

ALLOCATIONS POLICY

(Adopted 3rd January 2017- Amended 1st February 2021)

This document is available in Welsh



Contents

PART A – POLICY STATEMENT	4
Section 1 - Introduction	4
1.1 Aims & Objectives	4
1.2 Equality	4
Section 2 - The Housing Register	5
2.1 Who can apply?	5
2.2 Eligibility	5
2.3 Joint Applicants	6
2.4 Transfer Applications	6
2.5 Applications from Elected Members, Employees of Wrexham County Borough Council and their close family relatives	7
2.6 Applications from prison leavers	7
2.7 Applications to amend existing Council Tenancies	8
2.8 Nominations to Housing Associations	8
Section 3 - How to apply	9
3.1 Processing an Application	9
3.2 Housing Options	10
3.3 Changes in Circumstances	10
3.4 Reduced Priority	12
3.5 Allocating properties	15
3.6 Matching applicants to properties	15
3.7 Offers of accommodation	18
3.8 The Involvement of Local Members	20
3.9 Applicants' Rights	20

PART B - THE BANDING SCHEME	22
Band 1	23
Band 2.....	23
Band 3	24
Band 4	24
Band 5.....	24
PART C – CRITERIA FOR ASSESSING APPLICATIONS.....	25
1.1 Cumulative Need	25
1.2 Homelessness	25
1.3 Medical & Welfare Grounds	26
1.4 Overcrowding	27
1.5 Hardship	27
1.6 Under Occupation	28
1.7 Unsatisfactory Housing.....	28
1.8 Children in Flats	28
1.9 Care Leavers	29
1.10 Applicants Sharing Accommodation	29
1.11 Armed Forces Personnel	29
1.12 Local Connection	29
Appendix 1 - Management Moves	32
Appendix 2 - Wrexham County Borough Council’s Exclusion Policy.....	34

PART A – POLICY STATEMENT

Section 1 - Introduction

1.1 Aims & Objectives

The aim of this policy is to ensure that Council housing in Wrexham County Borough is allocated in a fair and transparent way to those in the greatest housing need, taking into account relevant legislation and Welsh Government Guidance.

The key objectives of the policy are:

- to help meet housing need and local housing issues in Wrexham County Borough
- to have a system of allocating properties that enables applicants to make realistic and informed housing choices taking into account the demand for housing in Wrexham County Borough
- to ensure every application is dealt with fairly, consistently and transparently
- to operate an allocations system that is easy for applicants and staff to understand; and
- to give a degree of priority to applicants in one of the “Reasonable Preference Groups” as set out in the Welsh Government’s Code of Guidance.

1.2 Equality

Wrexham County Borough Council aims to provide accommodation for all sections of the local population, who are in housing need. We aim not to discriminate on the grounds of age, gender, sexual orientation, religion, nationality, disability or ethnic origin.

In order for us to monitor policies for fairness, applicants are asked to provide details of ethnic origin and other demographic information when making an application for housing.

We ask applicants to provide details of:-

- age
- disability
- gender
- race

We collect this information to see whether we are allocating our housing to all sections of the community who are eligible for Council housing.

We also aim to comply with the Council’s Welsh Language Scheme. Application Forms and Applying for Housing booklets will be provided bilingually in English and Welsh.

We are aware that some applicants may not have English or Welsh as their first language or may be unable to complete a housing application form due to a disability, or an issue with literacy.

To make the application process as fair and accessible as possible, forms will be made available in different formats or languages on request. Assistance will be made available for applicants who have difficulty filling in forms.

Section 2 - The Housing Register

The Housing Register is a list of those who have applied for Council Housing and have been accepted onto the Scheme.

Applicants will be prioritised by being placed in a Banding scheme. The Banding Scheme consists of five Bands, from one to five in descending order of priority.

Applicants with the highest priority for housing are placed in Band 1 and those with the lowest priority are placed in Band 5, depending on their housing need, local priorities and whether they have a local connection. Within each Band applicants will be prioritised in date order.

It includes applicants who are not Council tenants and current tenants who are looking to move to another Council property.

2.1 Who can apply?

Anyone aged 16 or over can apply for Council housing. However, every application will be assessed to ensure that every applicant is eligible to be on the Housing Register.

2.2 Eligibility

Ineligible due to Immigration Status

Some people may be ineligible to join the housing register due to:

- being subject to immigration control.
- not having recourse to public funds - i.e. if they have leave to enter or remain in the UK but cannot apply for benefits or access housing under the Housing Act 1996; and
- not being "habitually resident" in the "Common Travel Area". The "Common Travel Area" is defined as the UK, the Channel Islands, the Isle of Man and the Republic of Ireland.

When determining if someone is "habitually resident" the Council will consider the reasons for and nature of their residence, their work arrangements, previous residence and any future plans.

A person arriving from abroad, or who is subject to Immigration Control and wants to apply for Council housing will be asked to provide documentation to confirm their immigration status and their ability to access public funds.

Ineligible due to unacceptable behaviour

If an applicant is considered to be guilty of unacceptable behaviour, which was serious enough to make them unsuitable to be a tenant, the Council will treat them as ineligible to join the Housing register.

The behaviour must have been serious enough for the Council to have been able to obtain an outright possession order from the Courts, if they had been a tenant at the time of applying.

Previous unacceptable behaviour may not justify a decision to treat an applicant as ineligible, if they can show that their behaviour has improved or that excluding them may lead to undue hardship.

In the event of an applicant being excluded, the Council may still have a duty to provide accommodation under homelessness legislation.

The Council operates an Exclusions Policy, to ensure that decisions are made consistently. This explains the process we follow when deciding whether to exclude an applicant.

The Council's Exclusions Policy can be found at Appendix 2 of this document, from the Council's website or Local Housing Offices.

2.3 Joint Applicants

The Council can grant a joint tenancy to joint applicants, provided both parties are eligible for Council housing, are aged 16 or over and intend to occupy the property as their only or principal home.

Joint tenants are both equally and severally responsible for the tenancy and for keeping to the conditions of the tenancy agreement (e.g., regular payment of rent, keeping the property in good condition etc.)

In the event of relationship breakdown or dispute between parties, a joint tenancy can only be ended by a Court Order, or by one of the parties giving Notice to Terminate the Tenancy.

Any Court Costs incurred in ending a joint tenancy may be the responsibility of the parties involved.

Applicants should be aware that when one person chooses to end a joint tenancy, the tenancy ends for both parties.

Whilst the Council will work with any remaining joint tenant to try to achieve an outcome that is in the best interests of all parties, it may not always be possible to allow a remaining joint tenant to continue to occupy a property, for example in instances when a property will be under occupied. In these circumstances the Council may try to meet a person's housing needs in suitable alternative accommodation.

If you would like further information on joint tenancies, including the rights, responsibilities and process for applying for a joint tenancy, please contact your Local Housing Office, or refer to the Council's website.

2.4 Transfer Applications

Council tenants can apply to move to another Council property.

