

# GWYNEDD COMMON HOUSING REGISTER PARTNERSHIP

## COMMON HOUSING ALLOCATION POLICY



Grŵp  
Cynefin



### TÎM OPSIYNAU TAI CYNGOR GWYNEDD

Sydd yn rheoli'r Gofrestr Tai Gyffredin ar ran Tai Gogledd Cymru,  
Grŵp Cynefin a Cartrefi Cymunedol Gwynedd.

### GWYNEDD COUNCIL'S HOUSING OPTIONS TEAM

Manage the Common Housing Register on behalf of North Wales Housing,  
Grŵp Cynefin and Cartrefi Cymunedol Gwynedd.

# GWYNEDD COMMON HOUSING ALLOCATION POLICY

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## PARTNERIAETH COFRESTR TAI GYFFREDIN GWYNEDD COMMON HOUSING REGISTER PARTNERSHIP



Opsiynau Tai Cyngor Gwynedd sydd yn rheoli'r Gofrestr Tai Gyffredin ar ran Tai Gogledd Cymru, Grŵp Cynefin a Cartrefi Cymunedol Gwynedd. *Gwynedd Council Housing Options manage the Common Housing Register on behalf of North Wales Housing, Grŵp Cynefin and Cartrefi Cymunedol Gwynedd.*

# GWYNEDD COMMON HOUSING ALLOCATION POLICY

## Contents

<b>Part 1 – Introduction</b>	<b>1</b>
1.1 Introduction	1
1.2 Common Housing Register Partnership	1
1.3 Gwynedd Common Housing Allocation Policy	1
1.4 Equality & Diversity	2
1.5 The Legal Framework	3
<b>Part 2 – Operational Procedures – Applying for Housing</b>	<b>5</b>
2.1 Operation of the Housing Register	5
2.2 The Application Process	5
2.3 Who Can Register	6
2.4 People who are ineligible to join the Housing Register	6
2.5 Documentation Required	6
2.6 The Provision of Information to Applicants	8
2.7 Choice of Areas and Property Types	8
2.8 Applicants without a fixed address	8
2.9 The Armed Forces Covenant	8
<b>Part 3 – Prioritising Applicants for Housing</b>	<b>9</b>
3.1 Introduction	9
3.2 The Points Scheme	10
3.3 Adjust the priority given to applicants	15
3.4 Temporary suspension of transfer applications	18
<b>Part 4 – Processing Applications</b>	<b>19</b>
4.1 The Processing of Applications	19
4.2 Change of Circumstance	19
4.3 12 Monthly Review	19
4.4 Cancellation of Applications	20
4.5 Home Visits	20
<b>Part 5 – The Process of Letting Accommodation</b>	<b>21</b>
5.1 The selection of applicants for an offer of a tenancy	21
5.2 Offer of a Tenancy	22
5.3 Number of offers of accommodation	23
5.4 Refusal of an offer of accommodation	24
5.5 Accompanied viewings	24
5.6 Local Lettings Policies	24
5.7 Section 106 Agreement Letting Scheme	25
5.8 Sensitive Lettings	25
5.9 Rural Lettings Scheme	25
5.10 Annual Lettings Plan	26
5.11 Management Transfers	26
5.12 Complaints regarding the service	26
5.13 Risk assessment on applicant's location	26
<b>Part 6 – The Review and Appeals Procedure</b>	<b>28</b>
6.1 Right to have a decision reviewed	28
6.2 Right to have a decision considered by an Appeals Panel	28
<b>Part 7 – Governance Arrangements</b>	<b>28</b>
7.1 The Gwynedd Common Housing Register Partnership Board	28
<b>Appendices</b>	<b>30</b>
Appendix 1 – Lettings which do not fall within the scope of the Policy	30
Appendix 2 – Ineligible Applicants – Persons From Abroad	32
Appendix 3 – Ineligible Applicants – Unacceptable Behaviour	34
Appendix 4 – Household Type and Bedroom Requirements	36
Appendix 5 – The Housing Health and Safety Rating System	37
Appendix 6 – Terms of Reference of the Gwynedd Common Housing Register Appeals Panel	38

## COMMON HOUSING ALLOCATION POLICY

### PART 1 INTRODUCTION

#### 1.1 Introduction

Gwynedd Council, Cartrefi Cymunedol Gwynedd, Grŵp Cynefin and North Wales Housing have established a partnership called the Gwynedd Common Housing Register Partnership (the Partnership). The purpose of the Partnership is to develop a common housing register with an associated common allocation scheme, supported by the provision of more effective and timely information and advice for applicants.

This approach will mean:

- a single point of access for social housing in Gwynedd
- a single, easy to understand allocation scheme for all lettings in Gwynedd
- applicants being able to make informed choices about the housing options available to them

#### 1.2 Common Housing Register Partnership

This policy document sets out the priorities and procedures for accessing social rented housing, agreed by members of the Partnership. The allocation scheme is called the Gwynedd Common Housing Allocation Policy (the Policy).

The principal partners are:

- Gwynedd Council
- Cartrefi Cymunedol Gwynedd
- Grŵp Cynefin
- North Wales Housing

The Policy described in this document will apply to all lettings in Gwynedd made by the principal partners (excluding lettings shown in Appendix 1).

Each of the Housing Association partners are Industrial and Provident Societies, each of which has charitable aims. The charitable aims of each of the Housing Associations require them to accommodate people who require assistance with housing and accommodation because of financial hardship (because their financial means are so limited that they are not able to obtain accommodation suitable to their needs on the open market) or by reason of needs relating to their age or infirmity.

#### 1.3 Gwynedd Common Housing Allocation Policy

This policy meets the requirements set out in Part 6 of the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Housing (Wales) Act 2014), giving reasonable preference to those applicants in greatest need. It also incorporates the key aims and objectives outlined in the Gwynedd Local Housing Strategy.

The Policy is a simple needs based points scheme which awards priority to households in the reasonable preference groups and ensures that additional preference is provided to applicants with a local connection who have a housing need. Housing Association partners will allocate accommodation to the households with the highest points score for the property type and area in which each vacancy occurs. Exceptions to this process are set out in paragraphs 2.7, 5.1, 5.2, 5.6, 5.7, 5.8, 5.10 and 5.11.

The Policy also incorporates:

- a **Local Lettings Scheme**, enabling landlords to make lettings in a designated area for a set period of time outside of the Gwynedd Common Housing Allocation Scheme to address issues such as high child density rates
- a **Section 106 Lettings Scheme** which enables first preference to be given to applicants from the community or the adjacent community, on sites covered by a Section 106 agreement
- a **Sensitive Lettings Scheme**, enabling landlords to make occasional lettings outside of the Scheme, to safeguard the interests of existing tenants
- a **Rural Lettings Scheme** which enables first preference to be given to applicants from the community or adjacent communities where a vacancy arises, in areas defined as rural
- an **Accessible Housing Register** to match applicants whose household contains one or more persons with a disability, with housing which is appropriate for their needs
- a **Lettings Plan** which establishes lettings targets for applicants from the following applicant groups:
  - Applicants who have been assessed as homeless and are owed a duty by Gwynedd Council
  - Applicants who are not existing tenants of any of the partners to the scheme and who have applied for rehousing
  - Applicants who are existing tenants of any one of the partners of the scheme and who have applied for a transfer
  - Applicants who are living in temporary accommodation or supported housing projects, who are ready to move on and have a package of support in place to assist them sustain their tenancy
- **Governance arrangements** to ensure that all partners comply with the rules of the scheme, that the scheme is improved in the light of experience and that information about letting outcomes are published widely

#### 1.4 Equality and Diversity

All members of the Partnership believe that strong communities thrive and prosper if individuals and groups are treated fairly, with respect, and given access to rights and services. The Partnership and its individual members aim is to create an environment where this is possible and to put equality and diversity at the heart of everything that they do.

The Partnership and its individual members will promote equality and diversity by:

- building values of mutual respect where individuals have a sense of belonging and where individuals are encouraged to participate and gain full access to services to which they are entitled.
- recognising that some individuals and certain communities are particularly disadvantaged and will require extra recognition and support to deal with their disadvantages.

The Partnership and its individual members' aims are:

- to improve social cohesion by promoting positive relationships and a sense of community and belonging - by reducing fear and tensions – particularly around race, disability, faith, generational, gender and sexuality issues - by promoting a vision in which individuals, groups and communities are properly valued.
- to promote citizenship rights and responsibilities. The Partnership and its individual members will do this by ensuring that they do all they can in providing real leadership and compliance with duties and by acting to protect the rights of individuals and groups by ensuring that abuse, mistreatment or discrimination is recognised and properly dealt with.

The Gwynedd Common Housing Allocation Scheme complies with the Equality Schemes of all of the partners.

Each applicant will be asked a series of questions, as part of the application process, to enable the partnership to monitor the impact of the Scheme on the following dimensions of equality:

- Age
- Gender
- Disability
- Religion or belief
- Race or nationality
- Sexual orientation
- Transgender identity

The scheme will be made available in a range of formats, to meet the communication needs of all members of the community.

The Gwynedd Common Housing Register Partnership will ensure that measures are put in place to ensure that the needs of people with limited literacy, knowledge of Welsh or English or who require information in accessible formats are met.

### **1.5 The Legal Framework**

Part 6 of the Housing Act 1996, as amended by the Homelessness Act 2002 and the Housing (Wales) Act 2014, sets out the legal framework for the allocation of accommodation by local authorities.

The Partnership will ensure that the Policy is fully compliant with legislation and regulation.

Whilst there is no legal requirement for Gwynedd Council to maintain a housing register, the Council and its partners agree that maintaining a housing register for the purposes of allocating social housing in Gwynedd is the fairest and most transparent method of managing demand for a scarce resource.

Gwynedd Council will maintain the Housing Register on behalf of the Partnership and will ensure that it is fully compliant with the legislation and regulation.

The Scheme is obliged to take, and has taken, account of the provisions of the Welsh Assembly Government's "Code of Guidance for Local Authorities on Allocation of Accommodation and Homelessness" (April 2015 issue).

