

# Cardiff Housing Allocation Scheme

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Amended May 2019



*Mae'r ddogfen hon hefyd ar gael yn Gymraeg / This document is also available in Welsh*

## Glossary

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**Household:** The people listed on the application for housing who want to be rehoused together. Please note that where an applicant or their partner is expecting a child, that child is included in their household make-up for the purpose of allocating properties.

**Child:** a household member under 16 years of age.

### **Age-restricted Accommodation:**

**Independent Living:** Accommodation (including bungalows and flats) which is set aside for people who meet specific age criteria but who are able to live independently. Additional criteria may be attached to such accommodation to ensure that it is allocated to suitable applicants depending on their accessibility / disability / social needs.

**Community Living:** Accessible accommodation (mainly flats) with a community room and onsite activities, which is set aside for people who meet specific age, support, access and disability criteria.

**Extracare:** Fully accessible accommodation with a community room, onsite activities and 24 hour onsite support / care.

**Adapted Properties:** Properties which have been purpose built or substantially adapted to meet the needs of people with disabilities. These are allocated via the Cardiff Accessible Homes Project.

**Housing Waiting List:** The waiting list from which the City of Cardiff Council and the main Housing Associations in Cardiff let their properties. The List includes an Immediate Priority List and 3 sub-lists: the Homeless sub-list, the Beneficial Transfer sub-list and the General sub-list.

**Beneficial Transfer:** Where it is deemed that a transfer of households between social housing properties is beneficial to make the best use of social housing stock.

**Social Housing:** Affordable residential accommodation owned and managed by the City of Cardiff Council or a partner Housing Association in the city.

**Exclusion Panel:** A panel made up of officers from the Council and partner Housing Associations to consider applications identified as potentially excludable from the Housing Waiting List. Any application that is excluded may be reviewed at the Exclusion Review Panel, which is made up of more senior Council & Housing Association officers.

**Unrelated Criminal Activity:** (see 1.7) criminal activity not related to the conduct of a tenancy.

**Higher Availability Area:** An area of Cardiff where social housing is generally more readily available (due to stock levels and turnover). Higher availability areas may differ for different sizes of property. More information is available at [www.cardiffhousing.co.uk](http://www.cardiffhousing.co.uk)

**Please note: Choice (Section 5)** - Applicants will continue to be able to choose **whether** they are registered only for properties which match their housing needs **under** Housing Benefit size criteria, and which are not subject to an affordability assessment, or additionally for properties that are subject to an affordability assessment. This is subject to consultation and review.

# Cardiff Housing Allocation Scheme

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## 1. Introduction

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- 1.1 There is a high demand for social housing in Cardiff and a limited number of properties become available to let each year.
- 1.2 The City of Cardiff Council, Cadwyn, Cardiff Community, Hafod, Linc Cymru, Newydd, Taff, United Welsh and Wales & West Housing Associations, (referred to in the remainder of this document as ‘the Partners’ / ‘We’ / ‘Us’) operate a common Housing Waiting List for social housing, from which suitable applicants are identified to be offered available properties.
- 1.3 This Allocation Scheme sets out the general framework under which the Partners let their properties in the city. There may be some differences in the criteria used by individual Partners to match applicants to properties – the criteria used by each Partner are shown in Appendix 1.
- 1.4 The Scheme covers all social housing in the city managed by the Partners other than:
- Housing Association adapted housing for disabled people (which is let via the Cardiff Accessible Homes Project)
  - Pitches on Gypsy & Traveller sites managed by the City of Cardiff Council which are allocated under a separate scheme. Applications can be made under both schemes concurrently if required.
  - Extracare accommodation (which is let under separate arrangements)
- 1.5 The Allocation Scheme also gives information about application and assessment processes and what applicants can expect from us if they join the Housing Waiting List.
- 1.6 Under the Allocation Scheme framework we aim to :
- a) Give everybody who approaches us for housing advice the information they need to make choices about their housing options (including applying for social housing, exchanging with another tenant, renting privately, buying a home under an assisted home ownership scheme, and remaining in their existing home with additional support/services/adaptations). Advice will include guidance on the availability of social housing.
  - b) Recognise applicants’ housing needs and offer available social housing to applicants with an identified housing need before people who have no such need.
  - c) Give a higher priority for rehousing to eligible applicants who have a local connection to Cardiff, than to those with similar housing needs who have no such connection.
  - d) Offer applicants choice about the areas where they want to live, within the constraints set by the availability of social housing in the city.
  - e) Treat all applications fairly and confidentially.
  - f) Make the best use of available social rented properties in the city.
- 1.7 This Scheme has been designed to ensure fairness and consistency in allocating housing, through setting a fair and transparent framework for assessing housing need. In allocating social housing we do not discriminate against any person on the grounds of race, gender, sexuality, age, disability, class, appearance, religion or religious beliefs, responsibility for dependants, unrelated criminal activity, being HIV positive or with AIDS, or any other matter which causes a person to be treated with injustice. We adhere to the Equality Act 2010 and have completed an Equality Impact Assessment on this Scheme.

- 1.8 Applicants are able to apply to join the Housing Waiting List using a range of methods (as outlined in Section 4). Interpreting services can be arranged where necessary, and printed materials will be made available in large print, Braille and in ethnic minority languages when requested.
- 1.9 The Scheme will be widely promoted to ensure that no individual or group is excluded from accessing services due to a lack of information. To ensure that the services offer equality of opportunity, service provision and satisfaction, they will be monitored by age, disability, gender re-assignment, marriage and civil partnership, pregnancy & maternity, race, religion or belief/non belief, sex and sexual orientation.
- 1.10 Councils and Housing Associations have a duty to protect the public funds they administer. We may use the information provided as part of any housing application for the prevention and detection of fraud. We may also share this information with other bodies administering public funds solely for these purposes.

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## **2. Who can join the Housing Waiting List?**

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- 2.1 Applications to join the Housing Waiting List will be considered from any person or persons aged 16 years or over.
- 2.2 Any young person aged 16 or 17 who requests assistance with rehousing will be referred to the Council's Children's Services for an assessment of their needs.
- 2.3 16 & 17 year old applicants who are offered a tenancy are expected to have an appropriate party to act as a Trustee until they reach the age of 18. When they reach the age of 18 the tenancy automatically becomes an introductory / secure / assured shorthold / assured tenancy as appropriate.
- 2.4 Arrangements for corresponding with applicants with no fixed address regarding their application will be agreed with them, for instance via a 'care-of' address or by prearranged appointments in a partner office.
- 2.5 Applications from existing social housing tenants living in Cardiff will be considered under this Allocation Scheme equally with applications from other households.
- 2.6 Under the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014, the following categories of person are ineligible for accommodation:
- a) people who are subject to immigration control (within the meaning of the Asylum and Immigration Act 1996) save for those exceptions outlined in Regulation 3;
  - b) other people from abroad who are not subject to immigration control as outlined in Regulation 4.

Decisions under a & b (above) are made by officers in the Council's Social Lettings Unit / Housing Options Centre.

- 2.7 Applicants must inform the Council of any change to their circumstances which may impact on their eligibility – for example changes to their Leave to Remain status.
- 2.8 The following category of people may be deemed ineligible for accommodation under this Scheme:
- Applicants guilty of ‘unacceptable behaviour serious enough to make them unsuitable to be a tenant of the authority’ (Housing Act 1996 160A (7)). We may decide that an applicant is to be treated as ineligible for an allocation of housing accommodation if we are satisfied, at the time of the application, that the applicant or a member of his/her household has been guilty of unacceptable behaviour serious enough to make him/her unsuitable to be a Council tenant. Unacceptable behaviour is behaviour that would entitle the Council, if the applicant had been a secure tenant of the Council at the time, to an outright possession order. Each case is considered on an individual basis by the Council’s Social Lettings Unit and multiagency Exclusion Panel in line with ‘The Cardiff Common Exclusion Partnership Protocol’. In determining whether an applicant is ineligible due to unacceptable behaviour, the Council will apply the following 3-stage test:
    - i) Is there evidence of unacceptable behaviour? Was it serious enough to have entitled an authority to a possession order?
    - ii) Was the behaviour serious enough to render the applicant or a household member unsuitable to be a tenant?
    - iii) Is the behaviour unacceptable at the time of application?
- 2.9 Applicants for housing who have joined the Housing Waiting List can be withdrawn from that List if, following their inclusion on the List, they are guilty of ‘unacceptable behaviour serious enough to make them unsuitable to be a tenant of the authority’ (Housing Act 1996 160A (7)). Such a case would be considered by the Council’s Social Lettings Unit and multi-agency Exclusion Panel in line with ‘The Cardiff Common Exclusion Partnership Protocol’.
- 2.10 Under Part VI of the Housing Act 1996, an applicant may commit a criminal offence if they knowingly or recklessly make a statement which is false, or knowingly withhold information which the Council reasonably requires in support of their application for housing accommodation. The application will be suspended while the Council carries out a full investigation. The application may be rejected or, if a social housing tenancy has been granted, following investigation action may be taken to terminate any tenancy and to seek possession. In some cases this may also result in a criminal prosecution and, if convicted, substantial fines or imprisonment.
- 2.11 Applicants who are considered ineligible to join the Housing Waiting List, or who are withdrawn from the List, will be informed of the decision, and the grounds for the decision, in writing and will be signposted to advice agencies for help with their housing situation. Applicants have the right to request a review of any decision regarding their eligibility to join the Housing Waiting List. A review form must be requested and returned within 21 days of the applicant being notified of the relevant decision. Upon receipt of such a request, the Council will undertake a review. All applicants who have requested a review of a decision on eligibility are entitled to be notified of the outcome of the review and the grounds for it.

