

GWYNEDD COMMON HOUSING REGISTER PARTNERSHIP

COMMON HOUSING ALLOCATION POLICY

Gwynedd Council Cabinet Draft

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PART 1 - INTRODUCTION

Introduction

1.1 Gwynedd Council, Cartrefi Cymunedol Gwynedd, Grŵp Cynefin and North Wales Housing have established a partnership called the Gwynedd Common Housing Register Partnership (the “Partnership”).

1.2 The purpose of the Partnership is to have a common housing register with an associated common allocation policy, supported by the provision of effective and timely information and advice for applicants.

1.3 This approach means:

- A single point of access for social housing in Gwynedd
- A single, easy to understand allocation scheme for all social lettings in Gwynedd
- Applicants being able to make informed choices about the housing options available to them to meet their needs
- Allocating our social housing stock in a fair, transparent, consistent and accessible way

Common Housing Register Partnership – Aims and objectives

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

1.5 The partners are:

- Gwynedd Council
 - Cartrefi Cymunedol Gwynedd
 - Grŵp Cynefin
 - North Wales Housing
- (referred to as “the Partners” or individually as “a Partner”)

1.6 The Policy described in this document will apply to all social lettings in Gwynedd made by the Partners (social lettings are lettings of social housing by the Partners but excluding lettings shown in Appendix 1). The key objectives of the policy are that it:

- Helps meet housing need and local housing issues in Gwynedd
- Gives priority to those in greatest housing need and with the strongest connection to the area for which they are applying
- Is easy for applicants and staff to understand
- Consistently prioritises applicants in similar circumstances
- Ensures all applicants are considered by all social housing providers with a single application
- Accommodates applicants’ preferences as far as possible
- Makes best use of housing stock
- Takes into account local circumstances

- Provides all applicants with advice about all their housing options
- Provides support for applicants to make an application as required

1.7 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.

Gwynedd Common Housing Allocation Policy

1.8 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. Specifically, this policy is to be regarded as Gwynedd Council's allocation scheme in accordance with section 167(1) of the Housing Act 1996. It also incorporates the key aims and objectives outlined in the Gwynedd Local Housing Strategy.

1.9 The Policy reflects housing need by placing applicants in one of four priority bands. Details of how these bands are prioritised can be seen in Part 3 below.

1.10 The Policy also incorporates (as detailed in Part 4 of the policy):

- A Local Letting Scheme
- A Section 106 Letting Scheme
- Sensitive Lets

1.11 The Policy also contains details of governance arrangements (as detailed in Part 6 of the policy) to ensure that all partners comply with the rules of the policy and that the policy is improved in response to lessons learnt in its implementation and that information about letting outcomes is available and published.

The legal framework

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

1.13 The Partnership will ensure that the Policy is fully compliant with relevant legislation and regulations. Gwynedd Council will maintain the Housing Register on behalf of the Partnership.

1.14 Gwynedd Council has the responsibility to identify housing needs and provision within the county. The Planning Policy Wales 2002 and Planning Policy Statement (MPPS) 01/2006 state "it is essential that local authorities understand their whole housing market and can develop sound approaches to preparing Development Plans and local housing strategies". The maintaining of the common housing register contributes greatly to identifying demand and need for social housing in the county.

1.15 The Policy is obliged to take, and has taken, account of the provisions of the Welsh Government's "Code of Guidance for Local Authorities on Allocation of Accommodation and Homelessness" (March 2016 issue).

1.16 Under section 50 of the 2014 Act, and paragraph 3.8 of the Code, Gwynedd Council ("the Council") declares that the Policy is consistent with its homelessness strategy as a whole.

1.17 The Policy has also taken account of the Delivery Outcomes for Housing Associations in Wales, 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

1.18 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.

1.19 This Policy determines the Partnership's 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 of the 1996 Act).

1.20 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 partners and on their respective websites.

1.21 The Policy will be reviewed annually whilst also taking into consideration any changes in the legal framework provided by the UK and Welsh Government within that year or to respond to any case law that affects the operation of the Policy.

1.22 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:

- Welsh Language Act 1993 (as amended by the Welsh Language (Wales) Measures 2011)
- Human Rights Act 1998
- Freedom of Information Act 2000
- Equality Act 2010
- Welfare Reform Act 2012
- Anti-social Behaviour, Crime and Policing Act 2014
- Housing (Wales) Act 2014
- Well-being of Future Generations (Wales) Act 2015
- Renting Homes (Wales) Act 2016
- Housing Acts 1985, 1988 and 1996
- Data Protection Act 2018 and the European Union's GDPR (General Data Processing Regulations)

- Children Act 2004 (specifically section 11)
- Social Services and Well-being (Wales) Act 2014

Equality and diversity

1.23 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's aim is to create an environment where this is possible and to put equality and diversity at the heart of everything that they do.

1.24 The Partnership 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.

1.25 The Partnership' 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.

1.26 The Policy complies with the Equality Schemes of all of the partners. It has also been developed in accordance with the public sector equality duty contained in the Equality Act 2010.

1.27 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
- Disability
- Gender reassignment
- Marriage and civil partnership
- Race
- Religion or belief
- Sex
- Sexual orientation

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

Language

1.29 The Team will communicate effectively in Welsh or English. 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.

1.30 The Council is required to meet the Welsh Language Standards 2015, and whilst the Housing Association Partners do not have to do so, they voluntarily meet the Standards.

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PART 2 APPLYING FOR HOUSING

Operation of the Housing Register

2.1 The Housing Options Team (the Team) within Gwynedd Council shall maintain the Housing Register on behalf of the Partnership and deal with applications in accordance with this policy.

2.2 The housing register is a list of households who require housing.

2.3 The register is ordered in accordance with this policy. Households on the register are prioritised in bands according to need and local connection, and within bands by community residency and waiting time.

2.4 Housing providers with a property to let will go to the register to see which applicant is in greatest need and has been waiting the longest.

2.5 The register shall be kept up to date. Households on the register will be reviewed every 12 months, or upon a change in circumstances. New applicants join the register when their application is complete.

2.6 Applicants may move between priority bands if there is a change in circumstance.

2.7 Applicants who have been assessed and who are not in housing need and do not have a Gwynedd connection according to the banding criteria, will not be given any priority. They will not be placed in an allocation band or accepted on the housing register.

2.8 Applicants not accepted onto the register because they have been assessed as not in housing need but who do have a Gwynedd connection, may apply for vacancies where there is no demand from applicants on the register. Such vacancies are advertised by the housing providers and on the Council's website as Available to Let properties. Applicants not accepted onto the register can reapply at any time if their circumstances change.

2.9 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.

Housing Options

2.10 The Team will provide housing options advice when dealing with all enquiries. The Team shall adopt a triage approach when they are contacted by a person for the first time so that all housing options may be explored. This may include advice and information on the following options which are available to households in housing need:

- Home purchase, including low cost home ownership
- Affordable housing schemes
- Intermediate Rental schemes
- Private Rented Accommodation
- Social Housing (including sheltered housing, extra care housing and supported housing)
- House share and spare room schemes
- Gypsy and Traveller sites with permanent pitches
- Adaptations to properties to enable people to stay in their existing homes (where that is possible)
- Advice on identifying suitable alternative accommodation, for example where the current property is overcrowded or under-occupied or the property is no longer suitable for people with a disability
- Mutual exchange for existing social housing tenants
- Home improvement schemes and adaptation services which enable people to remain in their existing homes
- Advice on seeking assistance to those who are homeless or threatened with homelessness.

