



**Neath Port Talbot**  
**Castell-nedd Port Talbot**  
County Borough Council Cyngor Bwrdeistref Sirol



**Neath Port Talbot County Borough Council**

**and**

**Tai Tarian Limited**

## **SHARED LETTINGS POLICY**

**2015**

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## **SECTION 1 – Introduction and Background to the Shared Lettings Policy**

- 1.1 The Council transferred its Housing Stock to Tai Tarian in March 2011, however, the Council retains a number of statutory obligations. One of these is the requirement for the Council to formulate, adopt and amend an Allocation Scheme. Whilst there is no statutory requirement to maintain a Housing Register, it is practical to keep a Waiting List of Applicants through a register of applications.
- 1.2 The Council has agreed that Tai Tarian will administer the Housing Register as part of the Stock Transfer Agreement.
- 1.3 Neath Port Talbot County Borough Council and Tai Tarian have adopted a Shared Lettings Policy which sets out the process which applies to the Allocation of rented accommodation owned by Tai Tarian and how Applications for accommodation would be assessed.
- 1.4 The Housing List or Register which is contained in the Shared lettings Policy will be held and administered by Tai Tarian on behalf of Neath Port Talbot County Borough Council.
- 1.5 This Shared Lettings Policy sets out the Policy and Procedures for accessing affordable housing through the Waiting List and contains the policy adopted by both partners for choice based lettings.
- 1.6 The Council retains full responsibility for the Policy itself including any requirement to consult with Stakeholders on any proposed changes to the Policy. The administrative functions that the Council has transferred to Tai Tarian are:
  - The receipt of Housing Applications
  - All assessment matters and decisions regarding eligibility under the Scheme
  - Carrying out any statutory review of a decision made
  - Making sure that advice and information is given on Allocations.
- 1.7 Applications for Housing via the Homes by choice Scheme can be made as set out in Section 7.2 of the Policy
- 1.8 The Allocation of properties by Tai Tarian will be undertaken in accordance with the provisions of this Policy. Under this Policy, a Banding Scheme will be operated where Applicants are placed into one of 4 Bands of housing need according to their circumstances. Applicants will also be categorised into a Category depending on their circumstances and also the number of bedrooms that their household requires.
- 1.9 Any nominations made by Tai Tarian to other RSL operating within the County Borough will be conducted in accordance with the provisions of this Policy. This means that any nominations by Tai Tarian to other RSL's will be in accordance with the priority applied under the Banding Scheme in this Policy, so that those ranked in the highest Band and first in date order preference will be put forward first for any vacancies with other RSL's under nomination rights.

- 1.10 Under this Lettings Scheme, Applicants included on the Housing List (or of authorised, the Council's Housing Options Service on behalf of such applicants) will be entitled to 'bid' for vacant properties owned by Tai Tarian which are available for letting as determined by Tai Tarian.
- 1.11 An Assured Shorthold Tenancy or Assured non-Shorthold Tenancy will be offered by Tai Tarian to the successful Applicant in accordance with Tai Tarian's Policy which takes into account the Applicants housing history.
- 1.12 In addition to Tai Tarian's properties, other registered Social Landlords have properties to let in agreement with the Council and information on this arrangement is contained in **Section 11** of this Policy.
- 1.13 This Policy meets the requirements in Part VI Housing Act 1996 (as amended by Homelessness Act 2002 and the Housing (Wales) Act 2014 when it comes into force), giving reasonable preference to those Applicants in greatest need.

## SECTION 2 – The Legal Framework

- 2.1 Part VI of the Housing Act 1996, as amended by the Homelessness Act 2002 and the Housing (Wales) Act 2014 (when it comes into force) sets out the legal framework for the Allocation of accommodation by Local Authorities and registered Social Landlords (RSL's).
- 2.2 Tai Tarian will maintain the Housing List and only qualified persons will be registered on it. The Department of Communities and Local Government and the Welsh Assembly Government may define who is and who is not a qualifying person. Subject to the terms of the Act and related regulations, Tai Tarian may determine who may and who may not be on the Housing List.
- 2.3 A separate 'Holding List' of persons who have not yet met the criteria for the Housing List will also be held by Tai Tarian.
- 2.4 Each Housing Authority has a duty under the Act to ensure that in letting its property it gives reasonable preference to certain Categories of housing need as defined in the Act. These are:
- People who are Homeless;
  - People owed certain Homelessness duties;
  - People living in unsatisfactory housing conditions (including insanitary or overcrowded housing);
  - People with a particular need to move on medical or welfare grounds;
  - People with a particular need to move to avoid hardship;

Subject to this requirement, the Shared lettings Policy may also reflect local priorities

- 2.5 The Act requires a published summary of the Shared Lettings Policy is to be made available free of charge on request. A copy of the Shared Lettings Policy is available on the Council's website ([www.npt.gov.uk](http://www.npt.gov.uk)) or Tai Tarian's website ([www.taitarian.co.uk](http://www.taitarian.co.uk)). A hard copy will be available from Tai Tarian and the council upon request and may be provided in larger print, in braille or in a different language.
- 2.6 In applying this Policy, in accordance with Section 149 of the Equality Act 2010, regard will be made to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 2.7 In framing the Shared Lettings Policy to provide a choice of accommodation to Applicants the Policy and any adopted procedures will meet any obligations by other existing legislation, in addition to Part VI Housing Act 1996, including:
- Housing (Wales) Act 2014
  - The Human Rights Act 1998
  - The Freedom of Information Act 2000
  - The Data Protection Act 1998
  - The Equality Act 2010
  - Housing Act 2004
  - The Homelessness Act 2002
  - Anti-Social Behaviour, Crime and Policing Act 2014
- 2.8 Regard will also be given to the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 and the Neath & Port Talbot County Borough Council Strategic Equality Plan.
- 2.9 Nothing contained in this Policy shall prevent the Council and Tai Tarian from developing and agreeing Local Lettings Policies to meet specific local issues and where relevant these Local Lettings Policies shall apply in addition or instead of the provisions in this Policy. Any such Local Lettings Policy drawn up and entered into will be published. All local lettings policies will be monitored by the Council to ensure that overall this Policy operates to give reasonable preference for Allocations to Applicants in the reasonable preference Categories (s.167(2) of the 1996 Housing Act). Prior to be implemented and upon review, all local lettings Policies will need to be equality impact assessed to ensure they do not discriminate against any of the protected characteristics listed in the Equality Act 2010.
- 2.10 All local lettings Policies must have clear aims and be linked to creating balanced and sustainable Communities. They will be based upon evidence which demonstrate a need for the intended approach.

## **SECTION 3 - Customer Experience**

### **3.1 Policy Aims and Objectives**

- We aim to provide good quality affordable housing for rent to those in housing need and to create sustainable and balanced communities;
- We are committed to providing a fair and equitable service to all persons who apply for accommodation under the Shared Lettings Scheme;
- We aim to meet the housing needs of Applicants through a Choice Based Scheme, which will maximise the opportunity for those in housing need;
- We are committed to ensuring applicants can make an informed choice by providing information on affordability and assisting Applicants to make the right choice;
- To make effective use of the Tai Tarian housing stock;
- To promote social inclusion;
- To allocate properties in a timely manner to reduce void times;
- The allocation of accommodation through a transparent and fair manner
- To proactively deal with issues of low demand through other means as appropriate, which may include alternative mechanisms for advertising and allocating properties;
- To ensure that the policy meets the relevant legislative and regulatory framework;
- To meet the statutory responsibilities towards those living in Neath Port Talbot

### **3.2 Customer Commitments**

- We will provide advice and information about the right to apply for accommodation;
- We will ensure that assistance is provided to any applicant who, through any form of vulnerability, is unable to complete an application;
- Any information provided will be easy to understand and will be readily accessible;
- We will provide information to Applicants on the type of accommodation available throughout the County Borough;
- Give information to Applicants on the likely timescale for re-housing so that they are aware how long they are likely to wait before being offered accommodation;
- Advise Applicants in Low or No housing need of their prospects for re-housing so that they can decide whether or not to proceed with an Application
- Treat each applicant equally in accordance with their need, regardless of race, religion or creed, ethnic or national origin, disability, gender, sexual orientation or marital status;
- Any accommodation allocated through the Shared Lettings Policy will meet Tai Tarian's re-lettable standard
- Any information provided by applicants will be treated in the strictest confidence. We will comply fully with the Data Protection Act in relation to all information we hold about Applicants;
- We will assess the needs of Applicants and respond through various communication means.

## **SECTION 4 - Data Protection & Information Sharing**

### **4.1 Data Protection**

All information held is subject to the requirements of the Data Protection Act 1998. This means that we must seek the consent of Applicants on the Housing List if we share personal information about the Applicant, and any household member included in that Application, unless the Data Protection Act allows such data to be shared without the consent of the Applicant.

### **4.2 Information Sharing without Consent**

Information may be shared about an Applicant or any household member included in the Application irrespective of whether they consent in exceptional circumstances, which may include the following instances:

- In accordance with the provisions of the Crime & Disorder Act 1998 (Section 115);
- For the prevention or detection of crime and fraud;
- Where there is a serious threat to the applicant or third party, this includes staff or appointed contractors;
- Where information is relevant to the management or support duties of Tai Tarian or partner Agency to ensure the Health and Safety of the Applicant, a member of the household or a member of staff;
- To safeguard children, which includes child protection issues.

### **4.3 Information Sharing with Consent**

- Information on Applicants will be shared with and made available to Neath Port Talbot County Borough Council, who is the joint data holder of data held on connection with the Housing Register. Any such information will only be shared between the Council, Tai Tarian and other bodies in accordance with the Data Protection Act 1998.
- Data sharing with the following Agencies can take place, when an Applicant has specifically previously consented to that data sharing taking or it's sharing is permitted without consent in accordance with the Data Protection Act 1998.
- Information may also be made available to other housing providers for the purpose of allocating housing, assessing Applications or identifying current or Former Tenant arrears.
- Applicants will give consent to the provision of information relevant to their Application, which will be obtained from other housing providers for the purpose of allocating housing, assessing applications or identifying current or Former Tenant arrears.
- Tai Tarian may decide to use a credit reference agency to obtain information on an Applicants circumstances to assess their Application for housing and consent for this will be provided by the Applicant.
- Tai Tarian may enter into information sharing protocols with other Agencies such as the Police and the Applicant shall give consent to information shared under the terms of any information sharing agreement.

- Before sharing information, Tai Tarian will ensure that the organisation given the information shall fully comply with the requirements of the Data Protection Act 1998.

## SECTION 5 – Access to Housing

### 5.1 The Housing List

Tai Tarian will manage the Housing List which comprises both existing Tenants wishing to Transfer to another dwelling owned by Tai Tarian, and new Applicants for accommodation.

The Housing List is open to all individuals who are not excluded as detailed in the Housing Act 1996 or deemed to be ineligible (see **Section 5.4 - Exclusions**)

- Anyone can register an Application who is aged 16 years and over, unless they are subject to immigration control or excluded on the grounds of “unacceptable behaviour”, providing they are not already registered for housing on the own or on some else’s Application.
- Persons under the age of 16 years will be considered on an individual basis depending on their personal and housing circumstances.
- If an applicant is aged under 18 years they cannot legally hold a Tenancy. In such cases, the legal Tenancy will be held on trust for the minor, until they reach 18 years.
- If a joint Application is made by two persons, one of which is under 18 years then the legal Tenancy will be held on trust by the Applicant aged over 18 years until the other Applicant reaches 18 years, when they can legally become the Joint Tenant.
- All 16 and 17 year old lone parents who cannot live with their parents or partner and who are allocated housing under this Policy, will be offered accommodation with support.

### 5.2 Who can apply

5.2.1 Anyone who is aged 16 years and over can apply for housing, unless they are subject to immigration control or excluded due to “unacceptable behaviour”, providing they are not already an applicant on their own or an applicant on someone else’s Application. If the Applicant is under 16 then their capacity to understand a Tenancy will be assessed and only if we are satisfied that they have the sufficient capacity will we consider them able to make an Application.

5.2.2 Under the Housing Act 1996, an Applicant who is subject to immigration control must be eligible in accordance with the Act and regulations in order for them able to apply for housing assistance.

5.2.3 In accordance with legal requirements, an Applicant who is subject to immigration control within the meaning of the current immigration rules cannot be allocated accommodation unless they are within one of the Categories who are re-included as being eligible by the Regulations. **Appendix 1** gives further guidance on the different Categories of applicant who are eligible or not eligible on immigration grounds in accordance with the Housing Act 1996 and relevant Regulations. This will be reviewed periodically and any modifications necessary as a result of new Regulations being passed will be made.

5.2.4 The Housing Act 1996 (Section 160A) states that a Local Housing Authority shall only allocate housing accommodation to people who are eligible to join the Scheme. The following persons are not eligible to join the Housing Register:-

- Persons from abroad who are subject to immigration control and not re-included by regulations.
- Any other person as prescribed by the Secretary of State
- Where an Applicant or a member of the household is considered to be guilty of unacceptable behaviour which is serious enough to make them unsuitable to be a Tenant and at the time of their Application for housing and they are still considered unsuitable to be a Tenant due to that behaviour (**see Section 5.4**).