## 3. Information

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- 3.1 Advice and information about applying for housing in Cardiff is available free of charge from the Council's Hubs, partner Housing Association offices, support and advice agencies in the city and via the Cardiffhousing website ([www.cardiffhousing.co.uk](http://www.cardiffhousing.co.uk)). A leaflet entitled 'How we let our Homes - A Guide to Cardiff Housing Allocation Scheme' provides more details for potential applicants about their right to apply for social housing in the city, and the application methods.
- 3.2 Applicants approaching the Council or any Housing Association for advice and/or assistance regarding their housing situation will be offered information which will enable them to assess:
- how their application is likely to be treated under this Allocation Scheme (including whether further investigation of their application is required in line with 2.6 or 2.8 above);
  - whether they might fall within any of the groups which are prioritised for housing (see Appendix 2);
  - whether accommodation appropriate for their needs is likely to be made available to them and, if so, the length of time they are likely to have to wait for social housing in their chosen areas;
  - Information about other housing options including the private rented sector.

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## 4. Application Process

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### All applicants

- 4.1 Interpretation, translation and other support will be arranged for any applicant if necessary.
- 4.2 Where it becomes apparent during the application / assessment process that the applicant has support needs which are not currently being addressed, a referral may be made (with the applicant's consent) to a relevant Tenancy Support Service or appropriate specialist service.
- 4.3 Applicants who need accommodation which is substantially adapted or purpose built to meet the needs of disabled people will be advised that they will also be referred for assessment under the Cardiff Accessible Homes Project.
- 4.4 All applicants for an allocation of housing accommodation have the right to request the Partners to inform them of any decision about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them.
- 4.5 In order to ensure that all applicants are treated fairly, any application for the allocation of housing from Members of the Council, Housing Association Board Members, employees of the Council or a partner Housing Association, or associated persons must be disclosed on application. Such applications will be assessed in the normal way. Should such an application lead to an offer of accommodation, this offer must be approved by:
- the Social Lettings Manager (or other officer of the same or higher grade) for City of Cardiff Council properties, or

- an appropriate officer of a higher grade from the relevant Housing Association for their properties.

The term 'associated persons' above is as defined in the Housing Act 1996 S178 (as amended).

- 4.6 Information provided by applicants will be retained securely and treated in confidence by the Partners. Applicants may, at any stage, request a copy of information held about their application.
- 4.7 It is the responsibility of applicants to inform the Partners of any change of circumstance relevant to their housing application and, where requested, to provide proof of the change. Notification of any such change should be made without delay.

### **General applicants**

- 4.8 General applicants wishing to join the Housing Waiting List are required to complete a Cardiff Housing Application Form. Forms are available from any of the Partners' offices (by telephone or in person), or by submitting an expression of interest online at [www.cardiffhousing.co.uk/apply](http://www.cardiffhousing.co.uk/apply).
- 4.9 Before an application form is issued a number of screening questions will be asked regarding the applicant's housing needs and eligibility, and initial housing advice will be offered.
- 4.10 An appointment for a Housing Application Interview will be made for all applicants who are issued an application form. Applicants expressing an interest online will be contacted by telephone – if an application form is issued to them a Housing Application Interview will be arranged. Applicants attending a face to face interview are asked to bring the completed application form (and any evidence / supporting information required) to the Interview.
- 4.11 Alternative Housing Application Interview arrangements are available for those who are unable to visit Partner offices. This includes home visits for some Cardiff residents (for instance for disabled applicants who are unable to attend a Partner office) and telephone interviews for applicants living outside the South East Wales area. Those interviewed by telephone are required to submit any evidence / supporting information needed by post.
- 4.12 Advice agencies, support providers and other support services in the city are made aware of the various application methods, including those for applicants with no fixed address, who can use a 'care-of address.' Where necessary they may accompany the applicant to the housing application interview.
- 4.13 A Housing Advisor will undertake the Housing Application Interview during which they will check all the information provided on the completed application form, make an initial assessment of possible housing need (based on the criteria outlined in Appendix 2) and discuss all potential housing options with the applicant.

### 4.14 Possible initial assessment outcomes include:

- Request for additional information - where the applicant has not provided all the evidence required to assess the application e.g. proof of residence or maternity. The Advisor will inform the applicant of the evidence required, the timescales within which it should be provided, and the consequences of not providing the information.
- Admission to the Housing Waiting List – in some cases the Advisor may be able to inform the applicant that they will be admitted to the Housing Waiting List. Where

further investigations are needed (e.g. regarding medical conditions) the applicant will be informed that their Band may change when investigations are complete.

- Suspension while investigations are undertaken – for instance where further information is required regarding criminal convictions or the conduct of previous social housing tenancies to establish whether the applicant should be excluded from the Housing Waiting List. The Advisor will inform the applicant of the process to be followed and that they will be informed in writing of the outcome (see 9.7). • Applicant chooses not to register on the Housing Waiting List, but to pursue other housing options. Information about such options (and signposting / referral to support in accessing those options where necessary) will be provided.

4.15 Where it becomes apparent during the application / assessment process that the applicant may be homeless / threatened with homelessness a referral is made to the Housing Options Service.

4.16 The outcome of the application and assessment process will be confirmed in writing. For those admitted to the Housing Waiting List this will include confirmation of their registration date, area choices and Waiting List Band. The registration date is normally the date the Housing Application Form was requested. Those not admitted to the List will be advised of the reasons for this, and the relevant criteria linked to their suspension / exclusion.

### **Existing Social Housing Tenants**

4.17 Existing social housing tenants living in Cardiff who wish to transfer will be asked to undertake a shorter application / assessment process.

4.18 Their application will be assessed using the same criteria as other applicants. Their current circumstances will be confirmed, and their rehousing needs discussed, along with their reasons for wanting to move.

4.19 All rehousing options will be discussed with them including joining the Housing Waiting List for a transfer to alternative social housing; joining a recognised exchange service such as Homeswapper; remaining in their existing home with support or assistance to address current issues; considering privately rented accommodation or assisted home ownership.

4.20 If registered on the Waiting List written confirmation of the registration date, area choices and Waiting List Band is provided. The registration date is normally the date the Transfer Application Form was requested. Those not admitted to the List will be advised of the reasons for this, and the relevant criteria linked to their suspension / exclusion.

### **Applicants approaching Statutory Homelessness Services**

4.21 All applicants approaching the Council for housing assistance because they may be homeless or threatened with homelessness will be assessed by a Housing Options Officer who will discuss all potential prevention / rehousing options with them, and offer assistance.

4.22 When the Council has completed the assessment the applicant will be notified in writing of any duties owed under Part 2 of the Housing (Wales) Act 2014; their right to request a review of any decision made which is against their interests, and the timescale within which such a request must be made.



- 4.23 Those joining the Waiting List may be registered on the Homeless sub-list or the General sub-list, depending on their circumstances (See Appendix 2). Their registration date, Waiting List sub-list / band and area choices will be confirmed in writing.
- 4.24 The registration date for Applicants who have been assessed as ready to move on from supported/hostel accommodation (see Appendix 2 - h) will be the date they were referred to the current supported/hostel accommodation, not the date they applied to the housing register.

### **Maintaining the Waiting List**

- 4.24 In order to ensure that the information held on the Waiting List is accurate and up to date, thereby ensuring that applicants are ready to receive an offer of accommodation, the City of Cardiff Council will contact all applicants (other than those on the Homeless sub-list) either annually or on a rolling basis. To remain on the Waiting List all applicants will be required to respond to the screening letter within 14 days. Applicants failing to respond within this timescale will be sent a written reminder. If there is no response within 14 days of the reminder the application will be cancelled and removed from the Waiting List. A response after this time will generally be considered as a new application, although exceptional circumstances will be taken into account.

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## **5. Choice**

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- 5.1 In order to offer applicants the widest choice of accommodation the City of Cardiff Council and Housing Association Partners operate a joint Waiting List. Applicants are considered for suitable properties regardless of landlord.
- 5.2 All applicants will be given the opportunity to express preferences about the areas of the city in which they want to live and will be offered up to date information about likely waiting times for social housing in their preferred areas. Applicants who choose to join the Housing Waiting List based on the information they have been given will be able to register for as many preferred areas as they wish (subject to 5.3 & 5.4 below).
- 5.3 Applicants who are owed a duty under Part 2 of the Housing (Wales) Act 2014 are required to include at least four 'higher availability' areas in their area choices at all times. If the applicant does not choose four higher availability areas these will be chosen for them taking into account any areas and specific locations where they believe they should not be offered accommodation, for example for safety reasons.
- 5.4 Applicants who are awarded Immediate Priority on the Waiting List (see Section 9), and those who are applying because they have been 'left in occupation' of a social housing property in the city, must include two 'higher availability' areas in their area choices at all times.
- 5.5 Applicants can update their area choices at any time (subject to 5.3 & 5.4 above) by telephoning the advertised number or going to any Partner housing office / Council Hub in the city. Up to date advice will be offered regarding stock availability in their revised areas and the waiting time implications.
- 5.6 Applicants aged 50 and over are offered the option of registering for general needs accommodation and/or age restricted accommodation. Disabled applicants may also be considered under the Cardiff Accessible Homes Project.

5.7 Applicants will also be informed of alternative options which they may want to consider (including renting privately). This will enable them to make informed choices about their rehousing options.

5.8 All applicants will be informed of the Cardiffhousing website [www.cardiffhousing.co.uk](http://www.cardiffhousing.co.uk). This website provides information and advice enabling applicants to make informed choices, and to regularly review those choices and the practical outcomes.

5.9 Existing social housing tenants in Cardiff who wish to move will be advised of all their housing options. Depending on their individual circumstances this may include:

- Joining a recognised exchange service such as Homeswapper to identify a suitable exchange in the city or elsewhere
- Joining the Housing Waiting List if they wish to apply for a transfer

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## 6. Housing Need

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6.1 The Partners aim to assist applicants who are in housing need before those without identified need. The Housing Application Interview aims to identify the household's housing needs with a view to informing their priority for the allocation of housing. The 'reasonable preference' categories set out in s167(2) of the Housing Act 1996 are used as the basis for establishing housing need. See Appendix 2.

