

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>Report to:</b>	<b>Executive Committee</b>
<b>Date:</b>	<b>25 April 2016</b>
<b>Subject:</b>	<b>Social housing allocation scheme</b>
<b>Portfolio Holder(s):</b>	<b>Councillor Aled Morris Jones</b>
<b>Head of Service:</b>	<b>Shan Lloyd Williams</b>
<b>Report Author:</b> Tel: E-mail:	<b>Mark Prichard</b> <b>01248 752286</b> <b>markprichard@ynysmon.gov.uk</b>
<b>Local Members:</b>	

<b>A –Recommendation/s and reason/s</b>
<p><b>Recommendations</b></p> <p>That the Executive:</p> <p>R1. Notes the outcome of the public consultation completed in March 2016 and the anticipated agreement of the Council’s Registered Social Landlord partners to the proposed Common Housing Allocation Scheme (CHAS).</p> <p>R2. Approves the proposed Common Housing Allocation Policy (CHAP), subject to adoption by the Council’s Registered Social Landlord (RSL) partners.</p> <p>R3. Delegates authority to the Head of Housing Services to approve procedural guidance for staff governing housing allocation, and to approve implementation of the CHAS in the second quarter of 2016-17.</p> <p>R4. Notes the use made by the Housing Options Team of the intentional homelessness sanction since 1 July 2015 when administering applications for help on grounds of homelessness under Part 2, Chapter 2 of the Housing (Wales) Act 2014, and the policy reasons for continuing to have regard to whether homeless applicants became homeless intentionally.</p> <p>R5. Approves the continuing use by the Council of the intentional homelessness sanction when administering homeless applications.</p> <p><b>Introduction</b></p> <p>The Council, in partnership with its RSL partners, have reviewed the rules governing access to the Housing Register waiting list for social housing, and the rules by which individuals are prioritised for an allocation of social housing. The proposed scheme seeks to achieve key strategic objectives (see Appendix A) previously considered by the Executive on 30 November 2015. A very short summary of the proposed scheme is on the website as a</p>

background paper.

On 30 November 2015 the Committee approved a public consultation. A draft Common Housing Allocation Policy (CHAP) was published and views sought on moving from the current points-based system to a simpler banding scheme. A wide range of organisations were consulted (see Appendix 1 within Appendix B).

### **Responses to the consultation**

452 responses were received; equivalent to 8 per cent of persons sent the consultation materials in writing and specifically invited to respond. Appendix B summarises the responses to the consultation.

The responses demonstrate widespread public support for the proposed changes. 64% of respondents support the introduction of a banding scheme with only 24% preferring a points-based system. This level of support is significant, particularly since many respondents will have no experience of a banding scheme. 65% agreed that only those in housing need should be allowed onto the housing register (25% disagreed). 81% agreed that people who have previously lived or worked on Anglesey for five years should be given more priority for social housing. All of the specific proposals outlined in the consultation questionnaire were supported by a majority of respondents, with eight of the 10 consultation questions concerning policy changes being supported by over 75%.

### **Changes made to the Common Housing Allocation Policy (CHAP)**

Some changes have been made to the policy (see Appendix C) from the version consulted on and previously considered by the Executive.

#### Additional housing need categories

Most significantly, following consultation with our RSL partners, additional housing need categories have been incorporated, to ensure:

- (a) The needs of additional groups are incorporated (see bullet points below).
- (b) Lettings facilitate balanced and sustainable communities.
- (c) There are sufficient numbers of registered applicants for the number of annual lettings, so as to avoid 'difficult to let' properties.

The additional housing need categories are:

#### *Band 1* (see para 9.7 of the policy)

- Under-occupying social housing tenants (category 14)
- Persons aged 35 or over sharing accommodation (category 15)

#### *Band 3* (see para 9.10 of the policy)

- Persons renting privately on Anglesey without long term security of tenure (category 28)
- Displaced agricultural workers (category 29)
- Persons aged 55 or over wanting older persons' housing (category 30)

#### Local connection definition

In addition, the primary definition of a local connection – which requires five years' previous

residence or employment – has been amended so that the residence or employment need not have occurred in the ten years prior to the date of application for housing (see Appendix C, section 9.5).

It is recognised that many persons who are ‘born and bred’ on Anglesey or have previously lived or worked on the island for significant periods would not qualify as having a local connection under the previous ‘five years *out of the previous 10 years*’ definition. Clearly many longstanding Anglesey residents leave the island, for example to obtain employment, only to return later.

In addition, the Orchard Housing ICT software is incapable of accommodating the previous definition. Consequently, retaining the previous definition would delay implementation and require an external/manual review of applications. This is highly undesirable, given that one of the key aims of the new scheme is to simplify the processing of applications, achieve efficiencies, and minimise processes that are external to the Orchard Housing software.

### **Implementation timescale**

The RSL boards are considering whether to adopt the common policy. Clwyd Alyn’s board is the last to consider the CHAP, on 20 July 2016.

Housing Services and the Housing Allocation Operational Working Group (OWG) are undertaking further preparatory work to enable implementation. This includes a comprehensive review of all housing applications, and formulating procedural guidance for officers administering the scheme (see Appendix C, section 1.5). It is envisaged this preparatory work will be completed by late June 2016.

It is proposed the Head of Housing exercises her delegated powers to approve the procedural guidance for officers, and to approve an implementation date for the CHAS. This will enable the scheme to be launched as soon as possible, following the anticipated approval by the Council’s RSL partners. The new scheme is due to launch on Monday 1 August 2016, following Clwyd Alyn’s board meeting on 20 July 2016.

### **Intentional homelessness**

On 26 May 2015 the Executive Committee approved the use of the statutory power under section 78 of the Housing (Wales) Act 2014 to consider whether homeless persons have become homeless intentionally, when deciding whether the ‘full’ homelessness duty is owed by the Council to secure ongoing temporary accommodation to applicants (under section 75 of the 2014 Act).

Broadly speaking a person’s homelessness is intentional if it resulted *because of their own deliberate actions*, e.g. not paying rent, failing to ensure housing benefit was claimed, or vacating suitable accommodation without first arranging alternative housing.

On 26 May 2015 the Executive agreed the Housing Options Team should have regard to intentionality for all priority need groups. The Executive also decided to review the matter in 12 months.

It is now appropriate to report back to the Executive, given that findings of intentional homelessness will affect the status of Housing Register applicants, if the recommended

CHAP is approved.

### **Intentionality: initial impact**

The Council has utilised the power to have regard to whether applicants became homeless intentionally since 1 July 2015. In the subsequent two quarters there were 194 homeless applications. Only 1 application during this period became subject to the 'full' section 75 duty to secure ongoing temporary accommodation (because they were in priority need and their homelessness was not relieved within 56 days of them becoming homeless). No intentional homeless decisions were made.

The numbers likely to be affected by the intentional homelessness sanction under the new legislative regime are inevitably small. This is because all homeless persons are owed an assistance duty under the new legislation (HWA, s.73), which usually lasts 56 days. Homeless applicants who are likely to be found to be intentionally homeless will be advised of this fact, and helped to find accommodation, usually in the private sector, during the 56-day period. While the numbers affected are small it is suggested the policy reasons for having regard to intentionality adopted on 15 May 2015 (see background papers) remain relevant.

### **Implication for Housing Register applicants**

The proposed CHAP uses intentional homelessness to sanction persons applying for social housing tenancies, with the effect that applicants needing housing are demoted to Band 3 (the lowest priority). The sanction will apply if the applicant falls into one of the housing need (banding) categories but:

- there is reason to believe he or she may have become homeless or threatened with homelessness intentionally; or
- a decision has been made on their homeless application that they became homeless intentionally (see para 9.8 of the draft CHAP at Appendix C).

### **Recommendation (R5)**

- It is proposed the Council continues to have regard to whether homeless persons became homeless intentionally for all priority need groups when reviewing whether the section 75 accommodation duty is owed, for the reasons set out at background paper "*Reasons for retaining the power to have regard to intentionality*".

## **B – What other options did you consider and why did you reject them and/or opt for this option?**

### **Social housing allocation scheme**

The alternative options considered were:

- (a) No change – incompatible with strategic objectives (see Appendix A), including ease of administration, value for money and transparency. Not supported by our RSL partners or members of the public responding to the consultation.
- (b) Amend current points-based system – incompatible with strategic objectives (see

Appendix 1), notably achieving transparency, better prediction of likely waiting times, and greater commonality with policies adopted elsewhere in North Wales. Not supported our RSL partners or by consultation respondents.

- (c) A 'choice-based' letting system – incompatible with objective of achieving value for money, given relatively small number of lettings per annum and significant investment that would be required.

**Intentional homelessness**

- The option of abandoning the use of the power to have regard to intentionality has been considered, either for all priority need groups or certain classes of homeless applicant. However, this is not recommended, for the reasons set out in the background paper “*Reasons for retaining the power to have regard to intentionality*”.

**C – Why is this a decision for the Executive?**

Concerns the approval of a new housing allocation scheme, which is the responsibility of the Executive.

**D – Is this decision consistent with policy approved by the full Council?**

Yes.

**DD – Is this decision within the budget approved by the Council?**

Yes.

<b>E – Who did you consult?</b>		<b>What did they say?</b>
<b>1</b>	<b>Chief Executive / Strategic Leadership Team (SLT)</b> (mandatory)	Supported by the Senior Leadership Team 4 <sup>th</sup> April, 2016
<b>2</b>	<b>Finance / Section 151</b> (mandatory)	No comments
<b>3</b>	<b>Legal / Monitoring Officer</b> (mandatory)	Comments reflected within the draft Policy. WASPI agreement needed with our RSL partners and the need for a Privacy Impact assessment to identify and minimise privacy risks associated with the new project, processes or systems, and to ensure appropriate safeguards are addressed and built in.
<b>5</b>	<b>Human Resources (HR)</b>	No comments

6	Property	
7	Information Communication Technology (ICT)	
8	Scrutiny	
9	Local Members	
10	Any external bodies / other/s	RSL partners, Housing Register applicants, the public and various organisations. See above and Appendix B for summary of responses.

F – Risks and any mitigation (if relevant)		
1	Economic	
2	Anti-poverty	
3	Crime and Disorder	
4	Environmental	
5	Equalities	
6	Outcome Agreements	
7	Other	

FF - Appendices:	
A.	'Summary of key strategic objectives'
B.	'Social housing allocation consultation: a summary of responses (March 2016)'
C.	Draft 'Common Housing Allocation Policy'

G - Background papers (please contact the author of the Report for any further information):	
▪	'Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness' (Welsh Government, March 2016).
▪	Draft information booklet: 'Applying for Council or housing association accommodation on Ynys Môn: a summary of the Common Housing Allocation Scheme'.
▪	Short summary of the proposed housing allocation scheme.
▪	Reasons for retaining the power to have regard to intentionality.
▪	Equality Impact Assessment.

## **APPENDIX A**

### **SUMMARY OF KEY STRATEGIC OBJECTIVES**

A Task & Finish Group set up by the Scrutiny Committee in 2014, incorporating RSL representatives and Elected Members, agreed the following strategic objectives for reviewing arrangements by which social housing applications are assessed and administered.

These objectives were previously set out for the Executive Committee on 30 November 2015, and were the basis upon which the public were consulted on the draft allocations policy.

- (a) A single access point for persons interested in applying for all social housing on the Isle of Anglesey.
- (b) A simpler, fairer and more transparent method of prioritising housing applications and allocating social housing tenancies.
- (c) Prioritising those in housing need.
- (d) Making best use of the limited number of social housing vacancies.
- (e) Better advice for persons seeking housing, including advice on options other than social housing, and incorporating estimates of how long applicants are likely to have to wait for social housing, based on previous allocations (achieved by largely removing the ability of housing applicants to 'leapfrog' other applicants and improved data reporting capability).
- (f) Ensuring persons with a local connection to Anglesey are appropriately prioritised.
- (g) An appropriate balance between customer choice and restrictions on choice, so as to ensure best use of housing stock.
- (h) Greater flexibility and discretion for decision-makers in relation to applying sanctions to applications from persons who:
  - (i) have been guilty of unacceptable behaviour
  - (ii) have housing-related debts, or
  - (iii) have sufficient financial resources to meet their housing needs in the private sector, whether via owner-occupation or rented accommodation.
- (i) Achieving value for money by adopting a policy that enables Housing Services to dispense with unnecessary administration where possible.
- (j) Achieving greater commonality with policies elsewhere in North Wales that govern how social housing is allocated.

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# Social housing allocation consultation: a summary of responses.

## March 2016

<b>Summary</b>	<p>This report is a summary of the responses received from Anglesey's social housing allocation consultation.</p> <p>Consultation was open between the 14<sup>th</sup> December 2015 and the 6<sup>th</sup> March 2016.</p>
<b>Date</b>	7 <sup>th</sup> March 2016
<b>Author</b>	Jodie Davies, <i>Tenant Participation Liaison Officer</i>



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### **1 Background**

Housing Services' are reviewing their Housing Allocation Policy to ensure they have the fairest possible system when deciding who is offered a social housing tenancy.

As part of the process Housing Services wanted to gain the views of all relevant stakeholders.

Consultation was open between the 14<sup>th</sup> of December 2015 and 6<sup>th</sup> March 2016.

As part of the consultation participants were given two options to consider;

Option 1 – Points – Continue to allocate social housing by awarding applicants a variety of points, depending on their particular situation. This is currently how the housing waiting list works.

Option 2 – Banding – Change the way we allocate social housing by having a 'banding' system. This would mean people needing social housing are awarded one of four priority 'bands'. The priority someone has for housing would depend on whether they need housing urgently and whether they have a local connection to Anglesey.

### **2 Methodology**

The table below details the different methods which were used to encourage tenants to take part in the consultation:

<u>Method</u>	<u>Description</u>
Postal	A paper copy of the survey was sent to 3754 Housing Services' tenants, 917 applicants on the Housing waiting list, 225 Clwyd Alyn ( <i>Anglesey</i> ) tenants, 46 North Wales Housing ( <i>Anglesey</i> ) tenants, 300 private landlords, 52 organisations and 40 community councils (see Appendix 1 for the full list of organisations and community councils).
Community events	To promote the consultation two family fun days were held during January. The consultation was also promoted during other community events organised by the Tenant

Participation team during the consultation period.

Online Tenants were given the option to complete the survey online via survey monkey which was available on the Council's corporate website.

The online survey was advertised on the front page of the Council's corporate website throughout the consultation period and promoted regularly on Anglesey Council's social media sites.

### **3 Results**

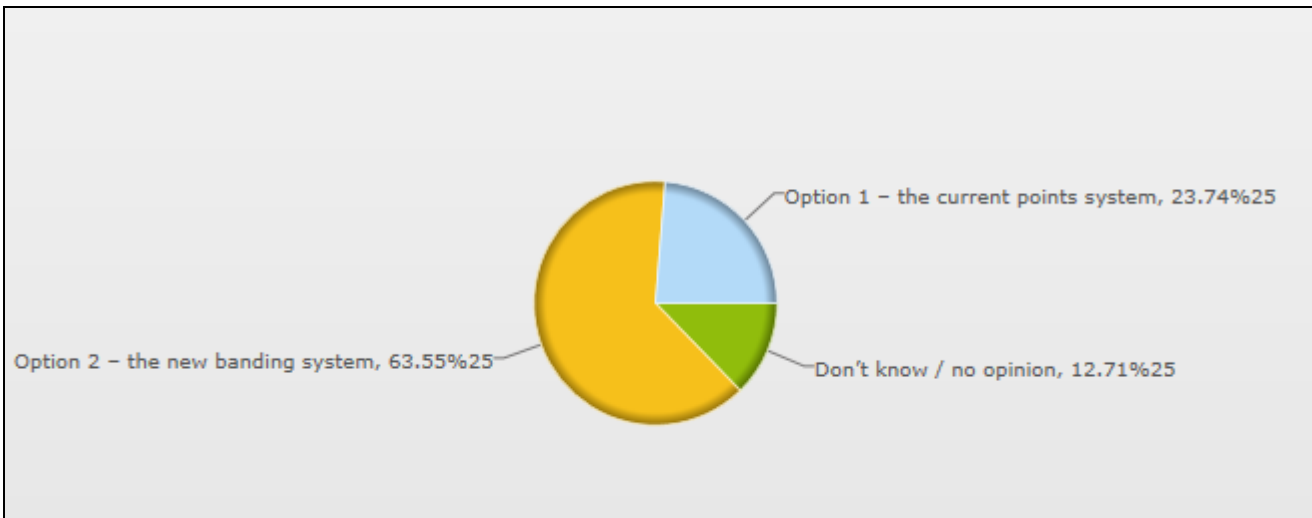
Total number of completed surveys received: **452**

- 441 surveys were received from a member of the public
- 11 surveys were completed by a member of the public representing an organisation (see list below).

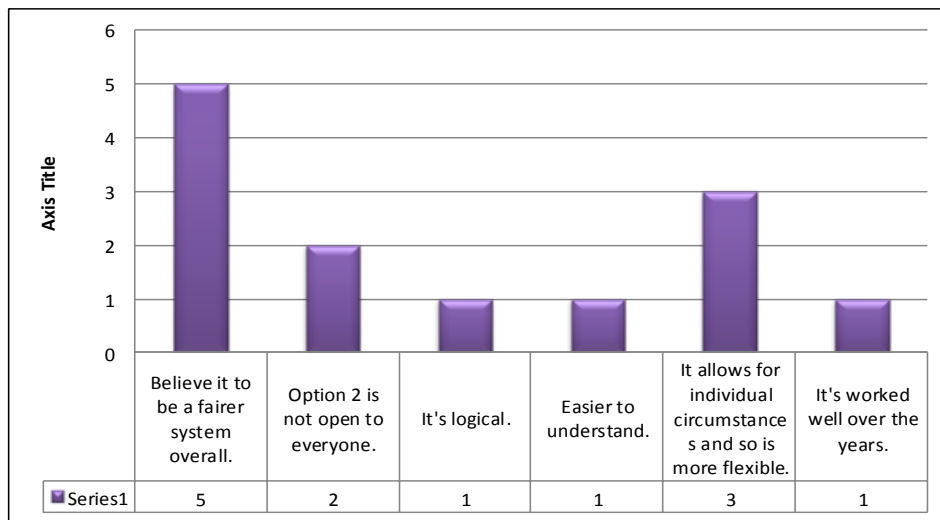
Organisations who responded include the following:

- Llanfaethlu and Llanfwrog Community Council
- Llanbadrig Community Council
- The Wallich
- Llanfachraeth Community Council
- Soroptimist International of Anglesey
- Cwm Cadnant Community Council
- Alaw Community Council
- Residential Landlords Association
- Mechell Community Council
- North Wales Housing
- Digartref Ynys Môn

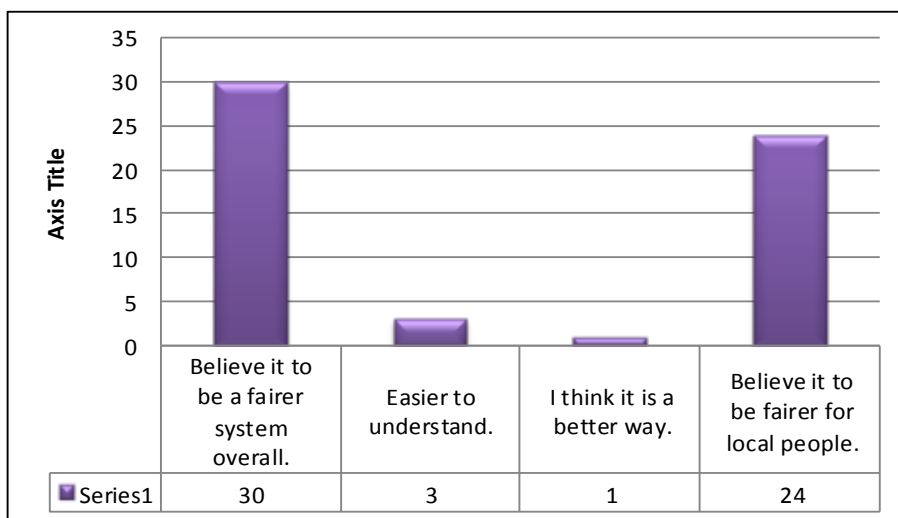
**3.1 Participants preferred option for prioritising housing applications and allocating social housing on Anglesey:**



**Reasons for choosing Option 1 – the current points system:**



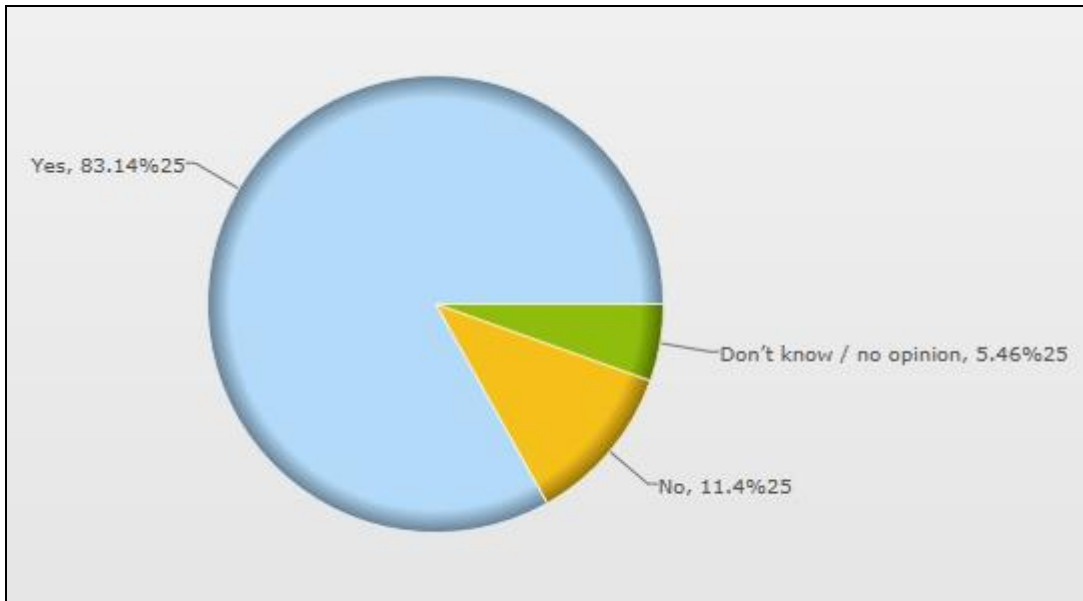
**Reasons for choosing Option 2 – the new banding system:**



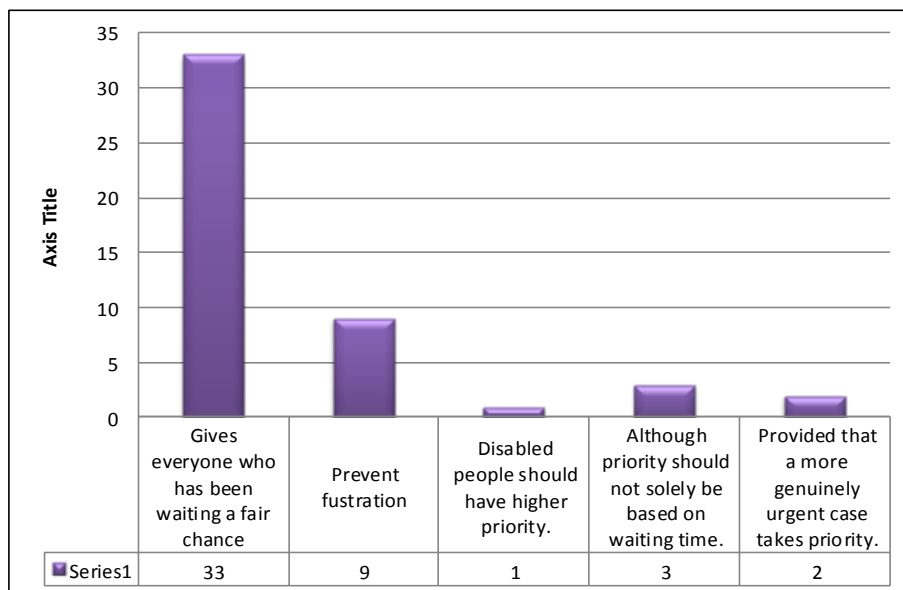
**Reasons why participants do not know or do not have an opinion:**

Comment	No. of participants
Because I don't know the system	1
I will need to have a look at the fine detail first.	1
Option 2 has yet to prove itself	1
Both can have their advantages	1

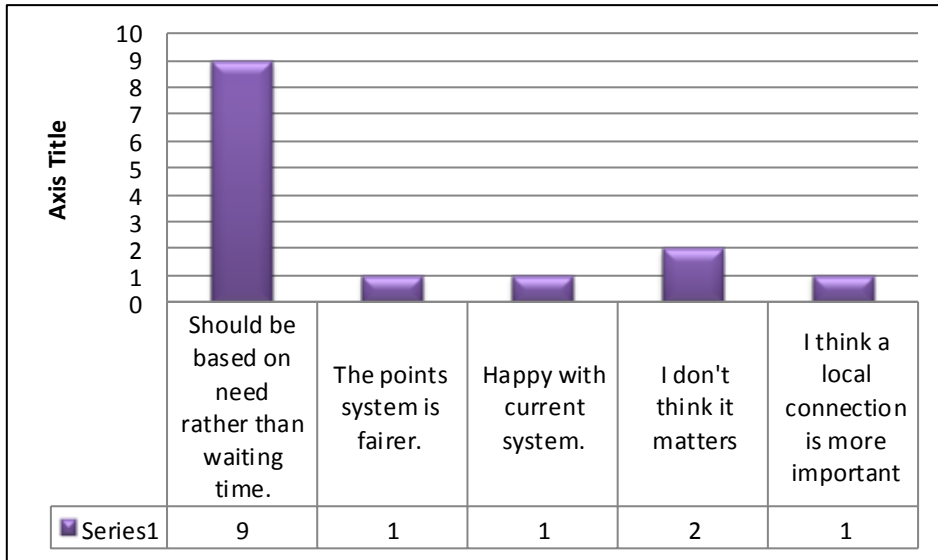
**3.2 Do you think people should have priority for social housing if they have been waiting longer on the list?**