2.11 The Partnership has produced a booklet called 'Your Housing Options' which gives details of the other housing opportunities available in Gwynedd. A copy is available on request or on the Council and partner websites.

2.12 Applicants will receive information about the application process and how homes are allocated. Those who wish to make an application for social housing will be advised about:

- Whether they are likely to have a priority for housing
- Whether housing suitable for their needs is likely to be available for them in the areas of their choice

2.13 If the Team has reason to believe 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 2014 Act (homelessness legislation).

2.14 Any person seeking assistance from Gwynedd Council under Part 2 of the 2014 Act (the homelessness provisions) will also be directed to the Team to complete an application. In all such instances their completed application will be assessed for their eligibility to be placed on the Register.

The Housing Register - Application process

2.15 All applicants will have their applications dealt with confidentially.

2.16 To make an application to join the Housing Register all applicants will need to complete an application or apply on-line by visiting the Council's website.

2.17 All completed applications will be assessed by the Team.

Who can apply?

2.18 Any person aged 16 or over can apply to the Team to join the Housing Register, either as a sole or joint tenant. If under 18 years old, they must give details of a trustee (see paragraphs 2.23 – 2.25 below).

People who are ineligible to join the Housing Register

2.19 Under the 1996 Act local authorities must consider whether applicants are eligible for housing assistance. All applicants and their household members will be verified to ensure they are eligible for an allocation of social housing. Those categories of applicants which are classed as ineligible and cannot join the Housing Register are shown in detail in Appendices 2 and 3.

2.20 Applications from ineligible applicants will not be registered. Applicants will need to provide evidence of their identity and former conduct and will need to provide consent for the Team to be able to make the necessary enquiries to determine eligibility. Generally, ineligible applicants fall into two categories:

- People subject to immigration control and others from abroad without permanent permission to remain in the UK (see Appendix 2)
- Those people who have acted in the past in an unacceptable manner (see Appendix 3)

No housing need

2.21 Applications with no housing need (as determined in accordance with paragraph 3.40 below) and without a Gwynedd connection (as determined in accordance with paragraphs 3.11 – 3.13 below) shall not be placed in any of the priority bands. Such applications shall not be registered.

Transfer applications

2.22 This Policy applies to existing social tenants seeking to transfer accommodation. Existing social tenants who want to move, will need to apply for a new allocation through the register. The same rules about housing need will be applied to determine their priority.

16 and 17 year-old applicants

2.23 Applicants of 16 or 17 years of age cannot hold a tenancy in their own right. Where a sole applicant is under 18, or if joint applicants are both under 18 he / she / they will need to provide details of an adult (someone over the age of 18) who is prepared to be a Trustee.

2.24 A trustee holds the tenancy on trust for the young person until they turn 18, and are under an obligation to look after the tenancy. When the young person turns 18, the tenancy will become their full responsibility. The housing provider will need to check that a prospective Trustee (a person or an organisation) can afford to take that

role and will ensure that they have been advised to seek independent advice about the responsibility they are taking on.

2.25 If the applicant is unable to provide a Trustee, the housing provider may refuse to offer a tenancy. Young applicants will be advised about this during their housing options assessment.

Armed Forces Covenant

2.26 Gwynedd Council has signed up to the Armed Forces Covenant, a copy of which is available at www.gwynedd.llyw.cymru. In the context of this policy, this means that Gwynedd Council will ensure that those who serve or who have served in the armed forces and their families will be treated with fairness and respect.

Applicants without a fixed address

2.27 Applicants with no fixed address can request for correspondence about their application to be sent care of another address. If no other address is available, the 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.

Gypsy and Traveller applicants

2.28 Applicant households who are Gypsies, Irish Travellers or other Travellers can, in addition to the Housing Register, apply to be included on the register for permanent pitches on the Council's designated Gypsy and Traveller site. Information about the services available in Gwynedd will be provided at the Housing Options interview.

Documentation required

2.29 Documentation is required from applicants to ensure accuracy, and to assess the application. If the correct information is not supplied, this can delay an application being registered.

2.30 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 14 days, the original application will not be registered and the applicant advised in writing. Examples of documents that may be required for verification of identity and circumstances are available from the Team and provided in the application process.

2.31 Where the Team reasonably requires information from any other person or body in order to consider and process the application, the applicant will be required to provide any necessary consent to the disclosure of the information. If the applicant refuses to provide consent or fails to provide it within 14 days of being asked for it, the application will not be registered and the applicant will be advised of this in writing.

2.32 Applicants will be advised that the Team may be in contact with other organisations throughout the process.

Notification of decision

2.33 Applicants will be informed in writing of:

- Whether or not they have been accepted onto the register, and
- If accepted, which priority banding they have been awarded usually within 14 days of receipt of all necessary information. The letter will also provide details of:
 - Application reference number
 - Date of application, choice of areas and property types

2.34 Applicants not accepted onto the register shall be informed within 14 days of the reason(s) why the application was unsuccessful. Applicants given reduced or no priority because of unacceptable behaviour will be advised why.

2.35 The Team must consider whether there are reasons to believe that the applicant may have difficulty understanding the implications of a decision and if so should consider whether the decision and the reasons for it should also be communicated in person to the applicant.

Review of a decision relating to housing application

2.36 An applicant has the right to request a review of the decision made if the Team decides that:

- The applicant is ineligible as being subject to immigration control
- The applicant is an ineligible person from abroad
- The applicant is treated as ineligible because of unacceptable behaviour
- An applicant is to be given reduced priority and placed in Band 3
- Cancellation of an application for a second refusal of a reasonable offer of accommodation

2.37 Applicants will have 28 days to request a review of the decision and to submit new information as well as any representations in support of that review, during which time they shall be temporarily suspended from the register. Details of an applicant's right to a review and the procedure to be followed are contained in Part 5 of the Policy.

Complaints regarding the service

2.38 An applicant who is unhappy about the way their application has been handled by the Team, or the behaviour of staff, should make a complaint in accordance with the Council's Complaints Procedure.

2.39 Any other complaint regarding the service, such as an allocation of property, or the behaviour of housing association staff will be dealt with by the respective Housing Association through their respective complaints procedure.

False or misleading information

2.40 Under the 1996 Act 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. Applicants have a duty to notify any change of circumstances, so they may be guilty of providing false information by failing to update the Team where their circumstances have changed. Applicants who are deemed to provide false or misleading, or withholding information may have their priority reduced in accordance with paragraph 3.43 or may be deemed ineligible for housing on the basis that such behaviour is unacceptable behaviour in accordance with Appendix 3.

2.41 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 or withholding required information then the Housing Association would be entitled to seek possession of the property in accordance with ground 17 of Schedule 2 of the Housing Act 1988. In some cases, this may also result in criminal prosecution and if found guilty, substantial fines.

The Provision of information to applicants

2.42 The Team will provide the following information to all applicants for social 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
- How many properties have previously become available for an allocation in each area during the past year
- What band priority the successful applicant had, and
- How long they had to wait in that band before being allocated the property they accepted.

2.43 The information will be available on www.gwynedd.llyw.cymru/taicymdeithasol and updated periodically.

Choice of areas and property types

2.44 Applicants may choose areas within Gwynedd in which they wish to be housed, also the type of property required and the number of bedrooms they wish to be considered for. They can also update and amend their preferences by contacting the Team.