Note that the above immigration eligibility rules do not affect the eligibility of a person who is already:-

- a. A Secure or Introductory Tenant
- b. An Assured Tenant of housing accommodation allocated to him by a Local Housing Authority in Wales. Such Applicants will be eligible regardless of their immigration status.

5.2.5 Any person making an Application who falls under the Asylum and Immigration Act or any succeeding legislation will be assessed in accordance with the Act. We reserve the right to seek legal advice to resolve any issue of eligibility.

5.2.6 Social Housing Tenants within the household should be registered as either the Applicant or Joint applicant, so that when a new Tenancy is accepted their existing home will be vacated.

### 5.3 Making an Application for Housing

5.3.1 There is no requirement for an Applicant to complete a paper Application. However, all applicants will be required to register an interest in applying for accommodation by contacting Tai Tarian in person at which point information on personal circumstances will be taken by an initial assessment and arrangements may be made for a detailed assessment of their Application.

5.3.2 Following the initial assessment of their circumstances all Applicants will be required to provide certain information to Tai Tarian to determine how their Application will proceed.

5.3.3 A full assessment will be undertaken through an appointment process in the following ways as appropriate:-

- **Telephone Assessment** – an appointment slot will be given for an Assessor to contact the Applicant to discuss the application in detail
- **Office Interview** – if a telephone assessment is deemed unsuitable then an appointment will be made for the Applicant to attend either the Neath or Port Talbot Town Centre office to complete an Application assessment.

- **Home Visit** – where both of the above arrangements are unsuitable then a Tai Tarian Assessor will visit to applicant to complete the Application. Where the Applicant is an existing Tai Tarian Tenant a home visit will be undertaken in all cases.
- 5.3.4 Advice and assistance is available for anyone who experiences a difficulty in applying for housing.
- 5.3.5 Translations of any forms and notes including translation and interpreting facilities will be made available upon request from Applicants.
- 5.3.6 Applicants may use correspondence addresses as detailed below:
- **No Fixed Abode** – If an Applicant is applying as (“No Fixed Abode” (NFA) then they should provide a correspondence address if at all possible. This could for instance be the Housing Options Team or a Support Agency. If an Applicant who is of NFA cannot provide a care of address as a correspondence address then they will be asked to provide an e-mail address and telephone number, so that any communications to them can be made via those methods.
  - **‘Care of’ Correspondence Address** – We recognise that some Applicants due to personal circumstances, may wish to have all correspondence relating to their Application sent to a different address than the one they are residing. The applicant will be required to provide the address and accommodation details for where they are residing as Banding will be assessed on where the Applicant is living.
- 5.3.7 At any stage during the application process Tai Tarian may undertake a visit to where the Applicant; is living to verify the circumstances as provided by the Applicant in the assessment of the Application.
- 5.3.8 A verification visit to the Applicants address will be made in most circumstances. This can be undertaken at any stage in the Application process especially prior to any offer of accommodation.

#### 5.4 Exclusions from the Housing List

- 5.4.1 All Applicants will be assessed for their eligibility for inclusion on the Housing Register this will be considered taking into account their immigration status, as detailed above, past and present conduct and other relevant matters.
- 5.4.2 Persons subject to immigration control, under the Asylum and Immigration Act 1996 are statutorily excluded for accommodation unless they fall within certain exception Categories (**see Appendix 6**).
- 5.4.3 An Applicant may be excluded from the Housing Register as a result of unacceptable behaviour, if it is reasonable and proportionate to do so, We will take into account all relevant factors such as vulnerability, health and individual circumstances when making decisions on exclusion.
- 5.4.4 The only behaviour that may be regarded as unacceptable is defined as behaviour by an Applicant or member of their household which would, if they

were a Secure Tenant of the Council, entitle a Landlord to possession under any of the Grounds 1 to 7, Schedule 2 of the Housing Act 1985.

5.4.5 The procedure and principles to be applied in determining exclusion are located in (**Appendix 2**)

## **5.5 Applications from Board Members, Staff or their close Relatives**

5.5.1 The following persons can apply for accommodation under this Scheme, subject to the limitation set out below:-

- a. An Officer (which includes a Board Member) or employee of Tai Tarian
- b. A person who at any time within the preceding twelve months has been a person within paragraph (a).
- c. A Close relative of a person within paragraph (a) or (b)

On applying they must acknowledge their position within Tai Tarian, their employment with Tai Tarian or their relationship to a Tai Tarian employee.

5.5.2 On applying to join the Housing Register they will neither be advantaged nor disadvantaged as a result of their position or relationship.

5.5.3 If an Applicant fulfils the above criteria their Application is considered under the Permitted Payments and Benefits (Wales) Determination 2010 and the Welsh Assembly Government's Circular RSL 005/10 on permitted payments and benefits or Tai Tarian's Code of Conduct (as may be adopted by the Board of Tai Tarian from time to time).

5.5.4 If such an applicant is due to be made an offer of accommodation, approval must be sought from Tai Tarian's Board and in some circumstances the Welsh Government, at the point of Allocation.

## **5.6 Incomplete Applications**

5.6.1 If following an assessment of an Application there is information required not provided by the Applicant within a reasonable period of time from the request we may not register the Application.

5.6.2 Applications may not be considered 'Live' until all information requested has been provided by the Applicant. Applicants will be asked to provide documentation which is reasonably required for the purpose of assessing their Application and which they can reasonably be expected to provide.

5.6.3 Until an Application has been deemed 'live' it will remain on the Holding List and the Applicant will not be eligible to "Bid" for accommodation.

5.6.4 There may however be occasions where an incomplete Application can be made active. This will generally apply where an application is complete except for evidence to substantiate an award of further priority. In such instances the Application may be made active and the applicant placed in the

Band which they fall into, based on the information and documentation available at that time and considered for housing immediately.

- 5.6.5 An awards of further priority will not be made until such a time as information is provided to substantiate that further priority, When we are satisfied that the information is complete, an award of further priority may be made and the Applicant placed in a higher Urgent Bands appropriate. This will be effective from the date of the decision that they are placed into the higher Band (**see paragraph 6.2.5**).
- 5.6.6 If as a result of information given at the assessment stage a visit is required to the home of the Applicant the Application will remain on 'hold' until the satisfactory completion of the visit.

## **5.7 False or Withheld Information**

- 5.7.1 If an Applicant provides false or misleading information when their Application is assessed they may be excluded from the Housing List.
- 5.7.2 If it is found that an existing Applicant who is already on the Housing List has provided false or misleading information, they will be removed from the Housing List and may be found ineligible for future Applications.
- 5.7.3 Where there is suspicion, or an allegation has been made that a person has either provided false information, or withheld information, the Application will be 'Held' pending the outcome of the investigation.
- 5.7.4 If the outcome of the investigation reveals they did not provide false information, or the withholding of information was found to be inadvertent, then the Application will be re-instated from the date of entry into the band.
- 5.7.5 Where the investigation shows that false information was provided, or information deliberately withheld, then the Application may be removed from the Housing List and the Applicant may be ineligible for future Applications.
- 5.7.6 Ground 17, Schedule 1 of the Housing Act 1988 enables Tai Tarian to seek Possession of a property where it has been granted as a result of a false statement by either the Tenant or a person acting at the Tenant's instigation.
- 5.7.7 Under Section 171 of the Housing Act 1996 a person commits an offence if, in connection with the exercise by a Local Housing Authority of their functions under this Part 6 of the Act.
  - a. they knowingly or recklessly makes a statement which is false in a material particular, or
  - b. The knowingly withhold information which the Authority have reasonably required them to give in connection with the exercise of those functions

A person guilty of an offence under this Section is liable on summary conviction to a fine of up to £5,000

## **5.8 Deliberately Worsening Circumstances**

- 5.8.1 Applicants must not deliberately worsen their housing circumstances to gain greater priority under the Scheme.
- 5.8.2 Where we believe this to be the case the Applicant will be awarded the Band that they would have been entitled to had they not worsened their housing circumstances.
- 5.8.3 The above applies to action by any person acting with the knowledge or consent of the Applicant.
- 5.8.4 When assessing whether an Applicant has deliberately worsened their housing circumstances, regard will be made to whether the act giving entitlement to additional priority was justified and reasonable in all the circumstances of the case.

## **5.9 Change in Circumstances**

- 5.9.1 The Applicant must notify Tai Tarian of any change in their circumstances that may be relevant to their Housing Application as soon as possible after that change occurs.
- 5.9.2 It is the responsibility of the Applicant to advise Tai Tarian of any change that may affect their Housing Application.
- 5.9.3 When a change in the Applicant's circumstances results in the Applicant moving up a Band their effective date will be from the date of the decision following notification of the change in circumstances and not their original registration date.
- 5.9.4 In some cases a change in circumstances may require a further assessment to be undertaken at which point the Application will be 'Held' until the satisfactory completion of the new assessment.

## **5.10 Applicants who may Require Support**

- 5.10.1 Where the Operations Manager (or appointed Senior Community Housing Officer / Senior Officer specialist Services) believes that an Applicant may be unable to properly fulfil the terms of Tai Tarian's Tenancy Agreement or have specific support needs due to vulnerability, specific support requirements or factors that relate to the Application, then an assessment of the Application will be made.
- 5.10.2 Following an assessment of the Applicant, which would include information from relevant Agencies a decision will be taken to, either:-
  - Allow the Application to proceed with no special conditions so that a "Bid" can be made for any accommodation the Applicant qualifies for or,
  - Allow the Applicant to "Bid" for properties but on the condition that an offer of accommodation will only be made where the Applicant

accepts Tenancy Support/Intensive Management from the start of the Tenancy, or

- Allow the Applicant to be considered for special accommodation that may only be found through supported housing and in certain areas allocated outside the Shared Lettings Scheme. This may involve referring the Applicant to another organisation so that suitable accommodation can be considered.

## **5.11 Local Connection**

5.11.1 Anyone living outside Neath Port Talbot can apply to join the Housing Register subject to their eligibility for the Scheme. However, to meet local housing need, certain priority in terms of Banding will be given to persons who have a local connection to Neath Port Talbot.

5.11.2 For the purposes of the Shared Lettings Policy a “Local Connection” is defined as follows:-

- An applicant or a member of their household currently lives in the Neath Port Talbot County Borough, or
- An applicant or member of their household is employed within the County Borough. This refers to where they work and not where the employer’s Head Office is located. Employment will only qualify under this section if it is permanent or long term work and for a minimum of 15 hours every week, or
- An Applicant or member of their household has a close relative (mother, father, brother, sister or adult child) who live in the County Borough and have done so for the past 5 years on a continuous basis.
- The Applicant has just been or is about to be discharged from the British Armed Forces and has previously lived in the County Borough immediately before joining the Armed Forces, or
- The Applicant has special circumstances, such as medical or support services that are only available in the Neath Port Talbot area. Cases of this nature are considered to have a local connection on exceptional grounds, or
- The Applicant is owed a full homeless duty under Section 193 of the Housing Act 1996 / section 75 of the Housing Act (Wales) Act 2014 by the Council. 5.11.3

5.11.3 An applicant who applies under ‘No Fixed Abode’ will need to prove a local connection to the Neath Port Talbot area. If they cannot do this they will be placed in the Bronze Band.

5.11.4 Should an Applicant have no local connection to Neath Port Talbot as detailed above, they will be placed in the Bronze Band. If an Applicant has a health or welfare need which does not require a move solely to the Neath Port Talbot area they will remain in the Bronze Band and advised to contact their own Local Authority for assistance.

## 5.12 Cancelling an Application

An application may be cancelled for one or more of the following reasons:-

- An Applicant request that their Application is cancelled
- An applicant accepts an allocation through the Shared Lettings Policy
- There is a change in the Applicant's circumstances that make them ineligible
- An applicant fails to respond to a periodic review of the Waiting List
- An Applicant is found guilty of providing false or misleading information that is serious enough to remove their Application from the Housing List
- An Applicant has been re-housed in a secure or assured (including a Starter Tenancy) by another RSL in or outside the Neath Port Talbot area
- An applicant who is already an RSL Tenant has a Mutual Exchange

## 5.13 Notification of Decision

5.13.1 Following an assessment of their Application, if deemed eligible for the Scheme, the Applicant shall be advised in writing of the outcome which details the following:-

- The Band in which their Application has been placed
- Their Applicant Category, which demonstrates the size and type of accommodation they can "Bid" for
- A unique reference number, which can be used for any contact
- Any other relevant information

5.13.2 If the Applicant is deemed ineligible for the Scheme then the Applicant will be informed in writing for the reason their Application is considered ineligible.