**Reasons why participants feel people should be given priority if they have been waiting longer:**



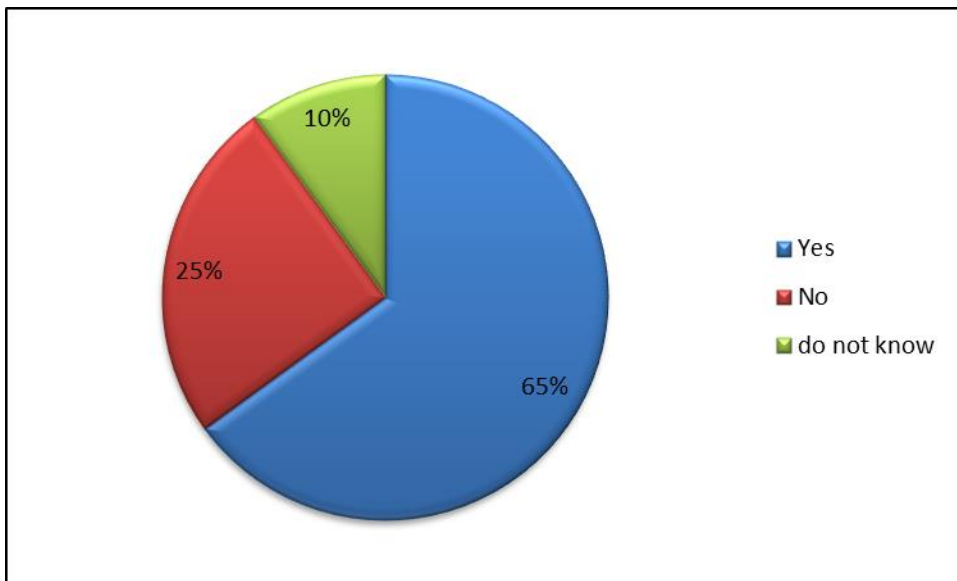
**Reasons why participants feel people should not be given priority if they have been waiting longer:**



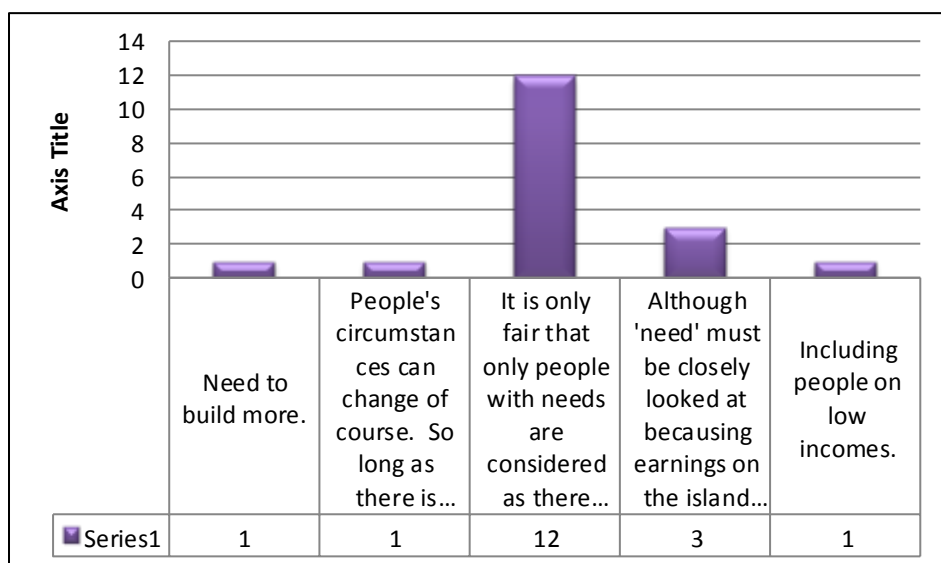
**Reasons why participants do not know or do not have an opinion:**

- 1 participant had mixed feelings.
- 1 participant did not know because everyone can have a dramatic change of circumstances.

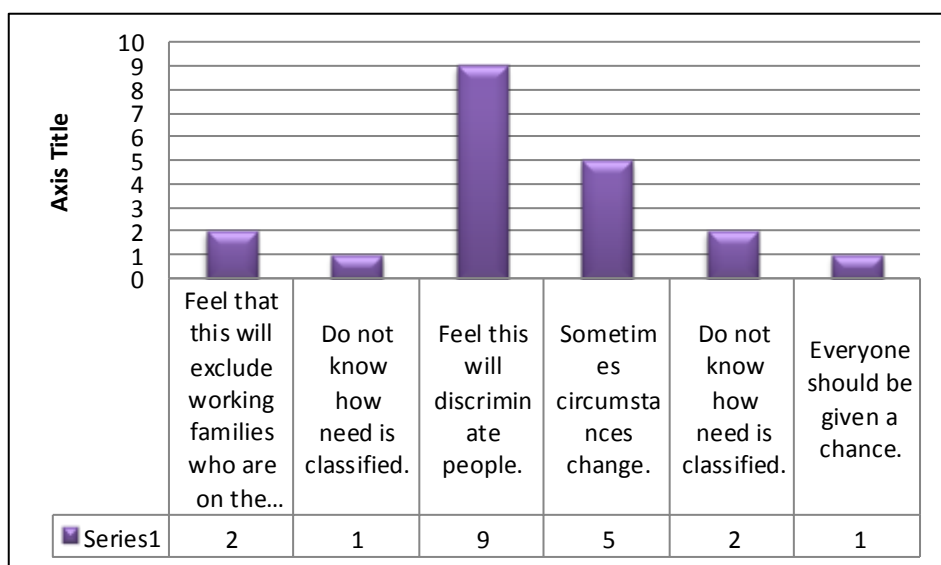
**3.3 Do you think that only people needing social housing should be allowed onto the housing register and be eligible for a tenancy?**



**Reasons why participants feel only people needing social housing should be allowed onto the housing register and be eligible for a tenancy:**



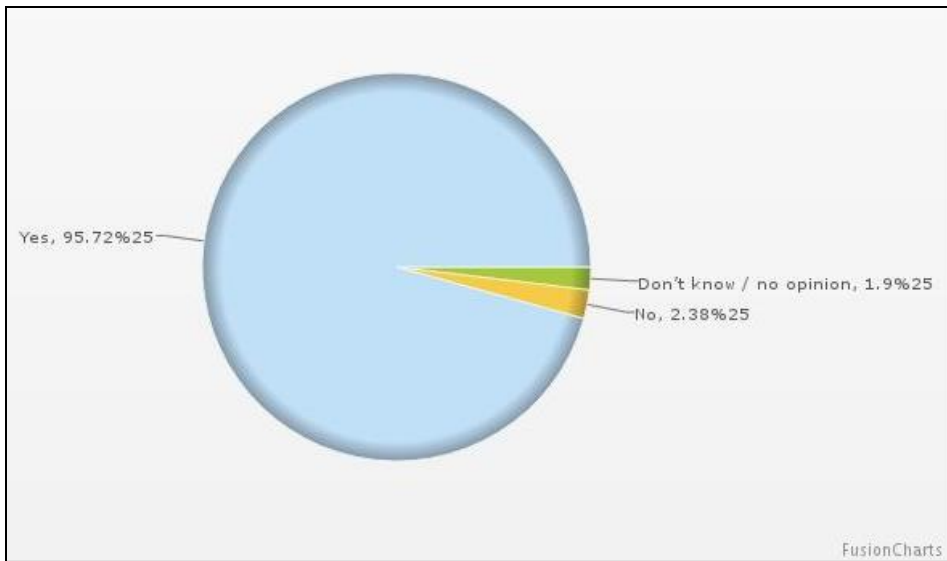
**Reasons why participants feel it should not only be people needing social housing that are allowed onto the housing register and be eligible for a tenancy:**



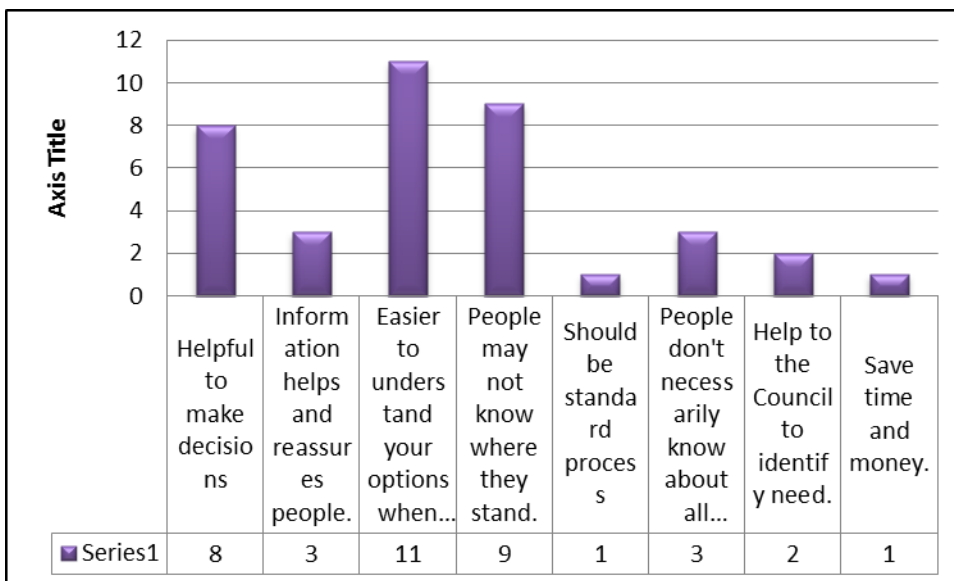
**Reasons why participants do not know or do not have an opinion:**

- 2 participants feel that this will exclude working families who are 'on the breadline'.
- 2 participants feel they cannot answer as they do not know how need is classified.

### 3.4 Do you think that everyone applying for social housing should be given advice on their housing options?



#### Reasons why participants feel that everyone applying for social housing should be given advice on their housing options:



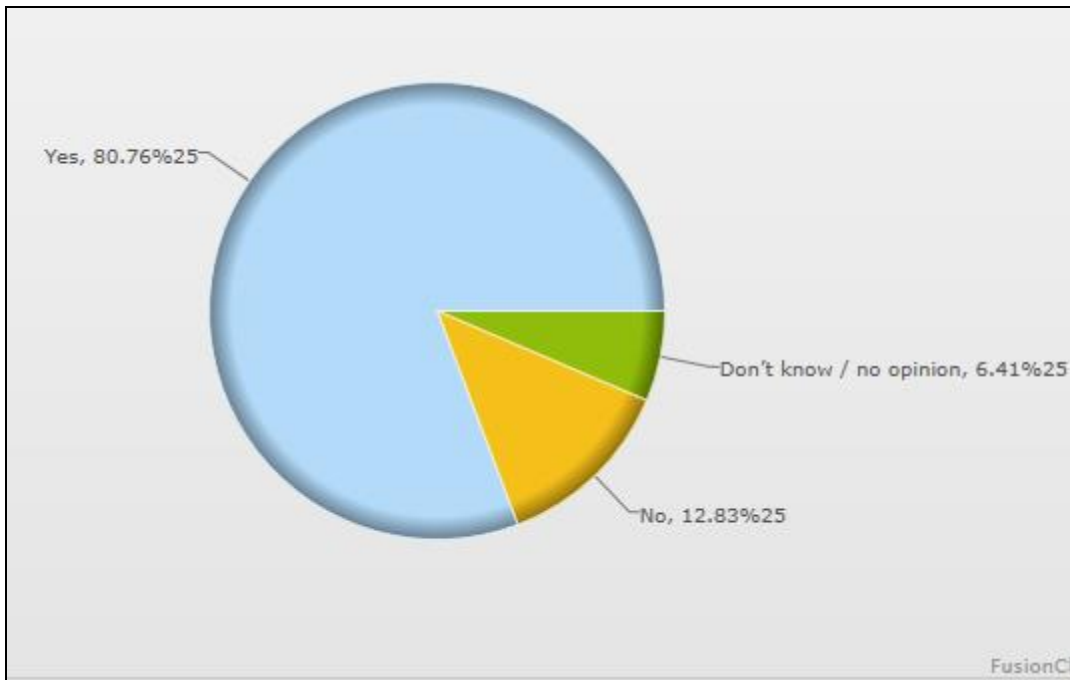
#### Reasons why participants feel that everyone applying for social housing should not be given advice on their housing options:

- 1 participant thinks it should be optional and
- 1 feels it would be too costly for the Council and that people should know what they are doing.

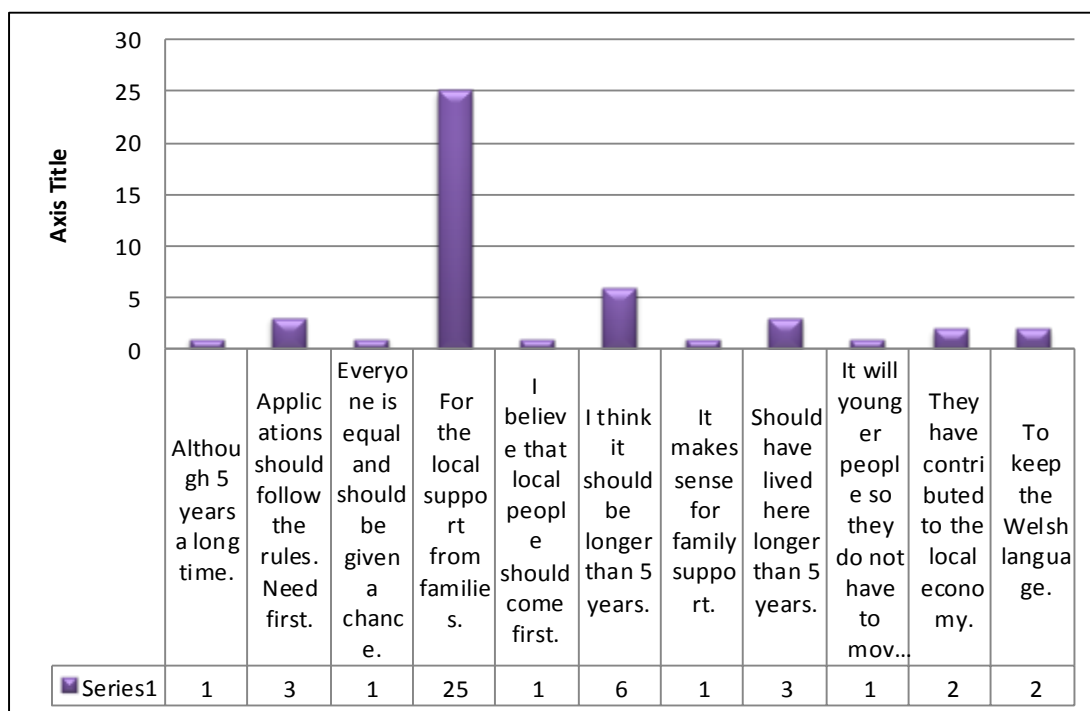
#### Reasons why participants do not know or do not have an opinion:

- No comments made.

**3.5 Do you think people who have lived or worked on Anglesey for five years should be given more priority for social housing?**

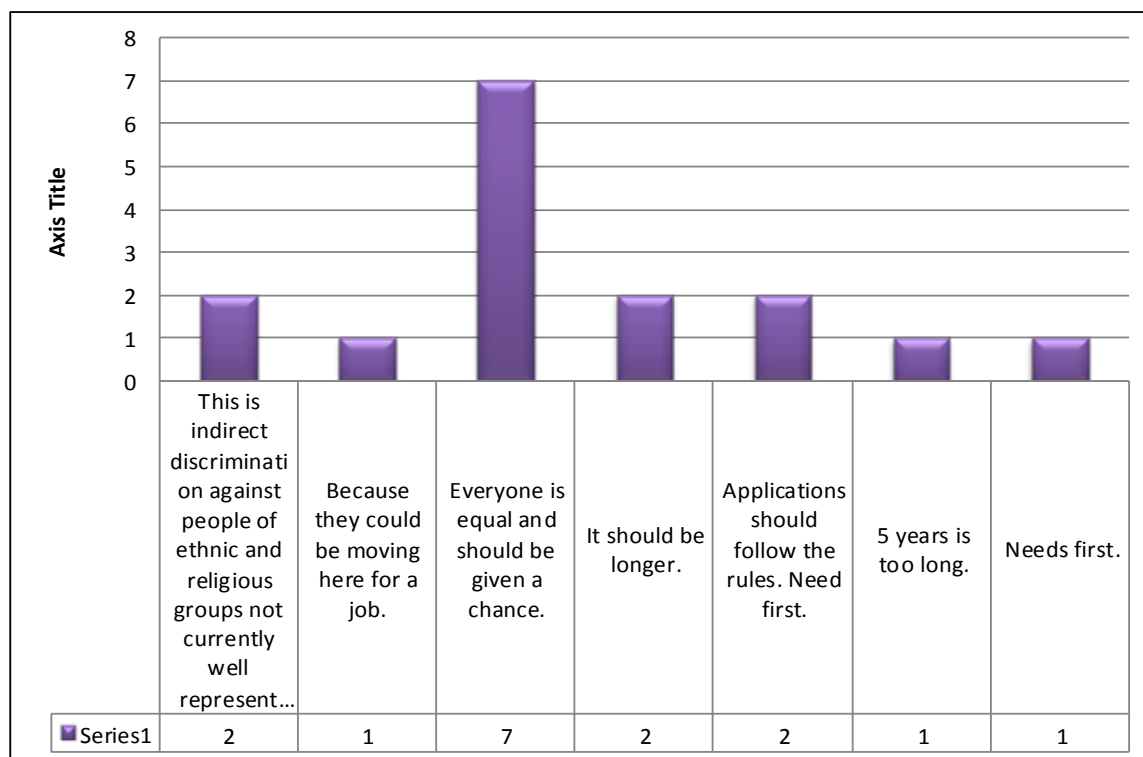


**Reasons why participants feel that people who have lived or worked on Anglesey for five years should be given more priority for social housing:**





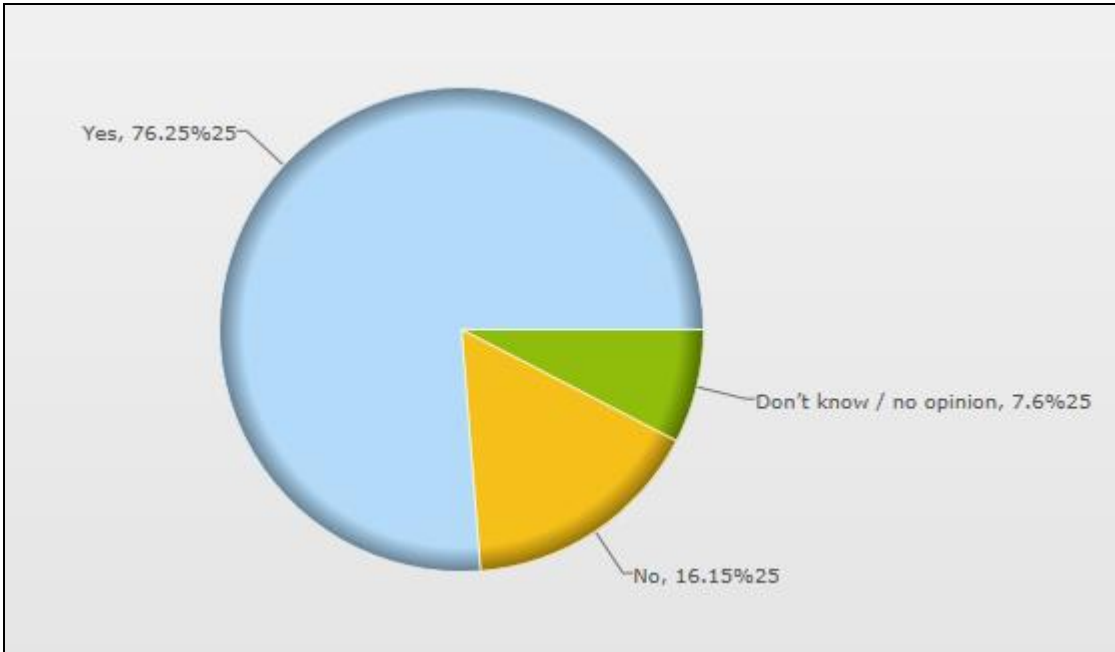
**Reasons why participants feel that people who have lived or worked on Anglesey for five years should not be given more priority for social housing:**



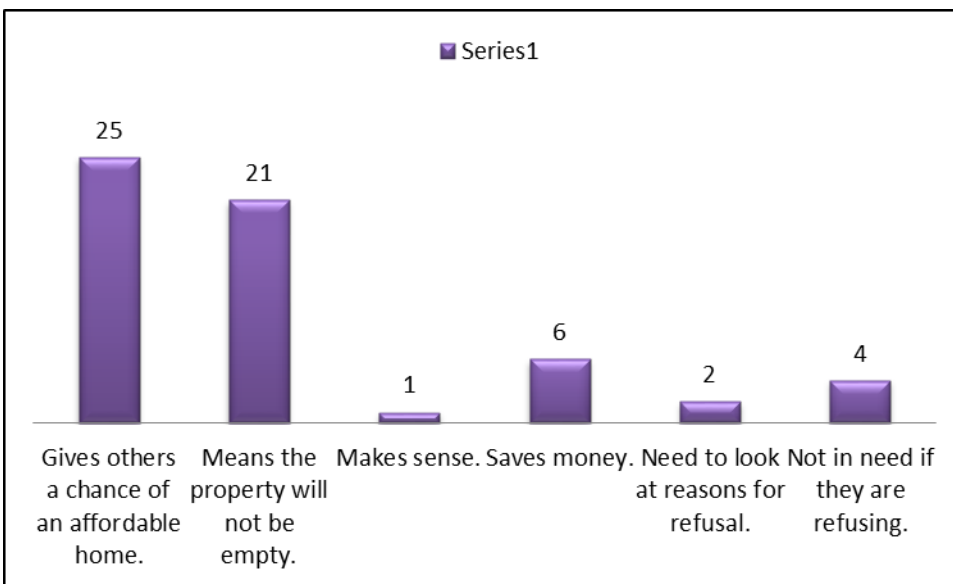
**Reasons why participants do not know or do not have an opinion:**

Comment	No of participants.
Applications should follow the rules.	2
Should be less than 5 years.	1
Everyone is equal and should be given the same chance.	1
I am unsure of the definition 'local'	1
Not enough information to answer.	1

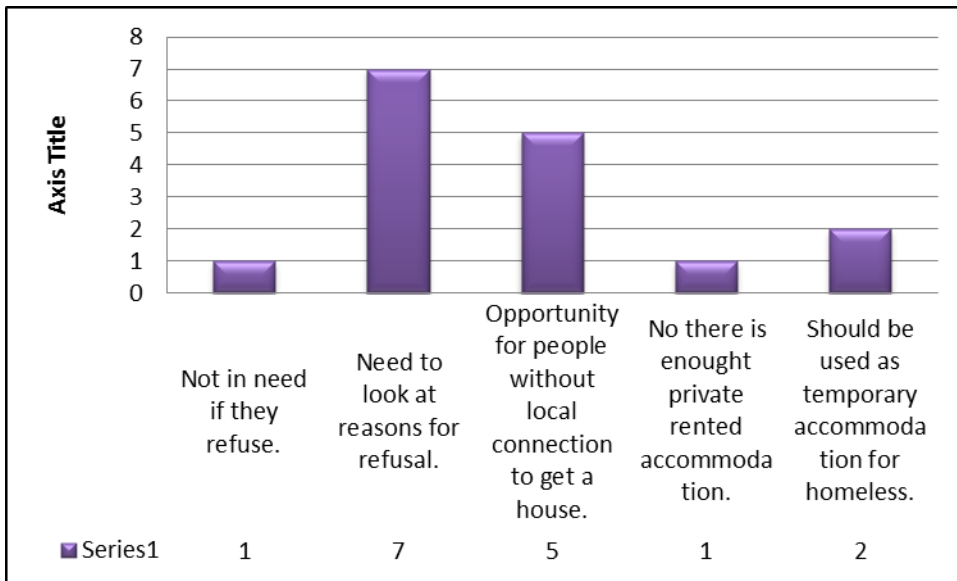
**3.6 Should properties be advertised to the public if no-one on the housing waiting list wants to live there?**



**Reasons why participants feel that should be advertised to the public if no-one on the housing waiting list wants to live there:**



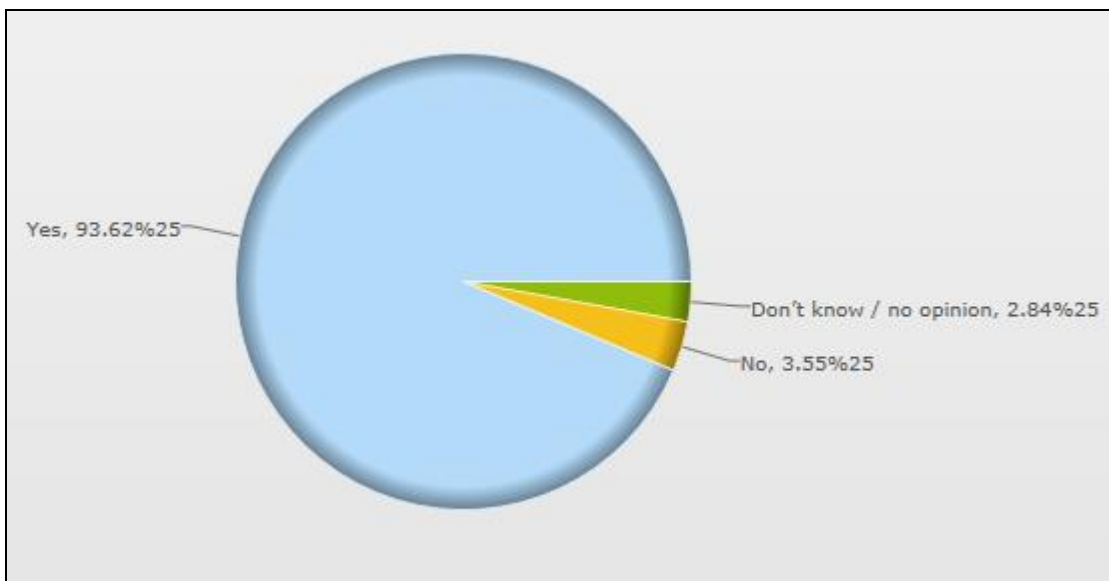
**Reasons why participants feel that should not be advertised to the public if no-one on the housing waiting list wants to live there:**



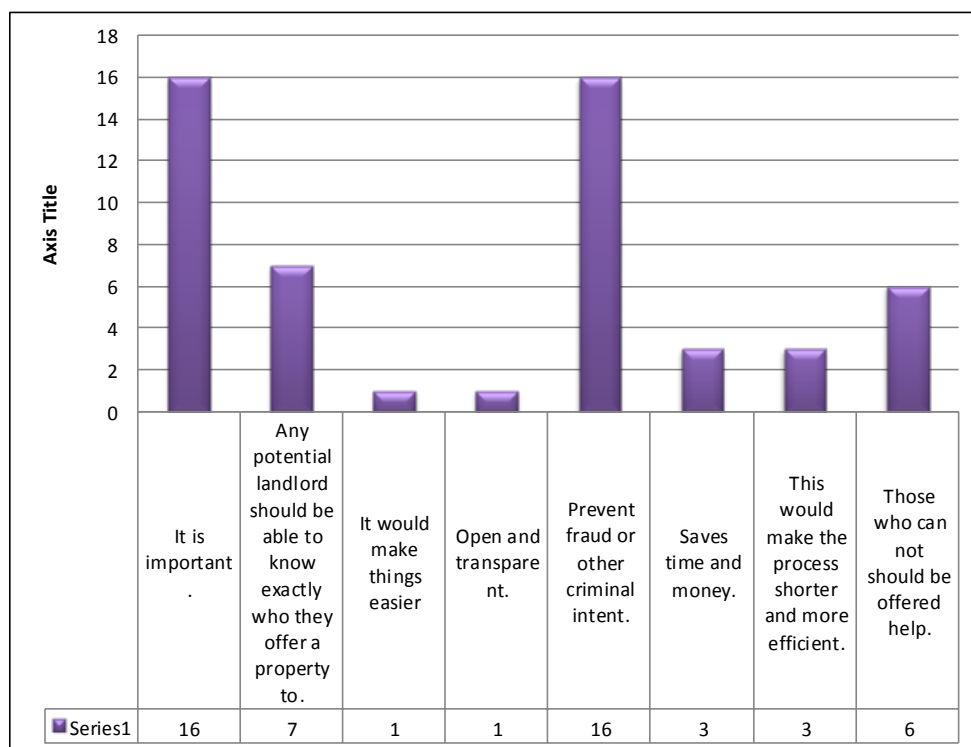
**Reasons why participants do not know or do not have an opinion:**

- 1 participant thinks that Housing should be looking at the reasons why houses are being refused.
- 1 is unsure if this is manageable and
- 1 suggested that tenants on the transfer list are offered first.