2.45 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 needs, as set out in the Appendix and/or is affordable.

2.46 It should also be noted that the Partners may have their own letting criteria. Under these criteria, they can determine (amongst other things) the family composition for individual vacant properties as part of the re-letting process to ensure the best use is made of each property in terms of the size of the property and the size of the prospective tenant's family; for example 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 offered the type of accommodation that they have ideally chosen.

2.47 Applicants should only choose areas they genuinely want to live in. If one reasonable offer is refused, the application shall be given reduced priority. If two reasonable offers of housing are refused the application will be removed from the Housing Register and will not be eligible to re-apply to go on the Register for six months. It is possible for an applicant to select locations within an area of choice where they do not want to be rehoused in, providing there is a valid reason.

2.48 The Team will have discretion to add areas, type of property, design of property and number of bedrooms where it is reasonable to do so. The Team will endeavour to do this after discussion and permission of the applicant where it is practicable to do so. This may happen, for example in cases such as:

- Where an applicant is owed a homeless duty and to enable the Council to bring its duty to an end
- Where there is a need for accessible or adapted housing
- Where there is a particular or acute vulnerability in the household
- Where there is a particular need for specialist services

2.49 In cases where the applicant is owed a duty by the Council under sections 66, 73 or 75 of the 2014 Act, the Team shall contact the Homeless Department to confirm which combination of area, type of property and number of bedrooms is considered suitable for the household and is reasonable to bring the Council's duty to an end.

2.50 Applicants if accepted onto the Housing Register may be offered a tenancy with any of the partner landlords.

Keeping an application up to date

2.51 It is the responsibility of the applicant to keep their information up to date. Applicants must contact the Team if, for example:

- They change their contact information: telephone numbers or email address
- If they move house
- Any significant change in housing, medical condition or any other personal circumstances
- A person leaves or joins their household
- Their financial circumstances change

- Their immigration status changes

2.52 Once the information has been received, the application will be re-assessed in accordance with the provisions of this Policy. In some circumstances further information to support or verify their change in circumstances will be required and must be provided by the applicant. Where the applicant's registration is altered as a result, the decision will be communicated to the applicant in accordance with paragraphs 2.33. If paragraph 2.34 applies, the applicant will have a right to a review.

Keeping the register up to date - 12 monthly review of application

2.53 Each application on the housing register will be subject to a 12 monthly review. The review will take place approximately 12 months after the date the application was initially registered and every 12 months thereafter.

2.54 When applications are reviewed by the Team, applicants will be contacted to confirm they are still in housing need and that their information is correct and up to date. Those still in housing need will have their details checked and their priority banding reviewed.

2.55 Applicants who fail to respond within 14 days to the 12 month review may be removed from the register.

Cancellation of applications from the register

2.56 Applicants may be removed from the register if:

- They are not in a position to take up an offer of accommodation in the near future, e.g. because they are in hospital, custody or an institution and are likely to be there for more than a short period
- They have refused 2 reasonable offers of accommodation
- They don't reply to application review letters within 14 days
- They have requested to cancel their application
- They are re-housed – having accepted an offer of accommodation from the housing register
- They move house without informing the Team of their new address
- In the case of an application made by a single person, when that person dies
- In cases of providing false or misleading information or withholding requested information
- It can be reasonably inferred from the circumstances that the applicant wishes to withdraw their application for accommodation

Such cases shall be considered on an individual basis and on the information provided to or received by the Team.

2.57 Applicants will be advised in writing of a decision to remove them from the register. They have a right to request a review of the decision within 28 days, and details of how to do so will be noted in the decision letter and are set out within Part 5 of the Policy.

PART 3 PRIORITISING APPLICANTS FOR HOUSING

Introduction

3.1 In accordance with section 167 of the 1996 Act, “reasonable preference” (priority) will be given to certain groups of applicants. These are:

- People who are homeless within the meaning of Part 2 of the 2014 Act
- People who are owed a duty by a local housing authority under sections 66, 73 or 75 of the 2014 Act
- 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, where failure to meet that need would cause hardship to themselves or others

3.2 Part 6 of the 1996 Act 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 need
- To determining priorities between applicants on the basis of the following factors:
 - Financial resources
 - The behaviour of the applicant or anyone in his household
 - The applicant’s connection with the area

3.3 This Policy is founded on the principle that vacancies will be allocated to eligible applicants in housing need, with priority going to eligible applicant households who have a Gwynedd connection and have been waiting the longest.

3.4 This Policy does not take account of cumulative need. Applicants will be placed in the band which best matches their housing needs assessment.

The Banding Scheme

3.5 The Policy uses a banding scheme to prioritise applicants according to their circumstances.

3.6 The banding scheme consists of four bands, from one to four in descending order of priority.

The priority bands

Band	Degree of Housing Need
1	a. Applicants in Urgent Housing Need with a Gwynedd connection
	b. Applicants in Urgent Housing Need (with no Gwynedd connection)

2	Applicants in Housing Need with a Gwynedd connection
3	Applicants in Housing Need with no Gwynedd connection and Applicants with reduced priority
4	Applicants with no housing need with a Gwynedd connection

3.7 Applications which have no housing need and no Gwynedd connection shall not be placed in any of the priority bands. Such applications shall not be registered.

3.8 The Band in which an applicant is placed, depends on their housing need and whether they have a Gwynedd connection.

3.9 Properties shall be allocated in the first instance to applicants in Band 1. If there are no qualifying applicants in Band 1 then the property shall be allocated to an applicant in Band 2, and so on. This process will be repeated through each band until the vacancy is allocated.

3.10 Priority can change as circumstances change, so applicants may be moved between bands. When an application moves up to a higher priority band, the date of that move shall be the relevant date which determines their position in the band in accordance with paragraph 3.13 below. This is to recognise that there will already be applicants waiting for re-housing in that greater priority band. If an applicant moved to a band with lower priority, the date of their original application will be the relevant date.

Gwynedd connection

3.11 Gwynedd connection (as defined below) is relevant to applications that appear in Band 1a, Band 2, Band 3 and Band 4.

3.12 A Gwynedd connection is created when the applicant or a household member (someone normally living with the applicant as part of their household):

- Has been resident in Gwynedd for 5 years (at any time)
- Has family associations in Gwynedd. Family association normally arise when the applicant or household member has either a parent, adult child, brother or sister who live in the local Authority area, and have done so for at least 10 years, at the date of application. Both the applicant and locally residing relative must indicate a wish to be near each other
- Provides support for or receives support from some person or specialist provision in the local authority area
- Has been in employment in Gwynedd for the last 5 years
- Has been offered a job in Gwynedd but have a disability and are unable to take up the job offer because of the difficulty of finding adequate accessible housing in the area
- Needs to move to Gwynedd so that a member of their household with a disability can attend a school or receive specialist support but are unable to do

so because of the difficulty in finding adequate accessible housing in the area. The need must be as a consequence of the disability and the need to move to Gwynedd must be evidenced

- Is serving in the Armed Forces in Gwynedd
- Is a former member of the Armed Forces, not currently employed or resident in Gwynedd who served in Gwynedd whilst in the Forces

3.13 Within each band where Gwynedd connection is relevant, applications shall be prioritised as follows:

- Applicants, or members of the household, with 5 years or more residency in the Community Council area in which the property to be allocated is situated. Each application shall then appear in date order, with the application which has the earliest registration (or relevant) date considered first, and so on.
- If no applications fulfil the above criteria, then applications with less than 5 years' residency (or no residency at all) in the Community Council Area where the property to be allocated is situated shall be considered. Each application shall then appear in date order, with the application which has the earliest registration (or relevant) date considered first, and so on.
- In certain circumstances applicants who have not resided in a neighbouring community can carry over their residency to another community. This can only happen where there is a need for specialised accommodation which is not available in their current community and is available in a neighbouring community. Specialised accommodation would include sheltered housing, accessible housing or housing which provides a specialised and specific service.