6.2 The level of housing need is used as one of the measures to determine an applicant's position on the Waiting List:

- Immediate, urgent, high and medium levels of housing need are recognised and used to inform applicants' position on the Waiting List (see tables 1-4 below and Appendix 2).
- Applicants with no identified housing need may be admitted to the Housing Waiting List, but will be registered in a lower Band than those with identified housing need.

6.3 Please note that in **exceptional** circumstances where a household is affected by a number of significant issues, each of which would individually impact on their housing need, and their situation cannot be adequately reflected within the criteria set out in Appendix 2, their position on the Waiting List will be individually determined. Decisions in such cases will be authorised by the Social Lettings Unit Manager (or other Council officer of the same or higher grade). All decisions are recorded.

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## 7. Determining Priorities

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7.1 For the purposes of determining how preference is to be awarded to applicants who fall within one or more of the 'reasonable preference' categories listed in Appendix 2, current legislation allows local authorities to take additional matters into account including :

- whether the applicant has a local connection to the local authority's area;
- the financial resources available to an applicant to meet their housing costs and/or needs;
- any behaviour of the applicant (or a member of his or her household) which affects his/her suitability to be a tenant, which is not a decision of ineligibility or the removal of preference.

For the purposes of this Scheme these matters are applied as follows:

### **Local Connection**

- 7.2 A higher priority for rehousing is given to applicants who have a local connection to Cardiff than to those with a similar level of housing need who have no such connection.
- 7.3 s199 of the Housing Act 1996 / s81 of the Housing (Wales) Act 2014 states that a person has a local connection to a local authority area if they :
- are, or were in the past, normally resident there and that residence is, or was, of their own choice;
  - are employed there;
  - have family associations there, or
  - because of special circumstances.
- 7.4 Local connection is established during the Housing Application Interview / Homelessness application and assessment process. Each applicant's situation is considered individually taking into account a range of factors specific to their household. For applicants owed a duty under s73 and s75 of Part 2 of the Housing (Wales) Act 2014, the working definition of Local Connection set out in the Guidelines for Local Authorities on Procedures for Referral is adopted. All other applicants will generally be expected to have been living in Cardiff continuously for 2 years immediately prior to application to be considered 'normally resident'.
- 7.5 Serving members of the British Armed Forces (and other persons who normally live with them as part of their household) may establish a local connection if they meet the above criteria through serving in Cardiff. Applications from those leaving the British Armed Forces who were normally resident in Cardiff immediately prior to their service will also be treated as having a local connection.
- 7.6 People detained in an institution or hospital, or serving a custodial sentence outside Cardiff, who lived continuously in Cardiff for 2 years immediately prior to entering the institution / hospital / custody will be treated as having a local connection.
- 7.7 Where an applicant does not meet the definition of normal residence but is currently employed in Cardiff, the Council will consider their individual circumstances to determine whether they have a local connection. This will include the contractual basis of their employment and whether this is sustainable from their current accommodation.
- 7.8 Where an applicant does not meet the definition of normal residence but has close family living in Cardiff, the Council will consider if there are exceptional circumstances whereby that close family connection may give the person a 'local connection'. Such exceptional circumstances may include where an applicant needs to live in the city to provide or receive support from their close family which is essential to their wellbeing, and the person cannot realistically obtain accommodation in the city with family, friends or in the private rented sector to provide or receive that essential support.

### **Financial Resources**

- 7.9 An applicant's employment status and income will be established as part of the Housing Application Interview / assessment process. Their employment status may be used to afford a priority under a Local Letting Initiative – see section 8. Income information will not be used to determine priority, but will be used to inform discussions about the range and

suitability of housing options available to applicants. Affordability assessments may be carried out in some circumstances at the point of offer (see section 11) to provide accurate advice to applicants only.

7.10 We will consider applications from owner occupiers in the same way as those from other applicants. Owner occupiers who are adequately housed would generally be considered as not having housing need, and would be expected to address their own housing aspirations in the private ownership market. If they apply to join the Waiting List this would be reflected in their banding. Advice will be given about support and other specialist services including adaptations where appropriate. However, owner occupiers who currently live in dilapidated accommodation (or accommodation that is unsuitable due to vulnerability of significant physical, mental health or learning disabilities) and who are suffering hardship because they cannot afford to improve their situation, will be considered to have a housing need and registered in the appropriate Band. Any owner occupier who is offered a tenancy will be expected to actively market their property for sale immediately on signing their tenancy agreement.

### **Behaviour**

7.11 Where an applicant or a member of his or her household is guilty of unacceptable behaviour serious enough to make them unsuitable to be a Council tenant, but the behaviour was not serious enough to entitle the Council or an RSL to an outright possession order, they may be accepted onto the Waiting List. However their application may be suspended until such time as the Council is satisfied that they have completed a course of action decided by the multi-agency Exclusion Panel, or can demonstrate that the behavioural issues that resulted in the application being suspended should no longer be taken into consideration. During this period the applicant will not be considered for any vacancies.

7.12 Further details regarding how such applications are dealt with are outlined in the 'Housing Waiting List – Exceptional Letting Arrangements / Criteria and Suspension' (Appendix 3).

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## **8. Supporting Sustainable Communities**

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8.1 Local Letting Initiatives are mainly used to address sustainability and community issues in defined areas to ensure that a housing allocation scheme based on need helps to build sustainable communities, and does not de-stabilise local communities.

8.2 Local Letting Initiatives are tailored to fit local situations in well-defined communities (such as a particular block of flats, an individual street, or new housing development).

Each Initiative is based on detailed analysis of relevant information gathered from Council records, partner Housing Associations, and local Councillors (such as tenant profiling, the incidence of anti-social behaviour, and stock turnover in the area).

8.3 As an example, Local Letting Initiatives **may** prioritise applicants with consideration to their previous tenancy record or employment status. In the latter case care will be taken not to exclude those who are unable to work. Longer term initiatives are used to meet the specific housing needs and aspirations of certain groups such as older people.

8.4 Local Letting Initiatives operate for a set time period after which they are reviewed. Depending on the outcome of the review they may be amended, extended or terminated.

8.5 They are authorised by the Council's Assistant Director of Housing & Communities (in consultation with the Elected Member with responsibility for housing) or by a Partner Housing Association Senior Officer with responsibility for Housing Management.

8.6 For further information on the operation of Local Lettings Initiatives, please see the 'Housing Waiting List – Exceptional Letting Arrangements / Criteria and Suspension' (Appendix 3).

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## 9. The Banding Scheme

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9.1 Cardiff's Housing Waiting List is arranged as shown in Tables 1-4. It includes an Immediate Priority List and 3 sub-lists: the Homeless sub-list, the Beneficial Transfer sub-list and the General sub-list. Each sub-list is further arranged into Bands to reflect levels of housing need.

9.2 Targets are set to inform what percentage of available properties is let via each sub-list. This is intended to support the aim of giving reasonable preference to households with particular needs while ensuring movement on all the sub-lists. It also aims to maintain social stability by ensuring that a mix of households in different situations is rehoused.

9.3 Targets are reviewed regularly and agreed by Partners.

9.4 Within each Band applicants are listed in date order based on their registration date (subject to 9.6 - 9.8 below).

### 9.5 **New applications (including transfers)**

Depending on information confirmed during the Housing Application Interview / Housing Options Assessment regarding their individual circumstances, housing need and local connection to Cardiff, applicants join the appropriate sub-list, in the highest Band for which they qualify.

9.6 The registration date in that Band will be the date the applicant approached a Partner for rehousing assistance. If confirmation of a higher level of housing need is received as a result of the subsequent assessment process (e.g. regarding medical needs or unsatisfactory housing conditions), the applicant may be moved to a higher Band or different sub-list. In such cases the applicant will retain their registration date. Please note that where applicants requesting assistance because they are homeless / threatened with homelessness have an existing general housing application, that application will be updated to reflect their change in circumstances. Where this results in them moving to a higher band they will join the bottom of the new Band.

9.7 Applications which are subject to consideration by the multi-agency Exclusion Panel will be added to the Housing Waiting List but will not be made live unless approved by the Panel. The registration date for non-excluded applicants will be the date the Housing Application Form was requested.

### 9.8 **Existing applications - Change of circumstances**

Where an applicant who is already registered on the Waiting List informs the Partners of a change in their circumstances, their application will be re-assessed. Depending on the nature of the change they may be required to attend a housing interview and provide additional evidence / information. If this results in them qualifying for inclusion in a higher Band, their date of registration in that Band will be the date that notification of the change of circumstances was received. Should the re-assessment result in them moving to a lower

Band their original registration date will be used to determine their position within that Band.

### Table 1 – Immediate Priority

Applicants in immediate housing need are included in this Band - where exceptional circumstances exist which requires an immediate offer of housing. Further information is provided in 9.9 below.