**3.7 Do you think that people wanting to apply for social housing must provide all the documents social landlords need before their application for housing can be registered, unless there's a very good reason why the applicant can't provide the documents?**



**Reasons why participants feel that people wanting to apply for social housing should provide all the documents social landlords need before their application can be registered:**



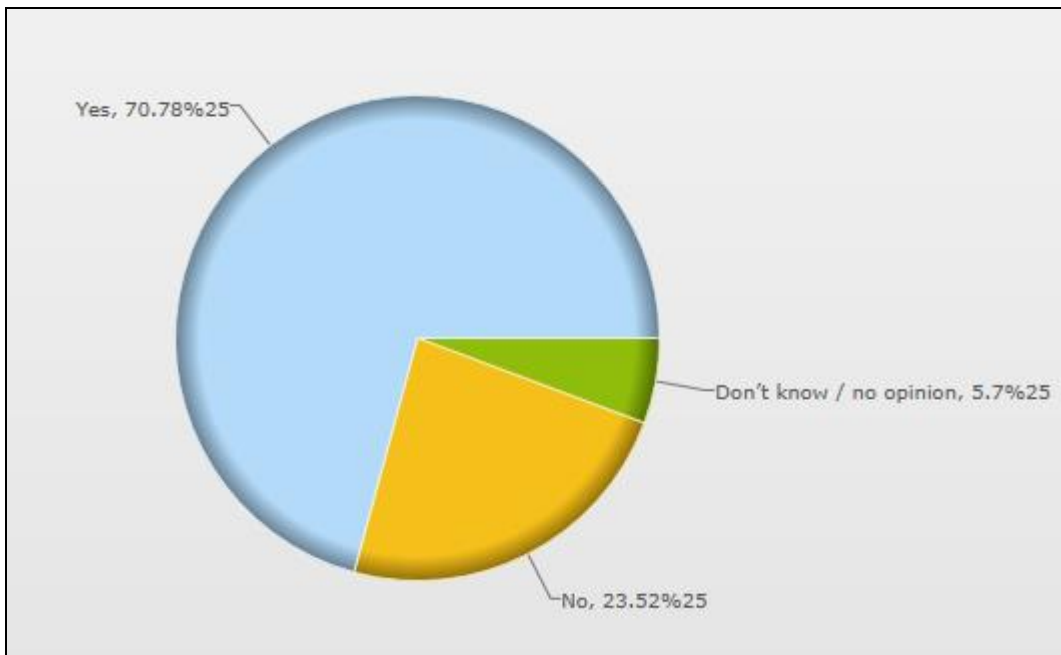
**Reasons why participants feel that people wanting to apply for social housing should not provide all the documents social landlords need before their application can be registered:**

Comment	No of participants.
Could discriminate people such as travellers.	2
Unsure how this would work with emergency housing.	1
It is a barrier for certain people.	1
Need to use common sense for example, if there has been a house fire.	1
Could be done at a later stage.	1

**Reasons why participants do not know or do not have an opinion:**

Comment	No. of participants
Could discriminate people such as travellers.	1
Unsure how this would work with emergency housing.	1
Depends what a valid reason is.	1

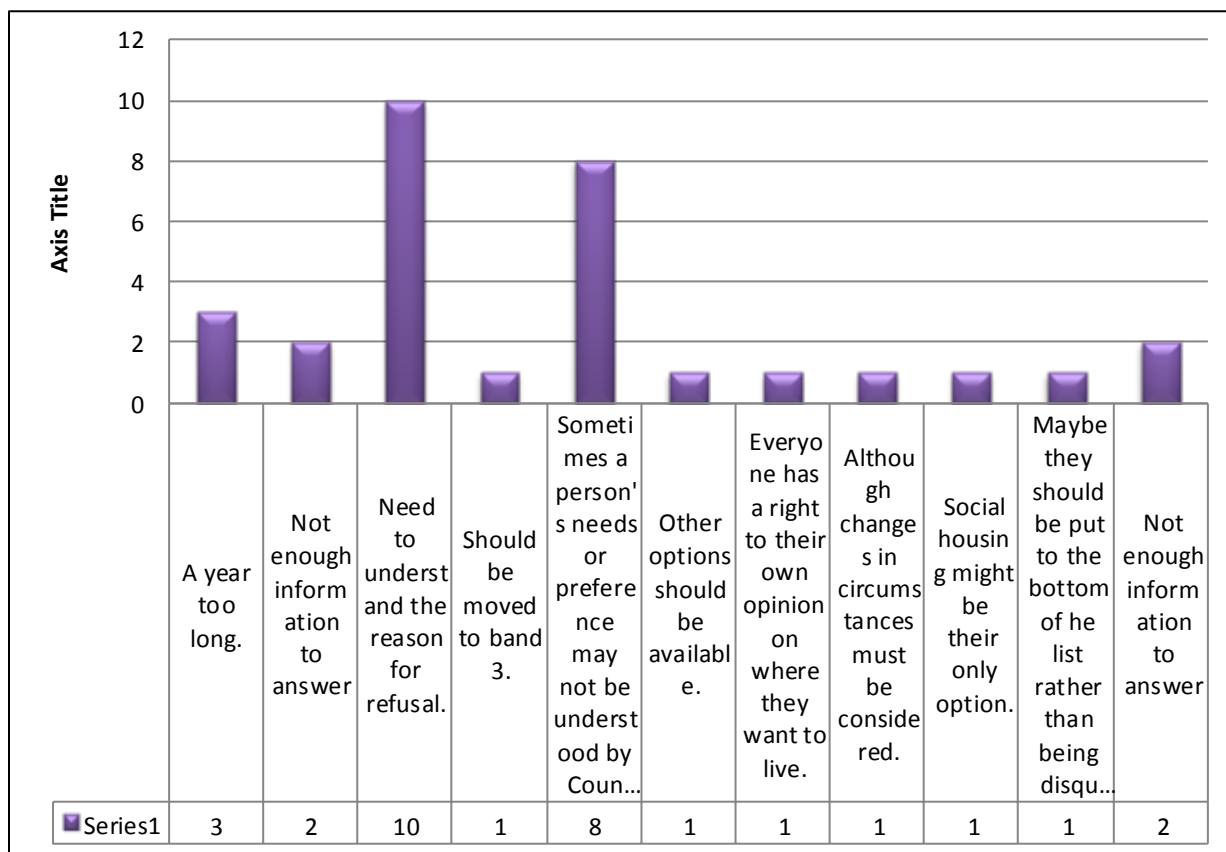
**3.8 Do you think it is fair that people refusing two offers of social housing in areas they have chosen (without good reason) should be removed from the waiting list and not offered housing for one year?**



***Reasons why participants feel that people refusing two offers of social housing in areas they have chosen (without good reason) should be removed from the waiting list and not offered housing for one year:***

Comment	No. of participants
Although changes in circumstances must be considered.	1
As long as the offer was suitable i.e had adaptations if needed.	1
Gives other the chance of an affordable home.	3
I agree, but what is a good reason?	1
Need to understand the reason for refusal.	8
Not in need if they refuse.	26
Only fair	4
Should be longer than 12 months.	1

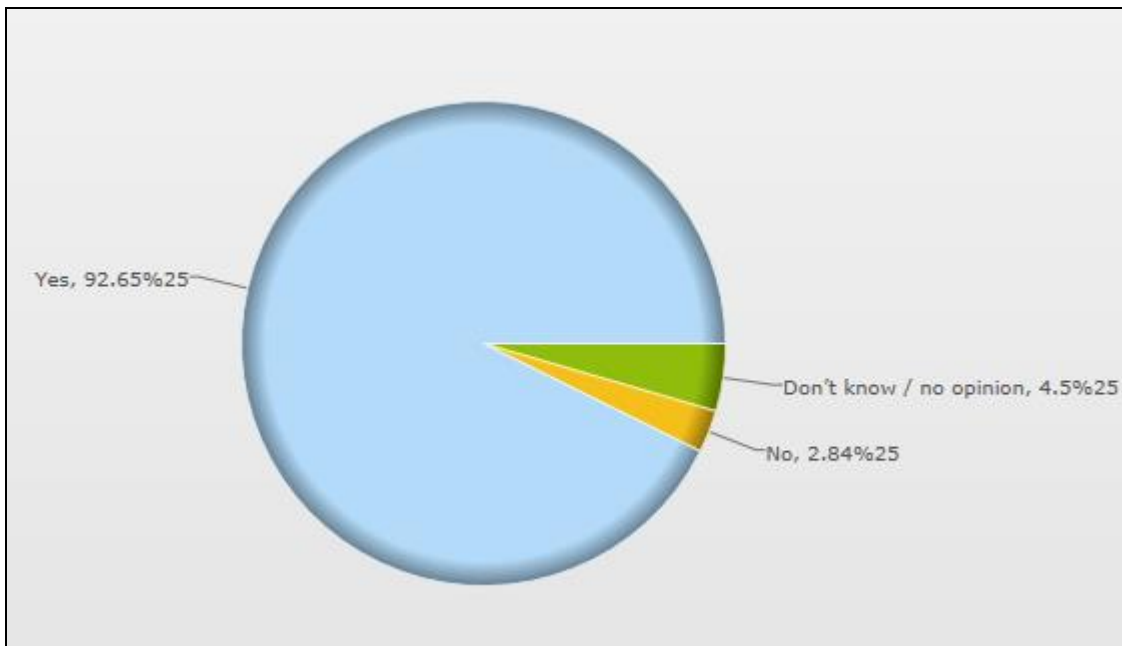
**Reasons why participants feel that people refusing two offers of social housing in areas they have chosen (without good reason) should not be removed from the waiting list and not offered housing for one year:**



**Reasons why participants do not know or do not have an opinion:**

- To answer this question 4 participants stated they need to understand the reason for refusal.

**3.9 Do you think that people applying for social housing because of poor housing conditions should be required to have their properties inspected by Environmental Health before they are given priority because of poor conditions?**



***Reasons why participants feel that people applying for social housing because of poor housing conditions should be required to have their properties inspected by Environmental Health before they are given priority because of poor conditions:***

Comment	No. of participants
and landlords should be made to do repairs, not to ignore.	2
And this should also apply to Council houses.	1
Could offend the landlord and lead to notice.	1
Excellent idea.	1
Expertise is vital - opinion is not valid.	7
Fair to everyone involved.	2
In the long term this would help improve housing conditions.	1
It may just transpire that the tenants' neglect contributed to the poor housing conditions	2
Landlord should be involved in the inspection.	1
Letters from GPs should also be accepted.	1
Logical.	5
Some people don't look after their homes - can't blame the Council for that.	1
To support application.	2
To validate their claims	12

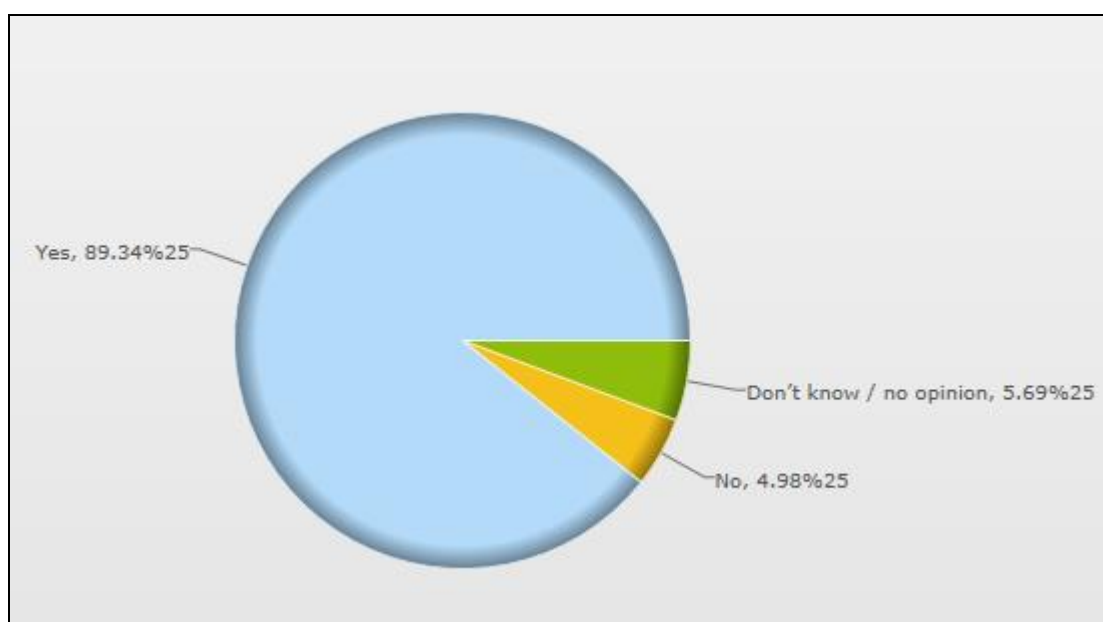
**Reasons why participants feel that people applying for social housing because of poor housing conditions should not be required to have their properties inspected by Environmental Health before they are given priority because of poor conditions:**

- 1 participant was concerned that this could be hard to implement due to lack of resources.

**Reasons why participants do not know or do not have an opinion:**

- No comments made.

**3.9.1 Do you think that landlords should be able to refuse to offer someone a tenancy if the landlord knows that the applicant (or someone in their household) has caused anti-social behaviour in the area where the property is situated?**

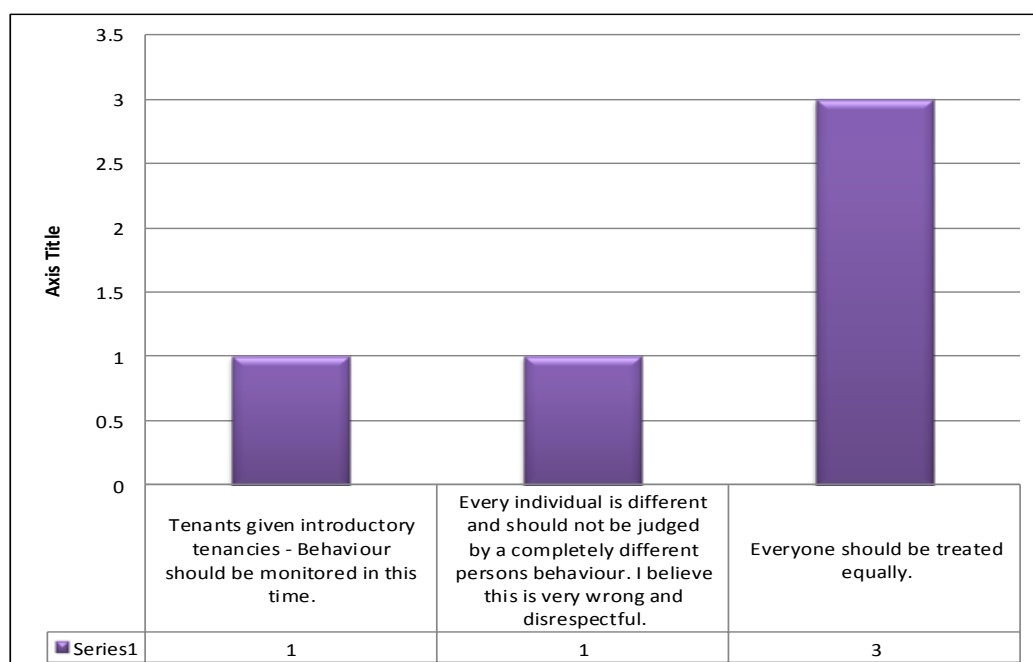




**Reasons why participants feel that landlords should be able to refuse to offer someone a tenancy if the landlord knows that the applicant (or someone in their household) has caused anti-social behaviour in the area where the property is situated:**

Comment	No. of participants
This protects the neighbours and community.	31
Fair.	4
Save landlord time dealing with ASB.	1
Saves money.	2
A landlord should have the right to choose who he/she rents a property to.	1
Should only be given to tenants who will be good tenants.	5
Need proof	2
In principle, but everybody needs to live somewhere.	1
Anti-social behaviour is ignored by the Housing Management Officer and Team.	1
Assuming this behaviour is still ongoing.	1
If it's repeated anti-social behaviour - not if it's a one off.	1
It depends on the severity of the situation and how long ago as people do change.	1
It should also apply to repeated non-payment of rent and destroying property.	1
Tenants given introductory tenancies - Behaviour should be monitored in this time.	1
Helps to encourage people to behave properly.	1
Protects the landlord.	1
The could commit an antisocial behaviour again in another town/village	1
Need strict guidelines in place to implement this.	1

**Reasons why participants feel that landlords should not be able to refuse to offer someone a tenancy if the landlord knows that the applicant (or someone in their household) has caused anti-social behaviour in the area where the property is situated:**



### ***Reasons why participants do not know or do not have an opinion:***

<b>Comment</b>	<b>No of participants.</b>
Everyone needs to live somewhere.	1
People should be given a chance, circumstances change and people can change.	1
Unfair.	1
People do change. Depends on the history. Needs to be discretionary.	1
You would need to be clear as to what you define as 'anti-social behaviour'	1
Depends on circumstances.	1

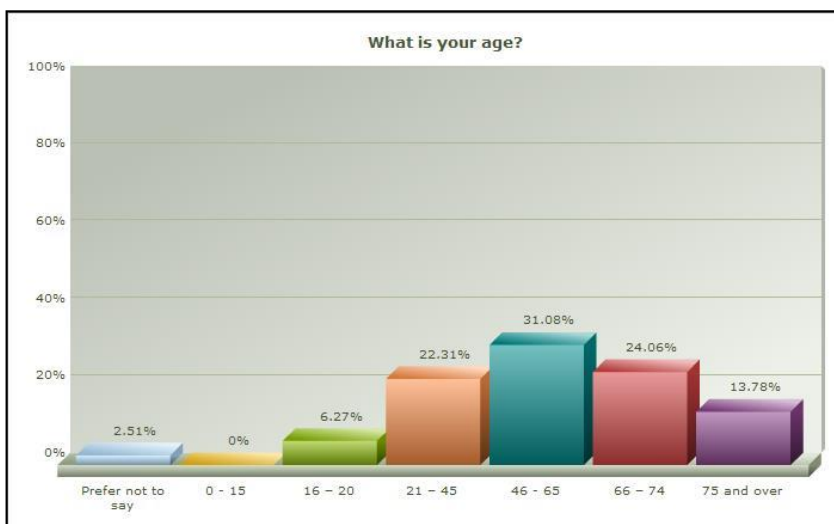
### **3.9.2 Any other comments:**

- Could there be a change to the type of property someone prefers to live in rather than be told what their entitled to?
- I think it is unfair for tenants in estates that are meant for the elderly to have young tenants move in.
- Need to validate all housing applicants to avoid people 'playing the system'
- You are many years behind in terms of making these changes.
- Overall I think this is a fairer system.
- Need to educate people properly on the new policy to stop young people getting pregnant.
- I strongly agree with the suggested changes.
- We need to ensure we meet the needs of local residents in this new policy.
- Unsure why the changes are being suggested now.
- The Council have obviously given a lot of thought to the housing issue. A limited number of properties available for a larger number of people.
- Could England's bidding system be considered?
- The new policy needs to have a downsizing procedure in place.
- There is more of an emphasis on local people.
- I think there should be a register kept of everyone who has applied for social housing, even if they don't make it onto the waiting list, so that there are accurate statistics of just how many people desire social housing. Only then can there be a true picture of how many social housing needs to be built. Not putting people onto the list, because their need for housing is not as high as others, does not diminish the need, it just reduces the figures, which in turn underestimates the need to build.
- Council should do more about how Council tenants live in their properties, for example, keeping animals and the condition of the tenancy clean.
- I think the new banding system is a good idea only concern is that it doesn't see people as individuals.
- The information that is proposed to be available to applicants at interview should also be freely available online so that people don't have to make a snap decision, and can make an informed decision at interview. The website address should also be clearly marked on literature so people can quickly find the online information.
- Think it seems fairer and clearer to understand. Points system is complicated.
- Working people on low income living in private rental on high rents (if local) should also be considered for social housing.
- What a waste of money that the Council has not got to waste to print all these forms that will be disregarded without really dealing with the housing problems.
- There should be more choice for disabled people with children, eg, bungalows.

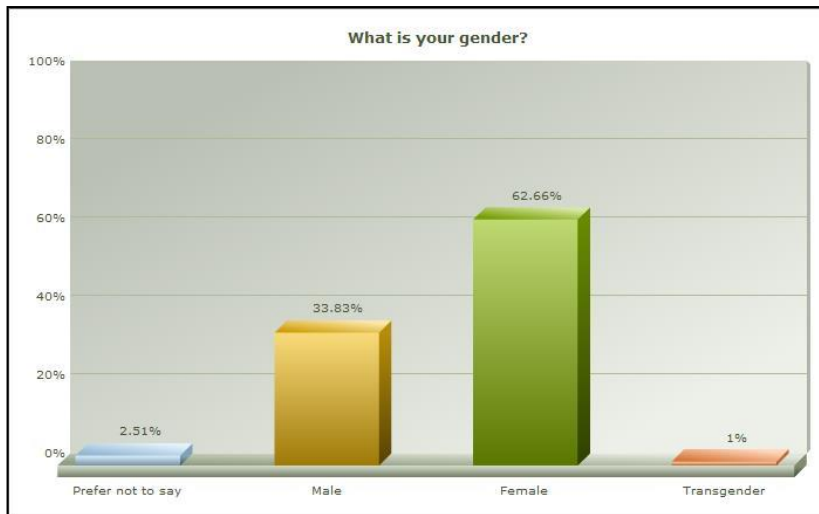
- I think all tenancies should have this banding.
- This new system should have been brought in a lot sooner. It's a fair process.
- Priority in local areas should be for local people. Welsh speaking tenants should go to the Welsh speaking areas to benefit from the welsh schools.
- Need a procedure in place for when tenants do not move into their new house.
- You're doing a good job. Let's hope you can implement these suggestions.
- From my experience Council housing is first class and should be proud of it.
- Hopefully this new way will help all tenants to be treated fairly.
- They should be refused social housing in any area if they have caused anti-social behaviour as the problem is just moved to another area.
- A long time coming. Many people have been mistreated under points. Banding is a better way of doing it. People on benefits have been stuck in a rut.
- Should be more disabled housing not only for disabled but for elderly people too.
- The new system is simpler and easier to understand. It seems like a fair system.
- Thanks, glad to have my say.
- People who have no children should also be made a priority; it is not fair to discriminate. because I can't have children.
- Families' hoping to return to Anglesey to be close to family should be considered, as keeping families close is important, also keeping the connection of the place you grew up is important too. Also applicants in need of support from family members on Anglesey should be considered.
- It should be taken into consideration that people who don't want to work and can't pay the rent, should not be prioritised over those who work and are willing to pay the rent.
- Let's make sure that as far as possible prospective tenants are required to declare any links to councillors and/or council staff as part of their tenancy application. This information should be made available to anyone with an interest in investigating possible corruption in the council and its effect on housing allocations.
- Do not think my voice will be heard.
- I believe that a person should be able to live where they want to within reason.
- People on low incomes and in particular zero hours contracts should be classed a having a need and allowed to access the waiting list.