Under section 1(5) of the Homelessness Act 2002, and paragraph 3.8 of the Code, Gwynedd Council ("the Council") declares that the Policy is consistent with its homelessness strategy as a whole.

The Policy has also taken account of the Delivery Outcomes for Housing Associations in Wales<sup>1</sup>, particularly in relation to the following:

- We engage with others to enhance and maximise outcomes for our service users and the community
- We let our homes in a fair, transparent and effective way

This Policy recognises the need to achieve a balance in allocating housing between the needs and preferences of applicants, the wellbeing of existing tenants and the community as a whole, and the need to make best use of a publicly funded resource.

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<sup>1</sup> Developing a modern regulatory framework for Housing Associations in Wales: Delivery Outcomes. Welsh Assembly Government and Community Housing Cymru. September 2010

## GWYNEDD COMMON HOUSING ALLOCATION POLICY

This Policy determines the Partnerships priorities and the procedures to be followed in selecting households to be accommodated by the housing association members of the Partnership. “Procedure” includes all aspects of the allocation process, including the people, or descriptions of people, by whom decisions are taken (in accordance with section 167).

The Act requires a published summary of the allocations policy to be available free of charge on request. The Policy is available for inspection from any of the principal partners and on their respective websites.

The Policy will be reviewed annually taking into consideration any changes in the legal framework provided by the UK and Welsh Assembly Government’s within that year or to respond to any Case Law that affects the operation of the Policy.

In framing the Policy the Partnership will also ensure that the policies and procedures adopted are compatible with obligations imposed on them by other existing legislation, in addition to Part 6 of the 1996 Act, including, but not limited to:

- Race Relations Act 1976
- Sex Discrimination Act 1975
- Human Rights Act 1998
- Freedom of Information Act 2000
- Data Protection Act 1998
- Equalities Act 2010
- Localism Act 2011
- Welfare Reform Act 2012
- Anti-social Behaviour, Crime and Policing Act 2014
- Housing (Wales) Act 2014

## **PART 2 OPERATIONAL PROCEDURES - APPLYING FOR HOUSING**

### **2.1 Operation of the Housing Register**

The Housing Options Team (the Team) within Gwynedd Council will maintain the Housing Register on behalf of the Partnership.

Details of how to contact the Team will be provided throughout Gwynedd, in Council offices, in offices of members of the Partnership and in a range of other locations. Details will also be made available on the Council's website and links will be provided to the relevant page of the Council's website and on the websites of members of the Partnership.

### **2.2 The Application Process**

Any person aged 16 or over can apply to the Team to join the Housing Register. The applicant need not already have an address in Gwynedd nor satisfy any particular period of residence in Gwynedd. Even if the Council believes that the applicant is highly likely to be ineligible for an allocation, or is to be given a very low priority under the Scheme, it will accept an application from that person.

To make an application to join the Housing Register all applicants will need to complete an application form. The Team will communicate effectively in Welsh or English, but translation services will be arranged for applicants who are not able to communicate effectively in either Welsh or English. Where the applicant requires additional support to communicate, the Team can arrange this on their behalf.

The applicants will be:

- asked a series of questions about their housing and personal circumstances
- asked a question about a personal detail to enable a secure password to be established if required.
- provided with information about the Common Housing Register and the Common Allocation Scheme and how it operates
- advised of the information they will need to provide to verify their identity and their specific circumstances (medical need etc) and where they can provide this information
- advised of their need to provide consent for information to be shared between the members of the Partnership
- directed to other sources of advice and assistance, should their circumstances require it
- advised of their likely points score
- advised whether they are to be visited in their home, who will undertake the visit and when the visit is likely to take place
- advised of the points required to access housing suitable for their needs, in the their areas of preference
- provided with advice about the range of housing options available to them

If an Officer from the Team, realises that an applicant may be homeless or threatened with homelessness, then the Council will ensure that the necessary enquiries are made to establish whether it owes the applicant a duty under Part 2 of the Housing (Wales) Act 2014 (homelessness legislation).

Likewise, an application may trigger responsibilities under social care legislation. For example, if the application reveals that:

- the applicant is under the age of 18; and
- he or she is seeking accommodation because the person with parental responsibility is unable to accommodate any longer,



The Council, as the relevant social service authority may itself owe a statutory duty to accommodate a child in need under Section 20 of the Children Act 1989 and arrangements will be made for the appropriate enquiries to be completed.

Any person seeking assistance from Gwynedd Council under Part 2 of the Housing (Wales) Act 2014 (the homelessness provisions) will also be connected to the Housing Options Team to complete an application interview. In all such instances their completed and processed application will be placed on the Register.

### 2.3 Who can register

Anyone aged 16 and over can apply provided that their current address is their only home, or sole residence, and they are not already registered for housing; either on their own or on someone else's housing application. If under 18 years old, they must give details of a guarantor and trustee.

Certain categories of applicants are classed as ineligible and cannot join the Housing Register. They are shown in detail in Section 2.4.

### 2.4 People who are ineligible to join the Housing Register

Under the Housing Act 1996, local authorities must consider whether applicants are eligible for housing assistance. Ineligible applicants fall into two categories:

- people from abroad without permanent permission to remain in the UK (Appendix 2)
- those people who have acted in the past in an unacceptable manner (defined at Appendix 3) which means that they are treated as being ineligible for an allocation under this Scheme. The Partnership will only treat as ineligible applicants with past unacceptable behaviour when it is satisfied that:
  - the applicant or a member of his or her household has been guilty of unacceptable behaviour serious enough to make him or her unsuitable to be a tenant of one of the partner housing associations; and
  - in the circumstances at the time his or her application is considered, he or she is unsuitable to be a tenant of one of the partner housing associations by reason of that behaviour

Applications from ineligible applicants will not be registered.

All applicants who have been found to be ineligible (whether on grounds of immigration status or past unacceptable behaviour) have the right to written notification of that decision and the grounds for it. They have the right to request a review of that decision, and to submit new information as well as any representations in support of that review. Details of an applicant's right to a review and the procedure to be followed are contained in Part 6 of the Policy.

### 2.5 Documentation required

Documentation is required from applicants to ensure accuracy, and to assess the application.

**Table 1. Examples of documents that may be required for verification of identity and circumstances**

Proof required to verify	One of the following documents required
Identity of applicant and other members of the family	Birth certificate Passport Immigration papers UK Driving Licence
Applicant is eligible to register for housing (proof of identity)	Proof of nationality – passport, national identity papers Proof of immigration status - immigration papers

GWYNEDD COMMON HOUSING ALLOCATION POLICY

	Proof of receipt of housing benefit
Applicant and other household members live where they say they do and on the terms that they say they do	Electoral register entry Rent book/card Tenancy agreement Recent bill or credit payment bill Gas, electricit, water, telephone (utility) bill Recent bill for Council Tax Pension book Evidence from employer or Job Centre Plus Full driving licence Recent bank statement
Children being registered as part of the application are the responsibility of the applicant or their partner	Child Benefit book Residence Order Evidence from Job Centre Plus, Social Services, Health and Education authorities Birth certificate  Where children have previously been cared for by another person, including an ex-partner, and in the absence of a Residence Order from the courts, a combination of this evidence must be provided. The Housing Options Team will consider each case on its merits in order to be satisfied that the children’s normal place of residence is with the applicant
Pregnancy	Antenatal card/book from hospital Doctor’s letter
Security of Tenure	In cases of threatened eviction - tenancy agreement, valid Notice to Quit, Court Order, landlord reference.
Medical circumstances	Information about a medical condition from an appropriate medical professional, the impact that current housing conditions have on the condition and the benefit of moving to alternative accommodation
Social factors	Information about social factors from an appropriate professional, including the impact that current housing conditions have and the benefit of moving to alternative accommodation
Income	Evidence of benefits received Pay slips Details of savings held including stocks and shares Deeds of ownership of property and details of any mortgage

Applicants will be asked to take the required information to one of the offices of a member of the Partnership to have the information verified. Where applicants or someone acting on their behalf, are unable to access the offices of one of the members of the Partnership they will be advised to send the information to the Team by post. This information will be returned to the applicant.

If an applicant is unable to provide the necessary documents and there appears to be good reason for this, the case will be referred to the Team Leader.

The application form states that under the Housing Act 1996 and Homelessness Act 2002, it is a criminal offence for anyone to knowingly give false information or to withhold relevant information if reasonably required to give it, on any matter regarding the allocation of housing. In addition,

applicants will be advised that should an applicant be successful in obtaining a tenancy from one of the members of the Partnership by knowingly or recklessly making a false statement then the Housing Association would seek possession of the property.

## **2.6 The Provision of Information to Applicants**

The Team will provide the following information to all applicants for housing:

- the number, type and size of homes owned by members of the Partnership in each community in Gwynedd where they have expressed a preference to be accommodated
- the frequency with which each property type and property size becomes available for letting in each community where they have expressed a preference to be accommodated
- an estimate of the approximate number of points required to secure each property type and property size in each community where they have expressed a preference to be rehoused
- the information will be available on [www.gwyneddhousing.co.uk](http://www.gwyneddhousing.co.uk), and in the 'Information to Applicants' document.

## **2.7 Choice of Areas and Property Types**

Applicants may choose up to five areas within Gwynedd in which they wish to be housed. Applicants may also choose the type of property required (e.g. general needs, adapted or sheltered), the design of the property (e.g. house, bungalow, flat or maisonette) and the number of bedrooms they wish to be considered for. However, a guide to the bedroom requirements of different household types is contained at Appendix 4 and it should be noted that applicants cannot choose any size of property, just those that match their household size, as set out in Appendix 4.

It should also be noted that the partners may, if they wish, determine the family composition for a vacant property as part of the re-letting process to ensure the best use is made of the property in terms of the size of the property and the size of the prospective tenant's family. Examples of this would be to ensure that a property would not be under occupied or overcrowded, or ensuring that children of a suitable age live in a flat (these examples are not exhaustive). This could mean that some applicants would not be eligible for an offer of the type of accommodation that they have ideally chosen.