Urgent housing need

3.14 Applicants with an urgent housing need shall be placed in either Band 1a (with a Gwynedd connection) or Band 1b (with no Gwynedd connection). Evidence will be required in these cases to demonstrate the legitimacy of the claim.

3.15 **Urgent Housing Needs** the applicant will be considered to have an urgent housing need if he/she or a member of the household falls within one of the following categories (the list is not exhaustive):

3.16 **Homeless due to abuse or probable abuse requiring urgent re-housing.**

This category includes people who are homeless and owed a duty under s75 of the Act and where:

- They are homeless as a result of abuse as defined by s 58 (1), of the 2014 Act. This includes those who have experienced abuse at, or outside, the home; and those who, if they remained in their accommodation, would probably experience abuse
- People who have been targets of hate crime (that is, a serious or violent criminal offence which was motivated by hostility or prejudice on the victim's actual or perceived disability, race or ethnicity, religion or belief, sexual orientation, gender identity)
- Witnesses of crime or victims of crime who are at risk of intimidation amounting to violence or threats of violence if they remain in their home

- Note that this clause shall not be subject to the Gwynedd local connection provision and that cases which meet this clause shall appear in Band 1a (subject to any matters which would place them in Band 3)

3.17 Urgent medical, welfare or disability related need. Applicants whose household includes someone who:

- Has a medical condition which is life threatening or likely to become so, and which is directly linked to their housing conditions and is likely to improve with re housing
- Has been assessed by the relevant practitioner as having a need to move urgently to an accessible property
- Has a serious physical or mental illness, disability or medical condition or behavioural disorder which is causing serious dysfunction to themselves or the family unit such that they are completely unable to cope at their present accommodation and re housing would alleviate the problem. For example, a terminal illness or advanced progressive condition
- Is hospitalised and is unable to return to their home as it is totally unsuitable for their long-term needs by way of design, location and/or is unsuitable for disabled adaptations
- Is disabled and unable to access essential facilities within the property e.g. bathing or WC, or access to the property itself is totally unsuitable. The property cannot be reasonably and practically adapted to meet their needs
- Needs to move to provide support to a relative or person with serious illness, disability or medical condition and that person can only cope in their present accommodation with the applicant's support
- Is living in overcrowded accommodation which leaves a person vulnerable to serious infection

3.18 Leaving the Armed Forces:

- A member of the Armed Forces who will be homeless on discharge
- A member of the applicant's household needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability sustained as a result of service in the Armed Forces

3.19 Applicants in supported accommodation by an accredited provider where the applicant is able to sustain a tenancy independently (deemed ready to 'move on')

3.20 Young people leaving the care of the Local Authority. This will include young people who have left care in the past 2 years but are still subject to care duties by a local authority.

3.21 Urgent Cases where the household needs access to social housing to prevent a child from being taken into/remaining in care. Examples include:

- Foster parents who urgently need accommodation to take a child
- Where a child care plan identifies the need for accommodation to prevent the child being looked after by the Authority (for example, child in need/looked after child/child protection)

3.22 Existing social tenants in Gwynedd who are either under occupying by one or more bedrooms and wish to transfer to a smaller property, or who are occupying an adapted property which they do not need - provided that one of the following applies:

- They are suffering serious financial hardship as a result of welfare reform and there is a risk that the existing tenancy will be lost, or the tenant fall into serious debt, and the proposed move will enable the tenant to move to an affordable / sustainable property. In this context "serious debt" will be treated as a debt which leads the landlord to initiate legal proceedings
- Their moving would release a property for someone in urgent need who would otherwise have to wait an unreasonably long time to be re-housed
- Applicants must hold a social housing tenancy in Gwynedd and evidence will be required from the landlord of the circumstances and the tenant's attempts to sustain the tenancy

3.23 Loss of home as a result of a disaster. An Applicant who has a reasonable prospect of an allocation within a short period who suddenly and permanently loses their existing home as a result of a disaster.

3.24 Some applicants who are owed a homeless duty. Applicants owed a duty by Gwynedd Council in accordance with section 75 of the Housing (Wales) Act 2014 ("duty to secure accommodation for applicants in priority need where the duty in section 73 has ended") and who also are staying in temporary accommodation not entirely suitable for their needs, are included in the category of "urgent need for housing". Examples would include:

- Families with children in temporary bed and breakfast accommodation
- Families with children in one of the Council's homeless hostels, or in other accommodation, where basic facilities such as kitchen and bathroom must be shared. This includes families with children who have been forced to move back to live with a family, but not to include applicants who want to leave the family home for the first time.
- Fragile person in temporary accommodation needing support to sustain a tenancy

3.25 Exceptional case of urgent need where the circumstances or the urgency of the circumstances are not dealt with elsewhere in this scheme. Cases may arise which include an urgency for rehousing which are not included in any of the categories above. In such cases the application may be considered as being in an urgent need for housing, and therefore qualify for inclusion in either Band 1a or Band 1b depending on their Gwynedd Connection. Such cases shall be considered on an individual basis and on the information provided and may include cases where safeguarding issues have been identified or there are any other identified urgent need for rehousing.

Housing need

3.26 Applicants with a housing need that is not urgent shall be placed in either Band 2 (with a Gwynedd connection) or Band 3 (with no Gwynedd connection).

3.27 An applicant will be considered to have a housing need if he/she or a member of the household falls within one of the following categories (the list is not exhaustive):

3.28 Applicants who are homeless or threatened with homelessness within the meaning of Part 2 of the Housing (Wales) Act 2014. The definition of homeless can be found in sections 55 to 57 of the 2014 Act. It includes, but is not limited to, the following:

- A person who has no accommodation available for his occupation, which he is entitled to occupy by virtue of an interest or an order of a court; has a licence to occupy; or occupies as a residence by virtue of an enactment or rule of law
- A person who has accommodation but cannot secure entry to it, or it is a moveable structure and there is nowhere to place it for it to be lived in
- A person would be considered to be homeless if they have accommodation, but it is not reasonable for them to occupy it, subject to certain conditions contained in the Act

A person is threatened with homelessness if he or she is likely to become homeless within the next 56 days.

3.29 Applicants who are owed a duty by a local housing authority under sections 66, 73 or 75 of the 2014 Act: This category includes applicants who are owed a duty under:

- Section 66 of the Act: a duty to help prevent an applicant from becoming homeless. The duty can be owed by any local housing authority
- Section 73 of the Act: a duty to help to secure accommodation for homeless applicants. The duty can be owed by any local housing authority
- Section 75 of the Act: a duty to secure accommodation for applicants in priority need (when the duty in section 73 ends). Note that some cases will be deemed as in urgent need of housing in accordance with 3.24 above

3.30 Applicants occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions. Applicants whose current property does not meet modern safety standards shall be deemed to be in housing need. Each case shall be assessed by an Environmental Health Officer in order to confirm that the property is insanitary, overcrowded or otherwise unsatisfactory.