## 4 Equal opportunity monitoring

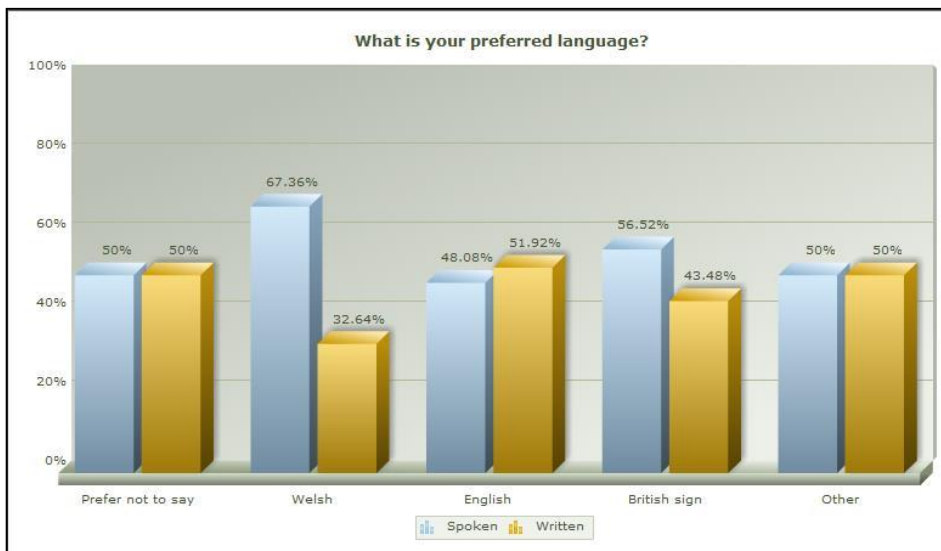
### 4.1 Age range of participants



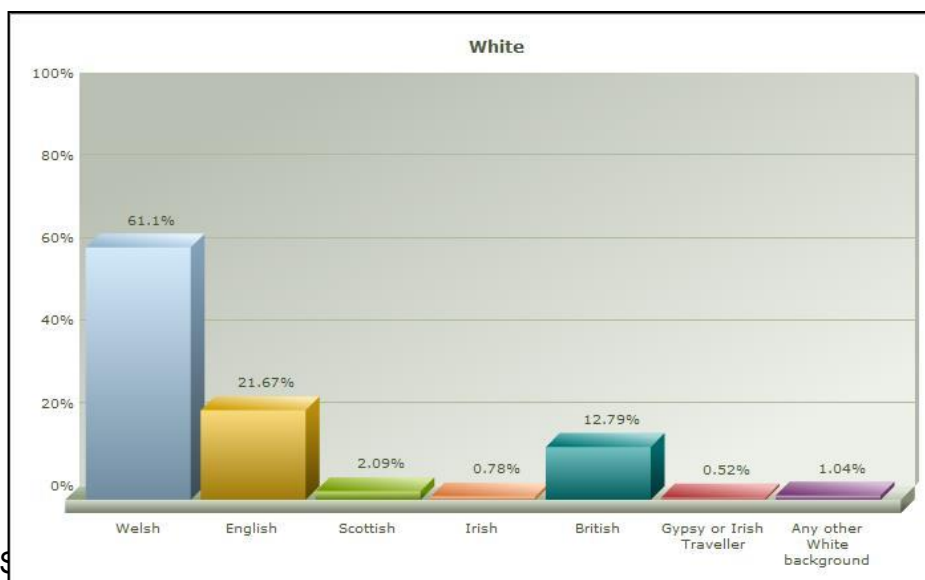
## 4.2 Gender of participants



## 4.3 Preferred language of participants

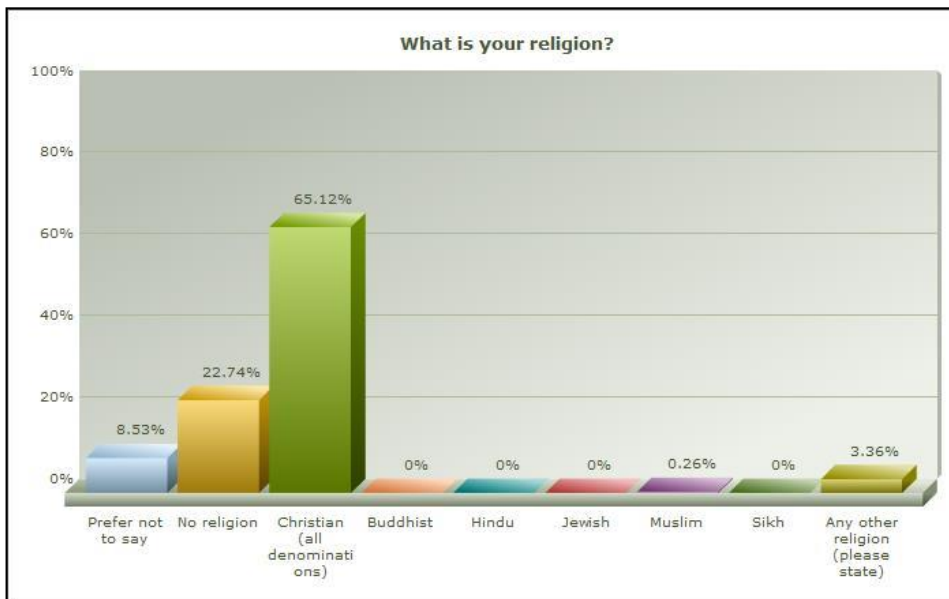


## 4.4 Ethnic group of participants

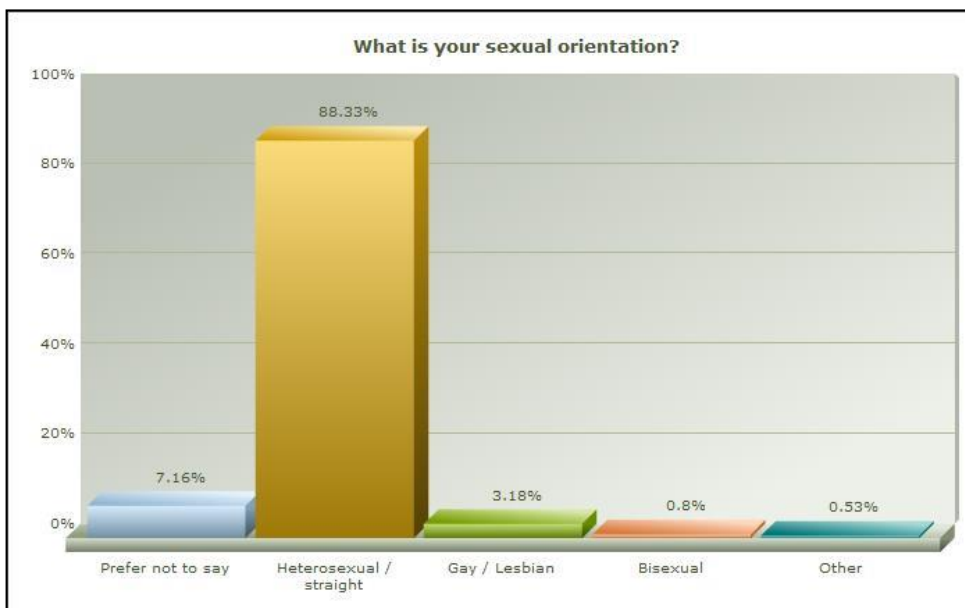


- 0.2% Asian background
- 0.2% Caribbean
- 0.2% Brazilian.

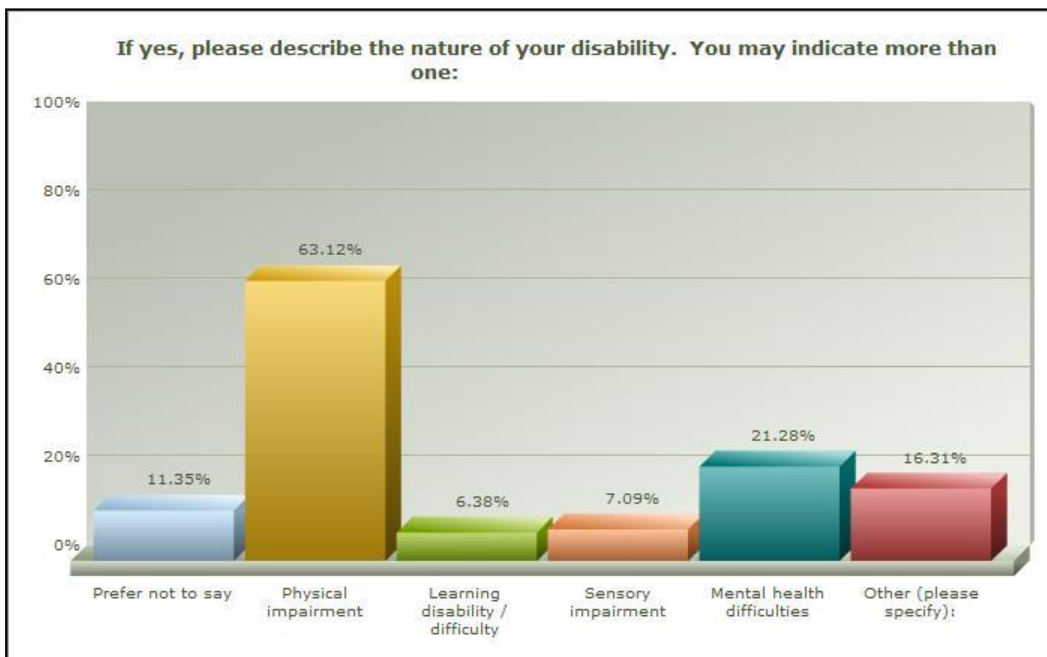
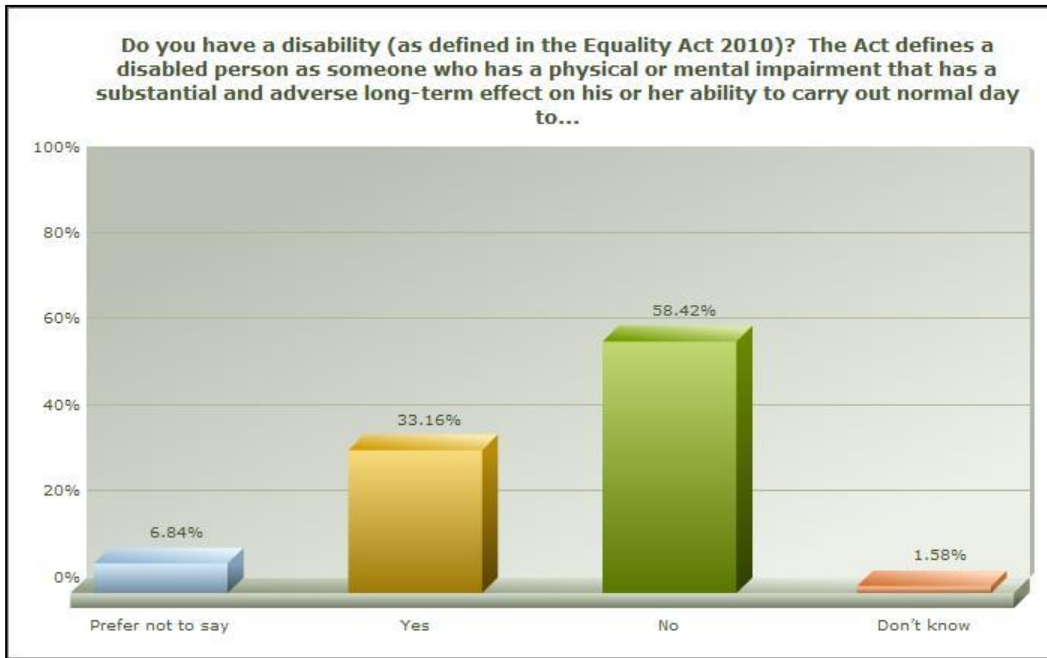
#### 4.5 Religion of participants



#### 4.6 Sexual orientation of participants



## 4.7 Disability



## 5 Conclusion

452 responses were received, equivalent to approximately 8 per cent of those individuals who were sent the consultation materials in writing and specifically invited to respond. This represents a good rate of return for public consultations of this kind, and demonstrates a significant level of public engagement on the question of what rules should apply when social housing is allocated.

The consultation responses demonstrate widespread support for the changes the Council and its housing association partners are proposing to make to social housing allocation. Nearly two thirds

(63.6%) of respondents support the introduction of a banding scheme to replace the existing point-based system.

Indeed, **all** of the various proposed changes (on which specific questions were asked) were supported by a majority of respondents, often by an overwhelming margin. This is highly significant.

In this context it is notable that the consultation materials provided considerable detail about the proposed scheme, including a full copy of the proposed policy, a summary of the policy, and explanatory notes alongside the consultation questions. This suggests that the public's positive response is generally well informed and underpinned by an understanding of the changes being proposed, and an appreciation of the policy reasons for change.

There is support for the partner landlords' proposals that:

- only persons who need housing should be allowed onto the register (65% in favour);
- time spent on the housing register should be a key factor in determining persons' priority for an allocation of social housing (83%);
- local connection to Anglesey should be a key factor in determining persons' priority for social housing;
- only persons who have lived or worked on Anglesey for five years should be treated as having a local connection (81%);
- people wanting to apply for social housing must ordinarily have to provide all their supporting documentation before their application can be registered and progressed (94%);
- people wanting to apply for social housing must be given advice on their housing options (96%);
- successful applicants should ordinarily be restricted to receiving two offers of tenancy before being removed from the register for 12 months (71%).

Among respondents disagreeing with proposed changes various concerns were raised, including about:

- the extent to which the proposed system would ensure housing need is appropriately assessed and promoted as the main determining factor when deciding who is offered social housing;
- the extent to which the new system would be fair and equitable to all, given that everyone needs a suitable home;
- the need for more affordable housing on the island;
- the impact upon persons who fall outside the statutory 'reasonable preference' housing need categories, e.g. those renting privately who wish to obtain social housing;
- the precise definitions that will be used by social landlords if the proposed new rules are implemented, e.g. how the 'good reason' rule that allows for refusals of accommodation to not count as one of the two permissible offers would operate in practice;
- the risk that certain groups of applicant will be treated unfairly or discriminated against, e.g. persons who reside on the island and need housing who do not satisfy the five year residence/employment requirement, or persons who are unable to provide documents to support their application;
- the capacity of the new system to deal with changes in peoples' circumstances.

The consultation response will now be considered by senior representatives from all the partner social landlords. The responses will inform their decision on whether a new allocation scheme should be adopted, and if so what rules should be included for determining eligibility and priority for social housing.

Any new common housing allocation scheme must be approved by the landlords' respective decision making bodies before it can be implemented. The Council's Executive Committee is due to consider a proposed new allocation policy on 25 April 2016.



## Appendix 1 – Organisations consulted

Agorfa Cefni Cyf  
The Wallich  
CAIS Ltd  
Nacro  
Gorwel  
Cartrefi Conwy  
Tyddyn Môn Hendy  
Anheddau Cyf  
Community Support Services  
Body Postive  
Hafan Cymru  
Digartref Ynys Môn  
Shelter Cymru  
Citizens Advice Bureau  
Cefni Lettings & Property Management  
Gisda  
Youth Justice Service  
Bangor (and District) Women's Aid  
Conwy and Denbighshire Bond Bureau  
ARCH Initiatives Cymru  
CRUSE Bereavement Care  
Child & Adolescent Mental Health Service  
Mental Health Advocacy Scheme  
Wales Domestic Abuse Helpline  
Community Health Councils  
National Offender Management Service  
Women's Breakout  
Substance Misuse Service  
Drug Intervention Programme  
Betsi Cadwaladr Health Board  
Voice  
Community Mental Health Team  
Holyhead Opportunities Trust Ltd  
Y Llechen Credit Union  
North Wales Police  
Môn Communities First Ltd  
Medrwn Môn  
Team Around the Family  
Welsh Tenants  
TPAS Cymru  
National Federation of Gypsy Liaison  
Groups  
Traveller Advice Team  
Broken Rainbow  
Live Fear Free Helpline  
Parry Davies Clwyd Jones & Lloyd LLP

Protection of Vulnerable People Unit  
R Gordon Roberts Laurie & Co Ltd  
TR Evans Hughes & Co  
Tudor Owen Roberts Glynne & Co  
North Wales Regional Equality Network  
BAWSO  
Isle of Anglesey Landlord Forum Sub-  
group  
National Landlords Association  
Residential Landlords Association  
Aberffraw Community Council  
Amlwch Town Council  
Beaumaris Community Council  
Bodedern Community Council  
Bodffordd Community Council  
Bodorgan Community Council  
Bryngwran Community Council  
Cwm Cadnant Community Council  
Cylch-y-Garn Community Council  
Holyhead Town Council  
Llanbadrig Community Council  
Llanddaniel Fab Community Council  
Llanddona Community Council  
Llanddyfnan Community Council  
Llaneilian Community Council  
Llanerchymedd Community Council  
Llaneugrad Community Council  
Llanfaelog Community Council  
Llanfaethlu Community Council  
Llanfair Mathafarn Eithaf Council  
Llanfairpwll Community Council  
Llanfair yn Neubwll Community Council  
Llanfihangelesceifiog Community Council  
Llangefni Town Council  
Llangoes and Penmon Community Council  
Llangristiolus Community Council  
Llanidan Community Council  
Mechell Community Council  
Menai Town Council  
Moelfre Community Council  
Penmynydd and Star Community Council  
Pentraeth Community Council  
Rhosgolyn Community Council  
Rhosybol Community Council  
Trearddur Community Council  
Tref Alaw Community Council  
Trewalchmai Community Council  
Valley Community Council



# COMMON HOUSING ALLOCATION POLICY

## YNYS MÔN SOCIAL HOUSING ALLOCATION PARTNERSHIP

[insert month, year of implementation]



This policy is divided into sections and follows a 'question and answer' format. Please refer to the contents on pages 3 to 9 to find the section you need.

A summary of this policy is available on the Council's website at <http://www.anglesey.gov.uk/housingallocation>

Isle of Anglesey County Council's Housing Options Team manages the Common Housing Register on behalf of Clwyd Alyn Housing Association, Grŵp Cynefin, North Wales Housing and Tŷ Glas Housing Society.

Housing Options Team  
Isle of Anglesey County Council  
Council Offices  
Llangefni  
Anglesey  
LL77 7TW

Housing Customer Services: (01248) 752200  
[housing@anglesey.gov.uk](mailto:housing@anglesey.gov.uk)

[www.anglesey.gov.uk/housingallocation](http://www.anglesey.gov.uk/housingallocation)  
[www.angleseyhousing.co.uk](http://www.angleseyhousing.co.uk)

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- Appendix 2 – Letting areas
- Appendix 3 – Ineligibility because of immigration and nationality status
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## 1. INTRODUCTION

### 1.1 What is this policy about?

This policy explains how social housing on Anglesey is allocated. It contains the rules we follow when assessing applications for housing and deciding who is offered social housing.

### 1.2 Is there a summary of this policy?

Yes. You can find it on the Council's website at [www.anglesey.gov.uk/housingallocation](http://www.anglesey.gov.uk/housingallocation), or ask us to send you a copy.

### 1.3 Does this policy cover lettings by all social landlords with properties on Anglesey?

Yes. All lettings by partner landlords are covered by this policy, subject only to the exceptions contained in this policy. The partner landlords are Clwyd Alyn Housing Association, Grŵp Cynefin, Isle of Anglesey County Council, North Wales Housing and Tŷ Glas Housing Society.

### 1.4 Does this policy apply to people who are already social housing tenants as well as those who don't have a social tenancy?

Yes.

### 1.5 Does this policy include all the rules social landlords apply when letting social housing?

This policy includes most of the rules partner landlords apply. There are also procedures and guidance that help housing officers administer this policy. Please see **16.6** for your legal right to ask for a copy of the whole allocation scheme.

### 1.6 What is a housing 'allocation'?

An allocation happens when you are selected from the Housing Register to be offered a tenancy of a property owned by one of the partner landlords.

### 1.7 Are there any other ways I can get social housing apart from receiving an allocation?

Yes. People sometimes become a social housing tenant but not because of an allocation. Please see **Appendix 1** for details of these exceptions. This policy does not cover these other ways of obtaining social housing.

### 1.8 Do you hold a list of people who are entitled to be considered for an allocation of housing?

Yes. It is called the 'Housing Register'. This is the waiting list for housing. **Sections 2** and **3** explain how you can apply to be included on the Register. **Sections 6** to **10** explain how we assess applications and how we decide who is offered social housing.

### 1.9 Who is responsible for managing the Housing Register?

The Council manages and maintains the Register on behalf of all social landlords who have properties on the Isle of Anglesey. All the partner landlords access the Housing Register to make allocations, and to record contact with customers when properties are allocated and tenancies are offered.

## 2. HOW DO I APPLY FOR SOCIAL HOUSING?

### 2.1 Can I apply for social housing?

If you are aged 16 or over you can apply to be included on the Housing Register.

### 2.2 How do I apply for social housing?

If you want to apply visit Housing Services at the Council Offices in Llangefni or phone the Council's Housing Customer Services Team on (01248) 752200. Customer Services will:

- give you advice
- arrange a housing options advice appointment, and
- confirm the information and documents you need to bring to your interview.

### 2.3 I am 16 or 17 years old. Are there any special rules?

Yes. If you're 16 or 17 you can apply for housing like anyone else. However, if you're offered housing before you reach 18 the landlord will expect you to provide a guarantor and trustee. The landlord will need to be satisfied this person (or organisation) is appropriate and able to act as your guarantor and trustee. For example they must be able to afford to pay the rent for any tenancy you're given (in case you don't pay the rent). If you're unable to provide a guarantor and trustee the landlord may refuse to offer you the tenancy. If you're 16 or 17 we'll advise you about providing a guarantor and trustee during your housing options interview.

### 2.4 Can I apply with someone else?

When you apply we'll ask you if you'd like a sole tenancy or a joint tenancy with someone else in your household. Only one person can be the main applicant. This will be the person we'll contact in relation to the application. See **11.3** for when the landlords give joint tenancies.

If you apply and are thinking of asking for a joint tenancy it's very important to be aware that:

- a joint tenant will have the same rights as you under the tenancy, including the right to occupy the whole of the property (because there would only be one tenancy, which you'd jointly hold)
- there's no legal right to 'convert' a joint tenancy into a sole tenancy, eg if your joint tenant moves out and you want a sole tenancy in just your own name
- a joint tenant can end your tenancy without your permission by giving the landlord a notice to quit. Your joint tenant doesn't even have to tell you before they do this

- if your joint tenant ends your tenancy and you're left living at the property without a tenancy it won't always be possible to give you a new tenancy, eg if you have more bedrooms than you need
- joint tenants are 'jointly and severally' responsible for all of the rent and all other obligations under the tenancy agreement until the tenancy ends. If you're a joint tenant you'll continue to be responsible for rent and all tenancy obligations, even if you move out of the property, as long as the tenancy continues
- if your joint tenant dies you become a sole tenant automatically. However if you then die your family members cannot 'succeed' to the tenancy. The position if you were given a sole tenancy is different: members of your family who are living with you may succeed to the tenancy when you die.

### **2.5 I applied before and my application was refused. Can I re-apply?**

If your application was refused under the previous policy you can re-apply. We'll then decide if you qualify to go on the Housing Register under this policy.

If you've had an application refused under this policy you can re-apply if your situation has changed. We may refuse to consider your application if there's been no material change in your circumstances since the previous decision.

### **2.6 Must I attend a housing options interview?**

Everyone wanting to apply to go on the Housing Register must be interviewed by a housing options officer (unless you are already on the Register when this banding scheme takes effect and we decide no interview is needed).

### **2.7 Will my request for an interview be acknowledged in writing?**

Yes. We'll send you a letter or email to:

- Confirm the date and time of your housing options interview
- Tell you what information and documents you must bring to your interview
- Tell you where you can find a summary of this policy online.

### **2.8 Do I have a choice about when I'm interviewed?**

Yes. We'll try and arrange a time that's suitable for you.

### **2.9 What if I'm homeless or I'm going to lose my home?**

If you're homeless or may become homeless within 56 days we'll arrange an appointment so we can decide if the Council owes you any duties under the homelessness legislation. We'll also help you apply for social housing if this is appropriate in your particular situation.

### **2.10 What if I'm already listed on someone else's housing application?**

If you're already registered on someone else's housing application we'll ask you to confirm that you don't want to be re-housed with them. Once you've confirmed this

you'll be able to apply in your own right. We will also contact the other applicant and may suspend their application (see **8.8**).

### **2.11 What if I need support to apply for housing?**

We'll make sure you're offered support if you need support to apply for housing. For example we'll make sure you get any help you need because of a disability or literacy issue, or if you need translation services.

## **3. WHAT DO I NEED TO DO ONCE MY INTERVIEW HAS BEEN ARRANGED?**

### **3.1 What if I can't attend the housing options interview?**

We'll try to arrange a date and time that's convenient for you. If you find you can't attend please contact us to arrange an alternative time. If you genuinely can't attend a housing options interview in person we'll offer you a telephone interview. For example if you live a long distance away. If you can't attend an interview at our offices because you're disabled we can visit you at home.

### **3.2 Do I need to bring anything to my housing options interview?**

Yes. We'll tell you when we make the appointment what you need to bring. We'll also confirm this in your appointment letter (or email). We'll usually ask you to bring documents to prove:

- Your identity.
- Your income, capital, and ownership of any properties.
- Your current place of residence.
- The identity of people living with you (or who may live with you) and where they are living.