Applicants will be directed to the 'gwyneddhousing.co.uk' website, where information on the availability of all types of housing, in all communities of Gwynedd. The information will be provided in written form and will also be available on the website. The information will be updated on a six monthly basis.

The Housing Options Team will have discretion to add to the five chosen areas, type of property, design of property and number of bedrooms in cases where the applicant is owed a homeless duty under either Part 7 of the Housing Act 1996 or Part 2 of the Housing (Wales) Act 2014. Any additions to preferences shall be reasonable ones and made in order to maximise the applicant's chances of receiving an offer of accommodation under this Policy and discharge the Council's homeless duty.

## **2.8 Applicants without a fixed address**

Applicants with no fixed address can request for correspondence about their application to be sent to the care of another address. If no other address is available, the Housing Options Team will hold the correspondence and take reasonable steps to contact the applicant to inform them that correspondence needs to be sent to them and to agree a way of sharing the correspondence.

## **2.9 Armed Forces Covenant**

Gwynedd Council has signed up to the Armed Forces Covenant, a copy of which is available at [www.gwynedd.llyw.cymru](http://www.gwynedd.llyw.cymru)

## **PART 3            PRIORITISING APPLICANTS FOR HOUSING**

### **3.1        Introduction**

Part 6 of the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Housing (Wales) Act 2014,) requires that “reasonable preference” (priority) is given to certain groups of applicants, these are:

- people who are homeless (within the meaning of Part 7 of the 1996 Act); this includes people who are intentionally homeless and those who are not in priority need.
- people who are homeless (within the meaning of Part 2 of the Housing (Wales) Act .2014
- people who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3).
- people owed a duty by any housing authority under sections 66, 73 and 75 of the Housing (Wales) Act 2014.
- people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- people who need to move on medical or welfare grounds.
- people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others).

The Scheme complies with requirements of the legislation and also provides priority to certain groups of transferring tenants who by moving will:

- release accommodation which is in short supply
- enable major works to be undertaken to the property they currently occupy
- resolve difficult housing management issues

Part 6 of the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Housing (Wales) Act 2014) enables each Housing Authority to use its discretion in framing its policy in such a way as:

- to give additional preference to households in urgent housing needs
- to determining priorities between applicants on the basis of the following factors:
  - financial resources
  - the persons behaviour
  - the persons connection with the area

All applications for housing are assessed and awarded points on the basis of their housing needs. Points are awarded under the following headings:

- Security of Tenure
- Housing Conditions
- Medical and Welfare Grounds
- Social Factors
- Housing management Factors (existing tenants only)
- Local Connection

Current tenants of any public sector landlord (including any councils or housing associations or similar organisation outside Gwynedd) will be eligible for a transfer of tenancy in accordance with this scheme on condition that they will be able to prove the benefit of moving. Applicants for a transfer will need to have ‘reasonable preference’ points (points awarded under clauses 3.2 a) – ch) below) or ‘housing management factors’ points (clause 3.2 d) below) on their application for them to be considered.

Should there be no ‘reasonable preference’ or ‘housing management factors’ points relating to an application for a transfer then that application will not be considered when a property becomes vacant for letting, on the basis that the applicant is already a public sector tenant and in accommodation with security of tenure.

However, the Housing Associations that are part of the Partnership will reserve the right to offer a transfer to applicants who do not have ‘reasonable preference’ or ‘housing management factors’ points, under certain special circumstances, even though there is no necessity for them to do so.

The text below will show the level of points awarded to applicants, in each of the categories should their circumstances match those described below.

### 3.2 The Points Scheme

APPLICANTS CAN ONLY RECEIVE ONE SET OF POINTS FROM EACH OF THE POINTS CATEGORIES NOTED BELOW.

#### a) Security of Tenure

Applicants will be asked a series of questions about their existing housing circumstances. Where an applicant states that they have limited security of tenure they will be asked a series of further questions. Applicants will be asked to provide documentary evidence to support their claim, such as notices served by landlords etc.

Table 2 below shows the level of points awarded to applicants whose circumstances match those shown in the table. **Applicants will only receive one set of points in the security of tenure category. In circumstances where an applicant is eligible to receive two sets of points within the category, the highest set of points will be awarded.**

**Table 2. Security of Tenure Points**

Applicants circumstances	Points
Homeless or threatened with homelessness intentionally and not in priority need (in accordance with Part 7 of the Housing Act 1996)	10
Assured shorthold tenancy where notice requiring possession has been served	
Tied accommodation where notice of seeking possession has been served	
Insecurity of tenure e.g. lodger*	
Homeless or threatened with homelessness unintentionally but not in priority need (in accordance with Part 7 of the Housing Act 1996)	
People owed a duty under section 66 of the Housing (Wales) Act 2014 (Duty to help to prevent an applicant from becoming homeless)	
People who are homeless (within the meaning of Part 2 of the Housing (Wales) Act 2014 (section 55), including people who were owed a duty under section 73 of the Housing (Wales) Act 2014 but that duty has ended and no duty under section 75 exists, or people who were owed a duty under section 75 and the duty has ended but they remain homeless	
A member of the Armed Forces who will be homeless on discharge**	20
Homeless or threatened with homelessness intentionally and in priority need (in accordance with Part 7 of the Housing Act 1996)	
People owed a duty under section 73 of the Housing (Wales) Act 2014 (Duty to help to secure accommodation for homeless applicants)	
Homeless or threatened with homelessness and in priority need (in accordance with Part 7 of the Housing Act 1996)	30

Living in temporary supported accommodation and / or leaving care but assessed as ready to move-on to independent accommodation with support package in place	
People owed a duty under section 75 of the Housing (Wales) Act 2014 (Duty to secure accommodation for applicants in priority need when the duty in section 73 ends)(Also known as the 'Final Duty')	

**\*Lodger** – unlike a tenancy the occupier can make his own rules and contract between himself and a lodger. It is always better to have a written agreement.

The lodger has a 'licence to occupy' not a full tenancy and does not have exclusive possession of a self contained part of the property. Facilities are always shared (kitchen and bathroom) and lodgers must allow access to bedroom for cleaning purposes etc.

**\*\* On discharge from Armed Forces** – on discharge means the date the applicant leaves the Armed Forces.

### b) Housing Conditions

When it comes to the attention of the Housing Options Team that the applicant is occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions, an Officer will request further information from them about their housing circumstances.

The assessment of housing health and safety hazards is a complex process, including an assessment of the likelihood of an occurrence, the risk to health and safety of actual or potential occupants and the spread of possible harms. Appendix 5 provides a brief summary of the Housing Health and Safety rating system.

Where the applicant is occupying social housing the Officer will request evidence from the housing association or local authority that the degree of overcrowding the applicant claims, exists. Following receipt of the evidence from the housing association the Officer will award points in accordance with Table 3.

Table 3 shows the amount of points awarded to applicants whose circumstances match those shown in the table. Where the applicant's housing circumstances could be considered to fall into more than one category of points (for example the property is overcrowded and households share facilities), **points will only be awarded for the category which carries the greatest number of points.**

**Table 3. Housing Condition Points**

Applicants circumstances	Points
<b>Low</b> - Housing Health & Safety hazards present in accommodation	10
<b>Medium</b> - Housing Health & Safety hazards present in accommodation	20
<b>High</b> - Housing Health and Safety hazards present in accommodation	30

Please refer to Appendix 5

### c) Medical and Welfare Grounds

This is designed to establish the extent to which the applicant's current housing is affecting their, or a member of their household's, medical or welfare condition and the likely benefits of providing alternative accommodation. The number of points awarded to an applicant will depend on how much moving to another home would improve their health, prevent their health from getting worse or make it easier for them to live with their condition.

Examples of circumstances where points will be awarded for medical and welfare grounds include (the list is not exhaustive):

- people with a mental illness or disorder

- people with a physical or learning disability
- people who have chronic or progressive medical conditions
- people who are infirm due to old age
- people who need to move to either give or receive care
- people who need to recover from the effects of violence or threats of violence, or physical, emotional or sexual abuse
- people who need to recover from the effects of hate crimes
- people whose ability to fend for themselves is restricted
- young people at risk
- people with behavioural difficulties
- people who need adapted housing or extra facilities
- people who need improved heating in their home for specific medical conditions
- people who require sheltered housing for specific medical conditions
- people who need ground floor accommodation for specific medical conditions
- people who receive on-going treatment at a medical facility who need to be close to that facility
- people who are recovering from a substance misuse problem

In cases where the applicant states that they, or a member of their household, have a medical condition that is affected by their current housing then the Officer will request supporting information from an appropriate health professional with direct knowledge of the applicant’s medical condition as well as the impact their medical condition has on their housing needs. The Officer will also consider any written representations made on behalf of the applicant by General Practitioners, specialists or any other medical practitioner.

In welfare cases where they cannot determine the level of priority that the applicant should be given, they will require an Occupational Therapist to assess the application. The Occupational Therapist will provide the Housing Options Team with their view on the level of priority that should be awarded to the applicant.

Points will be awarded in relation to Medical/Welfare Conditions on the basis of Table 4 below.

**Applicants will only receive one set of points in the medical/welfare condition category**

**Table 4. Medical/Welfare Condition Points**

Applicants circumstances	Points
Move to alternative accommodation would bring benefit to the applicant	10
Move to alternative accommodation would bring considerable benefit to the applicant	20
Move to alternative accommodation would bring very considerable benefit to the applicant	30

**d) Social Factors**

This is designed to establish the extent to which the applicant’s current housing is causing either their, or a member of their household’s, particular hardship, and the likely benefits of providing alternative accommodation. Hardship grounds refer to cases where applicants need to move to a particular locality within Gwynedd where failure to meet that need would result in hardship (to themselves or others), for example, a person who needs to move to a different locality in order to take up a particular employment or training opportunity.

In cases where the applicant or a member of their household, have social issues that are affected by their current housing, a request for further information from appropriate professionals who have

direct knowledge of the applicants circumstances and the impact that this has on their housing needs, will be given.