### Table 2 – Applicants with identified housing need and a Local Connection to Cardiff

Homeless Sub-list	Beneficial Transfer Sub-list	General Sub-list
<b>Band A</b>		
Applicants with an <u>urgent</u> housing need	Applicants with an need housing need	
<b>Band B</b>		
Band Bi - Applicants with a high housing need Band Bii – Applicants with a medium housing need	Applicants with a housing need	Band Bi – Applicants with a high housing need Band Bii – Applicants with a medium housing need

### Table 3 – Applicants with identified housing need but no Local Connection to Cardiff

Homeless Sub-list	Beneficial Transfer Sub-list	General Sub-list
<b>Band C</b>		
Not applicable	Not applicable	Applicants with an <u>urgent</u> housing need
<b>Band D</b>		

Not applicable	Not applicable	Band Di – Applicants with a high housing need Band Dii – Applicants with a medium housing need
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9.9 From time to time there may be occasions where due to highly exceptional and significant circumstances an immediate allocation of housing is required. This may include:

- where rehousing is necessary on grounds of public safety;
- to assist moves under the National Witness Mobility Scheme;
- a threat to life;
- to assist with the Council’s statutory obligations under Multi Agency Public Protection Arrangements (MAPPA);
- to support a recommendation from a Multi-Agency Risk Assessment Conference (MARAC);
- to ‘decant’ existing Cardiff social housing tenants where planned major works are needed;
- applicants who occupy a private property which is subject to an Emergency Prohibition Order and recovery of the premises is required in order to comply with the Order as defined by Section 33 of the Housing Act 2004;
- where discharge from hospital is **imminent**, there is no accommodation available that it is reasonable for the patient to occupy and **immediate** rehousing is required (Delayed Transfer of Care cases);
- applicants who need to move on under the SAIL / Rough Sleeper / Young People’s Training Tenancies Projects;

Table 4 – Applicants with <u>no</u> identified housing need		
Homeless Sub-list	Beneficial Transfer Sub-list	General Sub-list
<b>Band E</b>		
Not applicable	Not applicable	Applicants <u>with</u> a Local Connection to Cardiff but <u>no</u> identified Housing Need
<b>Band F</b>		
Not applicable	Not applicable	Applicants with <u>no</u> Local Connection to Cardiff <u>and no</u> identified Housing Need

- where a request is received from the Council's Children's Services or Adult Services to assist with an exceptional accommodation need of their client/s under the Children Act 1989 s27; the Children Act 2004 s10, or the National Health Service and Community Care Act 1990;
- applicants who need to move on from tied accommodation in Cardiff provided by the City of Cardiff Council or a Partner – such as school caretakers who have been provided with accommodation linked to their employment, and this will no longer be available to them e.g. due to retirement.

Following assessment, applicants in these circumstances may be awarded immediate priority status. Please note that this list is not exhaustive.

Decisions in such cases are authorised by the Social Lettings Unit Manager (or other Council officer of the same or higher grade) in line with agreed criteria – all decisions are recorded.

9.10 In certain circumstances properties will be allocated outside the banding framework set in this Allocation Scheme. Such circumstances include:

a) **Sensitive Lets** : Sensitive lets are used in the following circumstances:

- where it may be inappropriate to let an individual vacant property in line with the usual letting arrangements - for example, where a property is vacant because the previous occupant was guilty of persistent anti-social behaviour and has moved on, a new tenant is selected to ensure that the neighbours who have been subjected recently to the anti-social behaviour are offered quiet enjoyment of their tenancies.
- Where there has been behaviour on the part of an applicant which affects their suitability to be a tenant in an area for which they have expressed a preference – for example where they have harassed or caused a nuisance against an individual or family living in that area.

Decisions in such cases are authorised by the Social Lettings Unit Manager (or other Council officer of the same or higher grade)

b) **Management Discretion Lets:** Management Discretion Lets are used to meet the exceptional needs of particular households - for example due to time or risk issues.

They are authorised by the Operational Manager – Landlord Services or other Manager of the same grade or above (for Council lets), or the relevant Partner Housing Association's Senior Officer with responsibility for Housing Management.

For further information please see the 'Housing Waiting List – Exceptional Letting Arrangements / Criteria and Suspension' (Appendix 3).

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## 10. Matching Properties to Applicants

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10.1 The allocation of the vast majority of available properties will be made to applicants on the Housing Waiting List in line with the Banding criteria outlined in Section 9.



- 10.2 When a property becomes available, a check is made to establish whether it is suitable for an applicant with an Immediate Housing Need (starting with the highest listed applicant and working down the list). If this is not the case a target system is applied to determine whether an applicant should be sought from the Homeless, Beneficial Transfer or General sub-list first.
- 10.3 Suitability is based on the information provided by the applicant during the application and assessment process and the relevant Partner's matching criteria as outlined in Appendix 1.
- 10.4 Identification of suitable applicants from the Housing Waiting List is undertaken by Partner Allocation Officers.
- 10.5 Where Local Letting Initiatives are in place or a Sensitive Let is required (see section 8 and 9.10a) suitable applicants will be identified in line with 10.1 – 10.3 above but taking into account the additional specified criteria of the Local Lettings Initiative / Sensitive Let.
- 10.6 For Council Independent Living and Community Living properties suitable applicants are initially sought from those currently living in the scheme / local area who wish to transfer. If a suitable applicant is not identified, applicants who have an assessed need to live in the scheme / area (and meet the criteria for the particular property) are considered before all other applicants who want to live in the scheme/area.
- 10.7 For further information on the operation of Local lettings Initiatives and Sensitive Lets, please see the 'Housing Waiting List – Exceptional Letting Arrangements / Criteria and Suspension' (Appendix 3).

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## **11. Offers & Refusals**

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### **Offers**

- 11.1 Offers of accommodation are made by telephone, text, e-mail or letter.
- 11.2 Applicants on the Homeless sub-list; those awarded Immediate Priority on the Waiting List and those 'left in occupation' of a social housing property in the city are made one reasonable offer of suitable accommodation.
- 11.3 All other applicants are made two reasonable offers of accommodation.
- 11.4 For applicants owed a duty under Part 2 of the Housing (Wales) Act 2014 a reasonable offer of suitable accommodation is one which (as defined by Homelessness legislation, guidance and case law) is reasonable for the applicant (and their household if applicable) to accept. Such an offer will generally end the Council's homelessness duty and result in termination of any temporary accommodation provided for the household. Applicants are advised in writing of this decision and their right to a review.

- 11.5 For all other applicants a reasonable offer is defined as an offer of a property which is a suitable size for the applicant's household (based on the relevant Partner's matching criteria outlined in Appendix 1), and is located within one of the applicant's chosen areas.
- 11.6 Offers that are found to be unaffordable (following an affordability assessment - see section 7.9) will not be counted as a reasonable offer.
- 11.7 Applicants are given 3 full working days from the date of the offer to state an interest in the property offered or refuse the offer.
- 11.8 All offers of accommodation are subject to the necessary pre-tenancy checks carried out at the point of offer to verify that the applicant's circumstances have not changed significantly so as to affect their eligibility and/or priority to receive the offer.

### **Refusals / failure to respond to offer**

- 11.9 All applicants who refuse offers are signposted to the Cardiffhousing website ([www.cardiffhousing.co.uk](http://www.cardiffhousing.co.uk)) for information about other housing options in Cardiff.

### **Applicants entitled to one reasonable offer**

- 11.10 Refusal of a reasonable offer by applicants who have been awarded Immediate Priority, or who are 'left in occupation' of a social housing property in the city (or failure to respond to an offer) will result in their application being withdrawn from the Housing Waiting List for a period of 12 months. Applicants will be advised of this decision in writing.
- 11.11 Refusal of a reasonable offer by applicants on the Homeless sub-list (or failure to respond to an offer) will result in their current application being withdrawn. They can re-apply to join the Waiting List but this will be treated as a new application with a new registration date. The Band they join will be based on their revised circumstances.

### **Applicants entitled to two reasonable offers**

- 11.12 Should an applicant refuse their first offer of accommodation the reasons for refusal are discussed with them. Their application is updated if necessary. Where the offer was made under Part 2 of the Housing (Wales) Act (which would discharge any duty owed) this may include amending their position on the Waiting List to reflect their current situation. One further offer can be made.
- 11.13 Should an applicant **fail to respond to a first offer** they will be advised in writing that the offer has been withdrawn; their application suspended and that they should contact the Council within 10 working days of the notification to discuss their situation. Failure to do so will result in their application being withdrawn from the Housing Waiting List for a period of 12 months.
- 11.14 Should an applicant **refuse or fail to respond to a second offer** of accommodation they are advised in writing that their application will be withdrawn from the Housing Waiting List for a period of 12 months.

## Withdrawn applications

- 11.15 Where an application is withdrawn from the Waiting List (under 11.10 and 11.13 - 11.14 above) the applicant can apply to re-join once the 12 month period has elapsed – this is considered as a new application with a new registration date.
- 11.16 Applicants who inform a Partner that they do not wish to move at the current time will be advised that their application will be withdrawn from the Waiting List (subject to consideration of their individual circumstances) and that they should apply to re-join the List when ready to move. This application would be considered as a new application with a new registration date.

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## 12. Reviews

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### **Applicants who have been made an offer of accommodation under Part 2 of the Housing (Wales) Act 2014**

- 12.1 When offered a tenancy, applicants who are owed a duty under Part 2 of the Housing (Wales) Act 2014 are advised of their right to request a review of the suitability of the accommodation offered (whether or not they have accepted the offer).
- 12.2 The request for a review must be made by the applicant within 21 days of the date of the offer letter (as required under the Housing (Wales) Act 2014 s85).
- 12.3 The review is undertaken by a named Senior Officer in the City of Cardiff Council (not involved in the original decision).
- 12.4 If new information is provided which the reviewing officer accepts makes the existing offer unsuitable or reasonable for the applicant to refuse, the application is amended to reflect this.
- 12.5 If, following consideration of the information provided, the reviewing officer decides that the offer was suitable, the applicant is advised in writing of the outcome of the review, (including the reasons for the decision and their right to appeal to a County Court under the 1996 Housing Act s204 / Housing (Wales) Act 2014 s88).