If you have any letters or documents that are relevant to why you need housing please bring these with you, eg a notice to quit from your landlord.

### **3.3 What if I don't bring the documents to my housing options interview?**

If you don't bring the documents we've asked you to provide (see **3.2**) we can't take your application. We'll arrange another appointment for you.

### **3.4 What if I repeatedly fail to bring my documents to my interviews?**

If you don't bring the documents we've asked you to provide (see **3.2**) to a re-arranged interview (see **3.3**) we'll ask you to send the documents to us. We'll only arrange another interview and agree to take your application once we've received the documents.

### **3.5 What if I'm having difficulty finding the documents I've been asked to bring to my interview?**



If you think you may have difficulty getting the documents we've asked you to bring to your interview it's important you tell us before the day of your interview so we can advise you.

### **3.6 What will the housing options interview involve?**

The interview gives you a chance to discuss your situation in detail. We'll tell you if you're likely to qualify for social housing. We'll also advise you if waiting for social housing is realistic in your particular situation. During the interview you'll be:

- Told about criminal offences you must avoid when applying for social housing.
- Told how your personal information will be used, and your legal rights in relation to your personal information.
- Asked to give permission for how your personal information will be used (eg by giving us permission to contact other organisations if we need to).
- Asked to provide your contact details, and given a choice about whether you want to receive correspondence by email or post.
- Asked to provide information about your situation and the type of housing you need. You will also be asked about what type of housing you would prefer, including its type, size and location.
- Asked to confirm if you or your household members need any special kind of housing or have any particular needs, eg ground floor accommodation because of restricted mobility, or adaptations because of a physical disability.
- Advised how your application is likely to be treated, including what priority band you're likely to be awarded (see **section 9**), and if you're likely to be offered social housing.
- Told what will happen next. We will usually write to you after the interview confirming the decision we've made on your application (see **5.1** and **5.2**).
- Advised on ways of keeping your present accommodation or other ways of finding housing (if appropriate, eg if you may lose your current housing or if you're at risk of homelessness).

### **3.7 Will the Council need to contact anyone else before processing my application?**

We may need to contact other organisations to get information we need before processing your application. For example we may need to check information you have provided, eg by asking for tenancy references. We will ask your permission to contact third parties when you apply for housing.

### **3.8 Does the Council consider every application for housing?**

Yes. We consider every application, providing you comply with certain procedural requirements (see **3.9** for these 'things you must do'). However it's important to note that having your application assessed does not necessarily mean you'll be entitled to go

onto the Housing Register. See **6.1** for who isn't entitled to be registered on the waiting list.

### **3.9 What do I have to do to make sure my application is considered?**

If you want your application to be considered you must:

- Attend or participate in a housing options interview.
- Cooperate by answering the questions we ask about your situation and your household's circumstances.
- Provide acceptable evidence of your identity.
- Provide acceptable evidence of your nationality and immigration status – if we need evidence to be satisfied you're eligible for a housing allocation (see **6.3** to **6.7** and **Appendix 3** for the rules about immigration and nationality).
- Provide a postal address.
- Provide acceptable evidence of where you live.
- Provide acceptable evidence of the identity of persons residing in your household and where they are living.
- Allow us to visit you at home (if we decide a home visit is needed).

We may need you to do other things. These 'things you must do' are called 'procedural requirements'. Additional procedural requirements may be included in the guidance for staff that accompanies this policy.

### **3.10 What happens if I don't meet the 'procedural requirements' listed at 3.9?**

If you don't do those 'things you must do' listed above at **3.9** we'll tell you in writing that we cannot make a decision on your application. We'll give you a reasonable amount of time to put this right. If you still don't put this right we'll cancel your application. We'll tell you in writing if we do this.

### **3.11 What if I don't have a settled address?**

If you only have temporary housing you should give us that address. If you don't have any accommodation at all you'll need to provide a c/o address so we can write to you. This can be the address of a family member or friend who's willing to receive post for you. If you provide a c/o address you'll need to make sure someone at that address tells you when you receive letters. You can ask us to send you correspondence by email.

### **3.12 Will I be visited at home?**

We may need to visit you at home to confirm your situation, so we can make a decision on your eligibility and priority for re-housing. For example we may visit you at home if we need to check overcrowding, poor property conditions, that a property has been brought up to standard (if you have a tenancy with a partner landlord), or for other reasons. We may also visit you at home if we're satisfied we need to because you suffer

from a disability which adversely affects your ability to visit the Council Offices or participate in an interview by phone.

## 4. WHAT CHOICES DO I HAVE, AND WHAT HOUSING DO I QUALIFY FOR?

### 4.1 Can I choose the areas I want to live in?

Yes. You can choose as few or as many areas as you like (unless you're homeless, see [4.7](#) below). You should only choose an area if you genuinely want to live there. This is because your application will be removed from the Register if you refuse two offers of housing (see [11.8](#)). Unfortunately some areas have very little social housing or have a lot of people wanting to live there. We'll tell you if it's realistic to choose a particular area during your housing options interview.

### 4.2 Can I choose which roads or estates I want within a letting area?

No. If you choose an area you could be offered a property in any part of that letting area.

### 4.3 What letting areas can I choose?

Please see [Appendix 2](#) for a map showing each letting area.

### 4.4 How do I find out what housing is available in each area?

We routinely publish a summary of what housing we have in each letting area. It's important to note that this is the total number of properties and only a few properties (or none) may become available each year. We therefore also routinely publish the following information:

- (a) how many properties have previously become available for an allocation in each area during the past year
- (b) what band priority the successful applicant had, and
- (c) how long they had to wait in that band before being allocated the property they accepted.

The above information is available on the Council's website and given to any customer who asks for it.

The information at (b) and (c) will not be available until six months after this policy takes effect.

### 4.5 How do I find out how many properties are likely to become available in my preferred areas?

We don't know in advance what properties will become available. We can only provide you general information, eg how many properties of the type and size you need have previously become available in a letting area over a particular length of time, and how many people are ahead of you on that waiting list (see [4.4](#)). This gives you a rough idea

of how long it's likely to be before you might be allocated a property (see also [16.6](#) for your right to ask for information).

#### **4.6 Are there any situations where my chosen areas won't be accepted?**

Yes. We may refuse to register you for an area if we think it's unlikely you'll be offered housing in that area. For example there may be little or no housing of the size and type you need in a particular area. Or you may not meet the landlord's letting criteria.

#### **4.7 I'm homeless. Will this affect my choice of areas?**

Yes. If the Council owes you one of the homeless duties below you'll have to choose at least six letting areas. The only exception is if we decide there aren't six areas where it's likely accommodation would be legally suitable for you (as defined by the homelessness legislation). The homeless duties are:

- the section 66 duty under the Housing (Wales) Act 2014 (the duty to help prevent you losing accommodation because you may become homeless within 56 days)
- the section 68 duty under the 2014 Act (the duty to ensure interim accommodation is available for you if we have reason to believe you may be eligible for help, may be homeless and may be in priority need)
- the section 73 duty under the 2014 Act (the duty to help you find accommodation if you're homeless), and
- the section 75 duty under the 2014 Act (the duty to ensure accommodation is available for you if you're unintentionally homeless and in priority need, and your homelessness was not resolved when the section 73 duty was owed).

If you applied for help because of homelessness before 27 April 2015 the duties are:

- the section 195(2) duty under the Housing Act 1996 (the duty to take reasonable steps to prevent you losing accommodation if you're unintentionally threatened with homelessness and in priority need), and
- the section 193(2) duty under the 1996 Act (the duty to ensure accommodation is available for you if you're unintentionally homeless and in priority need).

If you're owed one of the above duties you'll have two months in which you can express a preference about the letting areas in which you'd like to be re-housed. At the end of the two months, beginning with the acceptance of one of the duties, we may widen the letting areas you're registered for. However, this will only be done if we think it's likely that accommodation in the additional letting areas would be suitable for you when ending the homelessness duty.

#### **4.8 Can I choose the types of property I want?**

Yes. You can choose the types of properties (house, flat etc) and the floor levels you want to be considered for. However, the type of property you're eligible for is decided not only by what you'd like, but also by your household type (see [4.12](#) below).

If you are over 55 years of age you can specify that you want to be considered for properties and housing schemes reserved for older persons.

**4.9 I'm homeless. Will this affect the types of property I can choose?**

Yes. If the Council owes you one of the duties listed at 4.7 you may have your preferences overridden. We may choose the types of properties you are eligible to be offered, based on what we consider is suitable for you.

**4.10 How does the Council decide what size of property I'm entitled to?**

We assess the size of home you need according to your household size and composition. We'll assess the number of bedrooms you need. See 4.11 and 4.12 below.

**4.11 Who can be registered as part of my household?**

We'll decide who is entitled to be included on your housing application as part of your household. People counted as needing to live with you must usually:

- normally reside with you as a member of your family, or
- be your child and be dependent on you.

If you have a child who is dependent on both you and someone else (eg a former partner) we'll consider if they should be treated as part of your household. If there's a shared custody arrangement we may decide the child should not be treated as part of your household, eg because they've already got accommodation with their other parent/guardian.

**4.12 How many bedrooms am I entitled to?**

The number of bedrooms you need is assessed using the following rules. You qualify for one bedroom for each of the following people in your household:

- a single person or couple aged 16 or over
- two children of the same gender, if both of the children are aged under 16
- two children aged under 10, regardless of gender
- any remaining child.

You may qualify for an extra bedroom if:

- you or your partner is disabled, and a non-resident overnight carer is needed, or
- it's unreasonable for two persons to share a bedroom because of an illness or disability

providing this need is evidenced and we're satisfied you'd be able to afford the accommodation.

The following table provides a guide to the size of properties the most common types of household are usually registered for.

***HOUSEHOLD & PROPERTY SIZE***

	Number of bedrooms
--	--------------------

Household make-up	1	2	3	4	5
Single person					
Couple					
Pregnant woman (single or in couple)					
Couple or single parent with one child under 16					
Couple or single parent with two children under 16 of the same sex, or with two children of opposite sex who are both under 10					
Couple or single parent with two children under 16 of opposite sex where one child is at least 10					
Couple or single parent with three children under 16					
Couple or single parent with four children under 16, in any of the following cases: <ul style="list-style-type: none"> <li>▪ all of same sex;</li> <li>▪ two boys and two girls;</li> <li>▪ three of one sex, where at least two of different sex are under 10.</li> </ul>					
Couple or single parent with four children under 16, three of one sex, where either three of one sex are all over 10, or the child of the other sex is over 10.					
Couple or single parent with five children under 16					
Couple or single parent with more than five children under 16					

#### 4.13 I am pregnant. When will I be entitled to an extra bedroom?

Once you are 26 weeks' pregnant we will treat you as if your child has already been born (for the purpose of calculating the size of property you're entitled to). We may exercise our discretion to change your bedroom entitlement earlier than this date if we consider it is appropriate to do so, having regard to issues such as:

- whether your circumstances are exceptional;
- demand from other applicants for the type and size of property which you would be entitled to;
- whether the waiting list for an increased size of property in the area(s) you have chosen has been exhausted; and
- your ability to afford the increased rent and costs associated with a larger property.

#### 4.14 Are there any situations when I might be offered a larger property than I'm entitled to?

You'll usually only be offered the size of property you qualify for (see 4.12 above). We may sometimes offer a larger property, but this will usually only happen if:

- the waiting list has been exhausted, and
- the landlord is satisfied you can afford the rent.

#### 4.15 Can I choose which landlord I want?

No. If you're accepted onto the Housing Register you may be offered a tenancy with any of the four partner landlords.

#### 4.16 Can the Council and housing associations set qualifying criteria for certain properties or housing schemes?

Yes. For example some properties may be reserved for people over a certain age.

## 5. WHEN WILL I GET A DECISION ON MY APPLICATION?

### 5.1 When will I receive a decision on my application?

We'll process your application once you've been interviewed and once you've met all the procedural requirements (these 'things you must do' are explained at [3.9](#)). We'll write to you within 21 calendar days of your housing options interview or within 21 days of having all the information and documents we need (if this is later). We may email you the decision if you've agreed to receive emails.

### 5.2 What will the decision letter tell me?

We'll write to you and tell you:

- whether you've been accepted onto the waiting list.

If you're accepted onto the waiting list we will tell you:

- what priority (band) you've been awarded (see [9.6](#) to [9.10](#))
- what your waiting time date is (see [8.1](#))
- the type (or types) of housing you're registered for (see [4.8](#)), and
- the size of properties you qualify for (see [4.10](#) to [4.14](#)).

We'll also tell you if we make any of the following types of decision:

- A decision that you're not eligible to be included on the Housing Register (see [section 6](#)). We'll tell you the reasons why.
- A decision that your priority band status has been reduced (see [9.11](#)) and if so what band you have been awarded. We'll tell you the reasons why.

We'll tell you about your right to ask for a review if you're dissatisfied with our decision on your application (see [section 12.5](#)).

The decision letter explains that a copy of the decision notification is available to collect from the Council's office for a reasonable period. The letter also explains that if you do not receive the decision letter (or email) you'll be treated as having been notified when the letter was sent to the postal or email address you gave us.

### 5.3 What if I want an update on how my application is progressing?

If you have any questions about your application please phone Housing's Customer Services on (01248) 752200 or email them at [housing@anglesey.gov.uk](mailto:housing@anglesey.gov.uk). If your interview

was in the last 21 days and you haven't received a decision we suggest you wait for our letter or email confirming the outcome of your application.

#### 5.4 **If I disagree with the Council's decision can I ask them to reconsider it?**

Yes. When we write and tell you about the decision on your application we'll also tell you about your right to ask for a review (see **section 12** for more details about your right to ask us to reconsider decisions).

## 6. WILL I BE ALLOWED ONTO THE HOUSING REGISTER?

### 6.1 **Is everyone entitled to go onto the Housing Register?**

No. Some people aren't entitled to be registered on the waiting list. For example you won't be placed on the Housing Register:

- If you haven't met the 'procedural requirements' (see **3.9** for these 'things you must do').
- If you're not in housing need (see **section 9** for the banding rules).
- If you have sufficient financial resources to meet your housing needs (see **7.3** and **7.4** for more details).
- If you're ineligible because of your immigration status (see **6.3** to **6.7** and **Appendix 3** for the rules about immigration and nationality)
- If you're ineligible because of past behaviour (see **6.8** to **6.9** and **Appendix 4** for the rules about being unsuitable to be a tenant).
- If you've applied before, had your application refused, and your situation hasn't materially changed since the previous decision (see **2.5**).

We'll write and tell you if we decide you don't qualify to be included on the Register. We'll tell you our reasons for making the decision and tell you about your right to ask for a review (see **section 12** for more details about your right to ask us to reconsider decisions).

### 6.2 **How will the Council help me if I'm not entitled to go on the Housing Register?**

We'll advise you about your other housing options.

### 6.3 **Why do you look at nationality and immigration status?**

By law we can't allocate housing to people who are disqualified because of their immigration status. We won't register applications from anyone who is ineligible for an allocation under section 160A(1)(a) of the Housing Act 1996 and the related regulations.

### 6.4 **How do I find out if my immigration status disqualifies me from being allocated housing?**



**Appendix 3** lists the groups of people who are ineligible for a housing allocation because of their immigration or nationality status. Please contact us if you need advice on how this may affect your application.

#### **6.5 I'm ineligible for housing because of my immigration status. Can I be given a joint tenancy with someone else?**

No. A household member who is ineligible can't be granted a sole or joint tenancy with an eligible applicant as the result of an allocation.

#### **6.6 Restricted persons**

We won't register the application of anyone who falls into a 'reasonable preference' group (see **16.1**) because of homelessness but only because their household includes a 'restricted person'. A restricted person is someone who:

- is ineligible for help under Chapter 2 of the Housing (Wales) Act 2014, and
- is subject to immigration control within the meaning of the Asylum and Immigration Act 1996, and
- either:
  - does not have leave to enter or remain in the United Kingdom, or
  - has leave to enter or remain in the United Kingdom subject to a condition to maintain and accommodate themselves, or any dependents, without recourse to public funds.

#### **6.7 My children are ineligible because of their immigration status. Will you take their needs into account?**

Yes. If you're eligible but you have ineligible dependents we'll take their housing needs into account, eg when deciding your priority and the type and size of housing you qualify for. However, we may take relatives' immigration status into account when deciding if they form part of your household. If your household includes a 'restricted person' we may not give you priority for housing (see **6.6**).

#### **6.8 Are there situations where the Council won't register someone on the waiting list because of past behaviour?**

Yes. If we decide that your immigration and nationality status means you're eligible for the Housing Register we'll then go on to consider if you may be ineligible because of unacceptable behaviour.

#### **6.9 When isn't someone entitled to go on the Housing Register because of past behaviour?**

We consider:

- if you or a member of your household has been guilty of unacceptable behaviour, and if so
- if the behaviour is serious enough to make you unsuitable to be a social housing tenant, and if so

- if you remain unsuitable to a tenant at the time we consider your application.

**Appendix 4** gives more information on how we make this decision and the rules we apply.

#### 6.10 Will the Council ask for tenancy references?

Yes. If you're currently a tenant or have held tenancies in the past we'll contact your landlord(s) and ask them to give details of how your tenancy was conducted. This helps us decide if you're suitable to be a tenant (see **6.9**).

#### 6.11 If the Council decides someone in my household is ineligible because of unacceptable behaviour can they be given a joint tenancy with me?

No. Someone who is ineligible because of previous behaviour cannot be given a joint tenancy with an eligible applicant as the result of an allocation.

## 7. WHAT PRIORITY WILL I HAVE FOR HOUSING?

### 7.1 How does the Council decide what priority I have for housing?

If you're eligible to go on the Housing Register (see section **6**) we'll then go on to decide if you have a housing need. There are four priority 'bands'. Your band award is based on whether or not you have a local connection and how urgently you need housing. The bands, in descending order of priority, are:

Band	You qualify if you have:
Urgent	An urgent housing need + A local connection
Band 1	A housing need + A local connection
Band 2	An urgent housing need but No local connection
Band 3	A housing need but No local connection*
No band award	No housing need

\* There are some exceptions to this general rule. In Band 3 a local connection is required for housing need categories **28** and **30**. Displaced agricultural workers (category **29**) may have a local connection but will usually only qualify for Band 3.

The banding groups are fully explained in **section 9**.

### 7.2 What if I don't qualify for any of the priority bands?

If you don't qualify for any of the priority bands you won't be allowed onto the Housing Register. This means you won't be considered for an allocation of housing. We'll send you our decision in writing and explain why you don't qualify for the waiting list. We'll also tell you about your right to ask for a review (see **section 12** for more details about asking us to reconsider decisions). We can advise you on your other housing options if you need it.

### **7.3 Will the Council take my income and financial situation into account?**

Yes. Social housing is usually only provided if you will have difficulty obtaining suitable housing because of your financial situation. We may decide you can't be included on the Housing Register if you can afford to obtain housing in the private sector. We may disqualify you if you can't afford private housing where you'd prefer to live, but could afford suitable housing elsewhere on the Isle of Anglesey.

### **7.4 What does the Council take into account when deciding if I can afford housing in the private sector?**

We'll take various factors into account, depending on your situation. For example:

- your financial resources and those of household members (if any)
- ownership of and equity in land or property
- your reasonable expenditure and commitments
- the supply and cost of private market housing on the Isle of Anglesey that would be suitable for you
- if your current property could be sold and the resulting equity released to buy or rent privately
- your mortgage potential
- if adaptation of your current property is a viable option (if relevant).

The procedures for housing officers (see **1.5**) includes guidance on how to assess individual cases, including guideline figures for the amount of income, savings and capital that may typically be considered acceptable for different types of household. When formulating these guideline figures the partner landlords will have regard to the Council's Local Housing Market Assessment and data concerning housing costs.

### **7.5 What if I'm already on the Housing Register when this policy takes effect?**

If you have an active housing application when this policy takes effect we'll reassess your eligibility for housing using the new rules. You'll no longer get points but instead be awarded a band (if you qualify). If you don't qualify for one of the four bands your application will be removed from the Register.

We'll write to tell you whether or not your application is included on the Register. If you qualify under the new policy we'll confirm your priority band status and waiting time date. If you have an active application when this policy takes effect your waiting time date will be the date you would have qualified for your band status had the banding

scheme been previously operating. If your application is taken off the Register we'll confirm the reasons for the decision. We'll also tell you about your right to ask for a review (see **section 12** for more details about your right to ask us to reconsider decisions).

#### 7.6 Will I get more priority if I apply as homeless?

If the Council accepts you're homeless you'll be awarded a band status reflecting your priority for re-housing (see **9.6 to 9.10** for the banding categories). However applying as homeless will not necessarily increase your chances of being offered social housing. This is because we can end homelessness duties by arranging privately rented housing. Also if you're owed a homelessness duty you'll have less choice about:

- where you are offered housing (see **4.7**), and
- the type of properties you'll be offered (see **4.9**).

## 8. WHAT HAPPENS ONCE I'M REGISTERED ON THE WAITING LIST?

### 8.1 Where will I be placed when I'm first entered onto the list?

If you're a new applicant your application will be entered at the bottom of the priority band that you're entitled to (see **Section 9** for details of the banding system). This is because all applicants are awarded a 'waiting time date'.

**Your waiting time date is the date on which you were awarded your current band status.**

You'll be placed below other applicants in your band (who need the same type and size of housing) because they've been waiting longer to be re-housed. Those who apply after you will be below you on the waiting list (assuming they need the same type of housing in the same area).

### 8.2 Can I lose my waiting time date?

Yes, this can happen if:

- your application is removed from the housing register (see **8.10**);
- your application is sanctioned by your priority being reduced (see **9.11**);
- you do not inform us of a change in your circumstances that could affect your priority for housing (within one calendar month of the change taking effect if we don't have any contact with you, eg we're not in the process of allocating you a property) (see **8.6**);
- you do not respond to a request for confirmation of your current circumstances (see **8.7**);
- you do not respond when we ask you to renew your application (see **8.12**); or
- you are awarded 'Urgent' band priority and refuse an offer of tenancy (see **11.7**).

If we have reduced your priority for housing by suspending your application (see [9.12](#)) your waiting time date will be amended to the date you become eligible again to be offered housing (assuming your application is de-suspended). This will mean your application goes to the bottom of the relevant band when your application is de-suspended.

### **8.3 Can my waiting time date be backdated?**

We may decide to award you a different waiting time date if there are exceptional circumstances. For example we may award an earlier date if we unreasonably delayed in processing your application, and this was not because of anything you did, eg failing to provide information or documents.

### **8.4 When will I get to the top of the waiting list?**

You will gradually move up the waiting list as other applicants with the same band priority and earlier waiting time dates are re-housed or come off the list. We can give you advice about how many properties of the type you need have previously become available and how many people are ahead of you on the list in a particular area (see [4.4](#)). This can help you decide if you want to wait for social housing, consider other options, or choose other letting areas (see [4.1](#)) or other types of housing (see [4.8](#)).

### **8.5 Will I definitely be offered social housing?**

No. We can't guarantee you'll be offered housing, even if you're accepted onto the waiting list. Unfortunately there aren't as many vacancies as people wanting social housing.

### **8.6 What happens if my situation changes?**

You must tell us if your situation changes. If you become aware of any changes in circumstances that might affect your priority for housing please tell the Council's Housing Customer Services Team. For example you must tell us if:

- you move home
- someone leaves or joins your household
- your income or financial situation changes.

We may cancel your application if you don't tell us about your situation changing (see [8.10](#)). We may also be unable to offer you a property when you get to the top of the waiting list (see [10.8](#)). We may ask you to attend a housing options interview and provide supporting information and documentation if your circumstances change.

### **8.7 Are there any situations where I may need to be provide information or attend an interview to continue to qualify for an offer of housing?**

Yes. For example, we may ask you to provide information or attend an interview if:

- We receive information suggesting we may need to remove your application from the housing register.

- We receive information suggesting we may need to reduce your priority on the waiting list.

The above is not an exhaustive list.

We may remove your application from the housing register if you do not provide the information we need or if you do not attend an interview (see **8.10**).

### **8.8 Are there any situations where my application will be suspended so I don't qualify for an offer of housing?**

Yes. We may suspend your application or withdraw an allocation if:

- We've received information suggesting your situation may have changed and you may no longer be eligible for an allocation of housing, or your band priority status.
- You're a social housing tenant and haven't brought the condition of your home or garden up to the required standard.
- You're not in a position to take up an offer of accommodation, eg because you're in hospital, custody or an institution.
- We think one of the situations at **8.10** may apply but we've yet to make a decision.

We'll write to you and tell you if we suspend your application (or withdraw an allocation). We'll tell you the reasons for our decision. We'll also tell you if you need to provide information or do something before your application can be made active again.

### **8.9 Can I ask for my housing application to be suspended if I don't want to be offered housing until sometime in the future?**

This is not usually allowed. The housing register is for people who *currently* need housing. We may make an exception if you're unable to accept an offer of housing because of a *temporary* situation preventing you from accepting housing, but you continue to need accommodation, eg:

- You have been admitted to hospital.
- You have been placed in custody.

### **8.10 Are there any situations where my application may be removed from the Housing Register?**

Yes. We may remove your application from the waiting list if:

- You refuse two reasonable offers of accommodation (see **11.8**).
- You ask us to withdraw your application.
- Your situation changes and you're not entitled to remain on the Housing Register (see **6.1**).
- You withhold or fail to provide information we have asked you to provide in connection with your application.
- You don't comply with our 'procedural requirements' (see **3.9** for these 'things you must do').

- You don't reply to us when we've attempted to contact you, eg a request for you to confirm your circumstances and that you want to remain on the Housing Register (see **8.12**).
- You knowingly or recklessly give false or misleading information in connection with your application.
- You are ineligible for an allocation (see **section 6**).
- You accept an offer of accommodation following an allocation of accommodation.