Examples of circumstances where points will be awarded for social factors include (this list is not exhaustive):

- the applicant is the victim of anti social behaviour and has expressed a wish to move from their current home
- the applicant needs to move to live within the school catchment area of a child of the family and there are no suitable forms of public transport and either the applicant does not own a motor vehicle or the distance to the school is considered too great
- the applicant needs to move to be closer to a place of work and there are no suitable forms of public transport and either the applicant does not own a motor vehicle or the distance to the place of work is considered too great
- the applicant is part of a family who are forced to live apart
- the applicant’s household contains young children and they do not have access to a garden in their current accommodation
- the applicant’s household contains young children and they are living in a flat or maisonette above ground floor
- where the applicant is living with a spouse, civil partner or partner and the relationship has ended
- applicants who are owed a homeless duty and have been accommodated in temporary accommodation

Following consideration of all the evidence the Officer will then award points in accordance with Table 5 below. **Applicants will only receive one set of points in the social factors category**

**Table 5. Social Factor Points**

Applicants circumstances	Points
Moving to alternative accommodation would bring benefit to the applicant	10
Moving to alternative accommodation would bring considerable benefit to the applicant	20
Moving to alternative accommodation would bring very considerable benefit to the applicant	30

**e) Housing Management Factors**

This is designed to enable housing association members of the Partnership to facilitate transfers of existing tenants, where the transfer would provide a benefit to the landlord and tenant by:

- releasing scarce types of accommodation
- releasing accommodation to enable major works programmes to proceed
- resolving a difficult/intractable management problem
- addressing the under-occupation of property

Housing Management Factor points will only be awarded to existing tenants of Housing Association members of the Partnership.

The Housing Options Team Officer will contact the Housing Association landlord of the tenant, to obtain confirmation of the circumstances.

The partner landlord will e-mail the Housing Options Officer the required information and on this basis the Officer will award the appropriate level of points, as set out in Table 6 below. **Applicants will only receive one set of points in the housing management category**



**Table 6. Housing Management Points**

Tenant circumstances	Points
The tenant is under-occupying their current home by one bedroom	10
The tenant is under-occupying their current home by two bedrooms	20
The tenant is under-occupying their current home by three or more bedrooms	30
The tenant needs to be rehoused to facilitate major works to their existing home	
Exceptional management move	
Where there is a risk that the tenancy will fail, enable a tenant to move to an affordable / sustainable property*	

\* Evidence will be required from the landlord of the circumstances and the tenant's attempts to sustain the tenancy

**f) Local Connection**

A person will be defined as having a local connection with Gwynedd if they:

- are currently resident or working in Gwynedd
- are not currently resident in Gwynedd but have previously been resident in Gwynedd
- are currently resident outside of the Gwynedd area but either provide support or require support from someone who is resident in Gwynedd; or
- have been in permanent employment in the Gwynedd area for the last 12 months.

Applicants who have a local connection will receive points dependent on the length of their connection with Gwynedd. For each of the applicants' full year of connection with Gwynedd 3 points will be awarded up to a maximum of 5 years - **maximum of 15 points**

**g) Community Residency Connection<sup>2</sup>**

Applicants will receive 2 points per year for residency in a Community Council area in Gwynedd (and have noted that they wish to be rehoused in that area) up to a maximum of 5 years - **maximum of 10 points**.

**h) Additional preference**

In accordance with section 167(2) of the Housing Act 1996 this Policy gives additional preference to certain categories of applicants who already have a reasonable preference (as noted in clause 3.1 above) and where the need for rehousing is urgent. **10 points** are awarded for additional preference.

Examples of categories eligible to receive additional preference include:

- (i) those owed a homelessness duty as a result of violence or threats of violence likely to be carried out and who as a result require urgent rehousing, including:
  - victims of domestic or other abuse
  - victims of hate incidents
  - witnesses or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes
- (ii) those who need to move because of urgent medical reasons, including:
  - where the condition is expected to be terminal and re-housing is required due to unsuitable accommodation or to provide a basis for the provision of suitable care
  - where the condition is life threatening and the existing accommodation is a contributory factor

<sup>2</sup> Community corresponds to Community Council boundaries.

- planned discharge from hospital is imminent and there is no accommodation available to them that it is reasonable for them to occupy
- (iii) an applicant with a reasonable prospect of an accommodation offer within a relatively short period who suddenly loses their existing home as a result of a disaster
- (iv) any applicant who needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the Armed Forces
- (v) people needing accommodation as a result of leaving the Armed Forces and the loss of military accommodation

### **3.3 Adjusting the priority given to applicants**

The priority given to applicants who fall into the following groups will be adjusted:

- applicants who have sufficient financial resources to meet their housing needs in the open market
- applicants who are current or former tenants of one of the partners of the Gwynedd Common Housing Register Partnership, or any other registered social landlord or other council, and they owe their former landlord outstanding sums (rent arrears, service charge arrears, rechargeable repairs)
- applicants with a history of unacceptable behaviour
- applicants who have knowingly provided false and misleading information to attempt to obtain a tenancy
- applicants who have deliberately worsened their housing circumstances to attempt to obtain a tenancy
- applicants who have refused reasonable offers of accommodation
- the above will also be relevant to other members of the household included on the application

#### **a) Financial resources**

The Housing Associations that are part of the Partnership have all been registered as industrial and provident societies with charitable rules. This means that any new tenant accommodated through this policy needs to be a charitable beneficiary. The Partnership considers a person to be a charitable beneficiary if they are in housing need because they cannot afford to buy or rent in the private sector because of disability or age.

This means that an applicant will be considered as a charitable beneficiary if it is

- supposed that he cannot meet his housing costs in the private sector either by buying a property or renting a suitable property on assured terms in the private sector. The property must be suitable for the family's needs having regard to its design, size and location.
- supposed that he cannot meet his housing needs because of a disability or a disability of a member of the family.
- supposed that he cannot meet his housing needs because of age.

This means that it is likely that households which receive a moderate income (including those receiving low income and tax credits) would be eligible to be on the common housing register.

Priority will not be given to applicants who are deemed to have substantial financial resources (or members of the household who have financial resources) to meet the housing costs, unless there are matters relating to disability or age that need to be considered. Such applications will not be actively considered unless there is a change of circumstances. **The Charitable Status of the Association does not allow an offer of housing to be made to an applicant who has the substantial**

**financial resources to meet their housing costs unless there are matters relating to disability or age that need to be considered.**

In considering whether an applicant has the necessary financial resources the Housing Options Officer will have regard to several factors, for example:

- the whole of the applicant's circumstances and, where relevant, the circumstances of other members of the household
- whether adaptation of the current property is a viable option
- whether their current property could be sold and the resulting equity released to purchase elsewhere or to rent in the private sector
- the applicant's financial circumstances and commitments
- the applicant's mortgage potential
- the supply and cost of private market accommodation, be that to buy or rent in the private sector
- whether the applicant could be expected to move outside the district of the Council
- any disability within the family
- applicant's age

The Officer may determine that an applicant does have the necessary substantial financial resources if by combining the household's income, savings, investments, capital and equity and mortgage potential the applicant would be able to afford to purchase a property on the open market at the average price in Gwynedd. The Officer will calculate the applicant's mortgage potential. The mortgage potential will be added to any savings, investments, capital and equity to produce a total which will then be compared to the local housing market to determine the ability to meet their own housing costs.

In the same manner, income, savings, investments, capital and potential equity will be calculated to ascertain whether or not the applicant can meet his housing costs by renting in the private sector. The availability and composition of private sector accommodation in areas that are reasonable for the applicant to live in will be considered as part of the assessment.

Circumstances may arise where welfare benefit rules mean that even social housing is outside the financial attainment of some applicants. In such circumstances there may be a significant risk for the tenancy to fail, and therefore any of the housing associations can refuse to offer a tenancy in such circumstances following carrying out an assessment of the income and expenditure of the family. It would have to be shown that the family's income is likely to be significantly lower than what would be needed to sustain a tenancy in the long term.

**b) Debt related to a current or former tenancy with a member of the Gwynedd Common Housing Register Partnership, or any other Registered social landlord or Council.**

Should the applicant or a member of the household be a current or former tenant of one or more of the members of any local authority or other RSL and owe outstanding amounts related to:

- unpaid rent
- unpaid service charges
- unpaid rechargeable repairs
- Court costs linked to the tenancy
- any other outstanding costs linked to the tenancy

the Housing Options Officer will examine the extent of their accumulated debt of all partners and any progress they have made in repaying it before deducting points from their total points score. Priority will be adjusted by deducting points on the following basis:

- where the debt is up to £500 **10 points deducted** from their total points score
- where the debt is between £500 and £1000 **20 points deducted** from their total points score
- where the debt is over £1000 **30 points deducted** from their total points score

In circumstances where the tenant or former tenant has agreed with the landlord to pay the debt and that there is a long-term and stable pattern of adhering to the payment plan to the satisfaction of the landlord then consideration will be given not to deduct points. The Housing Options Team will discuss each case individually with the relevant landlord.

**Please note:** debt which has accrued due to the effect of the ‘bedroom tax’ within the Welfare Reform Act 2011 will not be considered where there is evidence that the tenant has cooperated with the landlord to resolve the matter and that steps were taken to maintain the tenancy in the first place.

A landlord may assess a prospective tenant’s ability to afford and maintain a tenancy in the tenancy offer stage and reducing debt will be a consideration in that process.

**c) Unacceptable Behaviour**

Where an applicant or member of the household has a history of unacceptable behaviour, which although not making an applicant unsuitable to be a tenant does nevertheless affect his or her suitability to be a tenant then points will be deducted from the applicants total points score as follows:

- low level unacceptable behaviour – **deduct 10 points**
- moderate unacceptable behaviour – **deduct 20 points**
- serious unacceptable behaviour – **deduct 30 points**

The deduction of points from applicants for unacceptable behaviour will be reviewed 12 months after the penalty was put in place.

**d) Provision of Misleading Information**

Should the Housing Options Officer who is assessing the applicants application, establish that the applicant or member of the household has deliberately provided misleading information in respect of their application under the Scheme, **then 30 points will be deducted from the applicant’s total points score.**

The deduction of points from applicants for the provision of misleading information will be reviewed 12 months after the penalty was put in place.