When considering current tenants for an allocation, the Council will take account of any outstanding breaches of the tenancy conditions. These can include:

- any action being taken for anti-social behaviour or breach of tenancy conditions
- poor condition of the property, for example, in terms of decoration, the condition of the garden and any outstanding repairs which are the tenant's responsibility; and
- any possession proceedings that the Council has started for breach of tenancy conditions.

Depending on the nature of any breaches and their seriousness, the Council may decide to either give an applicant no preference, by placing an application in Band 5, or exclude them from the housing register.

Each case will be considered on its individual merits and a decision made as to whether it is reasonable to reduce an applicant's preference or exclude them.

The Council will let applicants know, in writing, if this is being considered and will advise them of any action that they can take to resolve outstanding problems.

2.5 Applications from Elected Members, Employees of Wrexham County Borough Council and their close family relatives

The Council accepts applications from employees of Wrexham County Borough Council, elected members, members of a Tenants' or Residents' Association and any of their close family members, provided they are eligible to apply and subject to regulations. Applicants must disclose any such relationship when applying.

The following relations will be classed as a close family member for the purpose of this policy:-

- spouse or civil partner
- common law partner (including same sex partners)
- parent
- son/daughter
- brother/sister
- grandparent/grandchild
- aunt/uncle; and
- step & half Relations

Applications will be processed according to the Department's procedure; this includes verification before allocations are made. This is to ensure they are made according to this policy.

2.6 Applications from prison leavers

The Council will take account of guidance contained in the Welsh Government's Prisoner Pathway when dealing with applications made by, or on behalf of, a person who is in prison, or youth detention accommodation.

A person in prison does not need to make an application for housing in person. Applications can be made and will be accepted, within 66 days of release, by a third party on behalf of a person in custody, for example by a Prison Resettlement Officer, as part of a Resettlement Plan.

Any person convicted on or after 1st February 2015 will be obliged to complete a Resettlement Plan. For those convicted before this date, the completion of a Resettlement Plan is optional.

Applications received where the custodial sentence is less than 12 weeks

If a custodial sentence is for less than 12 weeks, Resettlement Planning work begins within 5 days of Reception.

Once a referral for assistance with housing is received from the Wales Community Rehabilitation Company, the Council will accept an application for housing from, or on behalf of the person concerned,

provided all the information necessary to process it has been supplied. An application will be processed and assessed according to this Policy and placed in the appropriate priority band, based on the applicant's circumstances.

Applications received where the custodial sentence is more than 12 weeks.

If a person is serving a custodial sentence of more than 12 weeks, Resettlement Planning work will begin 12 weeks prior to their release.

If there is a housing need identified, a referral for assistance with housing will be received from the Wales Community Rehabilitation Company. An application will be accepted 66 days before the person is due to be released. Provided that all the information necessary to process it has been supplied, an application will be processed and assessed according to this Policy and placed in the appropriate priority band, based on the applicant's circumstances.

Applications from those recalled

In instances where an applicant for housing is recalled to prison for a short period of time, for example, due to breaking license conditions, and the individual is being supported under one of the duties of the Housing (Wales) Act 2014, it is not appropriate for the duty to be discharged as a result of any recall. The applicant should continue to be supported during their period of recall.

2.7 Applications to amend existing Council Tenancies

Amendments to tenancies, such as changes to a joint tenancy, succeeding to a tenancy or a mutual exchange, do not constitute a new allocation. Legally they must be dealt with differently.

There is separate guidance available on how the Council deals with these requests. This is available at Housing Services, Ruthin Road, Wrexham and your Local Housing Office or via the Council's website.

2.8 Nominations to Housing Associations

When applying for Council housing, applicants can indicate whether they want to be considered for nomination to one of the Housing Associations that provide social housing in Wrexham County Borough.

Applicants are prioritised for nomination, according to the criteria in this policy (i.e. in the first instance, applicants in the highest band who have been waiting the longest will usually be considered for nomination), provided that they are requesting the type of property which is available and the area where the vacancy is situated.

In some areas, nominations are subject to local lettings policies. If this is the case, there will be additional criteria that will have to be met, to be eligible for an allocation.

Further details of the Council's Nominations Agreements and procedure can be requested from your Local Housing Office or by visiting the Housing pages of the Council's website.

Section 3 - How to apply

A person can apply for housing by fully completing a housing application form and supplying all the information needed (e.g., details of any medical conditions, details of any dependent children, proof of address).

If the correct information is not supplied, this can delay an application being registered.

Applicants with no fixed abode or who are living between addresses must provide proof of circumstances, for example, by providing correspondence received from the Department of Work and Pensions, the Benefits Agency or the tenant/owner of the property that the applicant is using as a postal address.

3.1 Processing an Application

The Council aims to process completed applications within 20 working days of receiving them.

Applications are assessed and placed into a priority band, based on housing circumstances.

Applications are prioritised in each band according to the date that the application is received as ready to be processed.

Verification

Every applicant is responsible for ensuring that they provide correct and up to date information, so that the Council can process their application.

At the point of application, applicants are asked to provide documentation in support of their eligibility for Council housing and their current circumstances.

The Council may check any or all of the documentation provided.

The purpose of this is to ensure:-

- that the details an applicant has provided are correct
- that an applicant can be considered for the type of property they are requesting
- to ensure that the Council places applications in the correct priority banding; and
- to ensure that there are no issues that could lead to an application having reduced preference.

If an applicant withholds consent for information to be shared with the Council, or deliberately gives false or misleading information, this will delay their application being processed and could result in any offer of accommodation that they received, being withdrawn.

Notifying Applicants

Applicants will be notified by letter, once their application has been registered. The letter will give details of:-

- application reference number
- first choice area for rehousing
- date of application; and
- priority banding

Applicants will also be contacted in writing if there are any changes to the application after it has been registered.

3.2 Housing Options

The Allocations Scheme recognises the need to give applicants choice about the type of accommodation they want to be considered for and its location.

However, due to the on-going demand for Council accommodation, it is not always possible to meet the aspirations or needs of all applicants.

Applicants are advised to consider broadening the areas of choice and types of property required to have a realistic chance of being re-housed.

To help, the Council will produce information giving details of the supply and demand for accommodation throughout the Borough. Where Local Lettings Policies are in place, details of these will also be provided.

Information will be available on request from Local Housing Offices, Housing Services, Ruthin Road or the Council's website.

There are other housing options available for applicants, depending on personal and financial circumstances. These include:-

- Affordable Homeownership
- Shared Ownership
- Renting from a Housing Association (RSL)
- Privately Renting

The Council has produced a Housing Options guidance booklet, which gives details of these and other housing opportunities. A copy is available on request from Local Housing Offices, Housing Services, Ruthin Road or the Council's website.

Local Lettings Agency

By working with landlords in the County Borough, Wrexham's Local Lettings Agency aims to provide a range of accommodation to those who for a variety of reasons may not be able to access accommodation via the private rented sector, for a variety of reasons, such as low income.

Further information:-

Applicants are able to get further information by contacting Wrexham County Borough Council Housing Options Team or by emailing locallettings@wrexham.gov.uk

3.3 Changes in Circumstances

Applicants must contact the Council immediately, if they change address or if their circumstances change (e.g. qualifying for a local connection as set out in this policy, a person joining or leaving the household).