### **8.11 What if I'm homeless or at risk of losing my home?**

If you may be losing your home it's important to contact us as soon as possible. We'll be able to give you help and advice. You may be entitled to help under the homelessness legislation. If you become homeless we may have a duty to arrange temporary accommodation for you. Contact the Customer Services Team on (01248) 852200 as soon as you think you may become homeless. They will usually make you an appointment with a housing options officer.

### **8.12 Do I have to regularly renew my application?**

Yes. You'll need to renew your application or re-apply at regular intervals. We need to keep an accurate record of people wanting social housing who continue to qualify. We will contact you if you need to renew your application, using the contact details you've given us. You'll be asked to confirm your current situation when we review your application.

If you don't respond or don't provide the information we need we'll remove you from the Register. We'll tell you in writing if we do this. You can ask us to review any decision to remove you from the waiting list (see **section 12** for more details about your right to ask us to reconsider decisions).

## **9. HOW DOES THE BANDING SYSTEM WORK?**

### **9.1 What is banding?**

We use banding to decide what priority you have for housing. Banding helps us to rank your application against everyone else who's entitled to go on the Housing Register. The priority you're entitled to depends on three things:

- if you need housing very urgently;
- if you have a local connection; and
- how long you've spent waiting for social housing.

### **9.2 How does banding work?**

There are four priority bands. If you're eligible to be included on the Register we'll award you a band that reflects your particular situation.

In descending order of priority the bands are:

- Urgent Band
- Band 1
- Band 2
- Band 3

You can find out which band you qualify for by looking at **9.6** to **9.10**.

### **9.3 How does my priority compare with other people who've been awarded the same band?**

Within each band applications are prioritised by how long everyone has been waiting for social housing (according to applicants' 'waiting time date'; see **8.1**).

### **9.4 Which bands do I need a local connection for?**

You need a local connection to be awarded the Urgent band or Band 1 priority (see **7.1**, **9.5**, **9.6** and **9.7**).

### **9.5 What counts as a local connection?**

You have a local connection with the Anglesey area if you or a member of your household:

- have been normally resident in the area for five years (at any time), or
- have family associations in the area. Family associations normally arise when someone has a parent, adult child, brother or sister who has resided in the area for a period of at least five years at the date of application, and you and the locally residing close relative in question indicate a wish for you to be near the relative, or
- provide or receive essential support from a person or specialist provider in the area, or
- have been employed in the area for five years (at any time), or
- have been offered employment in the area but have a disability and are unable to take up the offer because of difficulties in finding adequate accessible housing in the area (the disability and the employment offer must be evidenced), or
- need to move to the area so that a member of the household with a disability can attend 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 a consequence of the disability, and the disability and the need to move to the area must be evidenced), or
- are serving in the Armed Forces and are either employed or resident in the area;
- are serving in the Armed Forces or are former members of the Armed Forces who are not currently employed or resident in the area but have previously been resident in the area, including residency as a result of a former posting in the area while serving in the Armed Forces.



You are treated as if you have a local connection with the Anglesey area if you:

- are approved as ready to move from care or supported housing under the Urgent Band's category 4 (see 9.6), or
- are awarded priority under the Urgent Band's category 6 (under-occupying social housing tenant in financial hardship, or no longer needing an adapted social housing property – see 9.6), or
- are awarded priority because of abuse under the Urgent Band's category 7 (homeless because of abuse or threat of abuse – see 9.6), or
- are awarded priority as an exceptional case under the Urgent Band's category 8 (see 9.6), or Band 1 category 16 (see 9.7), or
- are awarded priority under Band 1 category 14 (under-occupying social housing tenant – see 9.7).

## 9.6 Who qualifies for the 'Urgent' band?

You qualify for the 'Urgent' band if you:

- have an urgent housing need (as set out in the box below), and
- have a local connection (please see 9.5 for what counts as a local connection).

The Urgent Band is reserved for very urgent cases. Very few applicants are likely to be awarded this status.

### URGENT BAND

#### 1. Urgent medical, welfare or disability related need

Applicants whose household includes someone who:

- (a) has a medical condition which is life-threatening or likely to become so, and the current accommodation (or lack of accommodation) is significantly detrimental to the condition, or re-housing is likely to result in significant improvement;
- (b) has been assessed as having a need to move urgently to an accessible property;
- (c) has a serious physical or mental illness, disability, medical condition or behavioural disorder, which is causing serious dysfunction to themselves or the household unit such that they are unable to cope in their present accommodation and re-housing would alleviate the problem. For example, terminal illness or advanced progressive condition;
- (d) is hospitalised and unable to return home because the accommodation is wholly unsuitable for their long term needs by way of design, location and/or is unsuitable for adaptations that are required because of disability;
- (e) is disabled and is unable to access essential facilities within the property, for example where bathing or toilet or access to the property itself is wholly unsuitable. The property cannot be economically adapted to meet their needs;
- (f) needs to move to provide support to a person with a serious illness, disability or medical condition, and that person cannot cope in their present accommodation without the applicant's support; or
- (g) is living in overcrowded accommodation which leaves the person vulnerable to a

potentially fatal or very serious infection, for example where they are suffering from late stage HIV.

Evidence will be required in these cases to demonstrate the legitimacy of the claim.

## **2. Loss of home as a result of a disaster**

Applicants who suddenly and permanently lose their existing home as a result of a disaster and who have a reasonable prospect of an allocation within a short period.

## **3. Leaving armed forces or serious injury whilst serving in armed forces**

- (a) An applicant who needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability which they, or a member of their household, sustained as a result of service in the armed forces.
- (b) An applicant needing accommodation because of leaving the armed forces and losing military accommodation. People who have left the armed forces under Discharge as of Right (DAOR) are excluded from this provision and are not given urgent housing need band status.

## **4. People accommodated by the local authority in care or approved supported housing who are deemed ready to 'move on'**

## **5. The household needs social housing urgently to prevent a child being taken into care or remaining in care**

Examples include:

- (a) Foster parents who urgently need accommodation to take care of a child.
- (b) Cases where a child care plan has identified the need for accommodation to prevent the child being looked after by the authority (for example, child in need / looked after child / child protection).

## **6. Existing tenants who are either under-occupying by one or more bedroom 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:**

- (a) They are suffering financial hardship (in the case of under-occupying social housing tenants); or
- (b) Their moving is likely to release a property for someone in need (in the case of both under-occupying tenants and tenants not requiring their adapted property).

Applicants must hold a social housing tenancy on Anglesey with a partner landlord.

## **7. Homeless because of abuse or threat of abuse**

Those owed one of the following homelessness duties by Isle of Anglesey County Council:

- (a) the section 193(2) duty under the Housing Act 1996;
- (b) the section 73 duty under the Housing (Wales) Act 2014; or
- (c) the section 75 duty under the Housing (Wales) Act 2014,

and who needs housing urgently as the result of:

- (aa) violence, within the meaning of section 177 of the 1996 Act (in the case of the section 193(2) duty); or
- (bb) abuse, within the meaning of 58 of the 2014 Act (in the case of the section 73 and 75 duties).

## **8. Exceptional case of urgent need where the circumstances or the urgency of the circumstances are not dealt with elsewhere in this scheme**

An applicant who has been assessed as having an exceptional housing need and where Urgent band status has been approved by the Council's Head of Housing Services.

## 9.7 Who qualifies for Band 1?

You qualify for Band 1 if you:

- have a housing need (as set out in the box below), and
- have a local connection (please see 9.5 for what counts as a local connection).

### **BAND 1**

#### **9. Applicants who are homeless within the meaning of Part 2 of the Housing (Wales) Act 2014, except where there is reason to believe they may have become homeless intentionally, as defined in section 77 of the 2014 Act.**

This category includes homeless applicants both in priority need and not in priority need, provided there is no reason to believe they may have become homeless intentionally (even if no decision has yet been taken under Part 2 of the 2014 Act on whether the applicant has become homeless intentionally).

The definition of homelessness is contained in sections 55 to 57 of the Housing (Wales) Act 2014. A person is homeless if they do not have accommodation which they are entitled to occupy, which is physically and legally available for them to occupy, and which is reasonable for them to continue to occupy. This includes the following:

- (a) A person who has no accommodation available for their occupation in the United Kingdom or elsewhere, which they
  - (i) are entitled to occupy by virtue of an interest in it or by virtue of a court order;
  - (ii) have an express or implied license to occupy; or
  - (iii) occupy as a residence by virtue of any enactment or rule of law giving the person the right to remain in occupation, or restricting the right of another person to recover possession.
- (b) A person is also homeless if they have accommodation but
  - (i) they cannot secure entry to it, or
  - (ii) it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where the person is entitled or permitted both to place it and reside in it.

A person is not treated as having accommodation unless it is accommodation which would be reasonable for them to continue to occupy, as defined under section 57 of the 2014 Act.

Accommodation may only be regarded as available for a person's occupation if it is available for occupation by that person together with:

- (aa) a person who normally resides with them as a member of their family, or
- (bb) any other person who might reasonably be expected to reside with them.

Applicants will usually be awarded this status by a housing options officer following a homelessness assessment under section 62 of the 2014 Act (or a review of such an assessment).

Where an applicant is homeless and there is reason to believe the applicant may have become homeless intentionally they may qualify for lesser priority under Band 3, categories 22 or 23.

**10. Applicants who, because of homelessness or threatened homelessness, are:**

- owed a duty under section 66 of the 2014 Act, and there is no reason to believe they may have become threatened with homelessness intentionally;
- owed a duty under section 73 of the Housing (Wales) Act 2014, and there is no reason to believe they may have become homeless intentionally;
- owed a duty under section 75 of the 2014 Act; or
- owed a duty by Isle of Anglesey County Council under section 193(2) of the Housing Act 1996.

This category includes applicants who are:

- (a) threatened with homelessness and owed the section 66 duty to help to secure that suitable accommodation does not cease to be available for their occupation, providing there is no reason to believe the applicant may have become threatened with homelessness intentionally (even though a decision on the homelessness application about intentionality has yet to be made). The duty can be owed by any local housing authority.
- (b) homeless and owed the section 73 duty to help to secure accommodation, providing there is no reason to believe the applicant may have become homeless intentionally within the meaning of section 77 of the 2014 Act (even though a decision on the homelessness application about intentionality has yet to be made). The duty can be owed by any local housing authority;
- (c) unintentionally homeless and in priority need, and owed the 'full' duty to secure ongoing accommodation under section 75. The duty can be owed by any local housing authority;
- (d) unintentionally homeless and in priority need, and owed the main housing duty under section 193(2). The duty must be owed by Isle of Anglesey County Council.

Where an applicant is either homeless or threatened with homelessness within 56 days and there is reason to believe the applicant may have become homeless (or threatened with homelessness) intentionally they may qualify for lesser priority under Band 3, categories 22 or 23.

**11. Applicants occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions**

This category includes the following:

- (a) Applicants whose current property:
  - (i) lacks a bathroom with facilities or the facilities are located in an insanitary location, for example within a kitchen;
  - (ii) lacks a kitchen and/or appropriate cooking facilities;
  - (iii) lacks an inside toilet;
  - (iv) lacks a hot or cold water supply due to a defect to the property;
  - (v) lacks an electrical supply due to a defect to the property;
  - (vi) lacks a gas supply due to a defect with the property where such a supply is required to operate existing or necessary services such as heating.
- (b) Applicants living in overcrowded housing. Accommodation is deemed to be overcrowded if it lacks at least one bedroom under the following definition on a permanent basis. One bedroom is deemed necessary for each of the following persons in the applicant's household:

- (i) a single person or couple aged 16 or over; and
- (ii) two children of the same gender, where both of the children are aged under 16; and
- (iii) two children aged under 10, regardless of gender; and
- (iv) any remaining child.

In addition, an additional bedroom will be deemed necessary where:

- (v) the tenant or their partner is disabled, and they require a non-resident overnight carer, providing the Council is satisfied that the applicant would be able to afford accommodation of the relevant size; or
- (vi) it is unreasonable for two persons to share a bedroom, as the result of an illness or disability, providing that the Council is satisfied the applicant would be able to afford accommodation of the relevant size.

- (c) Applicants who have been referred by the Council's Housing Enforcement Team for re-housing because they are occupying private sector accommodation where Category 1 hazards exist under the Health and Housing Safety Rating System, which the Council are satisfied the landlord or licensor should remedy, but which are unlikely to be remedied.

All applicants citing insanitary or hazardous accommodation in the private sector will be referred to the Council's Housing Enforcement Team (part of the Contract Planning and Public Protection Service) so that the problem can be resolved, if possible, to enable the applicant to remain in their present accommodation.

Category 1 and Category 2 hazards are assessed under Part 1 of the Housing Act 2004 using the Housing Health and Safety Rating System. The Housing Enforcement Team's investigating officer will assess the property to determine whether Category 1 and Category 2 hazards exist.

In most cases hazards are dealt with informally by negotiation with the landlord. If negotiation fails and the hazards are not removed within a reasonable period time, the Housing Enforcement Team must take the form of enforcement action they consider appropriate where a Category 1 hazard exists (such as the issuing of an enforcement notice or hazard awareness notice). Where a Category 2 hazard exists the Housing Enforcement Team may take appropriate action.

Where applicants are referred to the Housing Enforcement Team because there is reason to believe there may be unsatisfactory housing conditions and Housing Enforcement consider a Category 1 hazard exists within the property to such an extent that there is an **imminent or serious risk of harm to the occupants** of the property that necessitates the service of one of the following types of enforcement notice:

- (i) Emergency Remedial Action;
- (ii) Emergency Prohibition Order; or
- (iii) Prohibition Order,

then Housing Enforcement will refer the case with a recommendation for priority if, despite their best efforts, they consider the above definition is satisfied and the problem cannot be resolved within a reasonable period of time.

The Housing Enforcement Team has a legal obligation to contact private sector landlords where there are issues of disrepair and attempt to resolve them.

- (d) Applicants occupying social housing accommodation that is insanitary or applicants experiencing unsatisfactory social housing conditions.

All applicants occupying social housing accommodation on Anglesey citing insanitary or unsatisfactory housing conditions will be visited by a housing officer. Enquiries will also ordinarily be made with the landlord so that the problem can be resolved, if possible, to enable the applicant to remain in their present accommodation.

If the Housing Options Team is satisfied that the conditions will not be remedied

within a reasonable period of time, priority may be awarded.

## **12. People sharing accommodation**

This category includes:

- (a) Applicants sharing facilities with occupiers who are not part of the applicant's household on a permanent basis. This applies to the sharing of a kitchen, bathroom/shower, or toilet.
- (b) Applicants who are aged 35 years or over and share living accommodation on Anglesey, but who wish to set up home independently.

For the purpose of this sub-category (12(b)):

- (i) Applicants must not have a legal or equitable interest in the property.
- (ii) Sharing does not include sharing with persons who would form part of the applicant's household were they to obtain alternative accommodation.

## **13. People who need to move on medical or welfare grounds**

The following categories of applicant qualify:

- (a) Applicants whose household includes someone with a medical condition which is directly linked to unsuitable housing and where re-housing is necessary to significantly improve their health.
- (b) Applicants occupying accommodation that is causing difficulties with access to the property for a member of the household, which has a detrimental impact on the person's welfare such that it cannot be resolved in the current property, and would be significantly alleviated if they were suitably re-housed.

Such cases will be assessed following advice from a relevant practitioner on whether the person requires a move to an accessible property within the above definition.

- (c) Applicants whose household includes a person who has social care needs that are not being met, and re-housing is necessary to significantly improve their care.

## **14. Existing social housing tenants who are under-occupying by one or more bedroom and wish to transfer to a smaller property**

Applicants must hold a social housing tenancy on Anglesey with a partner landlord. Under-occupying social housing tenants who are experiencing financial hardship may qualify for higher 'Urgent' band priority if they qualify under housing need category 6.

## **15. 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) A failure to move to the particular locality will cause exceptional financial hardship.
- (b) 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.
- (c) The applicant needs to move to the particular locality due to a relationship breakdown, and there is need to safeguard and promote the welfare of associated child(ren).
- (d) 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 the particular locality.
- (e) The applicant or a member of their household has permanent employment which cannot continue, or an offer of the same which they cannot take up, unless they reside in the particular locality.
- (f) The applicant is giving or receiving essential support, which can only be delivered if they live in the particular locality.

## 16. Exceptional case of housing need where the circumstances are not dealt with elsewhere in this scheme

An applicant who has been assessed as having an exceptional housing need and where Band 1 status has been approved by the Council's Head of Housing Services.

### 9.8 Can I qualify for Band 1 if I'm intentionally homeless?

No. If we've decided you're homeless but that you became homeless intentionally you won't qualify for Band 1. This is the case even if your situation is covered by one of the other Band 1 categories and you have a local connection. Instead you'll be awarded Band 3 status (see Band 3 categories 22 and 23 at 9.10). You'll be disqualified from having priority under any of the Band 1 categories for six months. The six months starts when we decide you became homeless intentionally. The Council's Head of Housing Services may decide this sanction should not be applied if there are exceptional circumstances.

If you then get accommodation and are no longer homeless you'll no longer qualify for Band 3 priority under category 22 or 23. If your application is removed from the Housing Register and you re-apply for housing after six months you may be awarded Band 1 priority if your situation is covered by one of the housing need categories, and you have a local connection.

If we've decided that you're homeless or likely to become homeless within 56 days but we have reason to believe you may have become homeless (or threatened with homelessness) intentionally you won't qualify for Band 1. This is the case even if your situation is covered by one of the other Band 1 categories and you have a local connection. Instead you'll be awarded Band 3 status (see Band 3 categories 23 and 24 at 9.10). However, you won't necessarily be disqualified from having priority under any of the Band 1 categories for six months (as would happen if a decision was formally made on a homelessness assessment review that you are not owed the 'full' section 75 homelessness duty because you became homeless intentionally).

### 9.9 Who qualifies for Band 2?

You qualify for Band 2 if you:

- have an urgent housing need (as set out in the box below), and
- do not have a local connection (please see 9.5 for what counts as a local connection).

## BAND 2

### 17. Urgent medical, welfare or disability related need

Applicants whose household includes someone who:

- (a) has a medical condition which is life-threatening or likely to become so, and the current accommodation (or lack of accommodation) is significantly detrimental to the condition, or re-housing is likely to result in significant improvement;
- (b) has been assessed as having a need to move urgently to an accessible property;
- (c) has a serious physical or mental illness, disability, medical condition or behavioural disorder, which is causing serious dysfunction to themselves or the household unit such that they are unable to cope in their present accommodation and re-housing would alleviate the problem. For example, terminal illness or advanced progressive condition;
- (d) is hospitalised and unable to return home because it is wholly unsuitable for their long term needs by way of design, location and/or is unsuitable for adaptations that are required because of disability;
- (e) is disabled and is unable to access essential facilities within the property, for example where bathing or toilet or access to the property itself is wholly unsuitable. The property cannot be economically adapted to meet their needs;
- (f) needs to move to provide support to a person with a serious illness, disability or medical condition, and that person cannot cope in their present accommodation without the applicant's support; or
- (g) is living in overcrowded accommodation which leaves the person vulnerable to a potentially fatal or very serious infection, for example where they are suffering from late stage HIV.

Evidence will be required in these cases to demonstrate the legitimacy of the claim.

#### **18. Loss of home as a result of a disaster**

Applicants who suddenly and permanently lose their existing home as a result of a disaster and who have a reasonable prospect of an allocation within a short period.

#### **19. Leaving armed forces or serious injury whilst serving in armed forces**

- (a) An applicant who needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability which they, or a member of their household, sustained as a result of service in the armed forces.
- (b) An applicant needing accommodation because of leaving the armed forces and losing military accommodation. People who have left the armed forces under Discharge as of Right (DAOR) are excluded from this provision and are not given Band 2 priority status.

#### **20. The household needs social housing urgently to prevent a child being taken into care or remaining in care**

Examples include:

- (a) Foster parents who urgently need accommodation to take care of a child.
- (b) Cases where a child care plan has identified the need for accommodation to prevent the child being looked after by the authority (for example, child in need / looked after child / child protection).

#### **21. Exceptional case of urgent need where the circumstances or the urgency of the circumstances are not dealt with elsewhere in this scheme**

An applicant who has been assessed as having an exceptional housing need and where Band 2 status has been approved by the Council's Head of Housing Services or a senior Council manager.

### **9.10 Who qualifies for Band 3?**



You qualify for Band 3 if you:

- have a housing need (as set out in the box below), and
- do not have a local connection (please see **9.5** for what counts as a local connection).\*

\* There are some exceptions to this general rule with Band 3. You also qualify for Band 3 if:

(a) you:

- (i) have a housing need because of homelessness or threatened homelessness (as set out at **22** or **23** below), and
- (ii) have a local connection, but
- (iii) do not qualify for a higher band, because you have become homeless intentionally, or because there is reason to believe you may have become homeless or threatened with homelessness intentionally (see **9.8**).

(b) you:

- (i) live in non-secure accommodation rented from a private landlord (as set out at **28** below), or
- (ii) are aged 55 years or over, and have expressed an exclusive preference for older persons' housing (as set out at **30** below), and
- (iii) you have a local connection.

(c) you are a displaced agricultural worker (as set out at **29** below), irrespective of whether you have a local connection.

## **BAND 3**

### **22. Applicants who are homeless within the meaning of Part 2 of the Housing (Wales) Act 2014.**

The definition of homelessness is contained in sections 55 to 57 of the Housing (Wales) Act 2014. A person is homeless if they do not have accommodation which they are entitled to occupy, which is physically and legally available for them to occupy, and which is reasonable for them to continue to occupy. This includes the following:

- (a) A person who has no accommodation available for their occupation in the United Kingdom or elsewhere, which they
  - (i) are entitled to occupy by virtue of an interest in it or by virtue of a court order;
  - (ii) have an express or implied license to occupy; or
  - (iii) occupy as a residence by virtue of any enactment or rule of law giving the person the right to remain in occupation, or restricting the right of another person to recover possession.
- (b) A person is also homeless if they have accommodation but

- (i) cannot secure entry to it, or
- (ii) it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where the person is entitled or permitted both to place it and reside in it.

A person is not to be treated as having accommodation unless it is accommodation which would be reasonable for them to continue to occupy, as defined under section 57 of the 2014 Act.

Accommodation may only be regarded as available for a person's occupation if it is available for occupation by that person together with:

- (cc) a person who normally resides with them as a member of their family, or
- (dd) any other person who might reasonably be expected to reside with them.

Applicants will usually be awarded this status by a housing options officer following a homelessness assessment under section 62 of the 2014 Act (or a review of such an assessment).

This category includes homeless applicants in priority need and not in priority need (including those whose priority need status has not been established), and cases where the authority has reason to believe the applicant may have become homeless intentionally.

### **23. Applicants who, because of homelessness or threatened homelessness, are:**

- **owed a duty under section 66 of the Housing (Wales) Act 2014;**
- **owed a duty under section 73 of the 2014 Act;**
- **owed a duty under section 75 of the 2014 Act; or**
- **owed a duty by Isle of Anglesey County Council under section 193(2) of the Housing Act 1996.**

This category includes applicants who are:

- (a) threatened with homelessness and owed the section 66 duty to help to secure that suitable accommodation does not cease to be available for their occupation. The duty can be owed by any local housing authority.
- (b) homeless and owed the section 73 duty to help to secure accommodation. The duty can be owed by any local housing authority;
- (c) unintentionally homeless and in priority need, and owed the 'full' duty to secure ongoing accommodation under section 75. The duty can be owed by any local housing authority;
- (d) unintentionally homeless and in priority need, and owed the main housing duty under section 193(2) of the 1996 Act. This duty must be owed by Isle of Anglesey County Council.

Applicants will usually be awarded this status by a housing options officer following a homelessness assessment under section 62 of the 2014 Act (or a review of such an assessment).

This category includes homeless applicants in priority need and not in priority need (including those whose priority need status has not been established), and cases where the authority has reason to believe the applicant may have become homeless (or threatened with homelessness) intentionally.

### **24. Applicants occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions**

This category includes the following:

- (a) Applicants whose current property:
  - (i) lacks a bathroom with facilities or the facilities are located in an insanitary

- location, for example within a kitchen;
  - (ii) lacks a kitchen and/or appropriate cooking facilities;
  - (iii) lacks an inside toilet;
  - (iv) lacks a hot or cold water supply due to a defect to the property;
  - (v) lacks an electrical supply due to a defect to the property;
  - (vi) lacks a gas supply due to a defect with the property where such a supply is required to operate existing or necessary services such as heating.
- (b) Applicants living in overcrowded housing. Accommodation is deemed to be overcrowded if it lacks at least one bedroom under the following definition on a permanent basis. One bedroom is deemed necessary for each of the following persons in the applicant's household:
- (i) a single person or couple aged 16 or over; and
  - (ii) two children of the same gender, where both of the children are aged under 16; and
  - (iii) two children aged under 10, regardless of gender; and
  - (iv) any remaining child.

In addition, an additional bedroom will be deemed necessary where:

- (v) the tenant or their partner is disabled, and they require a non-resident overnight carer, providing the Council is satisfied that the applicant would be able to afford accommodation of the relevant size; or
  - (vi) it is unreasonable for two persons to share a bedroom, as the result of an illness or disability, providing the Council is satisfied that the applicant would be able to afford accommodation of the relevant size.
- (c) Applicants who have been referred by the Council's Housing Enforcement Team for re-housing because they are occupying private sector accommodation where Category 1 hazards exist under the Health and Housing Safety Rating System, which the Council are satisfied the landlord or licensor should remedy, but which are unlikely to be remedied.

All applicants citing insanitary or hazardous accommodation in the private sector will be referred to the Council's Housing Enforcement Team (part of the Contract Planning and Public Protection Service) so that the problem can be resolved, if possible, to enable the applicant to remain in their present accommodation.

Category 1 and Category 2 hazards are assessed under Part 1 of the Housing Act 2004 using the Housing Health and Safety Rating System. The Housing Enforcement Team's investigating officer will assess the property to determine whether Category 1 and Category 2 hazards exist.