### **Other applicants**

- 12.6 Other applicants who disagree with a decision made in relation to their housing application, including any decision about the facts of his/her case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to him/her, or the reasonableness of an offer, have the right to request a review of that decision. They are advised that such a request must be made within 21 days of being notified of the decision, using an approved review proforma (to ensure that all relevant information is collected to be considered in the review). Alternative arrangements will be made available where necessary to ensure that applicants who are unable to complete a proforma are given the opportunity to request a review.
- 12.7 The review is undertaken by a Senior Officer in the City of Cardiff Council who was not involved in the original decision. That officer may contact the applicant to request additional details if necessary.
- 12.8 The applicant will be notified in writing of the outcome of the review and the grounds for it. The applicant will also be informed that there is no further right of appeal.

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## 13. Complaints

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13.1 Any complaints from applicants are dealt in accordance with the City of Cardiff Council's Complaint Policy. Some types of complaint are excluded from being dealt with under that Policy. This includes:

- Any complaints about approved Council policies, (which would include complaints about the Allocations Scheme itself)
- Any complaints about properly made decisions. This means that complaints procedure could not be used to challenge a decision made under the Allocations Scheme or a decision made following review.

An applicant can however complain about poor service, for example if supporting information which is relevant to their review went missing, the attitude of an officer whilst dealing with their review, or the length of time take to respond to their review.

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## 14. Monitoring the Allocation Scheme

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14.1 The operation of the Scheme will be regularly monitored. The Scheme will also be subject to an internal review by the Partners on an annual basis to ensure it is compliant with law and good practice. Letting outcomes will be published on partner websites and in tenant newsletters.

14.2 Any major changes to the Scheme agreed by the Partners will be submitted to the Council's Cabinet for approval. Such approval must generally be received prior to implementation. However, if at any point the Scheme is found to be non-compliant with legislation, changes will be made immediately. These changes will be subject to retrospective review by all partners.

14.3 Any minor or operational changes to the Scheme will be agreed by the Housing Management & Allocations Group and authorised for implementation by the Council's Assistant Director – Housing & Communities (under the Council's Scheme of Delegations) on behalf of all Partners.

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## 15. Information Sharing

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15.1 Partners to the Scheme are signatories to a Common Housing Protocol which governs the way that the Housing Waiting List is administered, including the sharing of information. The information sharing protocol has been developed in accordance with the Wales Accord on the Sharing of Personal Information (WASPI). The protocol ensures that information is shared between partners safely and securely. This and other protocols, where applicable, will be used by the Council to verify any aspect of the application to ensure that it fulfils all statutory requirements.

15.2 As part of the application process applicants will be required to consent to their personal information being shared for the purpose of being rehoused. Those applicants unwilling to consent to their information being shared will be considered by the Council not to have

completed their application and consequently will not be admitted to the Housing Waiting List.

## Appendix 1

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### Matching Guidelines

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The guidelines below are applied to the letting of the vast majority of Council and Housing Association properties. Separate criteria are set for some properties under Local Lettings Initiatives; these are published alongside this Allocation Scheme on the Council's website [www.cardiff.gov.uk](http://www.cardiff.gov.uk)

#### **Property size**

1. With the aim of alleviating the overcrowding experienced by a high number of applicants on the Waiting List each available property will be allocated to the largest family that it will accommodate. Housing Benefit guidelines will generally be used to inform this (see Appendix 1a), although there are situations where this will not be the case, such as :
  - where one bedroom in the property is very small,
  - where a household's make up is such that an additional bedroom will be needed in the next 12 months (e.g. a child will reach the age of 16 within that timescale)
2. Where an applicant or their partner is expecting a child/ren, that child/ren will be considered to be part of their household makeup for the purposes of allocating a property\*.
3. A housing need in excess of 4 bedrooms cannot generally be addressed under this Scheme. Alternative ways of addressing that need will be explored with such households including the possibility of accommodating discrete family units within the household separately, and accessing other types of accommodation by providing help with bonds etc. An offer of 4 bed accommodation or larger in an applicant's chosen areas is considered to be a reasonable offer, regardless of the household size.

#### **Property type**

4. Houses with 2 bedrooms or more will generally only be offered to households including a child/ren.
5. Bedsits will be offered to single people under the age of 35 before any other applicants.
6. Children of any age may be accommodated in flats and maisonettes on the ground or first floor.
7. Flats and maisonettes above the first floor will not be offered to households including a child/ren under the age of 8 (unless a Local Lettings Initiative is in place).
8. All high-rise units in the city will be subject to local lettings initiatives, set to achieve sustainability.
9. Where a 3, 4 or 5 bedroom house has one very small bedroom (commonly known as the 'boxroom') the property will be allocated based on the fact that only one person would be accommodated in the 'boxroom'.
10. Age-restricted accommodation is allocated in line with age and/or support criteria specific to the property / scheme.
11. Council bungalows will initially be offered under the Downsizing Scheme.
12. Council one bedroom ground floor flats will only be allocated to applicants who have an assessed medical need for ground floor accommodation.

\* This applies to all Partners other than Cadwyn Housing Association

## **Exceptions**

13. Where it has not been possible to identify a suitable applicant for a particular property in line with the above criteria (or where any suitable applicants have refused the property) it may be offered more widely to other applicants on the Waiting List.
14. Where a Sensitive Let or Management Discretion Let is needed a property may be let outside the above criteria (see section 9.10)

## **Appendix 1a**

### **Size Criteria**

1. The following components of an applicant's household are assessed as needing **one bedroom each** :
  - Every adult couple (a married or unmarried couple living together as husband and wife or a same sex couple in a civil partnership or living as if they have formed one) • Any other adult (aged 16 or over). This would include a single parent, or an adult son / daughter who is living as part of the household.
  - Any 2 children of the same sex aged under 16
  - Any 2 children aged under 10
  - Any other child
2. A household is assessed as needing **one additional bedroom** for :
  - a son or daughter who still lives with the household but is currently absent from the family home because they are serving in the Armed Forces.
  - a child who cannot share a bedroom because of disabilities
  - a non-resident carer who provides overnight care for the applicant or their partner
  - where the applicant is an approved foster carer and has fostered a child, or become an approved foster carer, in the last 12 months
  - where this is required for medical reasons e.g. where a couple need separate bedrooms due to medical conditions, or to accommodate medical equipment (subject to assessment)

## **Appendix 2**

### **The Banding Scheme – Explanation of Reasonable Preference Categories and Urgent Housing Need**

#### **Reasonable Preference Categories**

The reasonable preference categories for the purposes of this scheme include those which are required by the Housing Act 1996 (as amended). For the purposes of this Allocation Scheme these are defined as follows:

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**Reasonable Preference Categories 1 & 2: people who are homeless within the meaning of Part 2 of the Housing (Wales) Act 2014) – and people who are owed a duty under s 66, 73 or 75 of that Act.**

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Please note that reasonable preference under these categories is also given to people who are owed a duty under section 190 (2), 193 (2) or 195 (2) of Part VII of the Housing Act 1996 or

who are occupying accommodation secured by the Local Authority under section 192(3) of that Act.

Reasonable Preference is awarded to applicants in the following circumstances:

a) **Applicants who are owed a homelessness prevention duty under s66 of the Housing (Wales) Act 2014 (i.e. those who are threatened with homelessness under the definition contained in s55 of Part 2 of the Housing (Wales) Act 2014 and eligible for help under Schedule 2 of the Housing (Wales) Act 2014).**

*Applicants in these circumstances are included in Band Bii of the General sub-list (or Dii if they have no Local Connection to Cardiff). When the duty under this section comes to an end their application is re-assessed - they may move to a different sub-list or Band or be removed from the Waiting List. A new application may be needed.*

b) **Applicants who are owed a duty to help secure accommodation under s73 of the Housing (Wales) Act 2014 (who are homeless and eligible for help)**

c) **All other households who are homeless under the definition of homelessness contained in s55 of Part 2 of the Housing (Wales) Act 2014 / Part 7 of the Housing Act 1996. People who do not have accommodation which is legally and physically available for them to occupy, and which is reasonable for them to occupy, would qualify.**

*Applicants in b) to c) above are included in Band Bii of the Homeless sub-list (or Band Dii of the General sub-list if they have no Local Connection to Cardiff). When any duty owed to these applicants comes to an end their banding is re-assessed and they may move to a different sub-list, a higher or lower band or be removed from the Waiting List.*

d) **Applicants who have been given notice from parents, friends or relatives who are no longer willing to accommodate and where there are significant/exceptional circumstances.**

*Applicants in these circumstances are included in Band Bi of the General sub-list, if they remain at home. Eligibility for this band will be determined by Officers in the Housing Options Centre. When the duty under this section comes to an end their application is re-assessed - they may move to a different sub-list or Band or be removed from the Waiting List. A new application may be needed.*

e) **Applicants who are in priority need and are owed a duty to secure accommodation under s75 of the Housing (Wales) Act 2014.**

g) **Young homeless people needing to move on from the Young Persons Gateway.**

*Applicants in e) and f) above are included in Band Bi of the Homeless sub-list. When the duty under this section comes to an end their Waiting List situation is reassessed and they may move to a different sub-list or band, or be removed from the Waiting List. A new application may be needed.*

**Please note** that consideration of wider housing needs are taken into account in deciding which sub-list and band an applicant should join, to ensure that their Waiting List situation is not disadvantaged by joining the sub-list / band indicated solely under Reasonable Preference categories 1 & 2.

h) **Applicants who have been placed in Supported/Hostel Accommodation via the Councils Gateway and the support provider/hostel has notified the Council that the applicant/s are ready to live independently:**

- Applicants with high support needs, who were particularly vulnerable at the time of referral to the provider. These applicants will have addressed their support needs and

be ready to move to independent living. ***Applicants in these situations are included in Band Bi of the Homeless sub-list.***

- Applicants with lower support needs who are less vulnerable and need to move on. ***Applicants in these circumstances are included in Band Bii of the Homeless sub-list.***

Prior to any award being made under h), ongoing support needs will have been assessed, risk assessments provided and support plans put in place to increase the chances of the tenancy succeeding.