A new application form may have to be completed depending on the nature of the change.

If any change in circumstances alters an applicant's banding, we will notify them of this by letter.

If an offer of accommodation is made based on out of date information because an applicant has not notified the Council of a change in their circumstances, the offer may be withdrawn.

Renewing Applications

Applicants need to renew their application every 6 months. This is to make sure that the Council holds up to date information and that applicants still wish to be considered for re-housing.

If there is no response to a renewal letter within 28 days, a reminder is issued.

Applicants have a further 28 days to renew their application.

If an applicant still fails to respond, the application will be cancelled and the applicant will be notified of this in writing.

If an applicant chooses to reinstate an application or reapply at a later date, the date when the application is re-instated or when a new application is made will be used to determine how long an applicant has been waiting for re-housing.

The Council will not take into account the date of any cancelled application when prioritising applicants for re-housing.

Cancelling Applications

Applications will be cancelled in the following circumstances:

- at the request of the applicant or their advocate.
- if there is no reply to review and reminder letters.
- if an applicant is re-housed.
- if an executor or representative notifies the Council that the applicant has passed away.
- if an applicant has given false or misleading information on their application.
- if an applicant is excluded from the housing register due to serious unacceptable behaviour; or
- if an applicant's Immigration Status changes, making them ineligible for Council housing.

Moving between bands

An application can be moved into another band, at any time, if there is a change in an applicant's circumstances.

When applications are moved into a higher band, the date when the application was reassessed will be used to determine priority, rather than the original date of application.

This is to recognise the fact that there will be applicants who have already been waiting for re-housing in that band for a considerable period of time.

If, following a change in circumstances the priority banding of an application does not change or the application is moved into a lower band, the original application date will remain.

3.4 Reduced Priority

The Housing Act 1996 (amended by the Homelessness Act 2002) states that Housing Allocation scheme must be framed to ensure **reasonable preference** is given to applicants with certain types of housing need.

Reasonable Preference is given to applicants as set out in s.167(2) of the Housing Act 1996 and the Housing (Wales) Act 2014. These are:-

- applicants who are homeless and the Council has a duty to secure accommodation for them (s.75).
- applicants who are homeless and the Council has a duty to help them secure accommodation (s.73).
- applicants to whom the Council has a duty to help prevent becoming homeless (s.66).
- applicants who are living in overcrowded or insanitary conditions
- applicants who need to move on medical or welfare grounds; and
- applicants with a need to move to a particular locality in the district, where failure to meet that need would cause hardship to themselves or to others.

However, in line with housing law (1996 Housing Act, section 167 (2A), this policy allows that certain applicants who are entitled to reasonable preference may have their priority within the allocations scheme reduced because of any behaviour of the applicant (or a member of their household) which affects their suitability to be a tenant. This definition is distinct from that which entitles landlords to deem an applicant ineligible for social housing. Categories of behaviour which may result in applicants being given reduced priority are as follows (in each case the behaviour may be on the part of any member of the household):

- deliberate worsening of housing conditions
- the financial resources or assets that a person has available to meet their housing needs; and
- any breaches of the Tenancy Agreement

In practice, this means that if two applicants are registered for re-housing with the same degree of housing need, the Local Authority can take account of these additional considerations when prioritising for housing.

In cases of serious unacceptable behaviour applicants can be excluded from the housing register, subject to the right to request a review of the decision.

If it is decided that it is reasonable to reduce priority, an application may be placed in Band 4, if the Council decides that they have deliberately worsened their housing conditions or have sufficient assets to meet their own housing need. In cases where the Council decides that an applicant has breached the conditions of their Tenancy Agreement, an application may be placed in Band 5.

Any decision to reduce priority will only be made after considering the circumstances of each individual case.

The applicant will be notified in writing of any decision to reduce priority.

Applicants will also be notified in writing of any decision to reinstate their application to its original banding, based on their circumstances or actions.

When reinstated, the date of reinstatement will be used to determine priority, rather than the original date of application.

Deliberate Worsening of Housing Conditions

If the Council finds that an applicant deliberately does or fails to do something which worsens their housing conditions, their priority on the housing register will be reduced. Priority will be reduced if we believe it is reasonable to do so, after considering the individual circumstances of each case.

An application will be placed in Band 4 for an initial period of 12 months. After this time, the case will be reassessed and may be reinstated into the appropriate band.

Examples of deliberately worsening housing conditions are:-

- an applicant giving up a suitable property that it was reasonable to continue to occupy.
- an applicant creating overcrowding by allowing family and/or friends to move into their home, which otherwise meets their housing need.
- an applicant moving into a property that is unsuitable for their needs.
- an applicant being unable to continue to occupy accommodation due to their deliberate actions; and
- an applicant being unable to continue to occupy accommodation due to deliberately failing to do something.

Owner Occupiers and Applicants who are Adequately Housed

Priority may be reduced if an applicant is assessed as either being adequately housed or having sufficient capital or assets to satisfy their own housing need.

In these cases, applications will be placed in Band 4 unless we decide it is unreasonable to do so.

Examples of when we may decide it is unreasonable to reduce preference include:

- an applicant who is unable to safely or be reasonably expected to live in their current home (e.g. a victim of domestic violence, or hate crime).
- an applicant who is unable to afford to live in their current home, even if it meets their needs; and
- an applicant who is assessed as living in unfit accommodation and is suffering hardship because they do not have the means to improve their situation.

Breaches of the Tenancy Agreement

The Council may reduce an applicant's priority or exclude them from the Housing Register, in cases where breaches of the Tenancy Agreement, by the applicant or a member of their family, have been identified, for example:-

- unacceptable behaviour
- damage to the applicant's current property; and
- the internal and external condition of the applicant's current property.

Each case will be considered on its individual merits and a decision made as to whether it is reasonable to reduce an applicant's preference or exclude them.

The Council will let applicants know, in writing, if this is being considered, will advise them of any action that they can take to resolve any outstanding problems and advise them of their right to appeal.

Outstanding Housing Related Debts

An applicant's priority may be reduced if they owe an outstanding housing related debt to the Council or another Registered Social Landlord.

In these circumstances, an application will be given no preference for an allocation and will be placed in Band 5.

When deciding whether to give no preference for an allocation, the Council will take into account any evidence that the applicant is reducing outstanding debts and will agree a repayment plan with the applicant based on factors such as the level of outstanding debt and the applicant's financial circumstances.

Individual cases will be reviewed after a period of 6 months. Any decision made to continue to reduce preference, will take account of factors such as:-

- the area in which the applicant is requesting re-housing.
- the demand for the type of property the applicant is requesting.
- the applicant's family or personal circumstances.
- the applicant's income; and
- whether it would be seen as reasonable to continue to reduce the applicant's preference.

Preference will not be reduced if the applicant has any debts, which in law, are classed as Statute Barred under the Limitation Act 1980 (debts over 6 years old where no recovery action has been taken).

3.5 Allocating properties

Initially, a property will be allocated to the applicant in the highest band, with a Community Connection, requesting the type of property that is available in that area and who has been waiting the longest.