5.13.3 An applicant has the right to request a Review of various decisions as detailed in **Section 10** of this Policy.

## **SECTION 6 – Assessment of Need**

### **6.1 How an Application is Assessed**

- 6.1.1 To assess where an applicant will be placed in the Shared lettings Scheme a needs based Banding system will be operated.
- 6.1.2 An Applicant will be placed in the Band which reflects the level of their housing need, where the higher the housing need the higher the Band. This is based upon their lead need and not a cumulative number of housing needs.
- 6.1.3 The Applicant will be notified on their eligibility for the Scheme and also the Band they have been placed into according to their housing needs following the assessment of their Application. Information will be given on the size and type of accommodation the Applicant will be considered for depending on their family make-up.
- 6.1.4 In determining whether an applicant is unable to resolve their own housing need, regard will be had to all subjective factors relevant to the applicant in question in order to determine whether they are able to address their identified needs.  
The first stage is to identify an applicant's particular housing needs. Each applicant will have different housing needs of varying degrees. The procedures for assessing applications require that an applicant's identified housing needs are recorded on the assessment documentation.  
Having identified the applicant's housing needs, the second stage is then to assess whether the applicant can reasonably meet those housing needs themselves. Regard will be had to the applicant's financial ability to reasonably meet their own housing needs. Consideration will also be given to an applicant's age, health and other personal circumstances in order to establish if they are able to themselves meet their identified housing needs.
- 6.1.5 An Applicant will be advised of their position and priority on the Shared Lettings scheme, in order that the Applicant can assess the likelihood of when an offer of suitable accommodation may be made.
- 6.1.6 An Applicant has the right to be informed of any decision about the facts of their case, which is likely to be taken into account when considering whether to allocate housing to them.

### **6.2 How Housing Need is Assessed**

Eligible and qualifying Applicants will be placed in one of the following 4 Bands in date order.

#### **6.2.1 Urgent Band – Urgent Housing Need**

This Band is for Applicants who have an urgent housing need, who need immediate re-housing and who are unable to resolve their housing need on their own. Priority within the Urgent Band is determined in date order of entry into the Urgent Band and not by the original Application date.

Applicants who are placed within the Urgent Band will have their case reviewed after 3 months to ensure their circumstances still demonstrate an

urgent housing need and that they are actively bidding for suitable available properties. This may result in either:

- a. A direct let – usually for statutory homeless Applicants living in temporary accommodation (see Section 8.1 below), or
- b. Priority being maintained, or
- c. Moving into a lower priority Band if the circumstances under which they were placed in the Urgent Band no longer apply.

Applicants in the Urgent Band are generally those with reasonable and additional preference under the Housing Act 1996, Section 167(2).

### **6.2.2 Gold Band – High Housing Need**

This Band is for Applicants whose housing need is high and who are unable to resolve their housing need on their own. Priority within the Gold Band is normally determined in date order of entry into the Gold Band and not by the original Application date but see Section 6.2.5 below for further provisions on Applicants who move between Bands.

Applicants in the Gold Band are generally those who are afforded reasonable preference under the Housing act 1996, Section 167(2)

### **6.2.3 Silver Band – Medium Housing Need**

This Band is for Applicants who have a medium housing need and are unable to resolve their housing need on their own. Priority within the Silver Band is normally determined in date order of entry into the Silver Band and not by the original Application date but see section 6.2.5 below for further provisions on Applicants who move between Bands.

Applicants in the Silver Band will either have a lesser degree of reasonable preference than those Applicants in the Gold Band or some other housing need.

### **6.2.4 Bronze Band – Low / No Housing Need**

This Band is for Applicants with either:-

- Low housing need, or
- No recognised housing need or
- With a housing need and no local connection as detailed in Section 5.11.

These Applicants are unlikely to receive an offer of accommodation in many areas of the County Borough under this Scheme. Priority within this Band will be arranged in order of entry into this Band.

Section 6.3 below and Annex 3 of the Policy contains a summary of the criteria for each of the Bands.

### 6.2.5 Applicants who move between Bands

Where an Applicant’s case is reviewed and they move downwards between Bands then their date priority in the new Band will be the date on which they went down into the new Band, **UNLESS** the reason is due to a change in the Applicant’s housing circumstances, when their date priority in the lower Band will be the original date of entry into the higher Band.

### 6.3 Summary of the Housing Need Bands

URGENT BAND	URGENT PRIORITY
<p>Priority within this Band will be by date of entry into the Urgent Band and not original Application date (if different).</p> <p>Only Applicants with a “local connection” with Neath Port Talbot within the meaning of Section 5.11 of this Policy are eligible for this Band</p>	<ul style="list-style-type: none"> <li>• <b>HOMELESS APPLICANTS</b> - Applicants who are owed a duty to be secured accommodation after being found to be in priority need and unintentionally homeless</li> <li>• <b>MARAC CASES</b> – cases subject to a MARAC where the Applicant is at risk.</li> <li>• <b>WELFARE CASE URGENT</b> – Deemed to have a very high social circumstance that is seriously affected by their current housing.</li> <li>• <b>HEALTH CASE URGENT</b> – Seriously affected by their current housing, severe long term illness, or permanent substantial disability that makes existing accommodation unsuitable.</li> <li>• <b>ARMED FORCES SERVICE PERSONNEL</b> who have been seriously injured or disabled in action and who have an urgent need for Social Housing.</li> <li>• <b>EXISTING TAI TARIAN TENANTS WHO ARE UNDER-OCCUPYING</b> and are prepared to downsize to a property with fewer bedrooms and appropriate to their needs and who are suffering financial hardship.</li> <li>• <b>HOUSING CONDITIONS NOTICE – CATEGORY 1 HEALTH AND SAFETY HAZARD</b> – Any accommodation where the Housing authority was taking formal action with regards to a Category 1 Hazard under the Housing Health and Safety Rating System</li> </ul>
GOLD BAND	HIGH HOUSING NEED
<p>Priority within this Band will be by date of entry into the Gold Band and not original Application date (if different).</p> <p>Only Applicants with a “local connection” with Neath Port Talbot within the meaning of Section 5.11 of this Policy are eligible for this Band</p>	<ul style="list-style-type: none"> <li>• <b>OTHER HOMELESS / THREATENED WITH HOMELESSNESS APPLICANTS –</b> <ul style="list-style-type: none"> <li>(a) All Homeless Applicants who do not fall within the Urgent Band.</li> <li>(b) Applicants who are threatened with homelessness and eligible so that the Housing Authority owe them a duty to take reasonable steps to secure that their accommodation does not cease to be available for their occupation.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• <b>WELFARE CASE – HIGH – Moving home will greatly benefit Applicant.</b></li> <li>• <b>HEALTH CASE – HIGH – Moving home will greatly benefit Applicant - applicant and/or members of their household who have a serious health ailment(s) that would be significantly improved by moving to suitable accommodation.</b></li> <li>• <b>HOUSING CONDITIONS – CATEGORY 2 – HEALTH &amp; SAFETY HAZARD – any accommodation where the Housing Authority is taking formal action with regards to Category 2 Hazard under the Housing Health &amp; Safety Rating System</b></li> </ul>
<b>SILVER BAND</b>	<b>MEDIUM HOUSING NEED</b>
<p>Priority within this Band will be by date of entry into the Silver Band and not original Application date (if different).</p> <p>Only Applicants with a “local connection” with Neath Port Talbot within the meaning of Section 5.11 of this Policy are eligible for this Band</p>	<ul style="list-style-type: none"> <li>• <b>SHARING FACILITIES (Applicants who have never left the family home will not get priority for sharing facilities unless there is evidence to suggest a newly forming household)</b></li> <li>• <b>LACK OF AMENITIES/FACILITIES – applicants lacking any of the following:</b> <ul style="list-style-type: none"> <li>• Cooking facilities or</li> <li>• Bath/Shower or</li> <li>• A WC or</li> <li>• A hot water supply</li> </ul> </li> <li>• <b>APPLICANTS LACKING A BEDROOM having regard to the Bedroom Standard unless the accommodation they have applied for would have the same number of bedrooms as their current accommodation.</b></li> <li>• <b>TAI TARIAN tenants who are under-occupying their current accommodation by at least one bedroom having regard to the Bedroom Standard unless the accommodation they have applied for would have the same number of bedrooms as their current accommodation.</b></li> </ul>

	<ul style="list-style-type: none"> <li>• <b>WELFARE CASE MEDIUM</b> – Moving home will benefit Applicant.</li> <li>• <b>HEALTH CASE MEDIUM</b> – applicant and/or members of their household who have a minor health ailment that would be improved by moving to suitable accommodation.</li> </ul>
<b>BRONZE BAND</b>	<b>LOW / NO HOUSING NEED</b>
Priority within this Band will be arranged in order of date application	<ul style="list-style-type: none"> <li>• any applicant that does not fall within one of the top three bands</li> <li>• Applicants who do not have a local connection as detailed in section 5.11.</li> </ul>

**Appendix 3** of the Policy sets out more details about the criteria for each of the above categories for each of the Bands.

#### **6.4 Discretion to award no priority or adjusted priority where Applicant/Household member has been guilty of Unacceptable Behaviour**

A Senior Housing Officer may, pursuant to Section 167(2C) decide not to award the reasonable preference Band that an Applicant would otherwise have been entitled to by reason of them falling within one or more of the Categories in Section 167(2) of the Act if satisfied that:-

- a. The Applicant, or a member of their household, has been guilty of unacceptable behaviour serious enough to make the Applicant unsuitable to be a Tenant of the Authority, and
- b. In the circumstances at the time their case is considered, they deserve by reason of that behaviour not to be treated as a member of a group of people who are to be given preference by virtue of sub-section (2).

If such a decision to award, no/adjusted priority is made then it will be communicated to the Applicant in writing, setting out the reasons for the decision together with information about their right to request a Review of that decision. Section 10 sets out the Review procedures. See Annex 2 of the Policy for more details about how an Applicant may be awarded no priority or adjusted priority due to their previous unacceptable behaviour.

With homeless Applicants who are owed certain duties by the Council's Housing Options Section, notification will also be sent to the Housing Options Section of the intention to award no/adjusted priority to such Applicants (see **Appendix 2** for full details).

## SECTION 7 – Allocations through Homes by Choice

- 7.1 Most Tai Tarian properties that are vacant and available for letting will be let through the Homes by Choice Scheme. This Scheme offers Applicants choice by advertising vacant properties on a regular basis.
- 7.2 Any Applicant who wishes to be considered for a property on the Homes by Choice Scheme will be expected to submit a “bid” for that property in accordance with the process as outlined below.
- 7.3 All Applicants on the Homes by Choice Scheme will be placed in a Band, based on their housing need as detailed in Section 6 and the size of property that matches their household size (see **Appendix 4** for Priority Size and Type Eligibility)
- 7.4 Applicants will be informed of their Band and also the size and type of accommodation they can “bid” for in their notification letter following the assessment of their Application.
- 7.5 When a property is advertised as available through the Homes by Choice Scheme it will detail which Applicants can apply to “bid” for that property.
- 7.6 In certain circumstances a property advertised through Homes by Choice may be withdrawn at the discretion of Tai Tarian.
- 7.7 Applicants should be aware that there are limitations of available accommodation in certain areas of the County Borough so that choice may be limited.
- 7.8 Applicants in the Urgent Band who are owed a full homelessness duty by Neath Port Talbot CBC and fail to “bid” appropriately within 13 weeks of the date of acceptance onto the Banding Scheme will still be entitled to “bid”. However, Neath Port Talbot CBC Housing Options Team will also be able to then “bid” for properties on their behalf which are considered to be suitable for that Applicant’s household. Any suitable offer from a “bid” placed by the Housing Options Team will be deemed to be an offer under this Scheme.
- 7.9 In certain areas of the County Borough where there is an issue of low demand, properties may be advertised for Applicants who would under occupy the accommodation. In this case Tai Tarian will carry out a detailed affordability assessment prior to letting the property and if affordability due to under-occupation is an issue the offer may be withdrawn. Under Universal credit, most 16 and 17 year olds will not qualify for benefits. Therefore some Applicants aged 16 and 17 will need to provide evidence they have income **and/or** a means of paying rent - before they are allocated a Tenancy
- 7.10 When placing a “bid” for a property the Applicant should be mindful of the Welfare Reform rules and should seek advice before they accept a Tenancy that would result in reduced housing benefit payment because of Welfare Reform.
- 7.11 An Applicant can “bid” for up to a maximum of 5 properties from each Homes by Choice Advert. It is the responsibility of the Applicant to submit their “bid” within the set timescales.

- 7.12 Applicants should ensure that they only “bid” for properties that match their property size criteria unless advertised for their Category. If they do not their “bid” will be deemed ineligible.
- 7.13 Where Tai Tarian considers that the property an Applicant has “bid” for is unsuitable for any reason then the “bid” for that property will be deemed ineligible. The Applicant has a right to request a Review of the reasons for refusal of a “bid” (see **Section 10** on Reviews).
- 7.14 Once an Applicant has been matched to a property and an offer made and accepted they will not be eligible to “bid” for another property unless allowed to do so as a result of exceptional circumstances.
- 7.15 An offer under the Homes by Choice Scheme will be made to the Applicant in the greatest need as defined within the Banding system in date order according to the size and type of accommodation that meets their household needs (subject to Management discretion in **Section 8** below to place an Applicant into an appropriate Band.
- 7.16 Tai Tarian reserves the right not to make or withdraw an offer of accommodation subject to any further investigations on the Applicant.