**e) Deliberately Worsening Housing Circumstances**

Should the Housing Options Officer who is assessing the applicants application, establish that the applicant or member of the household has deliberately worsened their housing circumstances (moving for no reason to housing of a worse standard or which has less security of tenure) to take advantage of the Scheme, **then 30 points will be deducted from the applicant’s total points score.**

The deduction of points from applicants for deliberately worsening their housing circumstances will be reviewed 12 months after the penalty was put in place.

**f) Refusal of a reasonable offer of accommodation**

Applicants are entitled to one reasonable offer of accommodation<sup>3</sup> at any one time. Where an applicant refuses a reasonable offer of accommodation, or fails to respond to an offer of accommodation **10 points will be removed** from their total points score. This reduction in point score will remain in effect for a period of 6 months.

A further **10 points will be removed** from their points score for every subsequent reasonable offer of accommodation they refuse and each of these will remain for 6 months each.

Any applicant whose level of priority has been reduced will be notified of any decision to reduce the total points awarded in writing and any applicant whose level of priority has been reduced will have the right to request a review of the decision, as set out in Part 6 of the Policy.

### **3.4 Temporary suspension of transfer applications**

Applications for transfer made by a current tenant of the Partnership's members may be temporarily suspended in cases where the housing association has concerns how the tenant has been conducting the tenancy and where it can be shown that there is a breach of the tenancy conditions. The purpose of suspending the application is to give the tenant and housing association an opportunity to manage the situation and improve how the tenancy has been conducted.

In such cases the housing association will make an application to the Housing Options Team to temporarily suspend the application. The housing association will need to act responsibly and it is expected that only in serious cases or cases of lack of co-operation will such applications be made. Each application will be considered on its own merits and the fact at the time. Once an application has been temporarily suspended the situation will be monitored regularly by the housing association and the Housing Options Team.

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<sup>3</sup> A reasonable offer is defined as one which:

- is in the area chosen by the applicant
- is the type of property for which the applicant has asked to be considered (and for which they are eligible)
- meets or will meet the current lettable standard of the housing association partner, on completion of identified repairs
- is not unreasonable for some other significant reason(s)

## **PART 4            PROCESSING APPLICATIONS**

### **4.1      The Processing of Applications**

All applicants will have their applications dealt with confidentially.

All completed applications will be processed by the Housing Options Team with due diligence and without unreasonable delay.

A Senior Officer in the Housing Options Team will decide whether an applicant is to be considered as ineligible in accordance with clause 2.4 above. The Officer will have regard to any information from the Home Office, any local police force and any information kept by another local housing authority or registered social landlord within the United Kingdom. As to past misconduct the Officer may make enquiries with any of the police forces situated within the United Kingdom or other local housing authorities or registered social landlords. Applicants will be notified in writing whether they are considered to be ineligible.

All eligible applicants will be assessed in accordance with the points scheme in Part 3 of the Policy and awarded the relevant number of points. Where applications cannot be registered due to a lack of information, a request for additional information will be sent to the applicant. If the applicant fails to return the requested information within one month the original application will not be registered and the applicant advised in writing.

The Application form requests the applicants' signature to verify the accuracy of their circumstances and to give permission to share information between members of the partnership. Permission must be obtained from the applicant when external agencies request information on their application, or any other requests are made by other representatives, including Elected Members.

Once an eligible application has been assessed and pointed by the Housing Options Team, the Team will send the applicant a letter within 10 working days, which advises them of the details of their application, the points they have been awarded, their choice of area and property types. Where an eligible applicant has no fixed abode the applicant will be advised to visit an office of one of the members of the Partnership on a specified date to receive the information.

### **4.2      Change of Circumstance**

All eligible applicants will be advised that they should contact the Housing Options Team should their housing or personal circumstances change.

Once the information has been received, the application will be re-assessed. In some circumstances further information to support or verify their change in circumstances will be required. The applicant will receive confirmation of their revised awarded points score.

### **4.3      12 Monthly Review**

Each application for housing which falls within this Scheme will be subject to a 12 monthly review. The review will usually take place approximately 12 months after the date the application was initially registered. The purpose of the review is to ensure that the information the Housing Options Team has is up to date and correct and that the applicant's preferences are also up to date and correct.

The review will take the following form:

- The Housing Options Team will contact the applicant every 12 months to review the application. If the Housing Options Team has reason to contact the applicant in the

meantime and is able to take advantage of that contact to perform a review then a further review will no longer be required for a further 12 months.

- Contact between the Housing Options Team and the applicant may be by letter, telephone or email.
- The Team will re-instate cancelled applications, which will receive the benefit of their original registration date, where there is a reasonable reason for the applicants failure to respond promptly to the review.

#### **4.4 Cancellation of Applications**

Applications will only be cancelled on the express wish of the applicant, or following an applicants' failure to return the annual review form.

An applicant is able to cancel their application by phone or in writing. Where an applicant wishes to cancel their application by phone they will be asked a series of security questions to confirm their identity.

Where an applicant wishes to cancel their application, the application will be cancelled and the former applicant sent a letter confirming the cancellation of their application.

#### **4.5 Home Visits**

All applicants who are offered accommodation by one of the housing association members of the Partnership will be visited in their current home by the Housing Association Officer. The purpose of the home visit is to verify the applicants' circumstances prior to making them an offer of accommodation.

Home visits to verify applicants' circumstances will also be undertaken in the following circumstances:

- where an applicant states that they have a medical condition that is significantly affected by their current housing circumstances
- where an applicant states that the condition of their current housing conditions are extremely poor
- in other exceptional circumstances where a home visit is required to verify an applicants' circumstances.
- Home visits will remain current for 6 months the Housing Association will need to verify this information after 6 months by telephoning the applicant in the first instance.

**PART 5 THE PROCESS OF LETTING ACCOMMODATION**

**5.1 The selection of applicants for an offer of a tenancy**

This describes the process that Officers in each of the Housing Association who are members of the Partnership will follow when allocating the following types of accommodation owned by the housing association:

- General needs housing
- Sheltered Housing
- Property suitable for older people
- Accessible Housing

The forms of housing and types of tenancy excluded from this process are set out in Appendix 1.

When a vacant property is to be allocated under the Scheme the Housing Association Lettings Officer will request a short list of prospective tenants for the vacant property from the Housing Options Team. The list will show those applicants who have chosen the same type of property with the same number of bedrooms in the same area as the vacant property subject to any other criteria imposed by the Housing Association as noted in clause 2.7 above. Applications on this list will appear in points order, with the applicant with the greatest number of points at the top of the list. Where 2 applicants have the same total points score, preference will be given to the applicant whose application has been registered the longest.

The offer of accommodation will be made to the applicant with the highest points total on the list produced for the vacant property. In certain instances, to achieve the Lettings Plan targets agreed by the Partnership vacant property will be offered to the highest pointed applicant, in a specific category of applicants (see clause 5.10).

**a) Warden Controlled Sheltered Housing**

The members of the Partnership have designated some of their properties as “Sheltered Housing”. These are properties which benefit from the services of a resident warden or a Warden that visits regularly and an emergency alarm service. Applicants will need to demonstrate the need for the support service the Warden provides before being considered for an allocation of sheltered housing.

For applicants to be considered for an allocation of sheltered housing they must be eligible either because they meet the age criteria and require the support provided or because they are registered disabled and require the support provided. The age criteria for some sheltered housing schemes will be 55 and over and for others will be 60 and over. It should be noted however that priority will be given persons who fulfil the age criteria, be they disabled or not, and if there are no eligible applicants then disabled applicants under the age criteria will be considered.

**b) Properties designated for older people and/or people with a disability**

The members of the Partnership have designated some of their properties as particularly suitable for older people. Some of the partners will also have designated properties as suitable for older people and people with a disability. These properties are usually bungalows or flats and some may benefit from an emergency alarm service. Depending on the location of the property and the owner applicants may be considered for an allocation of properties designated for the elderly if they are either over 55 years old or over 60 years old.

When a property suitable for older people becomes vacant for letting and the Lettings Officer decides it is to be allocated within this Scheme, the system will generate a list of prospective tenants who are over the relevant age.



If the property has been designated for older people and those with a disability, then applicants who are over the relevant age and applicants of any age who are disabled will be considered. Depending on the location of the property and/or facilities available in the property partners may need to consider the suitability of applicants who are disabled who do not satisfy the age criteria.

In circumstances where there is insufficient demand for accommodation designated for older people and/or people with a disability, there will be discretion, where the location is suitable to do so, to consider people from younger age groups that would not normally be eligible because of their age.

### **c) Accessible Homes**

The members of the Partnership own homes which have either been adapted in the past for use by people with a disability or have been purpose built to meet the needs of a person with a disability or are particularly suitable for adaptation to meet the needs of a disabled person.

The suitability of the property to meet the needs of a disabled person will be recorded on the landlord's property database (e.g. is fully accessible to wheelchair user or suitable for the needs of an ambient disabled person) and the property will be placed into one of a number of categories that reflect its attributes.

Applicants who require specialised accommodation to meet their needs will be placed into one of a number of categories, which match the attributes of the different forms of accessible homes.

When a property which is suitable to meet the needs of a disabled person becomes available the Lettings Officer will first consider applicants whose needs match the characteristics of the property, who require accommodation of that size and in that area. Where an applicants' needs match the characteristics of the property, the Lettings Officer can allow the property to be under-occupied.

Where there is no match the Lettings Officer will consider applicants whose needs closely match the characteristics of the property, who require accommodation of that size and in that area. Where an applicants' needs closely match the characteristics of the property, the Lettings Officer can allow the property to be under-occupied.

### **5.2 Offer of a Tenancy**

Applicants will only be made one offer of accommodation by the Partnership, at any one time.

A home visit will take place if required by the Lettings Officer from the prospective landlord to verify the circumstances on their housing application, and where their circumstances match, notify the applicant of the offer of tenancy, providing them with details of the property (location, property type and size, rent and service charge).