If there are no applicants who meet these criteria, the property will be offered to the applicant in the highest band, with a Borough Connection only, who has been waiting the longest for the type of property that is available.

If a suitable applicant has still not been found, the property will be offered to the applicant who has been waiting the longest for that type of property and who has a Community Connection, in the band below, followed by applicants with a Borough connection only in cases where a suitable match can still not be found.

This process will be repeated through each band, until a suitable applicant is found.

The exception to this process will be those applicants whose circumstances fall outside of our published Allocations Policy. These will be dealt with by the Council's Management Move process, as outlined in this policy.

3.6 Matching applicants to properties

General Need Properties

The Council aims to make best use of housing stock by allocating general needs properties to applicants whose household most closely matches the size of the property.

If an applicant applies for a type of property that is bigger than they need, you may be advised to reconsider their choices. Otherwise, in areas where there is high demand or very few Council properties, the Council may not be able to help with rehousing.

Applicants requesting like for like accommodation will be classed as adequately housed and will be placed in Band 4, unless there are issues that might make an applicant eligible for a Management Move.

This will apply in cases where an applicant has indicated that they would be willing to move from a 3 bedroom property to another 3 bedroom parlour type property.

When applying for accommodation, applicants should be aware of these regulations and also refer to the following table.

Household Type	Property Type
Single Applicant(s)	Bedsit 1 bedroom flat 1 bedroom house
Single Applicant(s) with access to children	1 bedroom flat 1 bed house 2 bed flat**
Applicant and partner without children/ or access only	1 bedroom flat 1 bedroom maisonette 1 bedroom house 2 bed flat**
Applicant(s) with 1 child , 1 non-dependent, or expecting a first child	bedroom flat bedroom maisonette 2 bedroom house
Applicant(s) with 2 or 3 children or non-dependents	or 3 bedroom flat or 3 bedroom maisonette or 3 bedroom house 4 bedroom house (depending on age of children)
Applicant(s) with 4 or more children or non-dependents	or 4 bedroom flat or 4 bedroom maisonette or 4 bedroom house House with 5 or more bedrooms
Single Applicant or Couple over 60	1 or 2 bed accommodation that is classed as being suitable for older persons.
Households containing a physically disabled applicant who requires level access, or an adapted property depending on the nature of any disability or medical illness and supported by Health & Social Care needs.	Adapted properties suitable for their needs or properties that are suitable for adaptation. This may include properties "suitable" for older people, sheltered accommodation, ground floor accommodation or bungalows.

The above is a general guide and may vary in areas due to local demand, supply of stock of a suitable size, local lettings policies or if there are reasons why additional bedrooms are required, e.g., medical reasons.

******Due to the current demand for social housing in Wrexham County Borough single people with access to children or childless couples, will only be considered for 2 bedroom properties, where there is no demand from applicants with permanent childcare responsibilities.

In order for a child/children to be considered as part of the applicant's household, the applicant must be the primary carer. The primary carer will be classified as the person who receives Child Benefit, in respect of the child/children. This decision has been based on the outcome of legal challenge and will apply in cases where parents have made joint custody arrangements.¹

The Council will not consider applicants to be overcrowded or under-occupied if they would ordinarily be considered as eligible for that type of accommodation, based on the size of their family.

Sheltered Accommodation

The Council manages a number of sheltered housing units across the County Borough. Many of these units benefit from the support of a resident or non-resident warden and a community alarm. Some of the accommodation is purpose-built for those with mobility problems.

This accommodation is normally let to:

- applicants over 60 years of age or applicants whose partner is over 60 years of age; and
- applicants or whose partners are aged between 55 - 60 years old who have a need for this type of accommodation, as set out in Part 3 of Supporting People Guidance.

When a sheltered housing vacancy arises and there are no applicants on the Housing Register who meet the criteria, consideration will be given to other applicants who have any health or social care needs that may make them suitable for this type of accommodation.

All new sheltered housing tenants are required to receive support from the warden service; this includes receiving a Warden Visit and completing a Support Plan.

Older people and households with a need for ground floor accommodation will normally be given preference for bungalows.

¹ Holmes-Moorhouse v Richmond on Thames LBC (2007)

Applicants living in a Supported Housing project who have not been assessed as being ready to move to general needs accommodation will be placed in Band 4, until they are ready to move on.

Applicants can ask for a list of the eligible Supported Housing projects by contacting Housing Services, Ruthin Road, Wrexham or your Local Housing Estate Office.

Adapted Properties

The Council aims to allocate adapted properties to households that will make best use of the facilities in place. This is to avoid having to remove costly adaptations once they have been installed.

To help achieve this, applicants assessed with a need for adapted accommodation or those requesting to move from a property that is significantly adapted that they do not need, will be placed in Band 1.

The Council currently works with other Departments, specialist housing staff and local Housing Associations, to try to find applicants who are a best match.

Local Lettings Policies

If a local situation demands it, for example, because of a particular estate management issue, a Local Lettings Policy may be introduced. This will specify the type of households who will be allocated housing in a particular area. Such a policy will be reviewed after 12 months and be approved by the Head of Housing, Public Protection & Environment, following consultation with the relevant Lead & Local Members. There must be a clear rationale and evidence base to support the introduction of any Local Lettings Policy.

A Local Lettings Policy must not be contrary to Equalities legislation and guidance. Before approval, a proposed Local Lettings Policy will be subject to an Equality Impact Assessment in accordance with the Council's Strategic Equality Plan and Welsh Government regulations.

It is recognised that any Local Lettings Policy must also give reasonable preference to those applicants within the preference groups as determined by the Housing (Wales) Act 2014.

There are local lettings policies currently in operation for:

- a support scheme for people with learning disabilities
- "difficult to manage" properties; and
- properties suitable for applicants aged 50 or over.

3.7 Offers of accommodation

The Council aims to give applicants choice as to where they can apply for housing. Usually, applicants will only be made an offer of accommodation in one of the areas of their choice.

The exceptions to this are the following groups of applicants.

- Applicants requesting rehousing as they are experiencing financial hardship due to the introduction of the Spare Room Subsidy and other ongoing changes to the Welfare Benefit system. The Council will make 1 offer of suitable alternative accommodation, in the community that the applicant currently lives in. Applicants who are resident in Wrexham town will be made an offer

of accommodation anywhere in Wrexham town. This is to take account of the urgent need these applicants have to move to avoid rent arrears or other unnecessary debt.

- Applicants who are homeless and in priority need will be made 1 offer of suitable accommodation anywhere in the County Borough.
- Applicants who are being re-housed through the Management Move process, will be made 1 offer of suitable accommodation anywhere within the County Borough.

Offers of accommodation will be made in writing. If an applicant does not respond within 5 working days, by returning the letter of acceptance to the Council, it will be assumed that the offer has been refused. The property will be offered to the next applicant on the housing register who is requesting that type of property.

It is the policy of the Council to grant "introductory" tenancies to all new tenants for an initial 12 month period before they become "secure" tenants. Existing secure or assured tenants of both the Council and a Housing Association will automatically be granted a "secure" tenancy.