## SECTION 8 – Allocations in Exceptional Circumstances

In the below 9 cases listed in Sections 8.1 to 8.9, an Operations Manager or Head of Landlord Services may come to a decision to either:-

- a. Make an offer of a specific property to the Applicant outside of the Homes by Choice Scheme,  
  
or
- b. Award the Applicant whatever Banding priority is appropriate in the circumstances of the case. This can include either placing the Applicant at the top of the awarded Band or simply placing them into a Band (in which case they will be considered in date order priority in the usual way.

Applicants awarded priority through Management discretion under this Section will be made one reasonable offer of accommodation only, taking into consideration the needs of the Applicant. An unreasonable refusal of the offer will result in the preferences being removed and the Applicant being returned to their original place on the register, subject to the criteria relating to refusal of offers.

### 8.1 Exceptional Circumstances

In some cases due to vulnerability of the Applicant or their circumstances are of a sensitive nature then either with the recommendation of a Senior Officer from a specific Agency, such as Housing Options/Social Services/Police/Probation Service/Health Authority or by Tai Tarian (Operations Manager/Head of Landlord Services) it is decided by Tai Tarian that it is in the best interests of the individual and/or community that an allocation under this Section shall be made.

### 8.2 Serious Offenders

- 8.2.1 It may be necessary to provide housing to offenders to minimise the risk to the community and the Applicant, where supervision of the individual can be maintained. This may also apply to individuals currently living in the community who are considered to pose a risk to themselves **and/or** others, although they may not have been convicted of any offence.
- 8.2.2 We will work with the Police and Probation Services to assess and manage risk and will apply special arrangements where cases are referred through the Multi-Agency Public Protection Arrangements (MAPPA). A planned and managed re-location of offenders will be agreed and will include a full discussion on housing options, which are most appropriate to the Applicant's circumstances and supervision needs.
- 8.2.3 The above may result in restrictions being placed upon the Applicant in their choice of property **and/or** area. This may mean a direct allocation of suitable accommodation outside the Homes by Choice Scheme.

### **8.3 No Demand for a Property**

- 8.3.1 Where a property has been advertised through the Homes by Choice Scheme but does not attract any eligible “bids”, even though advertised to Applicants who would under-occupy the accommodation, Tai Tarian will liaise with the Housing Options Team to identify whether a direct allocation can be made to an individual who is deemed to be statutorily homeless and advertise the property details as readily available in its Town Centre offices and may use an external Agency, such as Rightmove.
- 8.3.2 If there is no suitable Applicant identified by the Housing Options Team within 24 hours the property will be offered on a first come first served basis to an individual who is eligible for the Scheme and expresses an interest in that property.

### **8.4 Request for Sole / Joint Tenancy**

- 8.4.1 The allocation of a new Sole Tenancy of the property to a former Joint Tenant following the Termination/Surrender of the Joint Tenancy by the other Joint Tenant where that property is still appropriate to the needs of the household.
- 8.4.2 Where a Sole Tenant requests that a Joint Tenancy is created between that person and their partner/family member and the property meets the needs of the household.
- 8.4.3 Where a Sole Tenant requests that their Tenancy is allocated to a person who resides with them as a new Sole Tenant and where the property meets the needs of the new household.

### **8.5 Decanting Tenants**

- 8.5.1 Tai Tarian Tenants’ in certain circumstances may be required to vacate their home in order that major works or re-development takes place
- 8.5.2 If the original home will no longer exist then it will not be possible to return the Tenant to the original home. In such cases, the Tenant may be dealt with under this Section.
- 8.5.3 If the property is undergoing major refurbishment and the Tenant is required to move out on a temporary basis to allow the works to take place, the decant will be temporary and as such will not be counted as an allocation under this Scheme.
- 8.5.4 In exceptional circumstances a Tenant whose property is undergoing major works and would return but requests a permanent move to a new property on exceptional grounds as identified. This may be considered as an Allocation outside the Scheme.

## 8.6 Termination of Tenancy

Where a Tenant or Joint Tenants have given Notice to Quit their Tenancy and then sought to withdraw that Notice to Quit and the withdrawal is agreed by Tai Tarian they may be dealt with under this Section of the Scheme.

## 8.7 Request for Succession of a Tenancy

Tai Tarian may decide to treat an Applicant as a 'special case' where the following applies:-

- Where there would be a right for the Applicant to succeed to a Tenancy but that right has already been exercised (up to a maximum permitted number).
- Where the Applicant has resided at their existing property for many years but they do not have a right to succeed under the Tenancy Agreement.
- Where there has been a Succession to the Tenancy but the property is under-occupied and Tai Tarian wishes to make an offer of suitable alternative accommodation in accordance with the Tenancy Agreement provisions and Tai Tarian's Policy on Succession.

## 8.8 Adapted Disabled Accommodation

8.8.1 Tai Tarian is committed to addressing the housing needs of disabled Applicants but we have a limited stock of adapted accommodation to achieve this. It is therefore considered appropriate to allocate adapted accommodation outside the Homes by Choice Scheme.

8.8.2 This will allow Tai Tarian to match an individual Applicant's disability to the adaptations undertaken in the property, so as to use the limited stock in the best way.

8.8.3 Following the assessment of the Application, where it is identified that the Applicant has specific requirements for an adapted property then the Applicant may be required to provide an assessment from an Occupational Therapist or other similar profession person, which details the requirements of the disabled person.

8.8.4 Tai Tarian will establish set criteria for assessing both the Applicant and the property and retain a separate list of applicants suitable to be considered for adapted accommodation. (**Appendix 5**).

8.8.5 In such cases, under-occupation of a property may be accepted where the Applicant is the person best matched to that particular property.

8.8.6 Applicants considered for adapted accommodation will be offered a choice of areas when their Application is assessed and will only be offered a property where they have specified that area as one of their areas of choice. This may mean that some Applicants will have to wait longer to be re-housed.

8.8.7 Offers of adapted accommodation will be made outside the Homes by Choice Scheme after being identified as suitable for that Applicant. Once an offer has been made it will be subject to the same conditions afforded to offers through the Homes by Choice Scheme.

8.8.8 Applicants who are considered for adapted properties will still be eligible for the Homes by Choice Scheme but any “bid” for a property will be subject to the rules in **Section 7**.

8.8.9 To best meet the needs of disabled Applicants Tai Tarian may share information with other housing providers to identify suitable accommodation for the Applicant. Applicants will be required to confirm an express consent to such sharing of their information with other providers when they submit an Application.

8.8.10 If we are unable to allocate an adapted property via this Section we will advertise and allocate the property through the Homes by Choice Scheme in accordance with **Section 7**.

## **8.9 Extra Care Homes**

Extra Care Homes are properties for older people where additional support services are provided. Allocation to extra Care Homes will not be advertised through Homes by Choice but will instead be made by an Allocation Panel.

### **8.10 Applicant does not have a local connection but falls within Section 167(2)**

Applicants who fall within one or more of the 5 “reasonable preference categories” in Section 167(2) of the Housing Act 1996 but who do not have a “local connection” with Neath Port Talbot (within the meaning of section 5.11) will be placed into Bronze Band. However, there may be circumstances when it is not deemed appropriate to reduce priority to those applicants who would otherwise fall within one of the higher bands. There is hence a discretion to deal with such an applicant under this section where they do not have a local connection with Neath Port Talbot but would otherwise fall within Urgent Band, Gold Band or Silver band due to them falling within a “reasonable preference” category.

## **SECTION 9 – Offers and Refusals**

### **9.1 Offer of Accommodation**

- 9.1.1 The Applicant with the longest date order within the appropriate advertised Band will normally be offered the property. This is subject to the proviso that successful bidders (for example those who get an offer of a property) will only be made one offer per Homes by Choice period.
- 9.1.2 Once an Applicant has received an offer of accommodation within a Homes by Choice period, they will not receive any further offers of accommodation within the same Homes by Choice period even if they are top of the list for other properties that they may have bid for.
- 9.1.3 Tai Tarian reserves the right not to make / to withdraw any offer, subject to any further investigations undertaken.

### **9.2 Timescales for considering Offers of Accommodation and Viewings**

- 9.2.1 An applicant who is made an offer of accommodation is provided with 48 hours within which to contact the specified named Officer to arrange a viewing of the property.
- 9.2.2 This period of 48 hours will start to run from midnight of the day following that when the offer of accommodation is posted out to the Applicant, on the basis that all such offers will be posted First Class to the successful Applicant.
- 9.2.3 Following the viewing, a further 48 hours will be given in which the Applicant can either accept or refuse the offer. This period of 48 hours will start to run from midnight on the day of the viewing of the property.
- 9.2.4 In exceptional circumstances, additional timescales may be applied at the discretion of the Senior Community Housing Officer, for example, when dealing with vulnerable clients, or for other exceptional reason.
- 9.2.5 If within the period of 48 hours referred to above (or such other period as may be agreed by the Senior Community Housing Officer) the Applicant has not accepted or rejected the offer the Applicant would be deemed to have refused the offer.

### **9.3 Homeless Applicants**

- 9.3.1 Where the offer being made to the homeless Applicant is a “final offer” for the purpose of Section 193(7) of the Housing Act 1996 then the offer shall state that it is a final offer for the purpose of that Section. Such an offer shall also inform the homeless Applicant of the right to request a Review of the suitability of that accommodation within a period of 21 days of the offer being made. A refusal to accept such an offer may result in the Council’s duties to the homeless Applicant under Section 193 of the Housing Act being discharged pursuant to Section 193(7).

9.3.2 Reference is made to the provisions in Part 7 of the Housing Act 1996 regarding discharge of duties to homeless Applicants under Section 193 of the Act and regarding the statutory rights of homeless Applicants to ask for a review of the suitability of accommodation offered to them and also of the discharge of duties owed to them.

#### **9.4 Accepting an Offer of Accommodation**

9.4.1 Once an offer of accommodation has been accepted the Applicant will be removed from the Housing List.

9.4.2 Should the applicant accept an offer and sign a Tenancy Agreement for the premises they successfully bid for but then decide that they wish to terminate the Tenancy, the Applicant will be required to give at least 4 weeks' notice to end their Tenancy. The Applicant can request admission on the Housing List as a new applicant, though the Applicant's points will have to be re-assessed because it will be a new Application.

#### **9.5 Refusal of an Offer**

9.5.1 Applicants may only be provided with one suitable offer of accommodation through the Choice Based Letting Scheme. Where an Applicant refuses (or is deemed to have refused) an offer of accommodation their Application may be placed on the Holding List for a period of 3, 6 or 12 months dependent upon their previous bidding history.

9.5.2 The Council's Housing Options Service will decide what further action will be taken where Applicants who are statutorily homeless refuse a final offer of suitable accommodation. This may involve a decision to discharge any further duty to assist an Applicant under Homelessness legislation and termination of their temporary accommodation where this has been provided.

## SECTION 10 – Decision Reviews

### 10.1 Review Request

10.1.1 An Applicant has the right to request a review of the following decisions made by Tai Tarian:-

- Eligibility for accommodation – including decisions relating to eligibility on the grounds of the Applicant’s immigration status and unacceptable behaviour
- The Band awarded to the Applicant
- The property size that is considered suitable for the Applicant
- Any decision about the facts of the case which is likely to be, or has been taken into account in considering whether to allocate accommodation to the Applicant
- Refusal to accept a Bid from the Applicant for particular premises
- A decision under Section 6 not to award some or all of the priority that the Applicant would otherwise have been entitled due to their previous ‘unreasonable behaviour’

A decision under Section 5.10.2 as follows:

- Allow the Applicant to “Bid” for properties but on the condition that an offer of accommodation will only be made where the Applicant accepts Tenancy Support/Intensive Management from the start of the Tenancy
- or
- Allow the Applicant to be considered for specialist accommodation that may only be found through supported housing and in certain areas allocated outside the Shared Lettings Scheme. This may involve referring the Applicant to another organisation so that suitable accommodation can be considered.

10.1.2 An Applicant will receive information advising of their right to request a Review of the above decisions. Any Applicant wishing to request a Review should be advised to seek legal advice from a Solicitor, Law Centre, Housing Aid Centre or the Citizens Advice Bureau.

10.1.3 An Applicant is provided with **21 days** to request a Review from the date of the letter informing them of Tai Tarian’s decision, unless the Review request is made against the decision by Tai Tarian to refuse (under paragraph 7.13 or any other provision of the scheme) a “Bid” made by the Applicant for a property, which has to be made within **48 hours** of the notification of refusal being notified to the Applicant.

10.1.4 This request must be made in writing to Tai Tarian, stating the reasons why they would like the decision to be reviewed and provide any additional information that may support their request.