Applicants who's support needs are considered too high for the scheme or do not appear to be ready for independent living will be referred back to the provider to explore other options through the Gateway.

Applications received before the Council has been advised by the support/hostel provider that the applicant/s is ready for independent living, will be registered on the waiting list, but will have their application suspended until such notification has been received. (See section 5 - 5.17 & 5.18)

### **URGENT HOUSING NEED**

Additional preference is given to people who have been identified as having an urgent housing need. Under these Reasonable Preference categories this includes applicants in the following circumstances:

- To assist those needing to move as a result of violence or threats of violence likely to be carried out and who as a result require urgent rehousing, including :
  - Victims of domestic or other violence (those cases discussed at a MARAC).
  - Victims of hate incidents (including crimes and non-crimes in policing terms and this will cover victims of hate violence, threats of violence and hate harassment of any kind).
  - Witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes.
- People needing accommodation as a result of leaving the British Armed Forces and the loss of military accommodation.
- In exceptional circumstances, where applicants are affected by a number of significant issues (see para 6.3 of the Allocation Scheme).

***Applicants in these circumstances are included in Band A of the Homeless sub-list.***

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### **Reasonable Preference Category 3: People occupying insanitary or overcrowded housing or living in unsatisfactory housing conditions**

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In order to qualify under this category, applicants will be currently living in one of the following situations. (Please note that applicants living in hostel, purpose built student accommodation blocks or university halls of residence, or other shared accommodation with access to shared facilities would not qualify under this preference category):

#### **Insanitary / Unsatisfactory housing conditions:**

- Applicants who (through no fault of their own) do not have access, on a permanent basis, to any of the following facilities (whether sole use or shared). No access to :
  - A bathroom or kitchen; ○ An inside toilet; ○ Hot or cold water supplies, electricity, gas or adequate heating.



- An applicant who occupies a private property which is subject to a Prohibition Order and recovery of the premises is required in order to comply with the Order as defined by Section 33 of the Housing Act 2004.
- Private sector tenants and residents of dwellings that the Council's Housing Enforcement Team has determined pose a category 1 hazard (under the Housing Health and Safety Rating System) and the Council are satisfied that the problem cannot be resolved by the landlord within 12 months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, and there is no prospect of the problems being remedied within a 12 month time period, and the household are not able to resolve their own housing problem.
- Where a private sector property is to be demolished under the Housing Act 2004, or where a clearance area has been declared.

The assessment of such cases will be carried out by the City of Cardiff Council's Social Lettings Unit taking advice from the Council's Housing Enforcement Team.

***Applicants in these situations are included in Band Bi or Di of the General sub-list (High Housing Need).***

**Overcrowding:**

Households who are currently at least 1 bedroom short when assessed in line with current Housing Benefit social sector size criteria, are considered to be overcrowded. These criteria state that one bedroom is needed for:

- Every adult couple.
- any other adult (16 or over).
- Any two children of the same sex aged under 16.

- Two children under the age of 10 whether they are a boy or a girl.
- Any other child.
- A carer who does not normally live with the household but provides the applicant of their partner with overnight care.

Children who normally live elsewhere are not counted.

Single people / couples living in a bedsit are not considered to be overcrowded.

Please note that for 'joining' households the number of bedrooms in both / all properties currently occupied are taken into account in assessing whether they are overcrowded. Households that are not considered to be overcrowded in their current accommodation may join the Waiting List, but will not be awarded preference under this Reasonable Preference category. Exceptional circumstances, where there is a need for the households to live together, will be taken into account.

***The following situations are recognised as High housing need (Bi or Di of the General sub-list):***

- Households that are 3 bedrooms or more short;
- Households including resident dependent children that are 1/2 bedrooms short and are:
  - Living in a bedsit / have no bedrooms available for their sole use;
  - Living in 1 bedroom accommodation / have 1 bedroom available for their sole use and are a 4 person household or larger;
  - Living in 2 bedroom accommodation / have 2 bedrooms available for their sole use and are a 6 person household or larger;
  - Living in 3 bedroom accommodation / have 3 bedrooms available for their sole use and are a 9 person household or larger.

***The following situations are recognised as Medium housing need (Band Bii or Dii of the General sub-list):***

- Households that are 1/2 bedrooms short but do not fit the criteria for high housing need (above).

**Please note that,** due to the nature and availability of housing stock, a housing need in excess of 4 bedrooms cannot generally be addressed under this Scheme. Alternative ways of addressing that need will be explored with such households including the possibility of accommodating discrete family units within the household separately, and accessing other types of accommodation by providing help with bonds etc.

**Applicants who are determined by the City of Cardiff Council to have either caused or exacerbated overcrowding by allowing family member(s) or other(s) to move into their current property, will not be awarded reasonable preference under this category.**

**Under-Occupying:**

- Where it is deemed that a transfer between properties is beneficial to make the best use of social housing. This includes:
  - Applicants who are currently under-occupying social housing in Cardiff and wish to downsize (but are not affected by changes to social sector size criteria under Welfare Reform). This could include working age tenants and tenants over pension age, who are under occupying and wish to downsize. Such cases are individually assessed and authorised by the City of Cardiff Council's Social Lettings unit.

***Applicants in these situations are included in Band B of the Beneficial Transfer sub-list.***

**URGENT HOUSING NEED**

Additional preference is given to people who have been identified as having an urgent housing need. Under this Reasonable Preference category this includes applicants in the following circumstances:

- Applicants who have been assessed as under-occupying social housing in Cardiff in line with current Housing Benefit Size Criteria and are facing financial hardship as a result, possibly leading to rent arrears. This includes applicants who are affected by changes to social sector size criteria under Welfare Reform and other transfer applicants wishing to downsize, who are facing financial hardship but not affected by the 'bedroom tax' (***Band A of the Beneficial Transfer sub-list***).
- People 'left in occupation' of social housing in Cardiff who will not be offered the tenancy of that property, but need urgent rehousing. Applicants in these circumstances must choose 2 'higher availability' areas as part of their area choices. If they fail to do so 2 such areas will be chosen for them. (***Band A of the Beneficial Transfer sub-list***).
- To relocate (on a temporary or permanent basis) existing tenants where their existing home is subject to planned demolition / redevelopment. (***Band A of General sub-list***).

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**Reasonable Preference Category 4: People who need to move on medical or welfare grounds (including grounds relating to a disability)**

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In order to qualify under this category, applicants or a member of their household will meet one of the following criteria:

### **Medical Grounds**

- Where applicants are living in a property which makes their medical condition worse, and a move to another property would alleviate or improve their medical condition.
- Applicants who need specific housing due to a physical, mental or learning condition or disability and are currently in unsuitable accommodation.

The following are examples of cases that would be considered under this category and would be likely to be awarded preference.

- Where applicants are living in a property which is directly contributing to the deterioration of their physical or mental health and a move to another property would alleviate or improve their medical condition, such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation, and the condition of the property cannot be resolved in a reasonable period (usually 6 months).
- Applicants who need settled accommodation to meet the long term needs of children with severe physical or developmental conditions such as cerebral palsy or autism.
- A person with a significant long term or permanent condition whose current accommodation is having an impact on their condition (e.g. reduced mobility or wheelchair use) and where their quality of life would be improved by moving to alternative accommodation.
- Applicant whose current overcrowded accommodation leaves them at risk of infection due to their medical condition.
- Applicants who are housebound due to the unsuitability of their current accommodation (e.g. applicants with mobility issues living in an upper floor flat with no lift access)

A recommendation regarding qualification under this category (based on the type and level of difficulties being experienced, the effect of the current accommodation on the applicant or a member of his/her household's health, and whether this would improve significantly through a move to alternative housing) may be sought from the City of Cardiff Council's Community Health Advisor.

Applicants who need an adapted property will also be considered under the Cardiff Accessible Homes Project.

***Applicants in these situations are included in Band Bi, Bii, Di or Dii of the General sub-list depending on the severity of their condition and the degree of difficulty experienced in their current accommodation.***

### **Welfare Grounds**

- Applicants who need to move on welfare grounds due to vulnerability / infirmity e.g. home owners who currently live in dilapidated accommodation and are suffering hardship because they cannot afford to improve their situation. These cases will have their welfare need recognised and reasonable preference awarded should their current housing be inadequate. Each case will be considered individually and may be subject to a financial assessment. ***Band Bi or Di of the General sub-list (High Housing Need)***.
- Victims of domestic abuse / antisocial behaviour who are unable to safely stay in their existing home with additional security & support and need to relocate. ***Band Bi or Di or the General sub-list (High Housing Need)***
- Where it is unreasonable for a victim of antisocial behaviour to continue living in their existing property based on evidence received. ***Band Bii or Dii of the General sub-list (Medium Housing Need)***

## **URGENT HOUSING NEED**

Additional preference is given to people who have been identified as having an urgent housing need. Under this Reasonable Preference category this includes applicants in the following circumstances:

Where an applicant's (or a member of their household's):

- Condition is expected to be terminal and re-housing is required due to unsuitable accommodation or to provide a basis for the provision of suitable care.
- Existing accommodation is causing their medical condition to be life threatening
- Discharge from hospital is **planned** to take place within the next 3 months and there is no suitable accommodation available to them that it is reasonable for them to occupy.
- Existing accommodation is unable to be adapted / adapted further to accommodate their needs and they are unable to access basic facilities (e.g. toilet and washing facilities) within that accommodation.
- Applicants who are serving or former members of the British Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of service.
- Bereaved spouses or civil partners of members of the British Armed Forces leaving military accommodation following the death of their spouse or civil partner.
- To assist Cardiff Council's Children's Services to rehouse young people moving on from care. Applicants must be a former 'relevant child' as defined by the Children Leaving Care Act 2002.
- Victims of domestic abuse / antisocial behaviour who are unable to stay in their existing home with additional security and support, and there is an urgent need to move.  
***Applicants in this Category with an urgent housing need are included in Band A or C of the General sub-list.***

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## **Reasonable Preference Category 5: People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others)**

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In order to qualify under this category, applicants will meet one of the following criteria:

- Applicants who need to move to give or receive care – to allow a main carer to provide care and the current situation prevents this e.g. due to travelling times. This is subject to an assessment of care provided.  
***Where care would otherwise be impossible or where daily care is required – high housing need (Band Bi or Di of the General sub-list); where regular (not daily care is required – medium housing need (Band Bii or Dii of the General sub-list).***
- Applicants who need to access social services facilities and are unable to travel across Cardiff to do so. ***Band Bi of the General sub-list (High Housing Need)***
- Applicants who wish to take up (or continue) employment, education or a training opportunity that is not available elsewhere and who do not live within reasonable commuting distance. ***Band Bi or Di of the General sub-list (High Housing Need)***
- To assist approved foster carers who need larger accommodation to foster more children who are the responsibility of the Council's Children's Services – subject to confirmation from Children's Services. ***Band Bi of the General sub-list (High Housing Need)***

An assessment of an applicant's need to move under this Category is made by a senior officer in the Social Lettings Unit taking into account information provided by supporting agencies / professionals.