Any offers of accommodation that are made by a Registered Social Landlord as a result of a nomination, will also be treated according to the guidance in this policy.

Refusing an offer

Applicants will receive a maximum of **2 written** offers of accommodation. If both are refused, the application will be moved to the bottom of the band it is currently in. The Council will only do this after taking account of the reasons for refusal and deciding that both offers made were reasonable.

If this results in the application being placed in a lower band, the date of application will not be amended.

The exception to this will be offers made to homeless applicants in a priority need group and applicants who have been granted Management Move status. In these circumstances **1 written** offer of accommodation will be made. If this offer is refused, the application will be reassessed based on any other housing need that they may have and placed in the appropriate band. If the new band is a lower one, the date of application will not be amended.

If an applicant believes an offer was not a reasonable one and there was a good reason for refusal, they are able to request a review of this decision.

Offers of Accommodation to Homeless Applicants

When making offers of accommodation to homeless applicants who are in priority need, the Council uses its right under the Housing (Wales) Act 2014 to make one offer of suitable accommodation only, regardless of the priority banding.

This 'final offer' of suitable accommodation discharges the Council's duties. If a homeless applicant refuses an offer any priority awarded on homelessness grounds will be lost and the application will be reassessed according to any other housing need and placed in the appropriate band. If the new band is a lower one, the date of application will not be amended.

Applicants have the right to request a review of the suitability of this offer within 21 days, regardless of whether they choose to accept or refuse it.

If the outcome of a review finds in an applicant's favour, any homelessness priority awarded will remain on the application; as will the original application date.

Homeless applicants to whom the Council does not have a full duty to re-house will be made offers of accommodation, in the same way as other applicants, as set out in this policy.

Offers of Accommodation to Applicants who are in prison

The Council will consider applicants for accommodation, who are due to be released from prison or youth detention accommodation. Offers will be made in writing no sooner than 66 days prior to release and in accordance with this policy.

3.8 The Involvement of Local Members

Members have an active role in the lettings process through advising and representing their local communities and ensuring that this policy is implemented and operates in a fair and consistent manner. Please refer to the section of the Applying for Housing Booklet "Role of your Local Councillor", for further information.

As part of this role they:

- may make representations on behalf of their constituents in order to ensure that all the facts of their case are taken into account.
- will be notified when every vacancy in their ward has been relet to another applicant.
- will receive regular information updates regarding the Council's housing stock, lettings and the number of applicants on the waiting list in order to advise applicants; and
- will be involved with future reviews of the lettings policy to ensure that it is achieving its aims and agree local lettings policies where it is decided to implement them.

By law elected members are not allowed to be directly involved in decisions about lettings to applicants residing in their ward, or the allocation of Council properties in their wards, to protect them from accusations of illegal action, favouritism or corruption.

3.9 Applicants' Rights

Applicants have the following rights:

- to be notified and to request a review of any decision regarding eligibility to join the Housing Register and the grounds for making that decision.
- to be informed on request, and request a review, of any facts the Council has used to make its decision.
- to receive information about how their application will be processed and what priority has been given to the application; and
- to receive information on the likely availability of appropriate accommodation.

Reviews

An applicant has the right to request a review of decisions made in the allocations process. These include:-

- the decision to suspend an application
- the decision to reduce preference
- the banding awarded to an application; and
- the decision to exclude an application

The request for a review must be made in writing within 28 days of receiving notification of the original decision. Requests should be made to:-

The Chief Housing & Economy Officer, Housing Services, Ruthin Road, Wrexham, LL13 7TU.

Reviews will be carried out by Officers not involved in the initial decision making process. They will consider the details of each case, any relevant or new information which has been provided and the applicant's circumstances.

The applicant will be informed, in writing, within 20 working days of receiving the request of the outcome of the review and the reason for the decision.

Appealing

If an applicant is dissatisfied with the outcome of a review, the way in which this policy has been followed or the Council's interpretation of the relevant housing legislation, they can make a further appeal.

All requests must be made in writing within 28 days of notification of the review decision.

Requests should be made to:-

The Chief Housing & Economy Officer, Housing Services, Ruthin Road, Wrexham, LL13 7TU.

Applicants will be advised of the decision within 14 days of receipt.

PART B - THE BANDING SCHEME

Applications will be assessed under this policy to ensure that those with greatest housing need are given reasonable preference for re-housing.

The exceptions are those applications which fall outside of this published policy. They will be dealt with according to the Management Move process.

Examples of when an applicant may be considered for a Management Move are detailed in the section of this policy – Management Moves.

Reasonable Preference is given to applicants as set out in s.167(2) of the Housing Act 1996 and the Housing (Wales) Act 2014. These are:-

- applicants who are homeless and the Council has a duty to secure accommodation for them (s.75).
- applicants who are homeless and the Council has a duty to help them secure accommodation (s.73).
- applicants to whom the Council has a duty to help prevent becoming homeless (s.66).
- applicants who are living in overcrowded or insanitary conditions
- applicants who need to move on medical or welfare grounds
- applicants with a need to move to a particular locality in the district, where failure to meet that need would cause hardship to themselves or to others.

In addition, this policy gives a degree of priority to other groups of applicants, in order to help meet local priorities, provided that they do not dominate the scheme at the expense of those that the Council has a legal duty to give reasonable preference to.

The Housing Act 1996 (amended by the Homelessness Act 2002) states that Housing Allocation scheme must be framed to ensure **reasonable preference** is given to applicants experiencing certain types of housing need. However, while housing authorities will need to ensure that, overall, reasonable preference for allocation is given to applicants in the relevant categories these should not be regarded as exclusive and an allocation scheme may allow for other factors such as **local priorities** provided that they do not dominate the scheme and that overall the scheme gives adequate priority to applicants in the reasonable preference categories. As well as ensuring reasonable preference is given to applicants in greatest housing need, **additional preference** can be awarded to applicants who require urgent re-housing for various reasons.

The Banding Scheme consists of five Bands, from one to five in descending order of priority.

The Band in which an applicant is placed, depends on their housing need (based on the reasonable preference groups), local priorities and whether they have a local connection.

Within each band, applicants will be prioritised in date of application.

When a property becomes available for letting, applicants will be matched to the property, based on specified criteria such as household size or household need.

It is proposed that a property will be allocated, in the first instance, to the applicant in Band 1, with a Community Connection, who has been waiting the longest for the type of property that is available in that area.

If there are no applicants in Band 1 with a Community Connection, the vacancy will be allocated to the applicant with a Borough Connection who has been waiting the longest in Band 1.

This process will be repeated through each banding, until the vacancy is allocated.

Applications will only be placed in Bands 1, 2 and 3 if the applicant has a local connection with Wrexham County Borough as set out in this policy.

Band 1

- Applicants who have a critical medical or welfare need to move from their current home (Borough Connection required).
- Applicants who are tenants of Wrexham County Borough Council and are at risk of financial hardship due to Welfare Reform as they are under occupying their current home.
- Members of the Armed Forces who are leaving the service.
- Applicants who are tenants of Wrexham County Borough Council who are occupying a significantly adapted property for which they have no need.
- Applicants who are leaving the care of Wrexham County Borough.