In most cases hazards are dealt with informally by negotiation with the landlord. If negotiation fails and the hazards are not removed within a reasonable period time, the Housing Enforcement Team must take the form of enforcement action they consider appropriate where a Category 1 hazard exists (such as the issuing of an enforcement notice or hazard awareness notice). Where a Category 2 hazard exists the Housing Enforcement Team may take appropriate action.

Where applicants are referred to the Housing Enforcement Team because there is reason to believe there may be unsatisfactory housing conditions and Housing Enforcement consider a Category 1 hazard exists within the property to such an extent that there is an **imminent or serious risk of harm to the occupants** of the property that necessitates the service of one of the following types of enforcement notice:

- (i) Emergency Remedial Action;
- (ii) Emergency Prohibition Order; or
- (iii) Prohibition Order,

then Housing Enforcement will refer the case with a recommendation for priority if, despite their best efforts, they consider the above definition is satisfied and the problem cannot be resolved within a reasonable period of time.

The Housing Enforcement Team has a legal obligation to contact private sector landlords where there are issues of disrepair and attempt to resolve them.

- (d) Applicants occupying social housing accommodation that is insanitary or applicants experiencing unsatisfactory social housing conditions.

All applicants occupying social housing accommodation on Anglesey citing insanitary or unsatisfactory housing conditions will be visited by a housing officer. Enquiries will also ordinarily be made with the landlord so that the problem can be resolved, if possible, to enable the applicant to remain in their present accommodation.

If the Housing Options Team is satisfied that the conditions will not be remedied within a reasonable period of time, priority may be awarded.

## **25. People sharing accommodation**

People occupying accommodation on Anglesey who share facilities with occupiers who are not part of the applicant's household on a permanent basis. This applies to the sharing of a kitchen, bathroom/shower, or toilet.

## **26. People who need to move on medical or welfare grounds**

The following categories of applicant qualify:

- (a) Applicants whose household includes someone with a medical condition which is directly linked to unsuitable housing and where re-housing is necessary to significantly improve their health.
- (b) Applicants occupying accommodation that is causing difficulties with access to the property for a member of the household, which has a detrimental impact on that person's welfare that cannot be resolved in the current property, and would be significantly alleviated if they were suitably re-housed.  
Such cases will be assessed following advice from a relevant practitioner on whether the person requires a move to an accessible property within the above definition.
- (c) Applicants whose household includes a person who has social care needs that are not being met, and re-housing is necessary to significantly improve their care.

## **27. 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) A failure to move to the particular locality will cause exceptional financial hardship.
- (b) 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.
- (c) The applicant needs to move to the particular locality due to a relationship breakdown, and there is need to safeguard and promote the welfare of the associated child(ren).
- (d) The applicant is a 'relevant child' under the Children Leaving Care Act 2000, is a care leaver, or is vulnerable and has a high housing need that is best met by the provision of long term settled housing in the particular locality.
- (e) The applicant or a member of their household has permanent employment which cannot continue, or an offer of the same which they cannot take up, unless they reside in the particular locality.
- (f) The applicant is giving or receiving essential support, which can only be delivered if they live in the particular locality.

## **28. Applicants who reside in privately rented accommodation on Anglesey, who lack long term security of tenure and have a local connection because of residence**

The applicant must not have a tenancy providing long term security of tenure, such as a long lease, non-shorthold assured tenancy or protected tenancy.

The tenancy must not be with a registered social landlord.

The applicant's local connection must have arisen because of being normally resident in the area for five years.

### **29. Displaced agricultural workers**

This category applies where the Housing Options Team, taking account of any advice received from the Agricultural Dwelling House Advisory Committee, is satisfied that:

- (a) the applicant is an agricultural worker who is being displaced from a dwelling house on Anglesey,
- (b) the dwelling from which the worker is displaced is needed to accommodate another agricultural worker,
- (c) the farmer cannot provide suitable alternative accommodation for the displaced worker, and
- (d) the displaced worker needs to be re-housed in the interests of efficient agriculture.

### **30. Applicants aged 55 years or over, who have expressed an exclusive preference for housing schemes reserved for older persons, and have a local connection**

Applicants aged 55 years may qualify for higher priority under another housing need category.

### **31. Exceptional case of housing need where the circumstances are not dealt with elsewhere in this scheme**

An applicant who has been assessed as having an exceptional housing need and where Band 3 status has been approved by the Council's Head of Housing Services or a senior Council manager.

## **9.11 Can my priority be reduced?**

Yes. We may reduce your priority if we're satisfied:

- you have sufficient financial resources to meet your housing needs (see **7.3** and **7.4**), or
- your behaviour or the behaviour of a member of your household means you're unsuitable to be a tenant (see **Appendix 4**);
- you have property-related debts (such as rent arrears, council tax arrears, housing benefit overpayment, a debt resulting from property damage etc) exceeding £100, either relating to your existing or a former home, providing the debt is legally recoverable; or
- you have deliberately worsened your housing situation.

## **9.12 If the Council decides to reduce my priority how will you reduce it?**

We may reduce your priority by:

- awarding you a lower band priority than you would otherwise be entitled to (see **9.6** to **9.10** for the priority bands)

- adjusting your waiting time date (see **8.1**)
- temporarily suspending you from being entitled to an allocation (so your application is 'bypassed' when we allocate a property that you'd normally be entitled to be considered for), or
- a combination of the above.

For example we may decide temporary suspension is appropriate because you owe a debt to a partner landlord and suspending your application gives you a chance to clear the debt or a chance to agree a repayment plan and demonstrate you can keep to the agreement.

If we adjust your waiting time date we may decide it's appropriate to award a date reflecting when the 'offending' issue was resolved or when a suspension was lifted (see **8.2**).

### **9.13 How does the Council decide if my priority should be reduced?**

When deciding whether to sanction an application (under **9.11**) and what the sanction should be (under **9.12**) we treat each case on its own merits and consider all relevant issues. We also consider the need to achieve broader policy aims such as the need to achieve fairness between applicants, equality of opportunity, social inclusion, and the need to move under-occupying tenants who rely on welfare benefits to appropriately sized accommodation.

In exceptional circumstances we may decide no sanction should be applied even though one of the criteria at **9.11** applies. If you have a property-related debt of over £100 we may decide not to reduce your priority if you have made an agreement to reduce the debt by making regular payments and have kept to the agreement for a significant period. The procedural guidance for housing officers includes guidance on how decisions to reduce priority are made (see **1.5**).

### **9.14 Will the Council tell me if my priority is reduced?**

Yes. We'll confirm a decision to reduce your priority in writing, and set a date by when we'll review the reduction in priority. We'll write to you again if, when reviewing the reduction in priority, we decide the reduction in priority should continue. Whenever we write to you to tell you about a decision on reducing your priority we'll also tell you about your right to ask for a review (see **9.15** and section **12**).

### **9.15 Can I ask the Council to look again at a decision to reduce my priority under 9.11?**

Yes. If you want us to reconsider the decision we must receive your request for a review within 21 days of being notified of the decision (see **12.6**).

### **9.16 Are there any situations where I could be given a higher priority than under the usual rules?**

This is rare and only happens in exceptional circumstances. For example we may place someone in a higher band or award an earlier waiting time because the Public Services

Ombudsman for Wales has recommended this, or because of a legitimate expectation (legally binding promise) (see also [8.3](#)).

## 10. HOW DO THE LANDLORDS DECIDE WHO RECEIVES OFFERS OF ACCOMMODATION?

### 10.1 Are there different ways applicants can be selected for an allocation of housing?

Yes. For example, certain properties may be reserved for someone who:

- has a particular connection with the locality in which the property is situated (see [section 14](#))
- needs an adapted or accessible home because of a physical disability (see [section 13](#))
- meets criteria applying to that particular property or housing scheme (see [4.16](#)), or
- has specifically applied for a particular property.

Some properties don't have any particular letting criteria and can be allocated to anyone on the waiting list (providing they've chosen that letting area and qualify for that type and size of property).

### 10.2 How do the landlords decide which method will be used to allocate a property?

When a property becomes available we'll decide the method to be used to allocate it. If a property is reserved for a particular type of applicant (see [4.16](#) and [10.1](#)) we'll use that method to select who should receive an allocation.

The partner landlords may change the letting methods used to allocate particular housing schemes or properties, but will inform Housing Services so appropriate advice can be given to customers, and so the procedural guidance can be amended.

### 10.3 How do the landlords decide which applicant is going to be allocated a property?

We decide:

- (a) Which letting method will be used (see [10.1](#)).
- (b) Which applicants meet the specific letting criteria (if there are any).
- (c) Which applicants qualify for that type and size of property. Partner landlords may specify if the bedrooms are suitable for one or two people.
- (d) Which applicant has the highest priority. For properties with no specific letting criteria this usually means the applicant with the highest band priority that has been waiting the longest (according to their waiting time date, see [8.1](#) and [9.3](#)).

### 10.4 Can a landlord 'bypass' the applicant at the top of the waiting list?

Yes. However, a landlord can only do this if it's allowed by the terms of the allocations scheme. Examples include:

- The property's bedroom sizes are not suitable for the applicant's household size (see [10.3\(c\)](#)).

- The Housing Options Team decides to suspend an application to enable its priority to be reviewed (see **8.8**).

A full list of the situations where applicants can be ‘bypassed’ and details of the procedure that must be followed is contained in the guidance for staff that accompanies this policy (see **1.5**).

#### **10.5 When will you select a housing applicant and allocate a property?**

We can decide to allocate a property either before or after the property becomes available to let. Sometimes we allocate the property before the previous tenant moves out.

#### **10.6 What happens if the person allocated a property refuses it?**

If the applicant we select for a property refuses it we will select someone else from the Housing Register to receive an allocation. For properties with no specific letting criteria this usually means the applicant with the next highest priority by band status and waiting time.

#### **10.7 I have previously engaged in anti-social behaviour in the area in which a vacant property is becoming available. Can I be considered for the property?**

We may not consider your application when choosing who should receive an allocation. We may do this if you, a member of your household, or a visitor to your home were previously responsible for anti-social behaviour in the area in which the property is situated. We can decide to ‘bypass’ you on the waiting list when short-listing for this reason even if we think you’re suitable to be a tenant (see **6.9**). We may advise you to consider choosing other letting areas if you’re likely to be affected by this rule.

#### **10.8 Will you review my situation if you’re considering allocating me a property?**

Yes. We can review how we have assessed your case before you’re allocated a property or offered a tenancy. If you haven’t told us about a change to your situation we may be unable to offer you a tenancy, even if you have received an allocation (see **8.6**).

#### **10.9 What happens if I’ve the same priority and waiting time as another applicant?**

If you have the same priority band status and waiting time as another applicant we’ll exercise our discretion when deciding who should receive the allocation. We’ll consider various factors. For example, someone may be favoured because they’ve spent more time waiting for social housing before being awarded their current band status, or because it may free up a larger unit of accommodation, or because they have a stronger connection with the letting area. This isn’t a complete list. We may take other factors into account, depending on the particular situation.

## **11. WHAT HAPPENS WHEN I’M OFFERED A PROPERTY?**

### **11.1 How will I know I’ve been offered a property?**



If we allocate you a property one of the partner landlords will usually tell you about this in writing. We may tell you by letter or email.

We may initially tell you about an allocation verbally (eg by phoning you). If you refuse the offer this will count towards your two refusals (see **11.7** and **11.8**) providing you were entitled to the allocation.

**11.2 If the Council verbally offers me a tenancy can I insist the offer is confirmed in writing before I accept or refuse the offer?**

Yes. You can then choose if you want to accept or refuse the offer of tenancy.

**11.3 Can I be offered a joint tenancy with my partner or someone in my household?**

If you're the applicant you can ask to be given a joint tenancy with your partner or someone else in your household if they:

- are eligible for housing (see **6.5** and **6.11**)
- are aged 16 or over (if they are 16 or 17 years old you need to be 18 or over)
- are included on your application
- intend to occupy the property as their only and main home.

If you've asked for a joint tenancy the landlord will decide whether or not to grant a joint tenancy. If a landlord refuses to grant a joint tenancy it will give you reasons in writing for the refusal.

**11.4 Can I view the property?**

Yes. The landlord will give you a time when you can view the property. A housing officer will be present to answer any questions you have about the property. You would usually be expected to accept or refuse the tenancy at the viewing.

**11.5 Do I have to accept a property I'm offered?**

No. You're free to accept or refuse any property offered to you. However it's important to note that refusing an offer may result in:

- you being taken off the Housing Register (see **11.8**), and
- the Council deciding that any duty owed to you under the homelessness legislation has ended.

**11.6 How long will I be given to accept or refuse an offer of tenancy?**

We must make sure properties are let quickly. You'll therefore need to decide quickly if you want to accept the offer of tenancy. We'll give you a time you need to tell us by. This is usually when you view the property. If you don't tell us whether you want to accept or refuse an offer of tenancy within the time we've given you we may decide you have refused the offer (i.e. infer from your behaviour that you have rejected the offer).

**11.7 How many offers can I receive?**

You can receive a maximum of two offers of accommodation if you've been awarded Band 1, 2, or 3 priority.

If you've been awarded the Urgent Band you'll receive one offer before losing the Urgent Band award. If you refuse that offer you'll then be placed in Band 1 and be eligible for one further offer. Your waiting time date (see **8.1**) will be amended to reflect your new band award.

#### **11.8 What happens if I refuse two offers of housing?**

If you refuse two offers your application will be removed from the Housing Register providing we're satisfied both offers were properly made under this policy. This is to ensure fairness to other applicants who also need housing. You will not get a third offer. In exceptional circumstances the Housing Options Manager or a senior Housing Services manager may decide not to exclude you from the Register and approve further offers. However, this will only be done if there are exceptional circumstances.

#### **11.9 What if I think the accommodation offered to me was unsuitable?**

If you refuse a property of the type you qualify for, in an area you chose, the refusal will count as one of your two offers. There would have to be exceptional circumstances for this not to be the case.

#### **11.10 I think a refusal of housing should not count as one of my two offers. What can I do?**

There may be situations where you think refusing a property should not be counted against you. For example if the property was not in one of your chosen areas, or if you think you should not have been offered that type of property. If you're unhappy with a decision that you've refused an offer or that your refusal should be counted against you, you can ask us to review that decision.

If it was your first offer you must ask for the review within 21 days of the date by which you were required to accept or refuse the offer.

If it was your second offer you must ask for the review within 21 days of us notifying you of the decision that you've been taken off the Housing Register (see **section 12** for more details about your right to ask us to reconsider decisions).

#### **11.11 Are there any situations where an allocation can be withdrawn?**

Yes. There may be situations where we withdraw an allocation (or an offer of tenancy resulting from an allocation). For example an allocation or offer may be withdrawn if:

- Your situation has changed since we last reviewed your housing application, and you're no longer entitled to the same priority on the waiting list, or you're no longer entitled to remain on the housing register.
- You're a social housing tenant and have not brought the condition of your current home or garden up to the required standard.
- You're in arrears of rent, or have a property-related debt (see **9.11**).

- We become aware that you, or a member of your household, have engaged in behaviour that makes you unsuitable to be a tenant (see **6.8** and **6.9**).
- The allocation or offer was made in error.

The above is not exhaustive list.

### **11.12 My application has been removed from the Housing Register because I've refused two offers. Can I re-apply and go back on the waiting list?**

Yes. But you will not be eligible to be included on the waiting list until six months have passed since you refused the second offer of housing (unless you ask for a review and it's successful, see **11.10** and **section 12**).

The Council's Head of Housing Services may approve earlier re-admittance to the Register if there are exceptional circumstances.

## **12. YOUR RIGHT TO ASK FOR DECISIONS TO BE REVIEWED**

### **12.1 What decisions can I ask the Council to reconsider?**

You can ask the Council to review the following decisions:

- a decision about what priority band status you're entitled to (see **9.6** to **9.10** for the banding groups)
- a decision about what your waiting time date is (see **8.1**)
- a decision that you're not entitled to go on the Housing Register (see **Section 6** for the rules on who is allowed onto the Housing Register)
- a decision that your application will be taken off the Housing Register (see **8.10**)
- a decision that your priority has been reduced (see **9.11** and **9.12**)
- a decision that you refused an offer of housing (see **11.10**)
- a decision that a refusal of housing should count as one of your two offers (see **11.10**)
- a decision about the facts of your case that are likely to be, or have been, taken into account when considering whether to allocate accommodation (see **12.2**).

See **5.2** for details of what our initial decision letter will contain.

### **12.2 What does category **12.1(h)** mean?**

Category **12.1(h)** covers various possible negative decisions that you may not be told about. These decisions usually form part of another decision that you *will* have been notified of. For example, you may want us to review a decision that someone doesn't form part of your household, a decision about your financial resources, or a decision about the nature and effect of a medical condition you have. We may not tell you about these kinds of decisions because they're part of another decision, eg what band priority you are entitled to, or whether or not you're entitled to go on the Housing Register. If you want us to look again at a decision of the type described at **12.1(h)** it's usually a good

idea to ask us first to confirm the information we took into account. This will help you to effectively exercise your right to a review.

### **12.3 How do I find out if I have a right to review a particular decision?**

Please refer to **12.1** above. If you're still unsure if you can ask us to reconsider a decision contact the Housing Customer Services Team and we'll help you. You can contact Customer Services by telephoning (01248) 752200 or by emailing [housing@anglesey.gov.uk](mailto:housing@anglesey.gov.uk).

### **12.4 When will the Council tell me about my right to ask for a review?**

We'll tell you about your right to ask for a review whenever we notify you of a decision that carries the right to review.

### **12.5 What will the Council tell me about my right to review when I receive a decision on my application?**

We'll tell you:

- About your right to ask for a review of the decision.
- The decisions you can ask us to reconsider (see **12.1**).
- That if you want to ask for a review we must receive your request within 21 days of you being notified of the decision (unless the decision concerns the refusal of offers, see **11.10**)
- About where you can get independent advice.

The decision letter will explain that a copy of the decision notification is available to collect from the Council's office for a reasonable period. The letter also explains that if you do not receive the decision letter (or email) you'll be treated as having been notified when the letter was sent to the postal or email address you gave us.

### **12.6 How do I ask for a review?**

If you want us to review a decision you must ask us within 21 days of being notified of the decision (subject to **11.10** where the review concerns the refusal of offers). If you don't receive the decision letter you must ask us within 21 days of when the decision letter was produced and sent to the address or email address you gave us. You don't need to complete a special form to ask for a review (although you can choose to use the form we provide for requesting a review). You can telephone or email us and ask for review. You'll need to make sure you clearly ask for a review and tell us which decision(s) you want us to look at again.

Or you can complete the review form which is available online at:

[www.anglesey.gov.uk/housingallocationreview](http://www.anglesey.gov.uk/housingallocationreview)

### **12.7 What if I don't receive the decision letter? Can I still ask for a review?**

Yes, you can still ask for a review if you don't receive a copy of the decision. However, there are special rules. You must ask us to reconsider the decision within 21 days of

when you're legally treated as having received the decision (this is called 'the date of deemed service').

The date of deemed service depends on how we sent the decision to you, and is:

- the second business day after the letter was posted, if sent by first class post, or
- the day you were sent or given the decision if it was hand delivered, personally served or emailed to you on a business day before 4.30 pm, or if after 4.30 pm, on the next business day.

If you don't ask us to reconsider the decision within 21 days of the date of deemed service you will lose your right to a review. However you can still ask if we're willing to extend the time limit (see **12.8**).

### **12.8 I've missed the 21-day time limit. Can I still ask for a review?**

A review request received after the 21-day period has expired will be referred to the Housing Options Team Manager or another senior Council officer. They'll consider why your request was late and decide if we should extend the time limit and carry out a review.

### **12.9 Do I need to provide reasons for asking for a review?**

Yes. We prefer it if you provide your reasons when you submit your review request. This helps us to make a quicker decision. However we'll write to you and give you a date by when you must provide your reasons and provide any supporting information you want us to consider (see **12.10** for details of the review procedure).

### **12.10 What procedure does the Council follow if I ask for a review?**

Once we've received your review request we will, within 21 days, notify you in writing:

- that you, or someone acting on your behalf, can make representations in writing to the Housing Options Team in connection with the review
- of the procedure we'll follow in connection with the review, including the dates by which:
  - we must receive any supporting information (this cannot be earlier than 14 days from our letter confirming the procedure)
  - the date by which you'll be notified of the decision
- who will be carrying out the review
- the reviewing officer's contact details
- that the review decision will be notified in writing
- of the reasons for any adverse decision
- that you may ask for further information about any decision made about the facts of your case (see **12.1(h)**).

The reviewing officer may offer you an opportunity to make verbal representations in connection with the review. They may also ask other officers within the Housing Options Team to carry out tasks in connection with the review, eg making enquiries.

If, before the deadline for receipt of representations, you ask for further information about any decision relevant to the decision under review (for example matters covered by **12.1(h)**) the reviewing officer will ensure a response is given. He or she will extend the period for receiving representations if necessary to ensure fairness.

The Council will notify you of the decision made on your review within eight weeks of the date on which you asked for the review (unless an extension to this deadline is needed; see **12.15**).

**12.11 Can I ask for a copy of my housing file?**

Yes. We may charge you £10 to provide this. Please also see **16.6** about your legal rights to obtain information.

**12.12 Who will make the review decision?**

A Housing Services officer who was not involved in the original decision and who is senior to the officer who made the original decision will make the decision on your review.

**12.13 How will the decision on my review be made?**

The reviewing officer will consider the information you've given, and reconsider all of the relevant facts at the time the review is decided, in light of this policy and any legal requirements. We will consider information received since the original decision was made if it is relevant.

**12.14 How will you tell me about the review decision?**

We'll confirm the review decision in writing by post or email.

**12.15 When will I get the review decision?**

We'll usually notify you of the decision within eight weeks of when we received your review request. We may take longer if:

- we need more time to make the decision
- the extension of time is reasonable, having regard to the facts of your particular case, and
- we have notified you in writing of our reasons for needing an extension.

**12.16 I'm dissatisfied with the review decision. Can I appeal?**

No. You don't have any statutory right to appeal a negative review decision. You may be able to go to court using a process called judicial review. However to apply to court you'd need reasons for claiming that the Council has acted unlawfully. You should seek independent legal advice.

**12.17 Can I complain about the review decision?**

Yes. You can complain under the Council’s Concerns and Complaints Policy if you’re dissatisfied with a review decision or the manner in which it was made. You can also complain if you’re dissatisfied with any other aspect of how your housing application has been dealt with. A copy of the Council’s Concerns and Complaints Policy is available on the Council’s website.

If your complaint is about something a partner Registered Social Landlord (housing association) has done (that doesn’t concern something the Council has done or is responsible for) you may complain using that landlord’s complaints policy (details of complaints policies are given on each partner landlord’s website).

If you want to complain to the Public Services Ombudsman for Wales you must usually first exhaust the formal complaints procedure.

## 13. WHAT IF I NEED AN ADAPTED OR ACCESSIBLE PROPERTY OR HAVE A MEDICAL NEED FOR HOUSING?

### 13.1 I have a medical condition. Does this mean I’ll get extra priority for housing?

Having a medical condition does not necessarily mean you’ll be given priority for housing (or awarded a higher band).

### 13.2 Who gets priority for medical reasons?

To receive priority because of a medical condition your situation must be covered by one of the priority groups contained in the banding scheme (see **section 9**). The table below lists the groups where a medical condition can give you a priority for housing:

Band	Category	Section	Found on page...
Urgent	1	9.6	30
Urgent	3	9.6	31
1	13	9.7	35
2	17	9.9	36
2	19	9.9	37
3	26	9.10	41

### 13.3 How do I apply for medical priority?

We’ll ask you at your housing options interview if you have any medical conditions. We’ll discuss with you how your medical condition is affected by your housing situation. If you may qualify for priority because of your medical condition under the banding categories we’ll take details of your medical condition and how it affects your need for housing.

#### **13.4 Do I need to supply evidence?**

Yes. We'll need to see evidence of your medical condition and why this means you need housing. You can provide a letter from your GP (or another medical professional).

However the letter should:

- confirm the nature of your medical conditions
- give details of what treatment and medications (if any) you receive, and
- say how your current accommodation is having an adverse effect on your medical condition (or how having suitable accommodation would alleviate the condition).

The letter is only likely to help your case if it includes the above information.

#### **13.5 Who decides if I get extra priority on medical grounds?**

We'll decide if you're entitled to priority under the banding system because of your medical condition. This will be based on the information you provide. If someone has provided information supporting your application (eg a doctor) this will also be considered. If we can't make a decision without more information we may make enquiries and/or contact your doctor. We may also get advice on what you need from someone who is medically qualified before we make our decision.

#### **13.6 I have a serious medical condition and have provided supporting letters. Why haven't I received extra priority because of my ill-health?**

Medical priority is only awarded if your situation is covered by the one of the banding categories (see **section 9** and **13.2**). This normally means that your housing (or lack of suitable housing) must be having a significant detrimental effect on your medical condition. No matter how serious your medical problems, we can't give you priority unless we're satisfied your housing situation is making your condition worse. For the same reason you won't necessarily get priority just because you've provided supporting letters. If we don't award you priority (or higher priority) because of your ill-health it doesn't mean that we haven't accepted you have a medical condition.

#### **13.7 What if I need an extra bedroom on medical grounds?**

We'll only decide you need an extra bedroom if there are exceptional circumstances. Please see **4.12** for the rules on how many bedrooms you're entitled to.

We would usually expect evidence that an extra bedroom is essential for the health and well-being of a household member, or that you need care overnight on a regular and ongoing basis. If your child has challenging behaviour we'll consider your situation and what you need. However, you will only qualify as needing an extra bedroom if we're satisfied you meet the criteria at **4.12**.

#### **13.8 What if I need a physically adapted property?**

We'll discuss any need you have for adaptations at your housing options interview. If you may need adaptations we will assess what you need.