3.31 The Environmental Health Officer's assessment shall be based on the Housing Health & Safety Rating System (HHSRS) which is an assessment of the hazards associated with a residential property. Hazards may include:

- Lack of bathroom with facilities or the facilities are located in an insanitary location e.g. within kitchen
- Lack of a kitchen and/or appropriate facilities; or lacks an inside W/C
- No hot or cold water supply to the property due to defect with the property
- No electrical supply due to defect with property
- No gas supply due to defect with property where such a supply is required to operate existing or necessary services, such as heating
- Applicants who share facilities with other persons who are not part of their household on a permanent basis. This applies to the sharing of a kitchen, bathroom/shower or toilet

- Applicants living in overcrowded housing. A household is deemed to be overcrowded if it lacks at least one bedroom. This must be on a permanent basis. Overcrowding in this context is defined in accordance with current bedroom allowance guidelines for the calculation of housing benefit

3.32 All applicants residing in insanitary or hazardous housing in Gwynedd will be referred to the Council's Environment Service in order to identify if there are other reasonable means to resolve the problem and enable the applicant to remain in their home before the applicant is considered in housing need under this policy. In such a case, an application will be suspended whilst that is investigated.

3.33 Applicants who need to move on Medical or welfare grounds (including grounds relating to disability). This would include:

- Applicants whose household includes someone with a medical condition which is directly linked to unsuitable housing and where rehousing is necessary to significantly improve their health
- Where current accommodation presents access problems to a member of the household which have a detrimental impact on their welfare, which cannot be resolved in the current property and would be significantly alleviated if they were suitably re-housed. Such cases would be assessed by the relevant practitioner as requiring a move to an accessible property
- Applicants whose household includes someone who has social care needs which are not being met and re-housing is necessary to significantly improve their care

3.34 Such cases will be assessed by the Team following advice from an Occupational Therapist, Doctor or other similar medically qualified person on whether the person requires a move to an accessible property within the above definition. Where possible that should be by a health professional with knowledge of the medical condition of the person in question and its relevance to their housing needs.

3.35 Private Sector Housing Affordability. Cases where the applicant can show that their current accommodation in the private rented sector is not affordable and that there is no affordable alternative accommodation in the private rented sector, but that alternative accommodation in the social rented sector would be affordable.

3.36 Existing social housing tenants in Gwynedd who are under-occupying by one or more bedroom and wish to transfer to a smaller property. Applicants must hold a social housing tenancy in Gwynedd with a partner landlord. Under-occupying social housing tenants who are also experiencing financial hardship may qualify for higher 'Urgent Need' priority.

3.37 People who need to move to a particular locality in the district, where failure to meet that need will cause hardship (to themselves or to others).

Examples include:

- A failure to move to the particular locality will cause exceptional financial hardship
- The applicant or a member of their household is at risk of being admitted to residential care or hospital if they are not re-housed in the particular locality

- The applicant needs to move to a particular locality due to a relationship breakdown, and there is need to safeguard and promote the welfare of an associated child or children
- The applicant is a 'relevant child' under the Children Leaving Care Act 2000, is a care leaver, is vulnerable and has a high housing need that is best met by the provision of long term settled housing in a particular locality
- The applicant or a member of their household has permanent employment which cannot continue, or an offer of permanent employment which they cannot take up, unless they reside in a particular locality
- The applicant is giving or receiving essential support, which can only be delivered if they live in a particular locality.
- Applicants whose household includes children under 10 years of age who are either living in a flat or maisonette or are living in a property where there is no outside space
- Applicants from a family unit that are forced to live apart because of the lack of suitable accommodation

3.38 **Displaced Agricultural Workers.**

- The applicant is a displaced agricultural worker (as defined in the Rent (Agriculture) Act 1976) whose agricultural occupancy has ended and where the farmer cannot provide suitable alternative accommodation for the displaced worker. The Team must consider all relevant factors and any advice from the Agricultural Dwelling-House Advisory Committee
- The dwelling from which an agricultural worker is displaced is needed to accommodate another agricultural worker and they need to re-house the displaced worker in the interests of efficient agriculture

3.39 Exceptional case of housing need where the circumstances are not dealt with elsewhere in this scheme. Cases may arise which include a need for rehousing which are not included in any of the categories above. In such cases the application may be considered as being in a need for housing, and therefore qualify for inclusion in either Band 2 or Band 3 depending on their Gwynedd Connection. Such cases shall be considered on an individual basis and on the information provided and may include cases where there is an identified need for rehousing.

No housing need

3.40 Any applicant who does not come within any of the "Urgent Housing Need" or "Housing Need" criteria set out in paragraphs 3.16 to 3.39 has no housing need. Applications with no housing need but with a Gwynedd Connection may be registered and placed in Band 4. Applications with no housing need but with no Gwynedd Connection shall not be registered or subsequently cancelled if a current application.

3.41 Applications in Band 4 may be considered for 'available to let' properties where there are no eligible applicants from Bands 1 to 3.

Reduced priority

3.42 In accordance with clause 3.2 of this policy some applications shall receive reduced priority as a result of their circumstances or behaviour. Applicants with reduced priority will be placed in Band 3 and prioritised in accordance with clause 3.13. Applications with reduced priority include the following:

3.43 If an applicant household's behaviour affects their suitability to be tenants. Where an applicant or member of the household has a history of unacceptable behaviour, which although not making an applicant completely unsuitable to be a tenant (in accordance with Appendix 3), it does nevertheless affect his or her suitability to be a tenant then reduced priority will be applicable. This will be reviewed 6 months after the priority was originally reduced to see whether the circumstances or situation has changed. Examples of such behaviour includes:

- Anti-social behaviour which is serious enough for the landlord to seek a remedy, for example to issue a final warning, to seek an acceptable behaviour contract or court action such as an injunction or a suspended possession order
- Current tenants who have been subject to action for a breach in the terms of their tenancy agreement and where the applicant has not remedied the breach
- When current tenants are wishing to transfer, but their current property is in such poor condition due to deliberate damage or carelessness by the tenant, a member of his or her household or someone he has invited to the property, that it cannot be re-let within a reasonable timescale
- Applicants who have a debt relating to a current or former tenancy of any of the Partnership members and who have not maintained a satisfactory arrangement to repay the debt
 - Debt which has accrued due to the effect of welfare reform 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
 - Debt include rent arrears, court costs, rechargeable repairs, service charges or any other charge related to a tenancy
 - The organisation owed the debt shall determine what is a 'satisfactory arrangement to pay'
- Applicants who have deliberately provided false or misleading information or failed to disclose information relevant to their application. For example:
 - By deliberately moving to a property they know will make them overcrowded
 - By deliberately damaging their accommodation to make it uninhabitable or resulting in eviction
 - By failing to pay rent, resulting in eviction
 - Deliberately doing something (or not doing something) they knew could lead to the loss of their accommodation

More serious cases may be removed from the Housing Register in accordance with clause 2.56 above.

3.44 Financial resources. Social housing is usually provided in circumstances where applicants have difficulty obtaining suitable housing to meet their housing needs because of their financial situation. The Charitable Status of the Housing Associations 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 and that there is a housing need. Applicants who have sufficient financial resources to meet their own housing needs will be assessed on a case by case basis (this may apply when the person has legal or financial interests in a property or sufficient income or savings) and may be given reduced priority.