Band 2

- Applicants who are homeless and the Council has a duty to secure accommodation for them (s.75 Housing (Wales) Act 2014).
- Applicants who are homeless and the Council has a duty to help them to secure accommodation (s.73 Housing (Wales) Act 2014).
- Current social housing tenants who have been living in a flat for at least 2 consecutive years and who have 1 child or more aged less than 10 years old.
- Applicants living in unsatisfactory housing, as assessed by an Environmental Health Officer of Wrexham County Borough Council's Housing Standards Team.
- Applicants who have been assessed as being overcrowded.
- Applicants assessed as needing to move to a particular locality in the County Borough, where a failure to meet that need would cause hardship to themselves or others e.g., to give or receive care, to access specialised medical treatment,
- Applicants who are assessed as being in financial hardship.
- Applicants who have a serious medical need.
- Tenants of the Council or a Housing Association who are under occupying their home, and are looking to downsize, but are at no risk of financial detriment due to Welfare Reform changes.

- Applicants who are living in a Council sponsored supported housing project and have been assessed as being ready to move on.

Band 3

- Applicants who are sharing accommodation with another household.
- Applicants who are threatened with homelessness and the Council has a duty to help prevent them from becoming homeless (s.66 Housing (Wales) Act 2014).
- Applicants with a medical or welfare need which has been assessed as low level.
- Applicants with children of the same sex who have been assessed as overcrowded, regardless of their current tenure.
- Current social housing tenants who have been living in a flat for less than 2 consecutive years and who have 1 child or more aged less than 10 years old.

Band 4

- Applicants with no identified housing need.
- Applicants who are owner occupiers and have been assessed as being adequately housed.
- Applicants with no Borough or Community Connection, regardless of any identified housing need.
- Applicants who are intentionally homeless
- Applicants who are intentionally homeless, who fall into one of the categories of people eligible to receive support (s.75 Housing (Wales) Act 2014), but who have been found intentionally homeless on more than one occasion during the last 5 years.
- Applicants who have deliberately worsened their housing conditions

Band 5

- Applicants who have an outstanding housing related debt outstanding to Wrexham County Borough Council or another registered social landlord.
- Applicants who have breached the conditions of their Tenancy Agreement.

PART C – CRITERIA FOR ASSESSING APPLICATIONS

1.1 Cumulative Need

This policy does not take account of cumulative need. Applicants will be placed in the banding which best matches their main reason for seeking re-housing.

1.2 Homelessness

All assessments of homelessness will be made by a member of staff of Wrexham Council's Housing Options Team, who will verify the applicant's housing circumstances.

Applicants who have been found to be unintentionally homeless and the Council has a duty to secure accommodation for them (s.75 Housing (Wales) Act 2014) will be placed in Band 2.

Applicants who are intentionally homeless, but who are owed a housing duty (s.75 Housing (Wales) Act 2014) as they fall into one of the following priority need categories and the Council has not notified them that they have not been found intentionally homeless on another occasion during the last 5 years, will be placed in Band 2.

Any 5 year period starts from the date when the Council notifies someone they are owed a homelessness duty under s.75 Housing (Wales) Act 2014.

The categories of eligible applicants are:

- someone who has a dependent child living with them
- someone who is pregnant
- someone who is under the age of 21 at the time of making an application for homelessness assistance; and
- someone aged between 21 and 24 at the time of making an application for homelessness assistance and who were looked after, accommodated or fostered while under the age of 18, or someone who has such a person living with them.

Applicants who have been found to be unintentionally homeless and the Council has a duty to help them to secure accommodation (s.73 Housing Wales Act 2014) will be placed in Band 2.

Applicants that the Council has a duty to help prevent becoming homeless (s.66 Housing Wales Act 2014) will be placed in Band 3.

Applicants who are found to be intentionally homeless will be placed in Band 4.

Applicants who are intentionally homeless, are owed a housing duty, as they fall into one of the categories of people eligible to receive support (s.75 Housing (Wales) Act 2014), but who have been found intentionally homeless on more than one occasion during the last 5 years be placed in Band 4.

Applicants who are intentionally homeless will be advised of the decision in writing. They will also be advised how they may be able to address any issues and how they can request an appeal of the homelessness assessment.

1.3 Medical & Welfare Grounds

Applications will be assessed following the collection of supporting evidence from applicants and any agencies that are involved with their case, e.g., details of welfare benefits received, information supplied by consultants etc.

Following assessment applications will be classed as having a critical, serious or low need for suitable alternative accommodation based on any health or social care needs.

Examples of **critical need** include:-

- having a serious illness, disability or medical condition e.g., terminal illness, permanent disability or progressive condition and they are completely unable to cope in their present accommodation. Re-housing is the only option.
- being hospitalised and unable to return home as it is totally unsuitable for the applicant's long-term needs by way of design or location and/or is unsuitable for adaptations.
- being unable to access essential facilities in the property e.g., bath or WC, and the property cannot be adapted to meet the applicant's needs.
- needing to move to provide support to a relative or person with serious illness, disability or medical condition and that person can only cope in their present accommodation with the applicant's support.
- being due to leave local authority care and requiring own accommodation; and
- having other urgent social care grounds for re-housing such as racial harassment, witness protection, tenancy enforcement issues, etc.

Applications assessed as having a critical need will be placed in Band 1.

Examples of **serious need** include:-

- having some difficulty in using facilities in the property and this could be alleviated by re-housing.
- having serious health or social care problems that could be alleviated, if the applicant were re-housed near friends or family for support.
- the applicant provides support for a person with serious health or social care problems which could be alleviated if they lived nearer to the person they are supporting.
- having a serious mental illness that could be alleviated by re-housing and;
- having other social care grounds for re-housing e.g., isolation, neighbour disputes which are having an adverse impact on health.

Applications assessed as having a serious need will be placed in Band 2.

Examples of **low need** include:

- having anxiety and/or mild depression
- having a need to move to supply low level support for family members; and
- having a physical illness, which has a low impact on their ability to cope in their current home.

Applicants assessed as having a low need will be placed in Band 3.

1.4 Overcrowding

Applicants who are overcrowded will be placed in Band 2 or Band 3 depending on their circumstances.

When assessing overcrowding the following will be classed as requiring a separate bedroom and an application will be placed in Band 2:

- a couple (opposite or same sex)
- a single person or parent aged 16 years or over
- a child aged 7 or over who would have to share with someone of the opposite sex; and
- a child who would have to share with two or more children

When assessing overcrowding the following will be classed as requiring a separate bedroom and an application will be placed in Band 3:

- a child who would have to share with someone of the same sex, if there is an age difference of more than 6 years.

Applicants will not be assessed as being overcrowded, if the situation can be alleviated by rearranging sleeping arrangements.