### **13.9 What happens next?**

We may arrange for an occupational therapist to visit you at home to carry out a detailed assessment of your needs. We'll make a decision once we're satisfied we have all the information we need. We'll then write and tell you the outcome of the assessment and what band you've been awarded.

### **13.10 I'm unhappy with how the Council have assessed my needs. What can I do?**

You can ask us to review the decision if you disagree with how we have assessed your needs (see **section 12** for more details about your right to ask us to reconsider decisions).

### **13.11 Do you reserve certain properties for people who need an accessible or adapted home?**

Yes. Properties may be excluded from the general pool and earmarked for allocation to applicants who need adaptations because of a physical disability. We allocate adapted properties to households that will make best use of the facilities in place. This helps to ensure we make best use of the properties we have and avoids unnecessary expenditure. We may also exclude properties from the general housing pool if they aren't currently adapted but are suitable for adaptations.

### **13.12 How do you decide which applicant is allocated a particular adapted property?**

We keep a record of:

- the adaptations you need, and
- what adaptations each property becoming available has.

We may also keep a record of additional adaptations that may be made to particular properties.

When a property in the 'adapted properties pool' becomes available we match applicants with the property and decide which applicant should receive the allocation. Before confirming the allocation we may seek further information from relevant professionals and we may ask an occupational therapist to visit the property to advise us on its suitability.

### **13.13 Will the partner landlords ensure information about obtaining accessible housing is widely available?**

Yes. By doing this we will increase housing choices for disabled people and comply with our legal duties under the Equality Act 2010.

## **14. LOCAL AND SENSITIVE LETTINGS POLICIES**

### **14.1 Introduction**

This policy recognises that partner landlords may wish to adopt policies designed to tackle local housing issues through the use of local lettings policies and sensitive lettings. Local lettings policies are used to achieve a wide variety of housing management and

other housing policy objectives. They are usually developed when we decide we need to manage the balance of the community.

All local lettings policies must be based on a sound evidence base and are developed following a robust assessment of this evidence. When proposing a new local lettings policy the partner landlord must provide details of:

- (a) The particular issue affecting the community which requires a local lettings policy.
- (b) The area and list of dwellings to be incorporated.
- (c) The proposed duration of the policy.
- (d) The objectives the landlord hopes to achieve.
- (e) The policy provisions.
- (f) The impact the policy is likely to have on those groups of applicants who re-housing opportunities are reduced, including persons with protected characteristics under the equality legislation.

#### **14.2 How do the partner landlords identify a local letting policy is needed?**

All local policies will be based on an identified and evidenced need. Examples of local housing issues that may require a local policy include:

- (a) concentrations of deprivation
- (b) under-occupation
- (c) overcrowding
- (d) a need to facilitate tenant employment through job-related moves
- (e) the needs and sustainability of rural communities, for example where affordability of accommodation is an issue
- (f) allowing transfers for existing social housing tenants even where they do not fall into a reasonable preference category
- (g) ensuring compliance with planning obligations under section 106 of the Town and Country Planning Act 1990
- (h) properties being located within a regeneration area
- (i) large new developments

#### **14.3 How are local letting policies approved?**

The formulation of local policies will follow a protocol agreed by the Housing Allocations Sub-Group of the Anglesey Housing Partnership (see **17.1**). A proposal for a local lettings policy must:

- (a) contain detailed criteria governing the procedures by which lettings will be made
- (b) be approved by the Housing Allocations Sub-Group, and
- (c) make provision for the policy to be reviewed after a certain period of time.

When considering whether to approve the local policy the Sub-Group must invite views of the operational managers with responsibility for overseeing administration of the housing allocation function and allocations, and must have particular regard to the ease of administering the proposed criteria. The Sub-Group must have particular regard to the ease of administering the proposed criteria.

#### **14.4 What are sensitive lettings and when are they used?**

There may be occasions when partner landlords wish to make lettings outside the usual allocation rules to protect the interests of existing residents. For example, a sensitive lettings approach may be considered appropriate when re-letting a property if a community has been subject to serious and prolonged anti-social behaviour.

Partner landlords will inform the Housing Options Manager of any sensitive lettings made, together with:

- the reasons why the sensitive letting is needed, and
- the position on the waiting list of the applicant who the letting is made to (if applicable).

#### **14.5 Section 106 agreements**

Section 106 agreements determine the allocation of housing on new developments. These agreements are adopted to provide ways of restricting the occupancy of dwellings to those who have a local community need for an affordable home, both on first occupation and in perpetuity. Properties developed on sites incorporating a section 106 agreement will be let under the terms of that agreement.

## **15. IMMEDIATELY AVAILABLE TO LET PROPERTIES**

### **15.1 Introduction**

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

The number and type of available properties may vary greatly and will be allocated on a case-by-case basis, having regard to the property type and any other allocation criteria which may apply to that particular dwelling i.e. local letting policy, property designation criteria etc.

### **15.2 How can I find out about immediately available to let properties?**

We advertise details of any immediately available to let properties on the Council's website and at [www.angleseyhousing.co.uk](http://www.angleseyhousing.co.uk).

### **15.3 How do I apply to be considered for an immediately available to let property?**

If you want to be considered for a property you've seen advertised you should contact Housing Services' Customer Services Team (see page 2) or follow the guidance contained in the property advert. We will offer you an appointment if you may qualify to be offered the property.

#### **15.4 How do the partner landlords decide who is offered an immediately available property?**

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

- your need for housing
- your local connection (either to the district or to the locality the property is situated in)
- your financial situation
- your previous tenancy record, and/or
- any other matters relevant to the aim of letting the property to a person in housing need.

#### **15.5 What information will I have to provide?**

You'll need to provide documents to verify your identity. The landlord may also ask you to provide other information and documents so they can be satisfied of your circumstances.

## **16. WHAT DOES THE LAW SAY ABOUT HOW HOUSING MUST BE ALLOCATED?**

### **16.1 What legal requirements are there in relation to allocation policies?**

The various legal requirements concerning the allocation of social housing by councils are principally contained in Part 6 of the Housing Act 1996.

Councils are required to have an allocations scheme for determining the priorities and procedure to be followed in allocating social housing. The Council can adopt its own policy, provided the scheme complies with certain statutory requirements and basic legal principles of fairness and rationality. The Council must act in accordance with this policy and the accompanying procedures.

The housing association partners are Industrial and Provident Societies with charitable aims. The charitable aims of each association require them to accommodate people who need assistance with housing and accommodation because of financial hardship (because their financial means are so limited they are unable to obtain suitable accommodation on the open market) or because of needs relating to their age or infirmity.

The allocation scheme must state which officers make each type of decision (not by name but by description). This information is included in the procedures and guidance

that accompanies this policy and which helps housing officers administer this policy (see **1.5**).

The allocation scheme must ensure that reasonable preference (a 'head start') is given to the following groups:

- (a) People who are homeless within the meaning of Part 2 of the Housing Act 2014.
- (b) People who are owed a duty by a local housing authority under sections 66, 73 or 75 of the 2014 Act.
- (c) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- (d) People who need to move on medical or welfare grounds.
- (e) People who need to move to a particular locality in the district, where failure to meet that need would cause hardship.

The registering of an application and a priority award is no guarantee that an allocation will be made. There is no legal right to be allocated long term social housing.

This policy ensures reasonable preference is given to the above groups by adopting priority categories based on the statutory preference groups and by excluding people who do not have a housing need. The legislation allows for, and this policy provides, additional preference (or extra weight) for persons with urgent housing needs and people with a local connection. This policy also takes advantage of the legal power to take into account, when defining priority for re-housing, applicants' financial resources and behaviour by an applicant or a household member that affects their suitability to be a tenant. In addition, we have exercised the power to make provision for excluding applicants or demoting an applicant's priority because of serious unacceptable behaviour. More detail about how applicants are prioritised is given in **section 9**.

The Council must have regard to statutory guidance issued by the Welsh Ministers under section 169 of the Housing Act 1996, both when formulating the allocation scheme, and when making decisions on individual housing applications. The Council will have regard to guidance contained in Part 1 of the *Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness* (Welsh Government, 24 March 2016), and any amendments or subsequent statutory guidance.

The Council must, and has, given its partner registered social landlords an opportunity to comment on this allocation scheme. The Council has also taken reasonable steps to bring the policy to the attention of those likely to be affected by it, including people who were registered under the previous policy and tenants of the partner landlords. Partner organisations were consulted, including advice agencies. The Council has also taken into account its local housing strategy, and its homelessness review and strategy when formulating this policy.

## **16.2 Displaced agricultural workers**

The Rent (Agriculture) Act 1976 requires the Council to use its best endeavours to provide accommodation for qualifying displaced agricultural workers. Section 27 of the 1976 Act requires the Council to be satisfied that:

- (a) the dwelling-house from which the worker is displaced is needed to accommodate another agricultural worker;
- (b) the farmer cannot provide suitable alternative accommodation for the displaced worker; and
- (c) the Council should provide suitable accommodation in the interests of efficient agriculture.

In reaching a decision, the Council may have regard to the advice of the Agricultural Dwelling-House Advisory Committee (ADHAC). The ADHAC's role is to advise on whether the interests of efficient agriculture are served by the re-housing of the worker, and on the applicant's urgency. If the Council is satisfied that the applicant's case is substantiated, they have a duty under section 28 of the 1976 Act to use their best endeavours to provide suitable alternative accommodation for the displaced worker. In assessing the application's priority the Council is required to consider:

- (d) the case's urgency;
- (e) the competing claims on the accommodation; and
- (f) their resources.

This policy aims to ensure the requirements of the 1976 Act are met by affording priority to qualifying agricultural workers (see Band 3, housing need category 29).

If it is considered that awarding Band 3 priority would not afford sufficient priority, approval must be sought to award a higher band (see housing need categories 8, 16 and 21).

### **16.3 Equality and diversity**

We are committed to providing equality of opportunity to everyone who wants to apply for housing. The partners are satisfied this policy does not discriminate against any person on the grounds of race, gender, sexuality, age, disability, class, appearance, religion or religious beliefs, responsibility for dependents, unrelated criminal activity, HIV or AIDS status, or any other matter that might cause a person to suffer injustice. This policy has been subject to an equality impact assessment. The partner landlords are satisfied this policy complies with their respective equality policies.

We will comply with the statutory requirements relating to equality and the relevant codes of practice. The operation of this policy will be monitored to ensure fair and equitable treatment of customers and legal compliance, including the obligation not to discriminate directly or indirectly on grounds related to the protected characteristics listed at section 4 of the Equality Act 2010.

Where we are aware applicants will experience difficulty understanding communications and that this is likely to impact upon their ability to apply for housing or meet procedural

requirements we will record this fact and make appropriate arrangements to ensure future communications can be understood. This may, for example, include arranging for a third party to receive written correspondence on an applicant's behalf, or phoning an applicant to explain the nature and content of letters sent to them.

The Council's Welsh Language Standards and Welsh Language Policy apply to the maintenance of the Housing Register and those functions administered by the Council. The partner housing associations will comply with the relevant Welsh language policies and/or standards applying to them. We will communicate with customers in their preferred language. All materials and advice are available in Welsh and English.

#### **16.4 Confidentiality and the protection of your personal data**

If you apply for social housing you have a right to confidentiality. The fact you have applied for housing cannot be divulged to any other member of the public without your consent.

You will be asked to give permission to allow the Council to ask other people or organisations for information if we need to do this to administer your application. You will be told about your statutory rights and how your personal data will be used.

The partner landlords will share relevant information about housing applicants for the purpose of administering applications, making allocations and managing tenancies. It is therefore a condition of applying for housing that you must be willing to consent to the sharing of your personal data with the partner landlords.

Each partner will ensure they have appropriate policies and arrangements in place to ensure customers' personal data is held securely and lawfully processed.

The partner landlords will agree a protocol governing the sharing of information about housing applicants, which complies with the Wales Accord on the Sharing of Personal Information (WASPI) standard.

#### **16.5 What role do elected members (councillors) have in the allocation process?**

The Council's elected members can advise and represent you if you have applied for housing. They have an important role in ensuring this policy is followed and operates in a fair and consistent way. You can contact your local councillor if you want them to make representations or make enquiries on your behalf.

Councillors aren't legally allowed to be involved in an allocation decision if the accommodation or your sole or main residence is located in their ward. It is important that landlords are not placed under (or give an appearance of) undue influence.

Councillors making enquiries on your behalf about the status of your housing application or a related matter must provide your written consent. We may ask for written clarification from you if it's unclear if the consent remains effective. For example, we may ask for evidence to demonstrate the consent is contemporaneous or covers the matter about which information is being sought.

An elected member may ask about the status of a property. We will tell them if it is currently held under a tenancy or 'void' (not subject to a tenancy), and if void if it has been allocated to another applicant. However, to comply with the Data Protection Act 1998 personal information (whether relating to an existing tenant, a prospective tenant or a new tenant) cannot be disclosed.

## **16.6 What information do I have a legal right to ask for?**

The partner landlords provide general advice and information to members of the public about the right to apply for social housing. If you want to apply for housing you will be advised to contact the Council's Housing Customer Services Team (see **2.2**).

This policy and a summary of the allocation scheme is available on the Council's website. You are entitled to be given a free copy of the summary.

You can also ask for a copy of the housing allocation scheme. This is a full copy of all the rules, covering all aspects of the allocation process, including the procedures and guidance we provide for staff. A fee of £10 is payable. A copy of the housing allocation scheme is also available for you to inspect at the Council's Housing Services department at the Council Offices in Llangefni.

If you apply for social housing you have a legal right to ask for certain information. You are entitled to ask for and be given:

- (a) such general information as will help you assess:
  - (i) how your application is likely to be treated under this policy, including if you're likely to be treated as a member of a group given priority
  - (ii) if appropriate accommodation is likely to be made available to you, and if so how long it is likely to be before accommodation becomes available for allocation to you
- (b) information about any decision about the facts of your case which has been, or is likely to be, taken into account when considering whether to allocate accommodation
- (c) details of the information you have previously provided about yourself or your family that we have recorded as being relevant to your application.

We will tell you the information at **(a)(i)** during your housing options interview. This will help you evaluate your chances of being offered social housing. We will provide you the information at **(a)(ii)**, **(b)** and **(c)** if you ask for it.

The information at **(a)(ii)** will be given by telling you about the number of vacancies in a previous period (or periods) for the relevant size and type of property in the letting areas for which you are registered (or for the letting area where you're likely to have to wait the shortest time for accommodation), and by confirming the number of other applicants with greater priority than you (see **4.4** and **4.5**).

If you ask for it we'll provide information about specific aspects of the housing allocation process if we're legally obliged to.



The above rights are in addition to your right to access your personal information under section 7 of the Data Protection Act 1988. Further information about the partner landlords' data protection policies and how to access your personal information are available on each partner's website.

## 17. HOW DO SOCIAL LANDLORDS MONITOR THE ALLOCATION OF HOUSING?

### 17.1 How is this policy monitored?

Clwyd Alyn Housing Association, Grŵp Cynefin, Isle of Anglesey County Council, North Wales Housing and Tŷ Glas Housing Society participate in the Anglesey Housing Partnership. A sub-group of the Partnership meets regularly to monitor allocations and the effectiveness of this policy in meeting the Council's strategic objectives. The Housing Allocation Sub-Group consists of at least one senior manager from each of the partner landlords. The Council and partner Registered Social Landlords also report to their respective committees / boards as appropriate.

The Sub-Group will:

- Agree their terms of reference.
- Meet at least twice a year, or more often if required.
- Ask the Housing Options Manager and partner landlords to provide regular statistical information concerning the administration of housing applications and the letting of properties.
- Agree a schedule of the statistical indicators the Housing Options Team and partner landlords must provide, having regard to the ease of producing the indicators.
- Consider the effectiveness of arrangements for administering applications for housing.
- Monitor compliance with the terms of the allocation scheme by participating landlords.
- Consider the need for amending policy and procedures in light of changes to:
  - the law
  - statutory guidance
  - strategic objectives
  - the outcomes of review and appeals, or
  - any other relevant matters.
- Consider proposals to introduce local lettings policies and review their impact.
- Monitor the use of sensitive lettings by partner landlords.
- Monitor the use of management moves by partner landlords.

- Monitor the number of applicants not offered tenancies by the Registered Social Landlord partners because an offer would conflict with their charitable objectives.

### **17.2 Are lettings made outside of the usual allocation rules monitored?**

Yes. The Housing Allocation Sub-Group (see **17.1**) monitors the number of management moves and sensitive lettings. Each partner landlord must notify the Housing Options Manager when they propose to make a sensitive letting, and confirm:

- the reason why they consider the letting is justified, and
- the position on the Housing Register (if any) of the applicant who is being considered.

The Housing Options Manager or a senior Housing Services manager will report to the Housing Allocation Sub-Group and confirm:

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

### **17.3 Do the partner landlords set targets for who receives social housing?**

The Housing Allocation Sub-Group (see **17.1**) may (but does not have to) adopt targets to ensure a proportion of allocations (or a proportion of particular types of property) go to particular groups of applicants.

## APPENDIX 1 – WAYS OF OBTAINING SOCIAL HOUSING THAT DO NOT COUNT AS AN ALLOCATION

This policy does not cover the following ways you may obtain accommodation:

- (a) A transfer initiated by the landlord, for example to enable property works or for management reasons.
- (b) Being provided temporary accommodation under the homelessness legislation.
- (c) Being granted a tenancy that is not an introductory, secure, assured shorthold or assured tenancy.
- (d) Automatically becoming a secure tenant when an introductory tenancy ends, or becoming an assured tenant when an assured shorthold tenancy ends.
- (e) Succeeding to an existing tenancy when the previous tenant dies.
- (f) Becoming a tenant by assignment, e.g. when exercising a legal right to exchange your tenancy with another social housing tenant ('mutual exchange').
- (g) Becoming a tenant because a court has ordered an existing tenancy to be transferred to you.
- (h) Re-housing because of compulsory purchase.
- (i) Being provided accommodation by the Council under the Land Compensation Act 1973, s.39.
- (j) Being provided accommodation that is let at an intermediate market rent.
- (k) Being offered 'extra-care' housing.

## APPENDIX 2 – LETTING AREAS

The map below and the key on the opposite page show the letting areas you can choose.

[insert map with numbers to indicate location of towns and villages]

## Key to letting areas

<b>No.</b>	<b>Letting area</b>	<b>No.</b>	<b>Letting area</b>
1	Aberffraw	34	Llanfairynghonwy
2	Amlwch	35	Llanfechell
3	Beaumaris	36	Llangaffo
4	Benllech	37	Llangefni
5	Bodedern	38	Llangoed
6	Bodffordd	39	Llangristiolus
7	Bodorgan	40	Llansadwrn
8	Bryngwran	41	Llanynghenedl
9	Brynsiencyn	42	Llynfaes
10	Brynteg	43	Malltreath
11	Caergeiliog	44	Moelfre
12	Caergybi / Holyhead	45	Niwbwch / Newborough
13	Capel Coch	46	Parc
14	Carreglefn	47	Penmynydd
15	Cemaes	48	Penrhoslligwy
16	Dwyran	49	Pentraeth
17	Four Mile Bridge	50	Pentre Berw
18	Gaerwen	51	Penysarn
19	Gwalchmai	52	Porthaethwy / Menai Bridge
20	Hermon	53	Rhoscolyn
21	Llanbabo	54	Rhosgoch
22	Llanbedrgoch	55	Rhosmeirch
23	Llanddaniel	56	Rhosneigr
24	Llanddeusant	57	Rhostrehwfa
25	Llanddona	58	Rhosybol
26	LLandegfan	59	Rhydwyn
27	Llaneilian	60	Soar
28	Llanerchymedd	61	Star
29	Llanfachraeth	62	Talwrn
30	Llanfaelog	63	Tregele
31	Llanfaes	64	Ty Croes
32	Llanfaethlu	65	Tyn Lôn
33	Llanfairpwll	66	Y Fali / Valley

## APPENDIX 3 – INELIGIBILITY BECAUSE OF IMMIGRATION AND NATIONALITY STATUS

### 1. What rules do the Council have to apply when deciding if I'm eligible to go on the Housing Register on immigration or nationality grounds?

The Government sets the rules we have to apply. They are contained in section 160A of the Housing Act 1996 and in regulations issued by the Welsh Ministers. These regulations are currently The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 if you applied for housing on or after 31 October 2014. The rules explained below from 5 to 6 are the rules if you applied on or after this date.

### 2. Will I need to provide documents to prove my nationality and immigration status?

Yes, if we need it to be satisfied you're eligible for a housing allocation (see 3.9).

### 3. I'm already a social housing tenant and have a secure / introductory / assured tenancy. I received my accommodation because of a previous allocation from a council waiting list. Am I eligible to go on the waiting list and be allocated social housing?

Yes. If this is your situation you are eligible even if you wouldn't normally qualify under the rules explained below.

### 4. What does 'subject to immigration control' mean?

You're subject to immigration control if you:

- need permission to enter or remain in the United Kingdom but don't yet have permission, or
- have permission to enter or remain in the UK only if you don't claim benefits or use other public funds, or
- were given permission to enter or remain in the UK within the last five years on the grounds that someone else signed a maintenance undertaking agreeing to support you.

### 5. I'm subject to immigration control. Am I eligible for an allocation of housing?

The general rule is you will be ineligible for housing if you are subject to immigration control. However, there are exceptions. If you are subject to immigration control and fall into on the following groups you will be eligible for an allocation of housing:

- (a) You are recorded by the Secretary of State as a refugee within the definition of Article 1 of the Refugee Convention and have leave to enter or remain in the United Kingdom.
- (b) You:

- (i) have exceptional leave to enter or remain in the UK granted outside the provisions of the Immigration Rules, and
  - (ii) your leave to enter or remain is not subject to a condition requiring you to maintain and accommodate yourself, and any person who is dependent on you, without recourse to public funds.
- (c) You are habitually resident in the UK, the Channel Islands, the Isle of Man, or the Republic of Ireland and your leave to enter or remain in the UK is not subject to any limitation or condition, unless you:
- (i) were given leave to enter or remain in the UK upon an undertaking given by your sponsor, and
  - (ii) you have been resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland for less than five years beginning on the date of entry or on the date on which the undertaking was given in respect of you, whichever date is the latter, and
  - (iii) your sponsor or where there is more than one sponsor, at least one of your sponsors is still alive.
- (d) You have humanitarian protection granted under the Immigration Rules.
- (e) You are habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland and you have limited leave to enter the UK as a relevant Afghan citizen under paragraph 276BA1 of the Immigration Rules.

**6. I'm not subject to immigration control. Am I eligible for an allocation of housing?**

The general rule is you are eligible for housing if you are not subject to immigration control. However, there are exceptions. If you are not subject to immigration control and fall into on the following groups you will be ineligible for an allocation of housing:

- (a) You are not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland and you do not fall into any of the following categories:
- (i) a worker
  - (ii) self-employed
  - (iii) treated as a worker under the definition of a “qualified person” in Regulation 6(1) of the Immigration (European Economic Area) Regulations 2013 (right of residence of an accession State national subject to worker authorisation)
  - (iv) the family member of a person who is a worker, self-employed or treated as a worker under the “qualified person” definition
  - (v) someone with a right to reside permanently in the UK under Regulation 15(1)(c), (d) or (e) of the Immigration (European Economic Area) Regulations 2013, or

- (vi) in the UK as a result of your deportation, expulsion or other removal by compulsion of law from another country to the UK.
- (b) Your only right to reside in the UK:
- (i) is derived from your status as a jobseeker or a family member of a jobseeker, or
  - (ii) is an initial right to reside for a period not exceeding three months under regulation 13 of the Immigration (European Economic Area) Regulations 2013, or
  - (iii) is a derivative right to reside to which you are entitled under regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because you satisfy the criteria in regulation 15A(4A) of those regulations, or
  - (iv) is derived from Article 20 of the Treaty on the Functioning of the European Union, if your right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen.
- (c) Your only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland:
- (i) is a right equivalent to one of those mentioned above in (b)(i), (ii) or (iii) which is derived from the Treaty on the Functioning of the European Union, where your right to reside:
    - (aa) in the Republic of Ireland arises because an Irish Citizen, or
    - (bb) in the Channel Islands or the Isle of Man arises because a British citizen also entitled to reside there,would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen.



## **APPENDIX 4 – INELIGIBILITY BECAUSE OF SERIOUS UNACCEPTABLE BEHAVIOUR**

### **1. What effect does a decision about unacceptable behaviour have on my application?**

If we decide that your behaviour, or the behaviour of a member of your household, makes you unsuitable to be a tenant we may:

- exclude you from the Housing Register (see **6.8** and **6.9**), or
- reduce your priority (see **9.11** and **9.12**).

### **2. What counts as unacceptable behaviour that may disqualify me from being considered for housing?**

Examples of behaviour that may affect your suitability to be a tenant include:

- rent arrears
- anti-social behaviour
- a previous property-related debt resulting from damage to premises, or
- a housing benefit overpayment.

The above are only examples, and other situations can result in us deciding you're unsuitable to be a tenant.

### **3. How does the Council decide if behaviour is unacceptable and makes me unsuitable to be a social housing tenant?**

By law we must consider:

- (a) whether – if you were a Council tenant – the behaviour was serious enough to entitle the Council to an outright possession order under section 84A of the Housing Act 1985 or under section 84 of the 1985 Act on any of the grounds listed in Part 1 of Schedule 2 to that Act (other than ground 8), and if so
- (b) whether you're unsuitable to be a tenant because of the behaviour at the time of your application.

### **4. If the Council decides I've been guilty of unacceptable behaviour will I definitely be excluded from the Housing Register?**

No. We consider each case on its own merits, taking all relevant factors into account. We also consider the need to achieve broader policy aims such as equality of opportunity, social inclusion and the needs of existing residents. We may exercise our discretion and not treat you as ineligible for housing and so include your application on the Housing Register. We may not sanction your application at all. Or we may include you on the waiting list, but award you a lower band than you would otherwise qualify for (see **9.11** and **9.12**. See also **9.6** to **9.10** for the priority categories).