- 10.1.5 If the Review request is received after the 21 day period then it will not normally be heard, unless there are exceptional circumstances as agreed by Tai Tarian that have prevented the request from being lodged within the specified period.
- 10.1.6 In the case of bidding the timescale has to be reduced to 48 hours to lodge the Review request due to the need to allocate accommodation.
- 10.1.7 An Applicant who submits a request for Review shall be informed of the right for that Review to be considered by an Oral Hearing or by a Written Submission. Where the Applicant does not request an Oral Hearing the Applicant should be advised to attach any written submission to their request.
- 10.1.8 Where the Applicant requests an Oral Hearing they will be given at least **5** clear days' notice of the date, time and venue for the Hearing, unless the Applicant agreed ;to a shorter period.
- 10.1.9 All reviews will be undertaken by an Officer who is Senior to the Officer who made the original decision and has not been involved in that decision. In such cases where the Council Housing Options Section owes a duty to the Applicant under Section 193 of the Housing Act 1996/Section 75 of the Housing (Wales) Act 2014 but a decision is made that the Applicant is excluded from the Scheme or is given reduced preference due to unreasonable behaviour then the Housing Options Section will be notified of the decision and a review will be undertaken by a Panel comprised of a representative from Tai Tarian and a representative from the Housing Options Team. The final decision on the review will be made by the Tai Tarian representative, although they will have regard to any representations made by the Housing Options Team representative.

## **10.2 The Oral Hearing**

10.2.1 The Applicant will be informed of their right to:-

- Be heard
- Be accompanied
- Be represented by another person, whether the person is professionally qualified or not. For the purpose of the proceedings any representative should have the rights and powers which the Applicant has
- Call any supporting witness to give evidence. There is no power to require witnesses to attend
- Put questions to any person who gives evidence at the Hearing
- Make representations in writing

10.2.2 The Review Officer will consider the circumstances of the Applicant at the time of the Review, not just at the time of the original Hearing.

10.2.3 The Review Officer may decide to adjourn the Hearing to obtain any additional evidence on the Applicant.

10.2.4 The Review Officer will ensure that the Applicant is notified of the decision on the Review. If the decision is to confirm the original decision, the decision notice will also notify the Applicant of the reasons for the decision.

10.2.5 An unsuccessful Applicant on review as to eligibility will be notified of their right to make a fresh Application under **Section 160A (11)** if they consider they should no longer be treated as ineligible.

### **10.3 Written Submission**

10.3.1 Upon receipt of a request for review by way of Written Submission it shall be considered by the review officer on the circumstances both at that time and when the original decision was made.

10.3.2 When received the review officer will consider the case within **5 days** of receipt of the request and notify the Applicant of the outcome.

10.3.3 The Review Officer will ensure that the Applicant is notified of the decision on the Review. If the decision is to confirm the original decision the decision notice will also notify the Applicant for the reasons for the decision.

10.3.4 An unsuccessful Applicant on review as to eligibility will be notified of their right to make a fresh Application under **Section 160A (11)** if they consider they should no longer be treated as ineligible.

In all cases the Review request must be completed within **21 days** from the date the Applicant lodges their request for Review.

## SECTION 11 - Nominations

- The Council and Tai Tarian have agreed the nomination rights arrangements, which would apply when the Homes by Choice Scheme is not in operation or when Tai Tarian ceases to participate in such Scheme. The nomination rights arrangements are set out in Schedule 2 to the Transfer Agreement between the Council and Tai Tarian entered into (on or around 14 February 2011).
- Agreements are in place with other RSLs operating in the Neath Port Talbot area that allows the Council to nominate individuals to an agreed percentage of the RSLs vacant dwellings.
- The Council's nominations entitlement is higher for certain Schemes/Developments. These are generally Schemes/Developments of a specialist nature and where this is the case, they are subject to a Scheme/Development specific agreement. These will be dealt with by way of separate nomination agreements independent from this Policy.
- Where an RSL has a new Scheme/Development in which the Council has a right to nominate to an agreed percentage of vacant dwellings according to the particular agreement, it will be advertised in accordance with the Homes by Choice Scheme, where Applicants will be invited to submit a bid for that particular Scheme/Development. Details will then be passed to the relevant RSL to decide on allocation depending on their own lettings criteria.
- Any person who wishes to be nominated to an RSL vacancy should indicate this when they apply for housing and identify which areas of the County Borough area they would consider living.
- All nominations requested on an 'ad hoc' basis will be operated through the Housing Options Service of the Council, who will use nominations to prevent homelessness and/or discharge its statutory duty to accepted homeless households. Should the Housing Options Service be unable to provide a suitable nominee, an eligible Applicant on the joint Council and Tai Tarian's Housing List will be nominated by the Council.
- An applicant who has indicated a desire to be nominated and then refuses a subsequent offer made by the RSL will be subject to the same refusal rules which apply if they were offered a Tai Tarian's property (**see Section 9**).
- The criteria for acceptance and priority for housing in this Shared Lettings Policy applies solely to the letting of Tai Tarian accommodation. Other RSLs set their own criteria, which may be significantly different to those of the shared Council and Tai Tarian as set out in this Policy. In determining whether an offer of accommodation will be made to an Applicant nominated to an RSL by the Council, the RSL will have regard to its own Lettings Policy in the way set out in their nominations agreements with the Council.
- In the case of Specialist Schemes/Developments, such as Extra Care there will be a specific nomination agreement established for that particular Scheme/Development, which will specify the criteria for acceptance. This will be completed in agreement between the Council and the RSL.

- The Council's Housing Options Section facilitates the letting of housing accommodation owned by Registered Providers of Social Housing over which the Council has nominations rights pursuant to "Nomination Rights Agreement", which allows the Council to "Nominate" an Applicant for housing owned by the Registered Provider but pursuant to the RSLs re-housing criteria.

## **SECTION 12 – Monitoring and Reviewing the Shared Lettings Policy**

### **12.1 Monitoring of the Policy**

- The implementation of this Policy will be jointly monitored by the Council and Tai Tarian on a quarterly basis to ensure that it remains up to date and continues to meet the needs of individuals requiring accommodation in the County Borough area.
- To measure the effectiveness of the Policy it may be necessary to monitor and report on the three main elements of the Policy, that being access to housing, housing needs assessment and the allocation of accommodation.
- Any information collected as part of the monitoring process will also be used to allow the Council to act in its wider role of “enabler” in developing its local housing strategy to provide wider re-housing opportunities and by Tai Tarian to identify potential development needs.

### **12.2 How Revisions to the Policy will be Managed**

- During the life of the Shared Lettings Policy it may become necessary to make changes. Therefore this Policy and Procedures will be reviewed annually and improved in light of experience gained from its operation, best practice principles and taking account of any changes in legislation or legal decisions.
- It is also recognised that it may be necessary to make amendments or adjustments to ensure that the Policy is effective and efficient and that any Procedures allow the Policy to operate as envisaged. Any amendments will need to be agreed by both the Council and Tai Tarian before being implemented.
- Any amendments or adjustments to the Policy once agreed will be properly documented in writing and available on request.
- Under s.(167(7) of the 1996 Housing act, before adopting or altering an existing Allocation Policy, the Council and Tai Tarian will:-
  - i. Send a copy of the draft Scheme, or proposed alteration, to every Housing Association with which they have nomination arrangements; and
  - ii. Ensure that those Housing Associations have a reasonable opportunity to comment on the proposals.
- In order to ensure the effectiveness of this Policy and compliance with the relevant equality duties the Council and Tai Tarian will periodically monitor information about who is applying for and being allocated social housing.
- The Council and Tai Tarian will use this information as a basis for Policy review and development and to help establish whether identified outcomes are in-line with this Policy’s objectives. The monitoring will provide the Council and Tai Tarian with robust data to carry out equality impact assessments to identify whether this Policy directly or indirectly discriminates against anybody with a protected characteristic.

### **12.3 Termination**

Should either the Council or Tai Tarian decide to withdraw from the Homes by Choice Scheme or this Shared Lettings Policy then the Nomination Rights Agreement set out in Schedule 2 of the Transfer Agreement shall then apply in its place.

### **12.4 Review**

The Council and Tai Tarian will review this policy at least every two years to ensure compliance with the current legislation and good practice, and more frequently in relation to the publication of significant case law.

### **12.5 Equality Monitoring**

In order to ensure the effectiveness of this policy and compliance with the relevant equality duties, the Council and Tai Tarian will periodically monitor information about who is applying for and being allocated social housing.

## IMMIGRATION ELIGIBILITY

Note that the following Applicants will be regarded as eligible regardless of their immigration status (though they may still be regarded as ineligible due to their previous “unreasonable behaviour” or other relevant circumstances – see Section 3.3 above):

- a. A Secure or Introductory Tenant
- b. An Assured Tenant of housing accommodation allocated to him by a Local Housing Authority

### Persons subject to Immigration control

Persons subject to immigration control, under the Asylum and Immigration Act 1996, are statutorily ineligible for an offer of accommodation unless they fall within the following 4 Categories prescribed by the Allocation of Housing (Wales) Regulations 2003.

- a. **Class A** – a person recorded by the Secretary of State as a refugee within the Convention relating to the Status of Refugees done at Geneva on 28<sup>th</sup> July 1951.
- b. **Class B** – a person:
  - i. Who has been granted by the Secretary of State exceptional leave/humanitarian/protection/discretionary leave to enter or remain in the United Kingdom outside the provision of the immigration rules; and
  - ii. Whose leave is not subject to a condition requiring them to maintain and accommodate themselves and any person who is dependent on them, without recourse to public funds.
- c. **Class C** – a person who has current leave to enter or remain in the United Kingdom which is not subject to any limitation or condition and who is habitually resident in the Common Travel Area **other than** a person –
  - i. Who has been given leave to enter or remain in the United Kingdom upon an undertaking given by another person (that person’s “sponsor”) in writing in pursuance of the immigration rules to be responsible for that person’s maintenance and accommodation; and
  - ii. Who has been resident in the United Kingdom for less than five years beginning on the date of entry or the date on which the above mentioned undertaking was given in respect of that person, whichever date is the later;
 

and
  - iii. Whose sponsor or, where there is more than one sponsor, at least one of those sponsors, is still alive;

**d. Class D** – a person who is habitually resident in the Common Travel Area and who:-

- (i) is a national of a state which has ratified the European convention on Social and Medical Assistance done at Paris on 11 December 1953(3) or a state which has ratified the European Social Charter done at Turin on 18 October 1961(4) and is lawfully present in the United Kingdom; or
- (ii) before 3 April 2000 was owed a duty by a Housing Authority under Part 111 of the Housing Act 1985(5) (housing the homeless) or Part V11 of the Act (homelessness) which is extant, and who is a national of a state which is a signatory to the European Convention on Social and Medical Assistance done at Paris on 11 December 1953 or a state which is a signatory to the European Social Charter done at Turin on 18 October 1961.

### **Persons not Subject to Immigration Control**

If an Applicant does not require leave to be in the UK, then they still have to be '**habitually resident**' in the UK or Ireland to be eligible to apply for housing unless they are:-

- a worker for the purposes of Council Regulation (EEC) No. 1612/68 or (EEC) No.1251/70 – this basically covers EEA nationals who are working here, including part time workers, or
- a person with a right to reside in the UK pursuant to the Immigration (European Economic Area) Order 2000 (these have now been replaced by the 2006 regulations) – this basically covers EEA nationals who have a right to reside in the UK by virtue of being workers, retired persons, students, self-employed, or are the family members of such persons. Note that it also now includes those covered by EEA Regulation 15A(4A), viz, where:
  - (a) the Applicant is the primary carer of a British Citizen (“the relevant British citizen”)
  - (b) the relevant British citizen is residing in the United Kingdom; and
  - (c) the relevant British citizen would be unable to reside in the UK or in another EEA State if P were required to leave”;

or

- a person who left the territory of Montserrat after 1 November 1995 because of the effect on that territory of a volcanic eruption.

Due to the fairly recent accession to the EEA of Bulgaria, Romania and Croatia, the rules for Bulgarians, Romanians or Croatians are slightly different from the above. Bulgarians, Romanians and Croatians who have an EU right to reside are eligible for a housing allocation. These defined as EEA workers, self-employed or their family members are exempt from the habitual residence test (in the same way as other EA nationals). However, those working on the **work authorisation scheme**, also have to show that they are habitually resident in order to be eligible.

Also, changes to the immigration rules now effectively confer a derivative right to apply for housing for the primary carer of a British citizen or other EEA citizens (who will usually be a child) who is residing in the United Kingdom and where the denial of such a right of residence would prevent the British citizen/other EEA citizen from being able to reside in the United Kingdom.

## EXCLUSIONS/NO PRIORITY/ADJUSTED PRIORITY FOR UNACCEPTABLE BEHAVIOUR

Section 5.4 of the scheme sets out a summary of the grounds upon which an applicant may be excluded for unreasonable behaviour.

Under s.160A(7) of the 1996 Act, a local authority may, where it is satisfied that an applicant (or a member of the applicant's household) is guilty of unacceptable behaviour serious enough to make him or her unsuitable to be a tenant of the local authority, decide to treat the applicant as ineligible for an allocation.

Even if we are satisfied that an applicant is unsuitable to be a tenant, instead of deciding that he or she is ineligible for an allocation, we may instead proceed with the application and decide to give the applicant no priority/adjusted priority for an allocation under 167(2B) so that the Band that they are put into is lower than they would otherwise be entitled to.