For overcrowding purposes, due to the demand for re-housing in the County Borough, we are unable to take into account children from former relationships that you may have access to. Children will only be taken into account when assessing overcrowding, if the applicant is the primary carer. This decision has been based on the outcome of legal challenge and will apply in cases where parents have made joint custody arrangements.²

1.5 Hardship

Applicants who fall into one of the following categories will be assessed as needing to move due to hardship and will be placed in Band 2:-

- applicants who need to move to give or receive support.
- applicants who need to move to access specialised medical treatment.
- applicants who need to move to take up a particular employment or training opportunity; and
- applicants who are in financial hardship, as set out in Welsh Government Code of Guidance i.e., applicants who, after meeting their housing costs, are left with a residual income of considerably less than the current Income Support or Jobseekers' Allowance level.

² Holmes-Moorhouse v Richmond on Thames LBC (2007)

1.6 Under Occupation

An applicant who is currently the tenant of Wrexham County Borough Council or another Registered Social Landlord, who is requesting to move as their property is too big for their needs will be classed as under occupying.

When assessing under occupation the following will be taken into account:-

- an applicant who is under occupying and is at risk of financial hardship due to the Welfare Reform changes will be placed in Band 1. This is to reflect the urgency of their need to move; and
- all other tenants of Wrexham County Borough Council or a Registered Social Landlord who are under occupying will be placed in Band 2.

An applicant will not be classed as under occupying, if they are requesting like for like accommodation (e.g., requesting to move from a 2-bedroom property to another 2-bedroom property).

1.7 Unsatisfactory Housing

Applicants assessed as living in unsatisfactory housing will be placed in Band 2. Examples of unsatisfactory housing can include:-

- applicants classed as living in unsatisfactory housing following a home visit and assessment by an Environmental Health Officer as having Category 1 hazards; and
- the applicant's property needs substantial repairs to bring the applicant's property back to a standard. This may include repairs to the interior or exterior of the property.

Environmental Health Officers have a legal obligation to contact private sector landlords when there are issues of disrepair. An application will only be placed in the correct banding if a landlord has made no attempt to rectify disrepair after a reasonable period of time. This will be decided by an Environmental Health Officer and will depend upon such issues as the nature of the work required.

Wrexham County Borough Tenants will not be assessed for disrepair if the issues can be resolved.

1.8 Children in Flats

Applicants with children, who are currently tenants of the Council or another Registered Social Landlord and who are living in flats, will be assessed and placed in either Band 2 or Band 3, depending on their circumstances.

- applicants, who have been living in a flat for at least 2 consecutive years and have 1 or more children aged less than 10 years old, will be placed in Band 2; and
- applicants, who have been living in a flat for less than 2 consecutive years and have 1 or more children aged less than 10 years old, will be placed in Band 3.

1.9 Care Leavers

Applicants who are a young person leaving the care of Wrexham County Borough Council will be assessed and placed in Band 1 provided that the applicant can produce an up to date letter from Wrexham County Borough Council's Leaving Care Team confirming:-

- they are being referred to Landlord Services by Wrexham County Borough Council's Leaving Care Team.
- there is agreement that the applicant is ready for independent living.
- there is evidence of a Pathway Plan; and
- the applicant is currently engaging with Wrexham County Borough Council's Leaving Care Team.

An applicant will be assessed as a Care Leaver when they are made an offer of accommodation, when they are first leaving care. Subsequent applications for rehousing will be assessed on any other circumstances. For housing purposes, the applicant will no longer be classed as a Care Leaver.

1.10 Applicants Sharing Accommodation

All applicants who are sharing accommodation will be placed in Band 3, provided there are no other housing related issues such as overcrowding.

1.11 Armed Forces Personnel

In March 2009, Welsh Government brought into effect section 315 of the Housing & Regeneration Act 2008.

For the purposes of this policy, this means that applicants who are serving in the Armed Forces or are being discharged from the Armed Forces will be able to establish a local connection through residence or employment in the same way as a civilian person. Applicants will be placed in Band 1, when official proof of discharge has been produced.

Applications from people who require suitably adapted accommodation because of a serious injury, medical condition or disability sustained as a result of service in the Armed Forces will be placed in Band 1, following assessment by the Department's Health & Social Care Panel.

1.12 Local Connection

Borough Connection

An applicant will be assessed as having a Borough Connection if they have:

- lived **continually** in the Borough for at least 3 years in the last 5 years out of your own choice. An applicant will not establish a connection with the Borough by residing in a prison or bail hostel.
- family members living in the Borough. For the purpose of this policy, a family member will be a mother, father, sister, brother, child, grandparent or any adult who acted as the applicant's parent and who has lived **continually** in the Borough for the last 5 years.
- been in continual employment in the Borough area for at least 3 years in the last 5 years. This must

be confirmed in a letter from your employer.

- asylum seekers dispersed to Wrexham without any choice and granted refugee status will have a Borough connection at the point of application; or
- applicants living in refuge accommodation (e.g., Women's Refuge) in Wrexham County, will have a Borough connection at the point of application.

The exception to the above local connection criteria are homeless applicants to whom the Council have accepted a homelessness duty and who have been housed, by the Council, in temporary or supported accommodation.

In order to comply with Welsh Government Guidance, regarding homelessness (Welsh Government's Written Statement, Homelessness Plan, Phase 2 – May 2020), these applicants, will be awarded a Borough Connection after 6 months' residency in Wrexham County Borough.

This exception does not apply to a Community Connection.

The aim of this is to assist homeless households to move more quickly into secure accommodation. This will reduce the amount of unnecessary time that individuals and families will need to spend in temporary accommodation, provide stability for households and reduce unnecessary pressures on resources.

It will also help individuals who have been placed in supported accommodation, which they no longer need, to move more quickly into secure accommodation, ensuring that homeless individuals, who are not ready to sustain a tenancy independently, can access appropriate accommodation with the support that they need to sustain a tenancy independently.

Community Connection

An applicant will be assessed as having a Community Connection if:

- they have lived continually in the Community for at least 3 years in the last 5 years out of their own choice.
- they have family associations within the Community. For the purpose of this policy, a family member will be a mother, father, sister, brother, child, grandparent or any adult who acted as the applicant's parent and they have lived continually in the Community for the last 5 years.
- they are an asylum seeker dispersed to Wrexham without any choice and granted refugee status will be granted a Community connection at the point of application; or
- applicants living in refuge accommodation (e.g. Women's Refuge) in Wrexham County Borough will have a Community connection at the point of application.

As communities have outgrown County Council ward boundaries, there may be occasions when it would be reasonable for an applicant to have a connection with more than one community. In these circumstances the Council will consider awarding a connection for either community, taking into account the needs and wishes of the applicant, and the availability of suitable Council Housing stock in those areas.

