it, they will be returned to their original band with the effective date being the date they returned into that band and not their original registration date.

If an applicant who has had their priority reduced to Band 5, and subsequently refuses a 3<sup>rd</sup> offer of accommodation (whilst under demotion), they will be excluded from the register for a period of 12 months, from the date of refusal, unless they experience a significant change in circumstances

#### **7.6 No Local Connection**

All applicants who have no local connection to Monmouthshire will be placed into Band 5 unless they can demonstrate an over-riding medical or welfare need to locate to Monmouthshire (see Allocations Policy to define Local Connection).

#### **7.7 Adequately Housed RSL Tenants**

Will be placed into Band 5 unless they can demonstrate another over-riding housing need that places them above band 5.