## Appendix 3

### **Housing Waiting List Exceptional Letting Arrangements / Criteria & Suspension**

The Housing Act 1996 (amended by the Homelessness Act 2002) requires Local Authorities to have a written Scheme outlining the priorities for letting housing stock, and the procedures to be followed. While reasonable preference must be given to defined groups, section 167 (2E) / [s.16(3)] enables local authorities to also let properties to other people who do not fall into a reasonable preference category (as long as this does not dominate the Scheme). This is the statutory basis for the policies for Local Lettings Initiatives, Sensitive Lets and Management Lets – the detail is set out in this Appendix.

#### **1. Bypassing Arrangements**

- 1.1 The allocation of the vast majority of available Council and Housing Association properties are made to applicants on the Housing Waiting List in line with the Banding criteria outlined in Section 9 of the Allocation Scheme. When a property becomes available an offer is made to the highest applicant in the Immediate Priority band. If there are no suitable applicants in Immediate Priority it is offered to the highest suitable applicants in Band A of the Homeless sub-list, followed by Band A of the Beneficial Transfer sub-list and then Band A of the General sub-list – before moving on to Band B (in the same order).
- 1.2 There are a number of situations where this process is not followed. This includes:
  - where a Local Lettings Initiative is in place;
  - where a Sensitive Let is needed;
  - as a result of the fact that Partners operate slightly different criteria for matching applicants to available properties. These criteria are set out in Appendix 1 to the Allocation Scheme.
  - Where the available property is not suitable for the shortlisted applicant because it does not have the necessary adaptations or access that they need. Please note that adapted properties are allocated outside the Cardiff Housing Allocation Scheme via the Cardiff Accessible Homes Project.
  - Where there is a need to exercise discretion to make an offer of housing to an applicant with exceptional welfare circumstances or urgent housing need that requires an immediate offer of accommodation (see Section 4).
- 1.3 All of these situations may result in an applicant, or a number of applicants, who would otherwise have been made an offer of accommodation, being by-passed, and the offer being made to a different applicant. Such by-passing will only take place in line with the criteria agreed by the City of Cardiff Council and Housing Association Partners as set out in the Scheme and this Appendix.
- 1.4 Practically, the arrangements outlined in this document mean that households will either:
  - Be considered for the available property and made an offer if appropriate.
  - Appear in a shortlist for an available property but not be made an offer (even if they are the highest listed applicant) because of additional requirements / criteria noted in their record.

- Not appear in shortlists for some available properties (due to filters applied in line with arrangements set out in the remainder of this document).

1.5 In all instances of by-passing the reason for the action will be clearly recorded.

## **2. Local Lettings Initiatives**

2.1 The Cardiff Housing Allocation Scheme makes reference to the use of Local Lettings Initiatives to address sustainability and community issues in defined areas for specified periods of time, subject to authorisation (Section 8).

2.2 Such Initiatives are tailored to fit local situations in well-defined communities (such as a particular block of flats, an individual street, or new housing development).

2.3 Each Local Letting Initiative will be based on analysis of information from a variety of sources such as internal Council departments, partner Housing Associations, local Councillors and the community itself.

2.4 Local Lettings Initiatives may be:

- **Long term:** usually to rehouse a particular client group. The criteria for such Initiatives may be identified as part of the development process or as a later designation.
- **Medium term:** to achieve a specified aim in a particular area. Such Initiatives are generally used to:
  - > Create and maintain mixed and balanced communities (for instance to reduce child density in a particular area by allowing under occupation);
  - > Maintain community stability – for instance by prioritising applicants seeking a transfer who have a positive tenancy history, no rent arrears and exemplary behaviour in order to address high levels of antisocial behaviour in a particular area;
  - > Address concentrations of deprivation – for instance by prioritising applicants who work or volunteer for available properties in an area where there are high numbers of working age households not in work.
- **Short term:** to achieve a balance of lettings. These Initiatives are generally used to let a specified group of properties at a point in time e.g. when allocating properties in a new housing development. Criteria for letting properties in new developments are agreed between the relevant Partner Housing Association, the Council's Housing Development Team and Social Lettings Unit prior to implementation. The criteria are applied when shortlisting from the Housing Waiting List – the applicants highest on the List who meet the agreed criteria are offered the available properties. Subsequent lets of these properties are made in line with normal arrangements under the Cardiff Housing Allocation Scheme.

2.5 Details of current Long and Medium Term Local Lettings Initiatives will be published alongside the Cardiff Housing Allocation Scheme. This will include:

- A list of Long Term Local Lettings Initiatives (such as Sheltered Housing Schemes) including the criteria for each.
- An individual outline of each Medium Term Local Lettings Initiative. The format will reflect the length and complexity of the Initiative but will generally include:

### **Background information**

- > **A clear definition of the objectives to be achieved by the Initiative** – including their ‘fit’ with strategic priorities.
- > **Definition of the area covered by the Local Lettings Initiative** – this may be a geographical area (such as a letting area, street or number of streets), a block of flats, or even a particular type of property in a defined area.
- > **Clear evidence** to back up the need for the Local Lettings Initiative. This may include detailed analysis of relevant information gathered from Council / Partner Housing Associations records (such as tenant profiling, the incidence of anti-social behaviour, and stock turnover in the area), and from local Councillors, Tenant and Resident Groups etc.
- > **Consultation** – an outline of any consultation undertaken, for instance with elected Members, Tenant and Resident Groups and other stakeholders, and feedback received.
- > **Specific criteria for the Local Lettings Initiative** which will be used to inform lets.
- > **Monitoring arrangements** – an outline of how the Local Lettings Initiative will be monitored to ensure the aims are being met and there are no unforeseen consequences.
- > **Lifespan / Review arrangements** – The anticipated lifespan of the Initiative and the timescales for reviews (which will inform whether the initiative should continue, be amended or terminated). See 2.9 below.
- > **An Equality Impact Assessment relating to any Council Initiative.**

2.6 Once drafted a Local Lettings Initiative will be agreed with Partner landlords with properties in the relevant area, and authorised by the Assistant Director of Housing & Communities for the City of Cardiff Council (for Council Local Lettings Initiatives); or by the Senior Officer responsible for Housing Management in the relevant Partner Housing Association.

2.7 A record of all Initiatives considered by the Council and Housing Association Partners (whether implemented or not) will be kept.

2.8 Ongoing monitoring of individual Initiatives will be undertaken by the relevant landlord in line with the agreed criteria. Good practice, outcomes and issues identified by the relevant landlord as a result of such monitoring will be shared via the Multi-Agency Housing Management & Allocations Group.

2.9 Medium Term Local Lettings Initiatives will not generally last for more than 3 years, and will usually be reviewed annually (although this may vary depending on the complexity of the Initiative). Following review they may continue, be amended or terminated. Long Term Lettings Initiatives may be reviewed less frequently – in line with strategic objectives.

2.10 Shortlisting for properties within a Local Lettings Initiative will be undertaken in the usual way by City of Cardiff Council or Housing Association Allocations Officers. A suitable applicant for the property will be sought in line with the Banding Scheme but subject to the additional criteria set out in the Local Lettings Initiative. Where applicants are by-passed because they do not meet the specific criteria set out in the Local Lettings Initiative the reason will be recorded.

2.11 All offers of accommodation made under a Local Lettings Initiative are authorised by a Senior Officer in the City of Cardiff Council's Social Lettings Unit or the relevant Housing Association.

### **3. Sensitive Letting**

3.1 Sensitive Lets are made where it would be inappropriate to let a vacant property in line with the usual letting arrangements, or where additional care is needed in identifying a suitable property for an individual applicant – for instance to ensure that vulnerable tenants are not placed into accommodation that may be detrimental to their wellbeing. The aim of a Sensitive Let is to create a sustainable tenancy, ensuring the social well-being of the applicant and the cohesiveness of the local community and neighbourhood.

3.2 Issues that may restrict the type and / or location of properties that applicants requiring a Sensitive Let are offered are generally identified as part of the Housing Application Interview and assessment process.

3.3 Criteria for selecting a suitable applicant for an individual property that requires a Sensitive Let are identified by Council or Housing Association Tenancy Management / Anti-Social Behaviour staff based on their knowledge of the tenancy history of the property and local issues.

3.4 Sensitive lets may be used in the following circumstances:

#### **Sensitively letting an individual property:**

- Where careful selection of a new tenant is needed to ensure that neighbours who have been subjected recently to persistent anti-social behaviour are offered quiet enjoyment of their tenancies.