3.45 Applicants who have refused a reasonable offer of accommodation.

Applicants who refuse a reasonable offer of accommodation for the first time shall have their priority reduced. A reasonable offer of accommodation is defined in paragraph 4.18 below. On a first refusal of a reasonable offer of accommodation the application shall be moved to Band 3 for a period of 6 months. A subsequent, second refusal shall lead to cancellation of the application.

3.46 If we have reduced the priority of an application by placing it in Band 3 but subsequently the reduced priority is removed then the applications shall return to its original band but the relevant date shall be the date of returning to the band and not the original application date.

Suspended applications not considered for allocations

3.47 Applications may be suspended for a temporary period of time. Whilst suspended, an application will not be considered for an allocation of housing. Examples of instances when an application is suspended include:

- Where there are reasonable grounds to suggest the applicant's situation may have changed
- The applicant is not in a position to take up an offer of accommodation in the short term, e.g. because they are in hospital, custody or an institution
- The application is currently being assessed on the basis of new information received which relates to the application. This may include information that could lead to the application moving to another band, or being placed in band 3 because of reduced priority, or a significant change in circumstances
- Where the applicant has previously refused two reasonable offers of accommodation and the application was cancelled in accordance with paragraphs 2.56 and 4.20 and they re-apply within 6 months of the application's cancellation, then the application will be suspended for a period ending 6 months from the cancellation save where the Operational Group determine that special circumstances apply

3.48 **Temporary suspension of transfer applications.** In addition to the above, 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.

3.49 In such cases the housing association will make an application to the Team to temporarily suspend the application. The housing association will need to act responsibly, and it is expected that only in serious cases where legal action has

commenced or cases of lack of co-operation will such applications be made. Each application will be considered on its own merits and the facts at the time. Once an application has been temporarily suspended the situation will be monitored regularly by the housing association and the Team.

3.50 The team will write to advise the applicant if the application is suspended with reasons for the decision. If the applicant needs to provide information or do something before the application can be considered again the applicant will be advised and realistic deadlines given for the provision of the information or action required.

3.51 If following a suspension a decision is made that the application is reinstated but applicant's priority band is reduced then the applicant will be notified in writing and will have the right to request a review in accordance with paragraph 2.36. The registration date of the application (for the purpose of determining the position within that band) will be amended to the date you become eligible again to be offered housing following suspension. This will mean the application goes to the bottom of the relevant band.

3.52 If following a period of suspension the decision is that the applicant is no longer eligible for housing he or she will be notified in accordance with paragraph 2.34 of this policy and the applicant will have a right to request a review of the decision in accordance with paragraph 2.36.

Gwynedd Council Confidential

PART 4 LETTING OF ACCOMMODATION

The selection of applicants for an offer of a tenancy

4.1 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.

General needs housing

4.2 Vacant properties will be offered first to applicants in Band 1 in accordance with the band criteria. If the property is not suitable to any household in Band 1, the property will be matched with suitable applicant households in Band 2 and so on.

4.3 Properties will be matched according to household's preferences for location, property type and household make up subject to occupancy criteria. The housing associations may specify the occupancy criteria for properties to be let under this scheme in order to make the best use of their housing stock. This can mean that applicants who have chosen a particular size of property may not always be considered for properties of that size, for example a small family who have chosen to be considered for a larger family home.

Sheltered housing

4.4 This is housing which may include the services of either a resident or visiting warden for which there may be an additional charge. Typically, this type of housing is restricted to people aged 55 or over and who require the warden service and are suitable for sheltered housing. The Partners may have other criteria. In cases where there are no applicants who meet the criteria, then applicants younger than 55 years or applicants who do not require the warden service may be considered at the discretion of the relevant Partner.

Properties designated for older people and/or people with a disability

4.5 This is housing designated for people 55 years or over and/or it may be particularly suitable for persons with a disability . Such housing will be allocated only to those who meet the criteria and have a need for the particular adaptations or features which the property in question has, but in cases where there are no suitable applicants then applications by younger persons or those without a disability may be considered at the discretion of the relevant Partner.

Accessible homes

4.6 Accessible homes are homes that have been substantially adapted for people with a disability. The allocation of accessible homes will be made by considering the adaptations that are present in the property and matching them to the requirements and needs of applicants, with the allocation being made to the best match of applicant needs and property specifications whatever the position on the waiting list is. Advice will be sought by practitioners such as Occupational Therapists to ensure that the best match is made based also on the applicants' housing needs.

4.7 In cases where there is more than one application whose needs match the property's specifications, then the banding priorities as outlined in Part 3 of the scheme shall be followed.

Applicants' suitability for an allocation

4.8 When information comes to the attention of or is held by any of the partners about the current or previous behaviour of the applicant or any member of his household including criminal record, which may affect the suitability of a particular property location for the applicant and his household to be housed in then a suitability assessment will be conducted.

4.9 The purpose of the assessment will be to assess if the proposed location is appropriate for the applicant / family member, given the behaviour.

4.10 The suitability assessment may include seeking information from agencies such as the Police, Probation Service, Social Services or any other relevant organisation. Should the assessment deem the location not to be suitable for whatever valid reason, then the applicant will not be considered for an allocation of that property and no offer of a tenancy will be made. The applicant will remain on the waiting list and his or her position on it will not be altered.

Affordability

4.11 A Partner may in accordance with its own procedures assess the affordability of a tenancy before making an offer. In order to do this the Partner may seek information from the Applicant about his or her income and outgoings. If the Partner reasonably decides that the applicant cannot afford the tenancy, then they do not have to offer the property to them.

Offer of accommodation

4.12 Applicants will only be made one offer of accommodation by the Partnership, at any one time. Applicants may be offered a tenancy with any of the Partners.

4.13 Applicants who receive an offer of housing will have that offer in writing, but this does not mean they will not also be contacted by telephone or email to discuss the offer and arrange for viewings. The applicant will be expected to respond to the offer within 5 days.

4.14 Applicants who are owed duties under sections 66, 73 or 75 of the 2014 Act will also always receive a written offer. The offer letter will state that it is a final offer for the purposes of discharging the Council's duty under Part 2 of the 2014 Act.

4.15 If the applicant hasn't contacted the Partner to accept the offer by the end of the 5th day the applicant will be deemed to have refused the offer and the Partner will offer the tenancy to the next applicant on the housing register who is requesting that type of property. The Partner will inform the Team, in order to revise the application

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

4.17 The Partner has discretion to extend the 5 day period in appropriate circumstances and in considering whether to do so, they will take into account all relevant factors including:

- 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.

4.18 A reasonable offer of accommodation is one which:

- Is in the area of choice selected by the applicant (and not a particular individual property), and
- Is the type of property for which the applicant has asked to be considered (and for which they are eligible), and
- Meets the current lettable standard of the housing association partner, and
- Is not unreasonable for some other significant reason, or
- Would discharge a council's duty under sections 66, 73 and 75 of the 2014 Act where such duties are owed

4.19 In cases where the applicant is owed a duty under either sections 66, 73 or 75 of the 2014 Act, the Team will have discretion to add areas, property types or property sizes not selected by the applicant. The Team, in conjunction with the Council's homeless department, will consider which additions are reasonable in order to discharge the Council's homeless duty.