Where the applicants' circumstances do not match those claimed by their application, the Lettings Officer will inform the Housing Options Team, and not make the offer of a tenancy. A tenancy will be offered to those under 18 years old, if they have a trustee and guarantor.

In instances, where the Housing Association Letting Officer believes that offering the applicant the tenancy of a vacant property would be in breach of the Association's charitable objects (because the applicant is not in financial hardship), the Association will:

- advise the Housing Options Team, so that they can correct the information and revise points as necessary.
- if relevant, advise the applicant in writing that they will not be offered accommodation because the Association believes that they are not in financial hardship

- advise the applicant that they have the right to have the decision reviewed
- advise the Housing Options Team of the outcome of the case

In instances where either the applicant has not contested the decision or the original decision has been upheld following the review, the Association will offer the tenancy of the vacant property to the next highest pointed applicant on the waiting list.

Where the housing association is unable to contact the applicant they will write to them asking them to contact them within 5 days. If the applicant hasn't contacted the housing association by the end of the 5<sup>th</sup> day, the housing association will contact the next highest pointed applicant on the waiting list.

The Lettings Officer has discretion to extend the 5 day period in appropriate circumstances and the factors that the Lettings Officer will consider include:

- difficulty for an applicant who is working or has children or other care commitments to make arrangements to view the property and/or
- the property's distance from the applicant's current accommodation and/or
- where acceptance of the offer would involve a child changing schools or create difficulties for members of the household maintaining work or training or the need to explore alternative arrangements.

Should the applicant not contact the Lettings Officer within the 5 day time period, the applicant will be deemed to have refused the offer. The Lettings Officer will inform the Housing Options Team, in order to revise the application.

All applicants who have received an offer of accommodation will be provided with the opportunity to visit the vacant property, within a reasonable period of time, before deciding to accept or reject the offer.

A reasonable offer of accommodation is one which:

- is in the area of choice selected by the applicant (and not a particular individual property)
- is the type of property for which the applicant has asked to be considered (and for which they are eligible)
- meets the current lettable standard of the housing association partner
- is not unreasonable for some other significant reason

A landlord may assess the affordability and sustainability of a tenancy in the offer process.

### **5.3 Verbal and Written Offers**

Applicants will be offered a tenancy verbally or in writing. Every time an offer is made the applicant will be informed of the details of the property, rent costs, any other charges and the consequences of refusing the offer (see clause 5.4 below). The applicant will have 5 days to respond to the offer. A housing association may make a verbal offer and confirm in writing should they so wish.

Applicants who are subject to the main homelessness duty (under section 193(2) of the 1996 Act) will always receive a written offer. The letter will also state that it is a final offer for the purposes of section 193(7) of the Act. The applicant will have 5 days to respond to the offer. Applicants who are subject to duties under sections 66, 73 or 75 of the Housing (Wales) Act 2014 will also always receive a written offer.

### **5.4 Refusal of an offer of accommodation**

An applicant is entitled to refuse an offer of accommodation. An applicant will lose 10 points from their total points score when they refuse a reasonable offer of accommodation and every time they refuse a further offer of accommodation, as set out in clause 3.3 (f) above. An applicant can ask for the decision to reduce their points score to be reviewed, as set out in Part 6 of the Policy.

Where the applicant is owed a [homeless duty under sections 66, 73 or 75 of the Housing \(Wales\) Act 2014](#) they can request a review of the suitability of the accommodation offered, in accordance with section 85(3), whether or not the applicant accepts the offer. Applicants will be informed at the offer stage of the possible consequences of refusing an offer and of their right to request a review of the suitability of the accommodation and that the offer will be a final offer discharging the Council's duty under [Part 2](#) of the Act.

If the applicant requests a review and the review is not successful, then the Council's duty under [Part 2](#) of the Act will come to an end and the applicant will lose any priority points awarded as a result of the duty owed. The applicant's level of priority can be reduced, as set out in clause 3.3 (f) above. If, however, the review is successful then the Council's duty will remain and the priority awarded the application will not be affected.

### **5.5 Accompanied viewings**

All housing association members of the Partnership will offer prospective tenants the opportunity to have an accompanied visit to the vacant property.

### **5.6 Local Lettings Policies**

Section 167(2E) of the 1996 Housing Act enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories. This is the statutory basis for so-called 'local lettings policies'.

Local Letting Policies work by including additional criteria to those in the main lettings policy that will be considered when letting properties in a particular estate or community. Local Lettings Policies are used to achieve a wide variety of housing management and other housing policy objectives, and are usually developed where there is a wish to alter the balance of the community or ensure a balanced community at the stage where a new development is let.

Each of the housing association partners will have the ability to introduce Local Lettings Policies in areas of their stock [and those policies will be approved by the relevant Housing Association's Board](#).

Prior to the introduction of a Local Lettings Policy the partner housing association must consult the Gwynedd Common Housing Register Partnership Board. The Housing Association must provide details of:

- the particular issue that is affecting the community and requires a Local Lettings Policy to be adopted
- the area to be incorporated in any Local Lettings Policy, including the number and types of property
- the proposed duration of the Local Lettings Policy
- the objectives it is hoped the introduction of the Lettings Plan will achieve
- the features of the Local Lettings Policy
- the impact that the local lettings policy is likely to have on groups of applicants whose rehousing opportunities are reduced

[Each Local Lettings Policy introduced will be published. It will be monitored for effectiveness and will be reviewed regularly so that they can be revised or revoked where they are no longer appropriate or necessary.](#)

### **5.7 Section 106 Agreement Letting Scheme**

Properties developed on sites that incorporate a Section 106<sup>4</sup> agreement determining the allocation of housing on that site will be let in accordance with the terms of the agreement. Such agreements have been developed to ensure that secure mechanisms are in place to restrict the occupancy of the dwelling both on first occupation and in perpetuity to those who have a local community need for an affordable dwelling.

Each of the partner housing associations will develop policies for letting homes on Section 106 sites. Each Housing Association will consult with the Gwynedd Common Housing Register Partnership Board on the content of their letting scheme.

### **5.8 Sensitive Lettings**

There are rare occasions when individual sensitive lettings (lettings outside of the allocation scheme) can be justified to protect the interests of existing tenants. Such circumstances are rare and would relate to instances where for example an area had experienced serious anti-social behaviour over a long period and the perpetrators tenancy has ended. In such instances the landlord will consider it important to ensure that other residents in the area are not subjected to problems from the new tenant. Therefore, the next letting in the area would be made to some-one whom the landlord has confidence would not cause further problems.

All instances where a Housing Association member of the Partnership seeks to make a sensitive letting, they will inform the Team Leader of the Housing Options Team, providing information about:

- the reasons why a sensitive letting is justified
- the position on the waiting list of the person the letting is made too
- the reasons for offering 'out of turn'

The Team Leader of the Housing Options Team will report to the Gwynedd Common Housing Register Partnership Board on the use of sensitive lettings made in the previous 6 months period, including the:

- number of sensitive lettings made by each landlord
- reasons for the use of sensitive lettings by landlord
- mean average number of applicants overlooked when sensitive lettings have been made.

### **5.9 Rural Lettings Scheme**

In areas which are officially defined as either villages or hamlets<sup>5</sup> the rural lettings scheme will apply. In rural areas lettings will be made to the applicant with the highest points score, but where two applicants have the same points score first preference will be given to the applicant who is able to demonstrate the greatest connection to the community.

The connection to a community will be assessed by reference to the following factors:

- the length of the applicants' residence in the community
- the length of the applicants' employment in the community
- the length of the applicants' involvement in voluntary work within the community

### **5.10 Annual Lettings Plan**

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<sup>4</sup> Section 106 of the Town & Country Planning Act 1990 as amended by the 1991 Act, enables planning authorities to seek to negotiate a contribution from developers towards the cost of meeting the infrastructure necessary to support their development. The contribution can be in the form of the development of affordable housing developed to meet the local need for affordable housing in that specific community or village.

<sup>5</sup> [http://www.ruralcommunities.gov.uk/files/CRC49\\_Defining%20Rural%20Eng.pdf](http://www.ruralcommunities.gov.uk/files/CRC49_Defining%20Rural%20Eng.pdf)

To ensure that lettings made through the scheme achieve a balance between the needs and preferences of applicants, the wellbeing of existing tenants and the community as a whole, the Partnership will agree an Annual Lettings Plan.

Members of the Partnership will agree on the lettings target in March each year for the following financial year. In setting lettings targets the Partnership will take into account the following:

- the size and composition of the Housing Register, including:
  - the proportion of applicants in the reasonable preference groups
  - the proportion of tenants seeking a transfer
  - new applicants who do not have identified housing need
  - likely demand from people living in supported housing projects over the next 12 months
  - the estimated number of homelessness acceptances over the next 12 months
- the size and types of properties that different categories of applicants require
- the profile of the housing stock
- the estimated number of vacancies in the next 12 months

The Lettings Plan will establish lettings targets for each of the following categories of applicants who appear on the Housing Register:

- households who are homeless
- existing tenants who wish to transfer
- people living in supported housing projects who are ready to move into independent accommodation
- waiting list applicants

Housing Association Lettings Officers will have regard to progress made in achieving lettings plan targets, when selecting the applicant to whom the vacancy will be offered. From time to time, this will require the Lettings Officer to select an applicant for a vacancy who does not have the highest point score. In such instances the reasons why the offer was made will be recorded and reported in such exceptional circumstances.

#### **5.11 Management Transfers**

From time to time there will be cases where one of the Partners wish to facilitate a transfer within its own housing stock and instigated by the landlord. These types of transfers are called 'management transfers'. Management transfers do not fall within the remit of this Policy. Further details are available at Appendix 1.

#### **5.12 Complaints regarding the service**

Any complaint regarding the service given by the Housing Options Team will be dealt with in accordance with the Council's Complaints Procedure. Any complaint regarding the service, such as an allocation of property, will be dealt with by the respective Association through their complaints procedure.

#### **5.13 Risk assessment on applicant's location**

When information comes to the attention of any of the partners on the current or previous behaviour, including criminal history, which causes concern regarding the location of the applicant or family member then a risk assessment will be conducted.