Section 160A (8) of the 1996 Act provides that the only behaviour which can be regarded as unacceptable for these purposes is behaviour by the applicant or by a member of his or her household that would – if the applicant had been a secure tenant of the local authority at the time – have entitled the local authority to a possession order under s.84 of the Housing Act 1985 in relation to any of the discretionary grounds in Part 1 of Schedule 2, other than Ground 8. These are fault grounds and include behaviour such as non-payment of rent, breach of tenancy conditions, conduct likely to cause nuisance or annoyance, and use of the property for immoral or illegal purposes. It is not necessary for the applicant to have actually been a tenant of the local authority when the unacceptable behaviour occurred. The test is whether the behaviour would have entitled the local authority to a possession order if, whether actually or notionally, the applicant had been a secure tenant.

### Test of unacceptable behaviour

Where we have reason to believe that s.160A (7) of the 1996 Act may apply, we will apply a three stage test before deciding whether to use the power to decide that an applicant is ineligible for allocation or will be given no preference.

- (i) **Is there evidence of unacceptable behaviour? Was it serious enough to have entitled an authority to obtain a possession order?**

We will need to be satisfied that there has been unacceptable behaviour which falls within the definition in s.160A (8) of the 1996 Act. If a court has already made a possession order on one of the discretionary grounds, then we may accept that as evidence of unacceptable behaviour, and proceed to paragraphs (ii) and (iii) below.

Unacceptable behaviour may include the following (this list is non-exhaustive):

- Non-payment of rent
- Causing nuisance and annoyance to neighbours
- Criminal convictions
- Using a property for illegal or immoral purposes
- Failing to conduct a Tenancy in a satisfactory manner
- Committing certain criminal offences in the locality of their home and still posing a threat to neighbours or the community
- Being violent towards a partner or members of the family
- Allowing the condition of the property to deteriorate beyond a level deemed acceptable by Tai Tarian Ltd
- Obtaining a Tenancy by deception, for example, by giving untrue information
- Being subject to an ASB injunction or ASBO
- Tenants who have had their Tenancy demoted due to ASB.

(ii) **Was the behaviour serious enough to render the applicant or a household member unsuitable to be a tenant?**

Having concluded that there would be entitlement to an order, we will need to satisfy ourselves that the behaviour is serious enough to make the person unsuitable to be a tenant. We need to satisfy ourselves that if a possession order were granted it would have been an outright order. Where we have reason to believe that the court would have suspended the order, then such behaviour should not normally be considered serious enough to make the applicant unsuitable to be a tenant.

Possession Orders are often suspended in rent arrears cases to give tenants an opportunity to clear the rent arrears

- (a) The arrears are relatively modest, and/or
- (b) have been caused by delays in housing benefit, and/or
- (c) the tenant does not have a history of persistently defaulting on rent payments; and/or
- (d) the applicant was not in control of the household's finances or was unaware that rent arrears were accruing or is being held liable for a partner's debts; and/or
- (e) the local authority has failed to take steps or provide advice to help the tenant pay their rent

Factors which may weigh in favour of exclusion are:

- a) Failure to adhere to the terms of an agreed payment plan in relation to rent arrears or housing debt.
- b) A high level of arrears.

Similarly, Courts are generally inclined to suspend a possession order in respect of anti-social behaviour where:

- a) The allegations of nuisance are relatively minor, and/or
- b) The nuisance was caused by a member of the household who has since left and/or
- c) The court is satisfied that the imposition of a suspended order will serve to control the tenant's future behaviour.

Examples of anti-social or criminal behaviour which could render an applicant unsuitable to be a tenant include:

- a) Conviction for illegal or immoral purpose.
- b) Causing a nuisance and annoyance to neighbours or visitors.
- c) Committing certain criminal offences in or near the home and still posing threat to neighbours or the community.
- d) Being violent towards a partner or members of the family.

(iii) **Is the behaviour unacceptable at the time of application?**

Finally, if satisfied that the applicant is unsuitable to be a tenant by reason of the unacceptable behaviour in question, we must have regard to the circumstances at the time the application is considered and must satisfy ourselves that the applicant is still unsuitable at the time of the application. Previous unacceptable behaviour or even an outright possession order, may not justify a decision to treat the applicant as ineligible where that behaviour can be shown by the applicant to have improved.

Only if satisfied on all 3 aspects, can we consider exercising our discretion to decide if the applicant is to be treated as ineligible for an allocation. In reaching our decision, we will act reasonably. That means we will consider each application on its own merits. We will have regard for each applicant's personal circumstances (and the personal circumstances of the applicant's household), including his or her health and medical needs, dependents and any other factors relevant to the application. We will have regards to information provided on the application form and supporting information.

If an applicant, who has, in the past, been deemed by us to be ineligible, now considers his/her unacceptable behaviour should no longer be held against him/her as a result of changed circumstances; he/she can make a fresh application. Unless there has been a considerable lapse of time it will be for the applicant to show that his/her circumstances or behaviour has changed. What constitutes a considerable lapse of time will depend upon the individual circumstances of the case and in particular the nature of the unacceptable behaviour. Some applicants may find this process difficult and should be referred to an independent source of housing advice such as Shelter Cymru.

## **Unacceptable behaviour – ineligible or no priority/adjusted priority for an allocation?**

There is no obligation on us to treat an applicant as ineligible for an allocation (s.160A (7) of the 1996 Act) due to an applicant's or household member's behaviour. If we do apply the unacceptable behaviour standard and a person is deemed unsuitable to be a tenant, we may treat them as eligible but reduce the priority that is given to their housing application. By virtue of s.167(2B) and (2C) of the 1996 Act, an allocation scheme may provide that no preference is given to an applicant where the local authority is satisfied that he/she, or a member of his/her household has been guilty of unacceptable behaviour serious enough to make him/her unsuitable to be a tenant and the local authority is satisfied that, in the circumstances at the time the case is considered, he/she deserves not to be treated as a person who should be given reasonable preference.

By virtue of s.167(2D) of the 1996 Act, the same provisions apply for determining what is unacceptable behaviour for the purposes of deciding whether to give preference to an applicant, as apply to a decision on eligibility (s.160A(8) 1996 Act).

Hence, in cases where the grounds for exclusion are made out, we will consider whether it would be appropriate to give no priority or adjusted priority to the applicant as an alternative to excluding them. If we decide to give no priority or adjusted priority then this will result in the applicant being put into a lower band than would otherwise be the case.

## **Unacceptable Behaviour and Discharge of Duties to people who are Statutorily Homeless**

It is possible for us where the Council has determined an applicant to be unintentionally homeless and in priority need, to determine also that they are guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant and decide:

- To treat them as ineligible for an allocation (s.160A(7) of the 1996 Act; or
- To not afford them any priority for rehousing under their allocation scheme s.167(2B and 2C) 1996 Act or;
- that they are not eligible to apply under the Homes by Choice Scheme but instead consider them only for an offer of specific premises outside of Homes by Choice, or
- that they are eligible and entitled to bid for any accommodation they are entitled to bid for under the Scheme

It should be noted however that the Council will still have a statutory duty to secure accommodation for such persons though this need not be through a statutory allocation (see Section 159 of the Housing Act 1996) under its allocation scheme. In such cases, the Council has the discretion to accommodate such persons in the private sector or by some other means.

In such cases where the Council's Housing Options section owes a duty to the applicant to secure them accommodation under Section 193 of the Housing Act 1996/Section 75 of the Housing (Wales) Act 2014 but a decision is being considered to exclude the applicant from the scheme or to give them no/adjusted preference due to unacceptable behaviour then the Housing Options section will be notified of this and given the opportunity to provide comments/submissions within a reasonable period.

The Senior Housing Officer considering the case will have regard to any representations made by the housing Options Team representative.

If the Senior Housing Officer comes to a decision to exclude the applicant from the scheme or to give them no/adjusted preference due to unacceptable behaviour then as well as sending the decision to the applicant they will notify the Housing Options Team of the Council of that decision, together with the reasons for it. Should an application for a review be put in by the Applicant (see section 10 on Reviews) then a review will be undertaken by a panel comprised of a representative from Tai Tarian and a representative from the Housing Options Team. The decision on the review though will be that for the Tai Tarian representative alone though they will have regards to any representations made by the Housing Options Team representative. See Section 10 for full details of the review procedures.

If there are grounds to exclude a homeless applicant who is owed a duty under the Housing Act 1996 Part 7/Housing (Wales) Act 2014 to be secured accommodation by the Council's Housing Options Section then the Senior Housing Officer could decide that they are not eligible to apply under the Homes by Choice Scheme but instead consider them only for an offer of specific premises outside of homes by choice. The applicant will have the same right to ask for a review of such a decision as they would for a decision to completely exclude them from the scheme or to award them no/adjusted preference.

### **Procedures for Exclusions and the awarding of no/adjusted preference**

Where an application discloses information which could potentially give rise to a decision that the applicant may:

- Be excluded or
- Given no/adjusted priority, or
- Disallowed to bid under Homes by Choice and only considered for offers of specific premises.

Due to unacceptable behaviour then the officer dealing with the application shall request from the applicant whatever information and documentation which is necessary to get all relevant facts relating to the behaviour in question.

- a) **Housing related debt** – the applicant may be requested to provide copies of any court orders, rent account details, contact details for the previous landlord to establish the background to the accrual of the arrears. The applicant may be asked to explain how the arrears arose and to put forward any mitigation for the accrual of the arrears. If the applicant asserts that they have cleared the debts then they may be asked to provide proof of that.
- b) **Anti-social behaviour/criminal conviction** – the applicant may be requested to provide copies of any court orders, proof of any convictions, mitigation for the behaviour in question, probation reports, reports from other agencies, etc. The officer will work with the Police, probation services and other statutory and voluntary agencies in sharing information on sex offenders or other violent applicants and, where appropriate, become involved in the management of the risk posed by them.

c) **Other tenancy breaches/behaviour** – the applicant may be requested to provide documentation regarding the breaches of tenancy in question and invited to provide any explanation or mitigation of those breaches. This could include, for instance:

- Allowing the condition of the property to deteriorate.
- Allowing any furniture provided by the landlord to deteriorate due to ill treatment.
- Obtaining a tenancy by deception, for example by giving untrue information.

The officer should avoid unreasonably long delays in processing applications due to having to wait lengthy periods for the production of documentation in connection with the assessment of whether to exclude them.

If the officer considers that there are grounds for excluding the applicant or awarding no/adjusted priority then they will put the application forward to a Senior Community Housing Officer with a report setting out all relevant facts and appending all relevant documentation. Where the applicant is owed a duty by the Council to be secured accommodation under part 7 of the Housing Act 1996 then the Officer will also notify the Council's Housing Options team of the intention to consider exclusion and/or awarding no/adjusted priority. The Senior Community Housing Officer will consider the report and request any further documentation that they may need from the officer. The Senior Community Housing Officer will consider whether the grounds for exclusion are made out. If they are, then the Senior Community Housing Officer will decide if it's appropriate to exclude the applicant or to remove the preference that they would otherwise be entitled to.

If the decision is to exclude the applicant or remove their preference then the Senior Community Housing Officer will draw up a written decision and issue it to the applicant. Where the applicant is owed a duty by the Council under Part 7 of the Housing Act 1996 the Senior Housing Officer will have regard to any representations made by the Housing Options Team on the applicant's behalf. Any such written decision will set out the full reasons why the applicant has been excluded or had their preference removed, together with what facts the Senior Community Housing Officer had regards to in coming to that decision.

Such a decision will notify the applicant of their right to ask for a review of the decision and of any facts which see Section 10 above on reviews. Where we believe that an applicant may have difficulty in understanding the implications of a decision of ineligibility, arrangements will be made for the information to be explained in person.

In cases where the notification cannot be sent to the applicant or we believe that it may not have been received by him or her, we will make available at our office a written statement of our decision, and the reasons for it, to enable the applicant, or someone who represents the applicant, to collect within a reasonable period.