Refusing of an offer of accommodation

4.20 If one reasonable offer (as defined in 4.18) is refused, the applicant will, in accordance with 3.43 above, have its priority reduced by moving to Band 3. If two reasonable offers of accommodation are refused the application will, in accordance with 2.56 above, be cancelled and removed from the Housing Register. Applications cancelled for this reason will have to wait 6 months before joining the register again. If the application is received within 6 months of cancellation, then it shall be suspended until the 6 months have passed.

4.21 Where the applicant is owed a homeless duty under sections 66, 73 or 75 of the 2014 Act 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 2014 Act.

4.22 If the applicant requests a review and the review is not successful, then the Council's duty under Part 2 of the 2014 Act will come to an end and the applicant will lose any priority awarded as a result of the duty owed. If, however, the review is successful then the Council's duty will remain and the priority awarded to the application will not be affected

Available to let properties

4.23 There may be a small number of properties that are available to let at any given time. This will usually happen when there is no-one on the Housing Register eligible to be offered a particular property, or where the Register has been exhausted.

4.24 We advertise details of any immediately available to let properties on the Council and partner websites.

4.25 Applicants with no priority will be able to apply for these tenancies but will need to satisfy the eligibility criteria. Applicants who want to be considered for an advertised property should contact the Team to apply.

4.26 Any allocation will be based on an applicant's circumstances including such matters as:

- Their local connection with Gwynedd
- Their financial situation
- Their previous tenancy record, and/or
- Any other matters relevant to the aim of letting the property to a person in housing need.

Management transfers

4.27 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**.

Local lettings policies

4.28 Section 167(2E) of the 1996 Act enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories. Such a policy is known as a 'local lettings policy'.

4.29 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.

4.30 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.

4.31 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.

Section 106 agreement letting scheme

4.32 Properties developed on sites that incorporate a section 106 agreement determining the allocation of housing on that site will be let in accordance with the terms of the agreement. These allocations are subject to a Planning Obligation under section 106 of The Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

4.33 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.

Sensitive lettings

4.34 There are occasions when individual sensitive lettings can be justified to protect the interests of existing or prospective 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 perpetrator's 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.

4.35 All instances where a Housing Association member of the Partnership seeks to make a sensitive letting, they will inform the 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 to
- The reasons for offering 'out of turn'.

PART 5 REVIEW OF DECISION AND REVIEW PROCEDURE

The right to have a decision reviewed

5.1 An applicant can seek a review of a decision that

- The applicant is ineligible as being subject to immigration control
- The applicant is an ineligible person from abroad
- The applicant is treated as ineligible because of unacceptable behaviour
- An applicant is to be given reduced priority and placed in Band 3
- An application is cancelled for a second refusal of a reasonable offer of accommodation

5.2 If an applicant does not agree with any decision, they will be encouraged to speak in the first instance to the Team, but are not required to do so. Alternatively, applicants may request a review of a decision as outlined below.

5.3 If after speaking to the Team the applicant is still not happy with the decision, the applicant can ask for their application to be reviewed by an officer not involved with the original decision (and senior to the officer who made the decision) by following the process set out below:

- The applicant writes to the Team within 28 days of receiving a decision letter requesting a Review of the decision, setting out the reasons why the decision should be reviewed
- An officer from the Team who wasn't involved in the original decision, will undertake the Review within 28 days of an applicants' request. If additional information is required which will not be available within the 28 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.
- The letter must include information about the applicant's right to seek a further review by the panel as set out in paragraphs 5.4 – 5.6 below, and how the applicant can do so including the deadline by which the request for a review must be received.

Operational Group Panel review

5.4 If an applicant is still not happy with a decision after a Review they can ask for the decision to be considered by a panel which comprises of at least three Senior Officers from members of the Partnership who are on the Operational Group (see paragraph 6.4), known as the 'Review Panel' (the "Panel").

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

- The applicant will write to the Team and request that the Panel consider a decision within 28 days of receiving the decision with regard to a Review of their application. In exceptional situations a longer period may be agreed (at the discretion of the Panel)
- The applicant can request an oral hearing by the Panel

- If the Applicant seeks an oral hearing, he or she must be given not less than three days' notice of the date, time and place of the hearing. The letter must advise the Applicant that they have the right to be heard, be accompanied and be represented. They must also be advised that they can call their own witnesses, and make representations in writing.
- If the Applicant requests that the Panel consider the review on the papers, the applicant must be given an opportunity to make written representations to be considered by the Panel.
- At the hearing, the Panel will consider all the relevant information including the original decision and the decision on Review, and any change in circumstances or additional information which has come to light since those decisions and shall come to a decision whether or not the original decision was made in accordance with this scheme and whether it remains the correct decision in light of the current situation.
- The Panel will reach a decision and advise the applicant of the decision within 28 days of the meeting.

5.6 The Panel's decision is final and it is not possible to challenge any further a decision made on an application which is subject to this scheme under this policy. This does not prevent an applicant pursuing any other legal challenge which is open to them.

PART 6 GOVERNANCE ARRANGEMENTS

The Gwynedd Common Housing Register Strategic Group

6.1 The Strategic Group will provide strategic direction to the Partnership and review the operation of the Scheme.

6.2 Each of the Partners will have one representative on the Group.

6.3 The Group 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 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
- Future strategic direction of the Partnership
- Agree and monitor set Key Performance Indicators

The Gwynedd Common Housing Register Operational Group

6.4 The Operational Group shall provide operational direction to Partnership staff on the operation of this Policy, its procedures and administration of the Common Housing Register.

6.5 Each of the Partners will have representatives on the Group

6.6 The Operational Group shall meet at least 10 times a year, or as required and will consider the following:

- Effective operation of the Policy by front line staff
- Effective administration of the Common Housing Register by the Team
- Direct operational issues and possible policy development to the Strategic Group
- Review operational procedures and any related documentation
- Review application forms / online application facility
- Review and develop information sharing procedures
- Review and develop IT facilities
- Discuss any individual cases which require a multi-agency approach

6.7 Each organisation shall have one vote to cast when decisions are made, irrespective of how many representatives each organisation may have attending a meeting of the Group.

Appendix 1

Lettings which do not fall within the scope of the scheme

1. 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 lettings do not fall within the scope of this scheme are:

- Letting a property on a licence or an assured shorthold tenancy to a homeless person to whom Gwynedd Council owes a homelessness duty under 2014 Act
- 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
- Lettings activities by the Partners which are part of a specified private lettings scheme, intermediate lettings scheme or rent first scheme

2. **Management transfers.** The provisions of the Common Housing Allocations Policy do 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 own 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:

- 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
- Re-letting of a property to a sitting assured or assured shorthold tenant
- 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
- 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.
- 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

- 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.
- Where an assured tenant or assured shorthold tenant dies, and the tenancy is for a fixed term
- Where the tenancy is assigned by way of exchange
- 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
- Where an assured or assured shorthold tenancy vests or is otherwise disposed of in pursuance of a court order made under:
 - Section 24 of the Matrimonial Causes Act 1973 (property adjustment order in connection with matrimonial proceedings), or
 - Section 17(1) of the Matrimonial and Family Proceedings Act 1985 (property adjustment order after overseas divorce), or
 - Paragraph 1 of Schedule 1 to the Children's Act 1989 (orders for financial relief against parents), or
 - 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).
- Where an assured shorthold tenancy becomes an assured tenancy on ceasing to be an assured shorthold tenancy
- 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. Certain persons from abroad are not eligible for an allocation of accommodation. Persons from abroad who are not eligible fall into two categories:

- People who are subject to immigration control. That is in general terms, persons who require leave to enter and/or remain (whether or not leave has been granted). Broadly speaking the term covers nationals of countries outside the European Economic Area and Switzerland, and nationals of countries within that area who do not have a right to reside in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland. Such persons
 - Are not eligible for an allocation of accommodation
 - *Unless* they fall within a class prescribed by the Welsh Ministers as being eligible
- People who are not subject to immigration control but who are nevertheless prescribed by regulations made by the Welsh Ministers as being ineligible for an allocation of housing accommodation. Examples include:
 - Persons who are not habitually resident in the Common Travel Area unless they are prescribed as exempt from the habitual residency test; or
 - They are not eligible because of their particular rights of residence under UK and EU law

2. For further information about both categories of eligibility reference should be had to the Welsh Government's Code of Guidance on the Allocation of Accommodation.