The purpose of the assessment will be to assess if the proposed location is suitable for the applicant / family member, or whether the location would pose a risk to the neighbourhood or any other

person. The risk assessment can include information from agencies such as the Police, Probation Service, Social Services or any other relevant organisation. If the risk assessment deems the location not to be suitable for whatever reason, then the applicant will not be included on the shortlist and/or will no offer of a tenancy will be made.

## **PART 6 THE REVIEW AND APPEALS PROCEDURE**

### **6.1 Right to have a decision reviewed**

If an applicant does not agree with any decision, the applicant will be encouraged to speak to their Housing Options Team.

If after speaking to the Housing Options Team the applicant is still not happy with the decision, the applicant can ask for their application to be reviewed by a Senior Officer not involved with the original decision by following the process set out below:

- the applicant writes to the Manager of the Housing Options Team within 14 days of receiving a decision letter requesting a Review of the decision, setting out the reasons why the decision should be reviewed
- a Senior Officer from either the Housing Options Team, the Council's Homelessness Team or one of the Gwynedd Common Housing Register Partnership, who wasn't involved in the original decision, will undertake the Review within 14 days of an applicants' request. If additional information is required which will not be available within the 14 days, the Officer will write to the applicant advising them of the delay and the likely date that the Review will be completed
- the Officer undertaking the Review will write to the applicant advising them of the outcome of the Review.

Other categories of applicants also have the right to ask for a review of certain decisions. These are:

- applicants who have been assessed as being ineligible and have not been accepted onto the Housing Register
- applicants who have had their priority reduced

### **6.2 Right to have a decision considered by an Appeals Panel**

If an applicant is still not happy with a decision after a Review they can ask for the decision to be considered by the Appeals Panel.

The process for a decision to be considered by the Appeals Panel is as follows:

- the applicant will write to the Manager of the Housing Options Team and request that the Appeals Panel consider a decision within 14 days of receiving the decision with regard to a Review of their application. In exceptional situations a longer period may be agreed
- the applicant can request an oral hearing by the Appeals Panel
- the Appeals Panel will comprise of at least three Senior Officers from members of the Partnership. The Appeals Panel will consider the decision and check all relevant information has been collected and dealt with correctly.
- the Appeals Panel will reach a decision and advise the applicant of the decision within 14 days of the meetings.

The terms of reference for the Appeals Panel are attached at Appendix 6.

## **PART 7            GOVERNANCE ARRANGEMENTS**

### **7.1      The Gwynedd Common Housing Register Partnership Board**

The Board will provide strategic direction to the Partnership and review the operation of the Scheme.

Each of the Partners will have one place on the Board.

The Board will meet at least 3 times a year, or as required, and will consider the following:

- the effectiveness of arrangements for processing applicants, including key performance monitoring information (which will include complaints received)
- the need for change in policy and procedures, in the light of legislative and regulatory change, case law and outcomes of reviews and appeals requested by applicants
- agreeing the target lettings figures to be incorporated into the Annual Lettings Plan
- monitoring progress in achieving the lettings plan targets
- agreeing the introduction of Local Lettings Policies and reviewing their impact
- monitoring the use of sensitive lettings by members of the Partnership
- monitoring the number of applicants were not offered tenancies because such an offer would conflict with the Associations charitable objects
- select members of the Partnership to sit on the Appeals Panel



## **Appendix 1**

### **Lettings which do not fall within the scope of the scheme**

This scheme does not apply to any letting by any of the partner housing associations which will not be a let on an assured or probationary tenancy. Examples of such lettings would be:

- Letting a property on a licence or an assured shorthold tenancy to a homeless person to whom Gwynedd Council owes a homelessness duty under Part VII.
- Lettings in supported housing projects
- The letting of premises occupied in connection with employment
- The letting of accommodation provided for asylum seekers
- The letting of temporary accommodation for persons taking up employment
- The letting of temporary (decant) accommodation during works
- The letting of agricultural holdings
- The letting of licensed premises
- The letting of garages
- The letting of student accommodation
- The letting of business premises
- The letting of Extra Care Housing

Management transfers: Under section 159(5) of the Housing Act 1996, the provisions of the Common Housing Allocations Policy does not apply to someone who is already an assured or assured shorthold tenant of one of the Partners unless the allocation involves a transfer of housing accommodation for that person and is made on his or her application. Transfers instigated by a Partner therefore fall outside this scheme. It is important to note that these lettings are instigated and administered by the Partner's officers. In some cases the applicant may have an application already registered with the Housing Options Team but the Partner would instigate a transfer to a particular property thus bringing the letting outside this scheme. Examples would include:

- (a) Transfers at the Partner's instigation because a current assured or assured shorthold tenant is subject to victimisation because he or she is the witness to a crime or anti-social behaviour and needs to be moved for his or her safety and wellbeing
- (b) Re-letting of a property to a sitting assured or assured shorthold tenant
- (c) The grant of a joint tenancy where the sole tenant of a current property has married or has entered into a civil partnership agreement and both spouses or civil partners seek the granting of a fresh tenancy in their joint names
- (d) To facilitate the move of an assured tenant into sheltered or designated accommodation for the elderly thus releasing the property to make better use of housing stock.
- (e) To facilitate the move of an assured tenant into a more suitable accommodation where the request for major adaptations has been made to the current property thus adapting another property more suitable to a disabled person and releasing the current property to make better use of housing stock
- (f) Where an assured or assured shorthold tenant dies and there is a person qualified to succeed to the tenancy under section 17 of the Housing Act 1988 or the terms of the assured tenancy.
- (g) Where an assured tenant or assured shorthold tenant dies and the tenancy is for a fixed term
- (h) Where the tenancy is assigned by way of exchange
- (i) Where an assured tenancy is assigned to someone who would be qualified to succeed to the tenancy if the tenant had died immediately before the assignment
- (j) Where an assured or assured shorthold tenancy vests or is otherwise disposed of in pursuance of a court order made under:

GWYNEDD COMMON HOUSING ALLOCATION POLICY

- (1) Section 24 of the Matrimonial Causes Act 1973 (property adjustment order in connection with matrimonial proceedings), or
  - (2) Section 17(1) of the Matrimonial and Family Proceedings Act 1985 (property adjustment order after overseas divorce), or
  - (3) Paragraph 1 of Schedule 1 to the Children’s Act 1989 (orders for financial relief against parents), or
  - (4) Part 2 of Schedule 5 or paragraph 9(2) or 9(3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnerships etc)
- (k) Where an assured shorthold tenancy becomes an assured tenancy on ceasing to be an assured shorthold tenancy
- (l) To allow a tenant who under-occupies the property to move into more suitable accommodation where there is a risk of the current tenancy failing (for example as a result of changes to the welfare benefits system)

## **Appendix 2**

### **Ineligible Applicants – Persons From Abroad**

1. Under section 160A(1)(a) “persons from abroad” are not eligible for allocation of accommodation. They fall into two distinct sub-categories:
  - (a) People who are “subject to immigration control” (unless they fall within a class prescribed by regulations as eligible) in accordance with section 160A(3); and
  - (b) People who are not subject to immigration control, but are nevertheless prescribed by regulation as being “persons from abroad” and ineligible (section 160A(5)).

#### People who are subject to immigration control (unless they fall within a class prescribed by regulations as eligible)

2. The starting point is with the special meaning of “subject to immigration control” and section 160A(3) refers to:

“... a person subject to immigration control within the meaning of the Asylum and Immigration Act 1996.”
3. The Asylum and Immigration Act 1996 defines “a person who is subject to immigration control” as being a person:

“... who under the 1971 Act requires leave to enter or remain in the United Kingdom (whether or not such leave has been given)”. The United Kingdom is defined as England, Northern Ireland, Scotland, and Wales, including the Channel Islands and the Isles of Scilly.
4. Under the Immigration Act 1971 the following do not require leave to enter or remain in the UK and therefore cannot be persons “subject to immigration control”. Such applicants will be eligible (unless they fall within the second category of persons prescribed as being “persons from abroad” and not eligible.) These persons are:
  - (a) British Citizens;
  - (b) Commonwealth Citizens with the right of abode;
  - (c) European Economic Area (EEA) nationals exercising certain Treaty rights;
  - (d) Swiss nationals exercising the same Treaty rights;
  - (e) Family members and some extended family members of those EEA or Swiss nationals exercising certain Treaty rights; and
  - (f) Certain people who are exempt from immigration control under the Immigration Acts (diplomats, their family members and some military personnel).
5. Countries comprising of the European Economic Area are all European Union (“EU”) countries plus Iceland, Liechtenstein and Norway.
6. The regulations that withhold or confer eligibility on European Nationals all refer to the EEA and define Switzerland as falling within the EEA for these purposes: Immigration (European Economic Area) Regulations 2006/2326 (“The 2000 Regulations”).
7. If there is any uncertainty about an applicant’s immigration status, the Housing Options Team would contact the Home Office. The Home Office may advise on an applicant’s immigration status but the decision on eligibility is for the Housing Options Team itself.

Before making the inquiry, the Housing Options Team will inform the applicant that an inquiry will be made, giving the applicant an opportunity to withdraw the application for social housing, in which event no further action will be taken and the Home Office will not be informed of the inquiry.

8. The National Assembly for Wales cannot designate as “eligible” anyone who is excluded from entitlement to housing benefit by Section 115 of the Immigration and Asylum Act 1996. As described in paragraph 1 above even people subject to immigration control can be eligible if they are so designated by regulations made by the National Assembly for Wales.
9. The current regulations are the Allocation of Housing and Homelessness (Wales) Regulations 2014 (“the 2014 Regulations”).
10. The 2014 Regulations prescribes the classes of people who are subject to immigration control and nevertheless are eligible for an allocation. The Housing Options Officer will decide whether an applicant subject to immigration control falls within one of the prescribed classes.