When assessing Community Connection the following groups of wards will be classed as "communities"

Community	Ward
Wrexham Town	Acton, Borrass Park, Brynyffynnon, Cartrefle, Erddig, Esclusham, Garden Village, Grosvenor, Hermitage, Little Acton, Maesydre, Offa, Queensway, Rhosnesni, Smithfield, Stansty, Whitegate, Wynnstay
Broughton & Coedpoeth	Brymbo, Bryn Cefn, Coedpoeth, Gwenfro, Minera, New Broughton
Plas Madoc	Cefn, Llangollen Rural, Plas Madoc, Ruabon
Ceiriog Valley & Chirk	Chirk (North & South), Dyffryn Ceiriog
Gwersyllt & Llay	Gwersyllt (East & South), Gwersyllt (North), Gwersyllt West, Llay
Rhos	Johnstown, Pant, Penycae, Ponciau
North East	Gresford (East & West), Holt, Marford & Hoseley, Rossett
South East	Bronington, Marchwiel, Overton

Appendix 1 - Management Moves

There are occasions when the Council will be required to make allocations outside of our published Lettings Policy. These are known as Management Moves. This policy outlines the circumstances when it may be appropriate to award a Management Move. The following list is not exhaustive as, by their nature, Management Moves are those situations which are the exception to the policy.

The Council aims to keep the number of Management Moves carried out to a minimum, so that the published policy is seen as being as fair and transparent as possible.

A Management Move will only be awarded after the individual circumstances of each case have been taken into consideration. Every case will be approved by the Service Manager – Landlord Services.

Examples of when an applicant may be considered for a Management Move include:-

Applicant left occupying a property following the death of a tenant

If a secure, introductory or demoted tenant dies and there is no other family member left in the property who has the right to succeed, a management move may be considered if:-

- the property was the only or principal home of the remaining family member at the time of the tenant's death and they would have qualified to succeed if a succession had not already taken place.
- the applicant has been living permanently with the tenant as a member of their family for a minimum of a year before the tenant died; or
- the applicant has agreed to take over parental responsibility for the tenant's dependants and does not have any suitable alternative accommodation available.

Relationship Breakdown

If a sole or joint tenant gives notice to terminate a tenancy the tenancy will end for both joint tenants. The Council may grant the tenancy to the remaining occupier, provided that they have been living with the former tenant as a partner or a member of their family, the property is their only or principal home and it is suitable for their needs.

In the case of married couples, civil partners or couples with children, where there is a joint tenancy in place, the Court has powers to decide that a tenancy can be transferred to one or other of the parties, in instances of dispute. Applicants will initially be advised to seek legal assistance in these circumstances.

Joint applicants should be aware that any Court Costs incurred in ending a joint tenancy may be the responsibility of the parties involved.

Exceptional Circumstances

Staff may also consider applying Management Moves in the following circumstances. This list is not exhaustive:-

- Social Services have carried out a statutory assessment and there is a child at risk in the household.
- Social Services have carried out a statutory assessment and there is an adult at risk in the household.

- the applicant is in Council tied accommodation and requires secure housing (e.g., Warden retiring who will require re-housing).
- an existing Council tenant has been placed in temporary accommodation following fire or flood which has made their home uninhabitable.
- existing tenants of Wrexham County Borough Council who need to move because their home is about to be demolished, redeveloped or subjected to major works; or
- the housing of individuals who fall within the Multi-Agency Public Protection Arrangements (MAPPA) protocol. MAPPA are a set of arrangements under the provision of the Criminal Justice Act 2003. A number of agencies, including the Council's Housing Service are under a Duty to Co-operate with the Responsible Authority.

When deciding whether to award a Management Move, amongst other considerations, the following may be taken into account:-

- Will granting the tenancy make best use of the housing stock?
- Has the applicant's behaviour caused the current sole or joint tenant to leave or flee the property? (e.g., have there been issues with financial/domestic abuse).
- Is the applicant eligible for an allocation? and
- The circumstances of each individual case (the number of points they would be awarded on the housing register, how long has the applicant been living with the tenant, is it reasonable for the applicant to continue to occupy the property in question?)

Applicants who are awarded a Management Move will receive 1 reasonable offer of accommodation. Due to the urgent need for these applicants to move to suitable alternative accommodation, the Council will make an offer of accommodation anywhere in the County Borough. This may not be the area that the applicant has indicated is their first choice.

Appendix 2 - Wrexham County Borough Council's Exclusion Policy

Introduction

If an applicant or a member of an applicant's family has been guilty of 'unacceptable behaviour', at the time of application, the Council will consider excluding the applicant from the Housing Register.

Receiving an Application

The Council must accept a completed application form. If there is information available or known, relating to previous or existing tenancies held by the applicant (or family member) and this information has or could have resulted in the Council gaining an Outright Possession Order, we will consider exclusion.

The Council will inform an applicant immediately, in writing, if they are being considered for exclusion. Applicants will be invited to attend an interview to discuss the grounds for exclusion and the reasons.

The Council will aim to complete the process, including notifying the applicant and carrying out interviews, within a 14 day period after the initial letter is sent. Due to the potentially sensitive nature of the process, applications to exclude will be the responsibility of Senior Housing staff.

In instances where the process is likely to take more than 14 days, the Council will write to the applicant to advise them of the delay and the possible timescale for completing the process.

If staff are aware of, or have reason to believe that an applicant may have difficulty understanding the implications of the decision to exclude, arrangements will be made for the information to be explained in person. Similarly, in cases where it is not possible to send a copy of the decision letter to the applicant, a copy will be made available, at the relevant Council office, for the applicant or their representative to collect, within a reasonable period of time.

Applications will be registered and immediately suspended, pending the outcome of any decision to exclude.

The Exclusion Process

When considering exclusion, the Council will follow Welsh Government guidance. The decision to exclude will be made by applying the 3 stage test set out in Welsh Government's Code of Guidance.

- a) Where there is evidence of unacceptable behaviour was it serious enough to have obtained an Outright Possession Order?
- b) Is/Was the behaviour serious enough to render the applicant or a household member unsuitable to be a tenant?
- c) We must be satisfied that the applicant is still unsuitable at the time of the application.

It is NOT necessary for the applicant to have been a Council tenant when the unacceptable behaviour occurred. The deciding factor is whether the Council would have been entitled to an outright Possession Order if the applicant had been a secure tenant.

Applicants being considered for exclusion will be kept informed throughout the process.

Applicants' Rights

Applicants have the right to ask the Council to review any decision made regarding eligibility to join the housing register.

An application for a review of a decision must be made within 21 days of receiving written notification of the Council's decision. Applicants must provide evidence of any change of circumstances or additional information which they feel should be taken into account.

The Council will consider all requests and aim to inform applicants, in writing, of the result of the review, within 21 days of the request having been received.

Applicants have the right to re-apply for housing if they believe their behaviour or circumstances have changed. Applicants must provide proof of any changes.

Reasonableness

The Welsh Government Code of Guidance states that a policy of classing all applicants as unsuitable if they were previously evicted on one of the discretionary grounds, as likely to be unlawful. A housing authority must act reasonably.

The Council will consider the personal circumstances of each applicant when making a decision to exclude.

When unacceptable behaviour is less serious, the Council may decide to process an application but give the applicant no preference for an allocation. This will be done by placing the application in Band 5, as set out in the Council's Allocations Policy. Staff will also fully consider the possible support mechanisms that are available to enable an applicant to secure social housing and any language, access or communication needs when contacting applicants and arranging interviews.

Investigation and Evidence Gathering

All decisions to proceed with exclusion will be based on the individual merits of each case, after gathering the appropriate evidence and making proper investigations.