**Summary of the Criteria for each of the Bands  
Comprising the Scheme**

<b>URGENT BAND – URGENT PRIORITY (REASONABLE PREFERENCE PLUS ADDITIONAL PREFERENCE)</b>	
<b>Sub Categories of Band</b>	<b>Examples of Qualifying Circumstances / Summary of Criteria</b>
Homeless Applicants who are owed a duty to be secured accommodation after being found to be in priority need and unintentionally homeless.	<p>This applies to Applicants who are owed a duty under Section 193 of the HA 1996. It will also apply to most applicants owed a duty under Section 75 of the Housing (Wales) Act 2014. Such applicants are owed a duty to be secured accommodation after being found to be in priority need and unintentionally homeless.</p> <p>Applicants will only fall within this Band from the date when a decision is made by the Housing Options Section of the Council that they are owed such duties under the legislation. Should the duties owed to them under the legislation cease, then they will no longer fall within this Urgent Band and will then be put into whatever other Band is appropriate.</p>
<b>MARAC CASES</b> – At risk cases subject to a MARAC	At risk Applicants who are subject to a MARAC (Multi Agency Risk Assessment Conference) as part of an agreed safety plan for high risk victims will be eligible for additional preference and will be placed in the Urgent Band.
<b>WELFARE CASE URGENT</b> – Deemed to have a very high social circumstance that is seriously affected by current housing	<p>Examples of persons who will fall within this Category are below:-</p> <ul style="list-style-type: none"> <li>• Need to give/receive constant care and support and transport is a problem or moving away from a Community would cause hardship in giving/receiving constant support.</li> </ul>

<b>URGENT BAND – URGENT PRIORITY (REASONABLE PREFERENCE PLUS ADDITIONAL PREFERENCE)</b>	
<b>Sub Categories of Band</b>	<b>Examples of Qualifying Circumstances / Summary of Criteria</b>
	<ul style="list-style-type: none"> <li>• Person has received or is threatened with serious physical/sexual, racial or homophobic abuse and needs to move away.</li> <li>• Witnesses of crime or victims of crime who would be at risk of intimidation or violence. (Note: Not applicable to Applicants who go through Homeless route).</li> <li>• Requires urgent specialist service that can only be supplied by a move, care, health treatment, schooling.</li> <li>• Award by Head of Service due to adaptations required and not suitable in current home.</li> <li>• Foster Carers needing larger home, confirmed by Social Services.</li> <li>• Serious neighbour dispute – confirmed by third Party evidence, where the behaviour involves threats to life/property and where legal action is pursued.</li> <li>• Any other Exceptional Circumstances. (Additional preference given on above cases where overriding priority exists that requires immediate re-housing.</li> </ul> <p>The above list is not exhaustive and some circumstances may not be covered but are relevant for consideration of Social/Welfare points. The decision on any such award to be at the discretion of the relevant and authorised Officers considering the Application. If an Applicant bids for a property that would not achieve the objective of the social point award that has been given then we may remove partially or wholly the priority awarded under this Category for that Bid.</p>

<b>URGENT BAND – URGENT PRIORITY (REASONABLE PREFERENCE PLUS ADDITIONAL PREFERENCE)</b>	
<b>Sub Categories of Band</b>	<b>Examples of Qualifying Circumstances / Summary of Criteria</b>
<p><b>HEALTH CASE URGENT</b> – Seriously affected by current housing, severe long term illness, or permanent substantial disability that makes existing accommodation unsuitable</p>	<p>This applies where the Applicant and/or members of their household have a severe long term illness, or permanent substantial disability that makes their existing accommodation unsuitable. Health or quality of life must be severely affected by existing accommodation or a combination of serious health concerns that mean that health or quality of life is being seriously affected. Examples are that existing home does not allow for essential health treatment, ability to live independently in the Community is at risk without moving to suitable accommodation, someone cannot reasonably access essential facilities in their home, critical safety concerns perhaps of risk of falling etc. due to ill health.</p> <p>The award of priority under this Section is always subject to the proviso that if an Applicant ‘Bids’ for a property that would not benefit the reason why the priority was awarded then the priority will be removed for the purpose of considering the bid for that particular property.</p>
<p><b>ARMED FORCES SERVICE PERSONNEL</b> – who have been seriously injured or disabled in action and who have an urgent need for Social Housing</p>	<p>This applies to any Applicant who needs to move to suitable adapted accommodation because of a serious injury, medical condition of disability which he or she, or a member of their household, has sustained as a result of service in the Armed Forces.</p>
<p><b>EXISTING TAI TARIAN TENANTS WHO ARE UNDER-OCCUPYING</b> – and are prepared to downsize to a property with fewer bedrooms and who are suffering financial hardship</p>	<p>This applies to an Applicant who is under-occupying a social rented property and is prepared to downsize to a property with fewer bedrooms, which is suitable for their needs, but only if they are suffering severe financial hardship. An affordability assessment will be undertaken in these cases.</p>

<b>URGENT BAND – URGENT PRIORITY (REASONABLE PREFERENCE PLUS ADDITIONAL PREFERENCE)</b>	
<p><b>HOUSING CONDITIONS NOTICE – CATEGORY 1 HEALTH AND SAFETY HAZARD</b> – any accommodation where the Housing Authority is taking formal action with regards to a Category 1 hazard under the housing Health and Safety Rating System</p>	<p>Reasonable Preference will be awarded where the Housing Authority identify that a person’s home has at least one Category 1 hazard and any formal enforcement action has been taken with regards to the identified hazard(s).</p> <p>Formal enforcement action means any of the following, with regards to one or more Category 1 hazard:</p> <ul style="list-style-type: none"> <li>• Improvement notices;</li> <li>• Prohibition orders;</li> <li>• Hazard awareness notices;</li> <li>• Emergency remedial action or emergency prohibition orders;</li> <li>• Demolition orders;</li> <li>• Clearance areas;</li> </ul> <p>Any priority awarded will be removed when the property that is subject to an order or notice has been improved to the required standard</p>

<b>GOLD BAND – HIGH HOUSING NEED REASONABLE PREFERENCE</b>	
<b>Sub Categories of Band</b>	<b>Examples of Qualifying Circumstances / Summary of Criteria</b>
<p><b>OTHER HOMELESS/THREATENED WITH HOMELESSNESS CASES -</b></p> <p>(a) All homeless Applicants who do not fall within the Urgent Band above.</p>	<p>(a) Reasonable preference will be awarded to Applicants who are homeless within the meaning of the Housing Act 1996/Housing (Wales) Act 2014. In accordance with the Welsh government’s Code of Guidance for Local Authorities on Allocation of Accommodation and Homelessness 2013, Paragraph 8.14, the following definition of “Homeless” is used for the purpose of this</p>

<p>(b) Applicants who are threatened with homelessness and eligible so that the Housing Authority owe them a duty to take reasonable steps to secure that their accommodation does not cease to be available for their occupation</p>	<p>Policy: 'Where a person lacks accommodation or where their tenure is not secure'.</p> <p>(b) This applies to Applicants who the local Housing authority are satisfied have a priority need and are not satisfied that they became threatened with homelessness intentionally so that they owe a duty under Section 195(2) of the Housing Act 1996. It will also apply to those applicants who are threatened with homelessness and eligible for help and who are owed a duty under Section 66 of the Housing (Wales) Act 2014 to take reasonable steps to secure that the Applicant's accommodation does not cease to be available for their occupation.</p>
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<b>GOLD BAND – HIGH HOUSING NEED REASONABLE PREFERENCE</b>	
<p><b>WELFARE CASE - HIGH – MOVING HOME WILL BENEFIT APPLICANT</b></p>	<p>Examples of Persons /Applicants who will be given reasonable preference under this Category are:-</p> <ul style="list-style-type: none"> <li>• Serious neighbour dispute (not life/property threatening) – confirmed by third party evidence, where legal action is pursued.</li> <li>• Victims of harassment through anti-social behaviour – evidence of ongoing and targeted harassment.</li> <li>• Vulnerable Applicants needing to move to more appropriate accommodation.</li> <li>• Need to give / receive regular care and support where transport is a problem or moving away from a community would cause hardship in giving / receiving regular support.</li> <li>• Receiving regular health treatment /care, which is difficult to access.</li> </ul>

	<ul style="list-style-type: none"> <li>• Applicants leaving supported housing and need to re-integrate with the Community where after a review of support plan by support provider, recommends a move to independent accommodation including young people at risk and care leavers.</li> <li>• Currently residing in a Supported Housing Scheme funded via the Supporting People Programme. Points will only be awarded where the Support Provider has identified the need to move-on following a review of the Applicants support plan. This will not include floating support or Sheltered Housing Scheme</li> </ul>
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<b>GOLD BAND – HIGH HOUSING NEED REASONABLE PREFERENCE</b>	
	<ul style="list-style-type: none"> <li>• Difficulty in accessing employment or education, or other services where there is a need to move to avoid hardship.</li> </ul> <p>The above list is not exhaustive and some circumstances may not be covered but are relevant for consideration of Social/Welfare points. The decision on any such award to be at the discretion of the relevant and authorised Officers considering the Application.</p> <p>If an Applicant bids for a property that would not achieve the objective of the social point award that has been given then we may remove partially or wholly the priority awarded under this Category for that bid.</p>
<b>HEALTH CASE – HIGH – MOVING HOME WILL BENEFIT APPLICANT</b>	Reasonable preference will be awarded to Applicants under this Category where the Applicant <b>and/or</b> members of their household who have a serious health

	<p>ailment(s) that would be significantly improved by moving to suitable accommodation.</p> <p>The award of priority under this Section is always subject to the proviso that if an Applicant 'bids' for a property that would not benefit the reason why the priority was awarded, then the priority will be removed for the purpose of considering the bid for that particular property.</p>
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<b>GOLD BAND – HIGH HOUSING NEED REASONABLE PREFERENCE</b>	
<p><b>HOUSING CONDITIONS – CATEGORY 2 HEALTH &amp; SAFETY HAZARD</b> Any accommodation with the Housing Authority is taking formal action with regards to a Category 2 Hazard under the Housing Health and Safety Rating System</p>	<p>Reasonable preference will be awarded where the Housing Authority identify that a person's home has at least one Category 2 hazard and any formal enforcement action has been taken with regards to the identified hazard(s).</p> <p>Formal enforcement action means any of the following, with regards to one or more Category 2 hazard:</p> <ul style="list-style-type: none"> <li>• Improvement notices;</li> <li>• Prohibition orders;</li> <li>• Hazard awareness notices;</li> </ul> <p>Any priority awarded will be removed when the property that is subject to an order or notice has been improved to the required standard.</p>

<b>SILVER BAND –MEDIUM HOUSING NEED</b>	
<p><b>SHARING FACILITIES</b> (not for Applicants that have left the family home)</p>	<p>This Category applies where an Applicant is deemed to be sharing all of the following</p>

	<p>rooms with another household:</p> <ul style="list-style-type: none"> <li>• Living Room</li> <li>• Kitchen</li> <li>• Bathroom</li> <li>• WC</li> </ul> <p>Applicants who have never left the family home will not get sharing points, unless there is evidence to suggest a newly forming household.</p>
<b>LACK OF AMENITIES/FACILITIES</b>	<p>This category applies to Applicants lacking any of the following:</p> <ul style="list-style-type: none"> <li>• Cooking facilities, or</li> <li>• Bath or</li> <li>• Shower facilities or</li> <li>• a WC or</li> <li>• a hot water supply</li> </ul>
<b>APPLICANTS LACKING A BEDROOM</b> – having regard to the Bedroom Standard	<p>The Bedroom Standard is defined in below. This applies to Applicants overcrowded by 1 or 2 bedrooms according to the Bedroom Standard for overcrowding (see below), <b>unless</b> the accommodation they have applied for would have the same number of bedrooms as their current accommodation</p>
<b>TAI TARIAN</b> tenants who are under occupying their current accommodation by at least one bedroom having regard to the Bedroom Standard	<p>This Category applies to Tenants of Tai Tarian Ltd who are under-occupying a property by one or more bedrooms (having regard to the Bedroom Standard) and are prepared to move to a property with fewer bedrooms than their current accommodation.</p>
<b>WELFARE CASE MEDIUM</b>	<p>This Category applies where an Applicant <b>and/or</b> members of their household have a minor health ailment that would be improved by moving to suitable accommodation.</p>

<b>BRONZE BAND – LOW / NO HOUSING NEED</b>	
<b>ANY APPLICANT</b> that does not fall within	This simply means any Applicant who does

one of the top three Bands.	not fall into Bands A – C above
<b>APPLICANTS</b> who do not have a local connection as detailed in Section 5.11	This covers Applicants who do not have a “local connection” with Neath Port Talbot within the meaning of this Policy.

### The Bedroom Standard

For the purpose of this Scheme it is recognised that persons considered for sharing a room must be family members. Therefore two young adults who are not in the same family and are in a relationship should be considered as requiring their own bedroom. The table below shows the bedroom entitlement for adults and children according to the Bedroom Standard

#### Bedroom Standard:

	NUMBER OF BEDROOMS	
HOUSEHOLD MEMBERS	1	2
Single adults over 21	x	
Couple (married or cohabitating) wishing to live together	x	
Single person/couple who are supported for an additional bedroom		x
20 x weeks pregnant woman with or without partner and no other children		x
One child	x	
2 children under 10 regardless of sex	x	
2 children of the same sex aged between 0 and 21	x	
2 children of different sex aged between 10 and 21		x

## PROPERTY SIZE AND TYPE ELIGIBILITY

### 1. Property Size Criteria

- 1.1 The following matching process will be used to assess an applicant's bedroom requirements.
- 1.2 The following table shows the size and type of property that Applicants may be considered for based on their household size either when submitting a "Bid" for an advertised property or for a direct allocation outside the Homes by choice Scheme.
- 1.3 All properties advertised through the Homes by choice Scheme will display the Band Applicants have to be included in and details of the household type and size who are eligible to "Bid" for each property.
- 1.4 Applicants will be expected to only "bid" for properties which suit their household size. However, an officer of the rank of Senior Community Housing Officer or above may re-classify an applicant as requiring a higher number of bedrooms where the Applicant has overnight access to access rights to a child/children. See paragraph 6 below.
- 1.5 Where there is low demand for certain accommodation Tai Tarian may decide to advertise a property for an Applicant who would under-occupy the property. If this is the case the issue of affordability will be considered prior to any offer of accommodation.