People who are not subject to immigration control, but are nevertheless prescribed by regulation as being “persons from abroad” and ineligible (section 160 A(5))

11. As explained in paragraph 1(b) above even an applicant who is not subject to immigration control may be rendered ineligible if they are within a class so designated by regulations made by the National Assembly of Wales. The current regulations again are the 2003 Regulations (see paragraph 10 above). They apply to all applications made on or after 29<sup>th</sup> January 2003.
12. The key provision is that people who are not normally resident in the Common Travel Area will not be eligible unless they are:
  - (i) workers
  - (ii) people with a right to reside in the UK pursuant to the Immigration (European Economic Area) Order 2000. (“the 2000 Regulations”); or
  - (iii) people who left the territory of Montserrat after 1<sup>st</sup> November 1995 because of the effect on that territory of a volcanic eruption.

The Housing Options Officer will decide whether the applicant falls within such a class.

### **Appendix 3**

#### **Ineligible Applicants – Unacceptable Behaviour**

1. The Housing Options Team will exercise the discretion conferred on the Council and partner Housing Associations by section 160A(1)(b) and (7) and may decide that a particular individual is ineligible if that particular individual falls within the tightly drawn statutory definition.
2. The Housing Options Team will normally treat an applicant as ineligible for an allocation if the statutory pre-conditions are fulfilled.
3. Each applicant, or member of his or her household, will be treated individually on a case by case basis.
4. The Housing Options Team will consider applicants in two stages:
  - (a) does the applicant meet certain statutory conditions, and;
  - (b) should the Council, in exercise of its discretion, elect to treat the applicant as “ineligible” as a result of the applicant fulfilling those conditions (section 160A)(7).
5. As for the first stage of the test, there are two elements to the statutory conditions:
  - (a) that the applicant, or a member of his or her household, has been guilty of past unacceptable behaviour of a specified standard; and
  - (b) in the circumstances at the time when the application for allocation is considered, the applicant is unsuitable to be a tenant of the partner Housing Associations by reason of that past behaviour.
6. “Unacceptable Behaviour” is defined as only that behaviour, by the applicant, or by a member of his or her household, which would, if the applicant had been a secure tenant of the Council, would have entitled it to a possession order on any ground in the Housing Act 1985, Part 1, Schedule 2 (other than Ground 8)(and also amended by section 98 of the Anti-social Behaviour, Crime and Policing Act 2014), and also the absolute ground for possession in accordance with section 84A of the Housing Act 1985 (introduced by section 94 of the Anti-social Behaviour, Crime and Policing Act 2014).
7. Even if the statutory conditions for ineligibility on the basis of past behaviour are made out, the Housing Options Team will go on to consider whether to exercise its discretion to treat the applicant as ineligible due to that unacceptable behaviour in the particular case.
8. The Housing Options Team will take into account, in exercising this discretion, the applicant’s particular circumstances, any health needs, any dependants and any other relevant factors.
9. The Code sets out detailed policy considerations for local housing authorities when they are deciding whether or not to treat applicants as ineligible on the grounds of unacceptable behaviour. The Code recommends that the Council should:
  - (a) Carefully consider its role as provider of social housing in order to meet a housing need in its area;
  - (b) Develop its own “unacceptable behaviour” policy specifying the grounds when a person is likely to be thought ineligible;

## GWYNEDD COMMON HOUSING ALLOCATION POLICY

- (c) Ensure that the procedures used are robust;
  - (d) Try to keep exclusions to a minimum;
  - (e) Work in collaboration with the Police, Probation Services and other statutory agencies to share information; and
  - (f) Monitor and evaluate their policies and practice.
10. The Housing Options Team will be mindful that an applicant's past behaviour cannot be used as reason to find the applicant as being ineligible indefinitely. Inevitably, that link will become weaker with the passage of time and with other changes in the applicant's circumstances. Section 160A(11) envisages that an applicant rejected on eligibility grounds may want to re-apply on the basis that he or she should no longer be treated as ineligible. The Housing Options Team will therefore consider fresh applications from applicants who have in the past been found to be ineligible due to past misconduct.
11. Whilst an assessment on an individual's eligibility to be on the register because of their behaviour is carried out, any application which includes that individual will not be considered for social housing under this Policy.

**Appendix 4**

**Household Type and Bedroom Requirements**

The matching policy will be used to assess applicant’s bedroom requirements. The table shows the size and types of property that the applicant may be considered for based on the household composition. **This should be used as a guide only.** The relevant housing association will determine the family composition and occupancy rate of each individual property that becomes available for re-letting through this policy in accordance with clause 2.7 above.

Household of applicant	Type of Property							
	1 Bedroom Flat	1 Bedroom Flat, Bungalow* or House	2 bedroom flat or Bungalow*	2 bedroom House	3 Bedroom Flat	3 Bedroom House	4 Bedroom House	5 Bedroom House
Single person								
Childless Couple								
Lone Parent / Couple and 1 child								
Lone Parent / Couple 2 children same sex under the age of 10								
Lone Parent / Couple 2 children (boy and girl) over the age of 10								
Lone Parent / Couple 3 children, same sex								
Lone Parent / Couple 3 children, mixed sex								
Lone Parent / Couple 4 children same sex								
Lone Parent / Couple 4 children, mixed sex								
Lone Parent / Couple with more than 4 children of mixed sex								

\*Please note that bungalows are usually designated for older people and/or people with a disability and in some instances are part of Warden controlled sheltered housing in accordance with clause 5.1 above.

Applicants need to be aware, that the benefits system can affect affordability, especially if consideration is given for under occupancy of a property.

## **Appendix 5**

### **The Housing Health and Safety Rating System**

#### **The principle of the system**

The principle behind the system is that a dwelling, any associated outbuildings and amenity space, should provide a safe and healthy environment for the occupants and any visitors. To that end, a dwelling should be free from hazards and where they are unavoidable they should be made as safe as reasonably practicable.

#### **How will hazards be assessed?**

If required, houses will be subject to a physical survey that will include the identification and assessment of any hazards found in the following 29 categories. In making the examination, the Environmental Health Officer will consider the Housing Health and Safety Rating System and Parts 9, 10, 11 Housing Act 1985 and Part 1 Housing Act 2004.

#### **Physiological requirements**

1. Damp and mould growth
2. Excess cold
3. Excess heat
4. Asbestos and MMF
5. Biocides
6. Carbon monoxide and fuel combustion products
7. Lead
8. Radiation
9. Uncombusted fuel gas
10. Volatile organic compounds

#### **Physiological requirements**

11. Crowding and space
12. Entry by intruders
13. Lighting
14. Noise

#### **Protection against infection**

15. Domestic hygiene, pests and refuse
16. Food safety
17. Personal hygiene, sanitation and drainage
18. Water supply

#### **Protection against accidents**

19. Falls associated with baths etc
20. Falling on level surfaces etc
21. Falling on stairs etc
22. Falling between levels
23. Electrical hazards
24. Fire
25. Flames, hot surfaces etc
26. Collision and entrapment
27. Explosions
28. Position and operability of amenities etc
29. Structural collapse and falling elements

The inspecting officer will then calculate a rating score for each hazard based on the severity of each hazard and its potential to cause injury to the occupiers.



## **Appendix 6**

### **Terms of Reference of the Gwynedd Common Housing Register Appeals Panel**

#### **Purpose:**

The Appeals Panel will be responsible for ensuring that due consideration is given to any appeal for a review of certain decisions made by Gwynedd Housing Options, to ensure compliance with the Common Allocations Policy and ultimately to determine whether the decision is to be upheld or reversed.

#### **Membership:**

Membership of the Appeals Panel shall consist of 3 members of the Gwynedd Common Housing Register Strategic Group.

#### **Remit:**

An applicant has a right, under Housing Act 1996, Part 6 to request a review of the following decisions made by the Housing Options Team:

- That he or she is not to be awarded any preference on the grounds of unacceptable behaviour.
- Concerning the facts of his/her case which are likely to be, or have been, taken into account in considering whether to allocate accommodation.
- That he or she is not eligible for the allocation via the scheme.

The following 'fair procedure' is to be adopted by the Appeals Panel in relation to review:

- Ensuring that notifications of decisions include advice on the right to request a review, the time within which the request must be made, and sources of advice and assistance;
- Ensuring that applicants have an opportunity to request further information about any decision about the facts of their case;
- Advising applicants that they may request a review by way of an oral hearing or a written submission;
- Ensuring that the review is carried out by a Panel of 3 officers who were not part of the initial decision. The Panel should consist of 2 members of the Common Housing Register Strategic Group, as well as a member of the Council's Housing Services Department at all times (Senior Housing Manager or the Homelessness and Supported Housing Manager). Gwynedd Council shall be responsible for co-ordinating and administering the Appeal ;
- Ensuring that the circumstances of the applicant at the time of the review, not just at the time of the original decision, are taken into account;
- If there is not to be a hearing, allowing the applicant to make written representations, and informing the applicant of the date by which those representations must be received, giving the applicant at least five clear days notice;
- If there is to be a hearing, giving at least five days notice to the applicant of the date, time and place;
- Ensuring that the Appeals Panel determines the procedure to be adopted for hearings, and that the procedure gives the applicant the right to be heard, to be accompanied, to be represented by a lawyer or other person, to call witnesses to give evidence, to put questions to any witness and to make written representations;
- Ensuring that, if a person having been given notice should fail to appear at the hearing, the Appeals Panel has regard to all the circumstances including any explanation offered for the absence and the Appeals Panel should be able to proceed with the hearing or give any directions it thinks proper for the conduct of a further review;
- Ensuring that the Appeals Panel will allow applicants to be able to request an adjournment of a hearing , and will grant or refuse the request as the reviewer sees fit;

## GWYNEDD COMMON HOUSING ALLOCATION POLICY

- Ensuring that the Appeals Panel should be able to adjourn the hearing at any time during the hearing on the applicants application, or if the Appeals Panel otherwise sees fit. If, at a re-scheduled hearing, where the identities of the Appeals Panel has changed, the hearing should be a complete re-hearing of the case;
- Ensuring that the applicants are notified of the decision on the review and, if the decision confirms the original decision, of the reasons for it.

GWYNEDD COMMON HOUSING ALLOCATION POLICY

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