#### **Applicants who require a Sensitive Let:**

- Where Adult Services and/or the Police have requested that the suitability of an offer should be checked prior to the offer being made.
- Where applicants have been convicted of an offence (which has not resulted in them being excluded from the Housing Waiting List) but which would affect the type or location of accommodation that they can be offered.
- Where applicants have known social problems – for instance previous substance misuse and care needs to be taken regarding the selection of a suitable property to ensure that their continuing abstinence is not knowingly jeopardised by their accommodation.
- Where applicants who are vulnerable (due to mental health, learning disabilities or poor physical health) require a careful selection of accommodation to ensure it is not detrimental to their well-being.
- Where there has been behaviour on the part of an applicant which affects their suitability to be a tenant in a particular area or type of property – for example where they have harassed or caused a nuisance against an individual or family living in a specified area.

This list is not exhaustive – it is not possible to describe every situation where an applicant may be bypassed because of the need for a sensitive let.



- 3.5 Individual criteria for a Sensitive Let are authorised by a Senior Officer in the City of Cardiff Council's Social Lettings Unit or the relevant Housing Association, and recorded.
- 3.6 When identifying a suitable applicant for an available property requiring a Sensitive Let some applicants may be by-passed because they do not fit the additional 'sensitive let' criteria for the property.
- 3.7 Similarly applicants who have shortlisted for a particular property may be by-passed because the property does not suit their particular needs (for instance due to their vulnerability).
- 3.8 Whenever an applicant is by-passed the reason for the action is recorded.
- 3.9 All offers made under sensitive letting arrangements are authorised by a Senior Officer in the City of Cardiff Council's Social Lettings Unit or the relevant Housing Association.
- 3.10 A quarterly report on the use of Sensitive Lets will be prepared by the Council for consideration by the Housing Management & Allocations Group. This will include:
  - The number of Sensitive Lets made (by organisation).
  - The reason for each Sensitive Let.
- 3.11 This monitoring will help to ensure that Sensitive Lets are being used appropriately, and that there is no pattern of bypassing particular groups.

#### **4. Management Discretion Lets**

- 4.1 In certain circumstances properties will be allocated outside the banding framework set in the Cardiff Housing Allocation Scheme. Such 'Management Discretion Lets' are made where there is a need to address a rehousing issue which cannot be met via the banding system, for example due to time, risk or suitability issues. Such lets are authorised by the Operational Manager – Landlord Services or other Manager of the same grade or above (for Council lets), or the relevant Partner Housing Association's Senior Officer with responsibility for Housing Management. Management Discretion Lets will not exceed 10% of each landlord's total lets.
- 4.2 Situations in which Management Lets are made include:
  - To 'decant' existing Partner tenants or Cardiff residents as a result of a crisis e.g. due to fire or flood, or extreme property condition situations.
  - To move vulnerable witnesses/victims (for instance in anti-social behaviour / hate crime cases) where assistance has been requested by statutory partners e.g. the Police.
  - Where it is in the landlord's interests to move a tenant e.g. where the property is to be sold or used for another purpose.
  - Where a joint tenancy is terminated one party may be allocated the property if it is suitable for their housing needs.
  - In anti-social behaviour / neighbour dispute cases involving two tenants and it have not been possible to determine who the victim is.
  - To facilitate the transfer of a social housing tenancy to a person left in the property (following the death of the tenant, or where the tenant has abandoned the property / moved into permanent care), who either :
    - has succession rights, or

- is left in occupation and is to be offered a tenancy
- this list is not exhaustive.

4.3 The use of Management Lets is monitored by the Housing Management & Allocations Group on a quarterly basis. A monitoring report including details of:

- The number of Management Lets made (by organisation).
- The reason for each Management Let.

4.4 This monitoring will help to ensure that Management Lets do not exceed 10% of lets made by any Partner in the Housing Waiting List, are being used appropriately within the criteria set in 4.2 above, and that there is no pattern of bypassing particular groups.

## **5. Suspension of Applicants**

5.1 Where an applicant is guilty of 'unacceptable behaviour serious enough to make them unsuitable to be a tenant of the authority' (Housing Act 1996 160A (7)), but the behaviour was not serious enough to entitle the Council or a Housing Association to an outright possession order, the applicant may be accepted onto the Housing Waiting List. However their application may be suspended until such time as the Council is satisfied that they have completed a specified course of action, or can demonstrate that the issues that resulted in the application being suspended should no longer be taken into consideration. During this period no offers of accommodation will be made. A decision to suspend will only be taken after full consideration of the applicant's individual circumstances.

5.2 Examples of when suspension will be applied include where applicants have substantial social housing tenancy related debt, or have not complied with a current or previous tenancy agreement (for instance where they have not kept their current property in an acceptable condition).

### **Applicants with social housing tenancy related debt.**

5.3 Applicants who have any recoverable property related debt of **under £250** to a Council or a Housing Association relating to either their existing or former home (such as but not exclusively rent arrears and / or rechargeable repairs) will be accepted onto the General Waiting sub-list but will be expected to enter into an affordable repayment plan within 4 weeks of their acceptance to the List. Failure to do so will result in their application being suspended.

5.4 Applicants who have any recoverable property related debt of **£250 - £500** to a Council or Housing Association relating to either their existing or former home (such as but not exclusively rent arrears and/or rechargeable repairs) will have their application suspended and will not be considered for offers of accommodation until such time as they have entered into and maintained an affordable payment plan for a minimum of 8 weeks.

5.5 Applicants who have any recoverable property related debt of over **£500** to a Council or Housing Association relating to either their existing or former home (such as but not exclusively rent arrears and/or rechargeable repairs), but who have not been deemed ineligible for accommodation under the 3 stage test described in section 2.6 of the Allocation Scheme, will have their application suspended and will not be considered for offers of accommodation, until such time as they have:

- entered into and maintained a suitable payment plan for a minimum of 13 weeks **and** repaid a minimum of 25% of the outstanding debt **or**

- have repaid the outstanding debt in full.
- 5.6 Once the above conditions have been met, applicants are expected to continue with the repayment plans until the debt is repaid in full. Failure to do so could result in the application being suspended.
- 5.7 Decisions in all cases outlined in 5.3 – 5.6 above will be taken by the Council’s Social Inclusions Unit in liaison with the relevant landlord.
- 5.8 Where there are exceptional circumstances, applicants may be accepted onto the General sub-list despite having tenancy-related debt. This decision will be taken by the Council’s Social Inclusions Unit in liaison with the relevant landlord.
- 5.9 Applicants who are suspended in any of the above circumstances will be advised in writing of the suspension, the reason for this, the action they need to take to have the suspension lifted, and their right to request a review of the decision. Any reviews will be undertaken in line with the arrangements set out in section 12 of the Cardiff Housing Allocation Scheme.
- 5.10 Where information on former tenant arrears only emerges after an offer of accommodation has been made, that offer may be withdrawn and the case referred to the Council’s Social Inclusions Unit for consideration. A decision will be made (in liaison with the relevant landlord) regarding appropriate action.

**Applicants who have not complied with a current or previous tenancy agreement**

- 5.11 Applicants guilty of ‘unacceptable behaviour serious enough to make them unsuitable to be a tenant of the authority’ (Housing Act 1996 160A (7)) will be excluded from the Housing Waiting List (as outlined in Section 2 of the Cardiff Housing Allocation Scheme). Decisions on such cases are taken by the Exclusion Panel.
- 5.12 Where the applicant’s behaviour does not result in them being excluded but there are concerns about current or past behaviour issues, they may be admitted to the Housing Waiting List but their application will be suspended and not considered for offers of accommodation, until such time as they can demonstrate that they have addressed the issues to the satisfaction of the multi-agency Exclusion Panel. Actions that they need to take to address the issues will be decided by the Exclusion Panel.
- 5.13 Examples of situations where such actions may be taken include:
- Where the applicant (or a member of their prospective household) has failed to maintain their current or any previous social rented tenancy within the terms of their tenancy agreement, or
  - has committed acts causing or likely to cause nuisance or annoyance to their neighbours or others in the locality of where they live or where they previously have lived.
- 5.14 The applicant will be informed of the suspension and the action that they need to take in order for the suspension to be lifted. This may include co-operation over a period of time with support agencies, Social Services or other organisations where the express outcome is that there is a significant improvement in their conduct.

- 5.15 Where the applicant approaches the Council's Social Inclusions Unit to advise that they have completed the necessary actions to have the suspension lifted, checks will be made (for instance to obtain an update regarding recent behaviour, and a recommendation from the relevant landlord). The suspension will generally be lifted where there has been no cause for complaint against the applicant (or members of their prospective household) for a continuous period of 6 months from the point when the remedial action was notified. The applicant will be advised of the decision in writing.
- 5.16 Where there are exceptional circumstances, applicants may be accepted onto the General sub-list despite past behaviour issues. This decision will be taken by the Council's Social Inclusions Unit in liaison with the relevant landlord.

**Vulnerable applicants with support needs who are not ready to manage a tenancy**

- 5.17 Some applicants on the Housing Waiting List are known to be vulnerable or considered to pose a risk to themselves or others. Such applicants have generally been supported in their application by another statutory or third sector organisation and are receiving support to address their issues and prepare for taking on an independent tenancy.
- 5.18 Where such situations are identified, the applicant may be registered on the Housing Waiting List, but their application may be suspended until such time as the Council is advised that they are ready to manage a tenancy.

## **6. Monitoring & Review**

- 6.1 The arrangements and criteria for Exceptional Lettings & Suspension set out in this document will be reviewed on a regular basis by the Housing Management & Allocations Group. Any changes needed will be agreed by the Group and authorised for implementation by the Council's Assistant Director – Housing & Communities (under the Council's Scheme of Delegations) on behalf of all Partners.