### 2. Pregnant Women

- 2.1 The expected child will only be added to the Application from week 20 of the pregnancy, once the MAT B1 has been received. It is the responsibility of the Applicant to provide this information.
- 2.2 The Applicant must provide proof of pregnancy before the expected child is added to the Application.

### 3. Access to Children

- 3.1 single applicants or couples, who do not have children living with them on a full time basis but who have access to a child/children will qualify for 2 bedroom accommodation, providing they supply written evidence that the child/children stay overnight at least 2 nights a week, or the average overnight stay equals this.
- 3.2 Written evidence to confirm the above must be provided and can include a letter from the Partner who the child/children normally live with, a Solicitor, Social Services or Court Order detailing access arrangements.

- 3.3 Applicants who would under-occupy the property based on the Welfare Reform rules will have an affordability assessment carried out to confirm that they can afford to occupy the property. This may be done at the point of Application **and/or** at the point of offer.
- 3.4 If an Applicant is unable to demonstrate they can afford the property, they will only be eligible to “bid” for 1 bedroom accommodation, unless there is a change in their circumstances. It is the responsibility of the Applicant to update Tai Tarian of any change in circumstances that would affect this decision.
- 3.5 Where an Applicant already has children in their household but also has access to other children, then they may be entitled to a further bedroom/bedrooms under paragraph 6 below.

#### **4. Applicants with Children**

- 4.1 With the introduction of Welfare Reform the rules on bedroom use has changed so that Applicants with 2 children may be deemed to under-occupy 3 bedroom accommodation for housing benefit purposes.
- 4.2 Due to this Tai Tarian has decided to offer flexibility in the size of accommodation an Applicant with children may be eligible for. The property size table demonstrates that Applicants with children may elect to be considered for 2, 3 or 4 bedroom accommodation depending on their circumstances.
- 4.3 Where an Applicant with children subject to housing benefit elects to be considered for accommodation, which would result in a reduction in housing benefit then an affordability assessment, will be required from the point of Application to ensure they can afford to occupy the property.
- 4.4 If an Applicant is unable to demonstrate they can afford the property, they will only be eligible to “bid” for properties in line with the Welfare Reform rules, unless there is a change in their circumstances. It is the responsibility of the Applicant to update Tai Tarian of any change in circumstances that would affect this decision.

#### **5. Older Persons Accommodation**

- 5.1 Some properties will be suitable for Older Persons and will be advertised with an age restriction on those Applicants eligible to “bid” for the property.
- 5.2 Older Persons accommodation will be offered to Applicants aged over 55+ years in the first instance, in accordance with the Banding principle of priority.
- 5.3 If there is no demand from Applicants aged over 55+ years, it will be advertised for Applicants aged 50+ years and then Applicants aged 40+ years and so on as required, in accordance with the principles of Banding priority.

## **6. Bedroom Entitlement**

- 6.1 In some cases where there is a need for an additional bedroom as assessed through health or social needs the Applicants bedroom entitlement may be re-classified, even if the property is not fully occupied at the time.
- 6.2 In health terms this may mean an Application through serious health problems may require to sleep in a separate bedroom from a partner, or may require a carer to stay overnight. Supporting evidence may be required to consider such requests.
- 6.3 For social reasons this may mean that an additional bedroom is required for an exceptional reason. Supporting evidence may be required to consider such requests.
- 6.4 In all such cases the decision to grant an additional bedroom entitlement to the Applicant will be made by Tai Tarian, who will have regard to supporting evidence provided by the Applicant.

**(Please see Table of Property Size and Type Eligibility)**

### Property Size & Type Eligibility

Household Size	Bedsit	Flat /Maisonette / Bungalow			House				
		1 Bed	2 Bed	3 Bed	1 Bed	2 Bed	3 Bed	3 Bed (Parlour Type)	4 Bed +
Single Person	√	√							
Single Person with overnight access to one child +		√	√						
Single couple who are pregnant 20+ weeks		√	√			√			
Couple		√	√						
2 Single Adults			√						
3 Single Adults				√			√	√	
Single Adult / Couple + 1 Child or Non-Dependent			√			√			
Single Adult / Couple + 2 Children (different sex, aged under 10)			√	√		√	√		
Single Adult / couple + 2 children (same sex aged under 16)			√	√		√	√		
Single Adult / Couple + 2 children (different sex, one child Aged 10+)				√		√	√		
Single Adult / Couple + 3 Children				√			√	√	
Single Adult / Couple + 4 or more Children							√	√	√
Other family households that qualify for 4 bedrooms								√	√

**Note** that the above table is subject to the discretion set out above in paragraph 6 of this Appendix where there is a need for an additional bedroom as assessed through health or social needs, to re-classify the Applicants bedroom entitlement, even if the property is not fully occupied all the time.

**The table below sets out the Categorisation of Applicants**

<b>Person Category Classification</b>	<b>Suitable Applicants</b>
<b>D</b>	Disabled Facilities required by Applicant as agreed by Tai Tarian
<b>G</b>	General needs Applicants accommodation
<b>O</b>	Older Applicants and family members aged over 55 years (60+ in certain Sheltered Complexes). We will be flexible regarding this age restriction, particularly where an applicant who does not meet the age criteria has mobility problems.
<b>S</b>	Applicants whose accommodation needs after joint assessment cannot be met through a Tai Tarian Tenancy but can be through supported accommodation.

**ADAPTED DISABLED ACCOMMODATION CRITERIA**

- 5.1 At the point of the application assessment by a Tai Tarian assessor an applicant will provide details of their housing need. Under the Banding scheme a number of needs factors may be considered, one of which may be in relation to the Health needs of the applicant.
- 5.2 Where the applicant has declared to the Assessor that they have health needs which are affected by their present housing circumstances the assessor will ask the applicant for their particular Health needs to determine the level of health need using the relevant factors in the Banding scheme.
- 5.3 Where an applicant has stated that they need a property with disabled facilities a Health questionnaire will be completed to determine whether the applicant should be considered for Adapted disabled accommodation in accordance with Section 8.8 of this policy. A Health questionnaire will be completed by the assessor and referred to a Senior Community Housing Officer to decide whether to support the applicant for adapted accommodation. A referral may be required to an Occupational Therapist or other relevant medical practitioner who may contact the applicant prior to the decision to consider the applicant as a Disabled category applicant.
- 5.4 If an applicant meets the criteria for acceptance of a property with disabled facilities their application details will be included in the Banding scheme and afforded an applicant category status of D (disabled Facilities). Their details will be retained on an additional list of applicants who require disabled facilities which details their adaptation requirements.
- 5.5 The eligibility of an applicant's need for adapted accommodation may be measured by criteria that may include:-
- Are there any mobility issues to the applicant or other person within the immediate family who are to be re-housed.
  - Whether the applicant, or other person within the immediate family, is a wheelchair user.
  - Whether the applicant, or other person within the immediate family, require a walk in shower facility.
  - Any children with disabilities within the household, and
  - Whether the applicant, or other person within the immediate family, is in receipt of a benefit that classes them as in need of a certain level of care, such as high rate DLA, mobility or carers allowance.
- 5.6 Where it is identified that the applicant has stated that they require a property with disabled facilities the application will be held pending a decision on whether to consider that applicant as a disabled category applicant.

- 5.7 In considering the correct type of property for the applicant regard may be given to the bedroom entitlement of the applicant where it is identified that the applicant requires an additional/separate bedroom due to their health needs.
- 5.8 When a property is identified as adapted, meeting the minimum criteria for an adapted property an applicant with an applicant category D whose needs for disabled facilities that best match the facilities in the property, and within their area of choice will be matched to the property and an offer made.
- 5.9 Any offer of an adapted property may be ratified by an Occupational Therapist or other Medical practitioner who is involved in the case and can verify that the property meets the needs of the applicant.
- 5.10 Where two or more applicants are best matched to the property on an equal needs basis the overriding factor will be the size of accommodation which best meets the household size of the applicant and if equal in terms of size then in date of application order.

## HEALTH ASSESSMENTS

- 6.1 At the point of the application assessment by a Tai Tarian assessor an applicant will provide details of their housing need. Under the Banding scheme a number of needs factors may be considered, one of which may be in relation to the Health needs of the applicant.
- 6.2 Where the applicant has declared to the Assessor that they have health needs which are affected by their present housing circumstances the assessor will ask the applicant for their particular Health needs to determine the level of health need using the relevant factors in the Banding scheme.
- 6.3 When assessing the Health needs of the applicant the Assessor will have regard to the applicant's current housing circumstances and how their health is affected by this. In addition to this the Assessor will consider the type of accommodation requested by the applicant to determine whether such a move will benefit the applicant on Health grounds.
- 6.4 The level of Health need is determined by the details within the Banding scheme as follows:
- **HEALTH CASE URGENT** – Seriously affected by current housing, severe long term illness, or permanent substantial disability that makes existing accommodation unsuitable
  - **HEALTH CASE – HIGH – MOVING HOME WILL GREATLY BENEFIT APPLICANT** – applicant and/or members of their household who have a serious health ailment(s) that would be significantly improved by moving to suitable accommodation
  - **HEALTH CASE MEDIUM** – applicant and/or members of their household who have a minor health ailment that would be improved by moving to suitable accommodation
- 6.5 Where the Assessor considers that the applicant may be placed within the Urgent Band – Urgent Need, due to their Health condition the case will be referred to a Senior Housing Community Officer to decide whether the case is supported for inclusion within the highest Band, the Urgent Band.
- 6.6 Where 6.5 applies the application will be Held until the Health assessment referral is considered by a Senior Community Housing Officer.
- 6.7 Where Health needs have been identified a request may be made for further information from the applicant to support the application. This information should be from a qualified medical practitioner, Support Provider or Occupational Therapist.
- 6.8 Where an applicant requests an additional bedroom on Health grounds that request will be considered in line with the Bedroom entitlement criteria in the property type and size eligibility assessment.

- 6.9 Where the application assessment determines that the applicant should be considered for a certain type of accommodation on health grounds they should only “bid” for properties that meet their health need. Any “bid” for accommodation that does not alleviate their health need may be refused.
- 6.10 If an applicant informs Tai Tarian of a change in their circumstances which may affect their priority on the Banding scheme on Health grounds a review of their application will be made and a revised decision on their Banding priority made. This could result in their application moving up a Band(s)/staying the same/moving down a Band(s). Until this review is completed the application may be held pending a decision.
- 6.11 Where an applicant has stated that they need a property with disabled facilities a Health questionnaire will be completed to determine whether the applicant should be considered for Adapted disabled accommodation in accordance with Section 8.8 of this policy. The Health questionnaire will be completed by the assessor and referred to a Senior Community Housing Officer to decide whether to support the applicant for adapted accommodation. A referral may be required to an Occupational Therapist or other relevant medical practitioner who may contact the applicant prior to presenting a recommendation on the case. Until a decision is made on the case the application may be held.

**WELFARE ASSESSMENTS**

- 7.1 At the point of the application assessment by a Tai Tarian assessor an applicant will provide details of their housing need. Under the Banding scheme a number of needs factors may be considered, one of which may be in relation to the welfare needs of the applicant.
- 7.2 Where the applicant has declared to the Assessor that they have welfare needs which are affected by their present housing circumstances the assessor will ask the applicant for their particular welfare needs to determine the level of welfare need using the relevant factors in the Banding Scheme.
- 7.3 When assessing the welfare needs of the applicant the Assessor will have regard to the applicant's current housing circumstances and how their welfare is affected by this. In addition to this the Assessor may consider a number of factors which may affect the type of accommodation and area of preference requested by the applicant to determine whether such a move will benefit the applicant on welfare grounds.
- 7.4 The level of welfare need is determined by the details within the Banding scheme as follows:
- **WELFARE CASE URGENT** – Deemed to have a very high social circumstance that is seriously affected by current housing.
  - **WELFARE CASE – HIGH – MOVING HOME WILL BENEFIT APPLICANT** – applicant and/or members of their household who have a serious social circumstance that would be significantly improved by moving to suitable accommodation.
  - **WELFARE CASE MEDIUM** – applicant and/or members of their household who have a social circumstance that would be improved by moving to suitable accommodation.
- 7.5 Where the Assessor considers that the applicant may be placed within the Urgent Band – Urgent Need, due to their welfare condition the case will be referred to a Senior Community Housing Officer to decide whether the case is supported for inclusion within the highest Band, the Urgent Band.
- 7.6 Where the above applies the application may be held until the welfare assessment referral is considered by a Senior Community Housing Officer.
- 7.7 Where welfare needs has been identified a request may be made for further information from the applicant to support the application. This information may be from an external agency who is involved in the case such as, Social Services, Support Agency, Health or other Professionals (such as the Police, Victim Support or any other Agency involved).
- 7.8 If an applicant informs Tai Tarian of a change in their circumstances which may affect their priority on the Banding scheme on welfare grounds a review of their application will be made and a revised decision on their Banding priority made. This could result in their application moving up a Band(s) staying the same/moving down

a Band (s). Until this review is completed the application may be held pending a decision.