3. Where an application is made by two or more persons jointly, they will not be eligible if either or any of them is a person mentioned in paragraph 1 above.

4. The Team will decide whether an applicant is to be considered as ineligible. The Team will consider any information from the Home Office, UK Border Agency, any local police force and any information kept by another local housing authority or registered social landlord within the United Kingdom and will where appropriate contact the UK's Visa and Immigration Centre having first advised the applicant that they will do so (in accordance with the Code)

5. The Welsh Government's Code of Guidance on the Allocation of Accommodation and Homelessness offers guidance as to the process of determining whether or not a person is eligible for an allocation because they are from abroad. The Team will have regard to that guidance and shall comply with related legislation and regulations in determining whether or not a person is eligible for an allocation.

6. Should an application be made by a secure tenant of a local authority, or in some cases an assured tenant of a registered social landlord, then it shall be treated as an eligible application even if the application is made by a 'person from abroad' unless the application is made by the secure or assured tenant him or herself (or in the case of a joint tenancy, an application by one of them).

7. All applicants who have been found to be ineligible on grounds of immigration status 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.

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Appendix 3

Ineligible applicants – Unacceptable behaviour

1. Applicants with a past history of unacceptable behaviour can be treated as ineligible for an allocation of accommodation. The Housing Options Team will exercise the discretion conferred on the Council and partner Housing Associations by section 160A(1)(b) and (7) of the 1996 Act and may decide that a particular individual is ineligible if that particular individual falls within the tightly drawn statutory definition.
2. Each applicant, or member of his or her household, will be treated individually on a case by case basis.
3. The Team will consider cases in three stages:
 - Is there evidence of serious unacceptable behaviour (see 5 below)
 - Was the behaviour serious enough to render the applicant or household member unsuitable to be a tenant? (see 6 below) and
 - Is the behaviour unacceptable at the time of application (see 7 below)?
4. Only if all the criteria above are met can the application be deemed as not eligible for an allocation of accommodation.
5. “Unacceptable Behaviour” is defined as only that behaviour, by the applicant, or by a member of his or her household, which, if the applicant had been a secure tenant of a Local Authority, would have entitled the Authority to a possession order on any ground in the Housing Act 1985, Part 1, Schedule 2 (other than Ground 8) or on the absolute ground for possession in section 84A of the Housing Act 1985.
6. “Unsuitable to be a tenant” is behaviour that not only would entitle a local authority to a possession order as noted above, but that the possession order would not be suspended or postponed on any terms, i.e. that the behaviour was serious enough to warrant the making of an outright possession order.
7. “Unacceptable behaviour at the time of the application”. The Team will have regard to the circumstances at the time the application is considered and must satisfy itself that the applicant is still unsuitable at the time the application is considered. The Team shall consider each application on its own merits and take into account all relevant factors which may include evidence that the behaviour can be shown by the applicant to have improved. Unless there has been a considerable lapse of time, it will be for the applicant to demonstrate the improvement in their behaviour.
8. The Team must be satisfied on all three aspects, and then must consider how its discretion should be exercised. Each application must be considered on its own merits and in light of all relevant circumstances. The applicant’s personal circumstances (and the personal circumstances of the applicant’s household), including his or her health and medical needs, dependents and any other factors relevant to the application must be considered.

9. 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.

10. The Team may make enquiries with any organisation or individual which may assist in its investigations which may include police forces, local authorities, registered social landlords, other landlords. The applicant should be expected to co-operate if their consent is needed for information to be provided to the Team for these enquiries to be carried out provided that it is reasonable to seek the information.

11. All applicants who have been found to be ineligible on grounds of 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.

12. The Code of Guidance applies to decisions as to eligibility on the ground of unacceptable behaviour and to the review procedure and the Team will have regard to it whilst making decisions

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Appendix 4

Household type and bedroom requirements

1. 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 paragraph 4.3.

Applicant household	Property size				
	1 bedroom	2 bedroom	3 bedroom	4 bedroom	5+ bedroom
Single person	✓	✓			
Couple	✓	✓			
Family with 1 child		✓	✓		
Family with 2 children		✓	✓		
Family with 3 children			✓	✓	
Family with 4 children			✓	✓	✓
Family with 5 or more children			✓	✓	✓

- Bungalows are usually designated for older people and/or people with a disability and in some instances are part of sheltered housing in accordance with clause 4.4 above.
- Families with a child due to turn 10 within 12 months, where there is currently a boy and girl sharing, may be considered for an additional bedroom, or where pregnancy, or the age of household members mean that the household would qualify for a larger property within a reasonable period of time. In such circumstances, applicants may be allowed to register for properties which they would currently under-occupy.
- Due to the shortage of 4 bedroomed properties, households requiring 4 bedrooms may be considered for larger 3 bedroomed properties with a second reception room. e.g. a separate dining room, that could reasonably be used as a bedroom.
- Same sex family members over 16 years (not couples) are entitled to their own room.
- Applicants who require an additional bedroom for a non-resident carer will normally be registered for properties with an additional bedroom
- Where there is a limited supply of properties with fewer bedrooms relative to demand, and a reasonable supply of properties with more bedrooms relative to demand, applicants may be considered for, and offered, properties with more bedrooms than they require;

- Where an applicant is in urgent need, but the supply of suitable properties is limited, they may be considered for, and offered, properties with more bedrooms than they require;
- Where an applicant is homeless, but the supply of suitable properties is limited, they may be considered for and offered properties with more bedrooms than they require.

2. Should applicants be considered for a property with more bedrooms than they require, the applicant's ability to afford the rent would be taken into account in determining whether to offer the property.

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Appendix 5

Glossary of terms

'The Partnership'	The Gwynedd Common Housing Register Partnership
'The Policy'	The Gwynedd Common Housing Allocation Policy (this document)
'Team' or 'the Team'	The Housing Options Team in Gwynedd Council
'The 1996 Act'	The Housing Act 1996 (as amended)
'The 2014 Act'	The Housing (Wales) Act 2014
'Partner'	A partner member of the Gwynedd Common Housing Register Partnership
'Housing Association Partner'	A housing association that is partner member of the Gwynedd Common Housing Register Partnership
'Code' or Code of Guidance'	The Welsh Government's Code of Guidance to Local Authorities on the Allocation of Accommodation and Homelessness (March 2016)
'The Council'	Gwynedd Council
'The County' or 'County of Gwynedd'	The County of Gwynedd as defined in the Local Government (Wales) Act 1994
'Panel'	A panel set up to consider a review of a decision earlier considered under review