

Emergency Social Housing Allocations Policy

Carmarthenshire County Council

Date of County Council 2023



carmarthenshire.gov.uk

Cyngor **Sir Gâr**
Carmarthenshire
County Council



Contents



<i>Section 1: Overview</i>	<i>3</i>
<i>Section 2: Eligibility and Preference.....</i>	<i>5</i>
<i>Section 3: Application and Assessment Process.....</i>	<i>8</i>
<i>Section 4: Allocation Process.....</i>	<i>14</i>
<i>Section 5: Offer of Accommodation</i>	<i>19</i>
<i>Section 6: Governance Arrangements</i>	<i>22</i>

Appendices:

<i>Appendix One – Persons subject to immigration control who are eligible for an allocation of housing accommodation.....</i>	<i>23</i>
<i>Appendix Two – section 55 of the Renting Homes (Wales) Act 2016.....</i>	<i>25</i>
<i>Appendix Three - Local Connection and Community Connection definition and areas.....</i>	<i>26</i>
<i>Appendix Four – Location, type, and size of property</i>	<i>28</i>
<i>Appendix Five – ‘Criteria for Letting’.....</i>	<i>30</i>
<i>Appendix Six – Identified Support Needs</i>	<i>32</i>
<i>Appendix Seven – Reasonable Offer and Suitable Offer Flowchart</i>	<i>33</i>

1: Overview



1.1 This Emergency Social Housing Allocation Policy (hence referred to as “The Policy”) has been framed in accordance with section 167(2) of the Housing Act 1996, which permits local authorities to give additional preference to applicants who have urgent housing needs.

1.2 This Policy has been developed by Communities, Homes & Regeneration Scrutiny Committee Task and Finish Group. It currently replaces the existing Policy for allocating social housing approved by Full Council on 14th December 2016.

1.3 The Task and Finish Group has worked collaboratively to co-produce The Policy, engaging with our Registered Social Landlord (RSL) Partners. The proposals were tested with frontline staff and their feedback has influenced the development of this Policy.

1.4 The Policy for allocating social housing approved by Full Council on 14th December 2016 is therefore replaced by the new, revised policy (from 28 days following County Council approval) to enable the Council and its Partners to use its scarce housing resources to meet the needs of its vulnerable residents and those in the greatest need of housing.

1.5 This Policy sets out clearly interim arrangements for how we allocate social housing in Carmarthenshire, during the suspension period, in a fair and transparent manner.

1.6 The Policy sets out how we will nominate eligible applicants for homes in an area in which they wish to be housed. Where this is not possible, we may offer a suitable home elsewhere that meets their needs.

1.7 The allocation of social housing is governed by the law but reflects certain local priorities. Our local priorities have been developed because of increased demand on the Homelessness Service and on Social Housing in agreement with our Registered Social Landlord (RSL) Partners.

1.8 We operate a Common Housing Register with our RSL Partners. These organisations, together with the Council, constitute the ‘Partnership’ referred to in this document and whose details are available from the Council. This Policy applies to social housing provided by us, Carmarthenshire County Council, and the following participating RSLs:

- Bro Myrddin Housing Association
- Caredig Housing Association
- Pobl Housing Association
- Wales and West Housing Association

1.9 This is to ensure that all applicants applying for social housing have a single application process and are assessed using the same criteria. We work together with the aim to ensure all homes are allocated according to this Emergency Allocation Policy.

1.10 This policy sets out who is eligible for the emergency allocation of social housing, what we consider when we make the decision, and how we allocate and make a reasonable offer of a tenancy. The impact of the implementation of this Emergency Allocation Policy will be monitored and reported.

1.11 This policy must meet our legal responsibilities and has been developed in accordance with the Housing Act 1996 (Part 6), the Housing (Wales) Act 2014, the Social Services and Well-being (Wales) Act 2014 and the *Code of Guidance for Local Authorities: Allocation of Accommodation and Homelessness* (Welsh Government, 2016) - referred to as the “*Code of Guidance*”.

2: Eligibility and Preference



Eligibility

2.1 Anyone can apply to be considered for housing under this Policy. Not every applicant will be eligible for housing under this Policy though not every applicant will be determined to be eligible and able to join the Housing Register (see 2.2 to 2.4 below). The Council maintains a Housing Register of housing applicants for itself, as well as for its Partners who have chosen to adopt this, Policy.

2.2 Allocations can only be made to eligible persons and the Council cannot nominate to certain people coming from abroad with limited rights to remain in the United Kingdom or who are subject to immigration control (unless they are of a class prescribed by the Welsh Ministers – see 2.4). Persons from abroad can include British Citizens who have lived outside of the Common Travel Area and are not habitually resident in the Common Travel Area.

2.3 Persons subject to immigration control who are eligible for an allocation of housing accommodation and housing assistance are listed in Regulation 3 and 5 of The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014. By regulations 4 and 6 of these Regulations, the Welsh Ministers prescribe the classes of person who (whilst not subject to immigration control) are to be treated as persons from abroad who are ineligible for an allocation of housing accommodation, or for housing assistance, respectively. This is set out in Appendix One.

2.4 The Council is entitled, in accordance with S160A Housing Act 1996 to restrict access to its Housing Register by means of and in accordance with the introduction of additional eligibility conditions.

- Carmarthenshire County Council will restrict access to its housing register to a person if they or a member of their household, has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of the authority; and in the circumstances at the time their application is considered, they are unsuitable to be a tenant of the authority by reason of that behaviour
- When the Council refer to “behaviour” it means anti-social behaviour and other prohibited conduct which comes within section 55 of the Renting Homes (Wales) Act 2016. This is set out in Appendix Two

2.5 We must also be satisfied that applicants do not meet any of the criteria which would prevent them from qualifying for the allocation policy. These criteria include:

- Deliberately worsening their circumstances in order to gain advantage on the policy
- Providing false information or withholding information, which is a criminal offence

2.6 To join the Housing Register applicants must be 16 years of age or over (though see 3.14 below).

2.7 It is important to note that, whilst we allow 16 and 17-year-olds to join the Housing Register, they cannot legally hold a tenancy in their own name until they turn 18. This means that they need to have someone who can act as a guarantor and hold their tenancy in trust for them.

Preference Overview

2.8 Preference will be given on the Housing Register to applicants who:

- Have a housing need
- Wish to be considered for sheltered accommodation and accommodation for older people (for over 55s); requiring extra care housing (Housing with care and support; have been assessed as requiring an adapted home; or wish to register for Low-Cost Home Ownership (LCHO)
- Are unable to financially meet their own housing needs
- Are living or working in the local authority area and/or meet the local connection requirements (Appendix Three); or meet one of the requirements for having an exception to local connection requirements

2.9 No preference will be given to applicants who:

- Have the financial resources available to meet their housing costs
- Have been guilty, or a member of their household has been guilty, of unacceptable behaviour serious enough to make them unsuitable to be a tenant of the Council AND in the circumstances at the time their case is considered, they deserve, by reason of that behaviour, not to be treated as a member of a group of people who are to be given preference
- Do not have a local connection to Carmarthenshire, as defined at section 81 of the Housing (Wales) Act 2014, unless they are exempt from the local connection criteria as set out in Appendix Three

Conclusion

2.10 The Council will consider all applications for social housing that are made in accordance with the procedural requirements of this Policy. In considering applications, however, the Council must ascertain if an applicant is eligible for accommodation or whether he or she is excluded from allocation.

2.11 For further details about eligibility and exclusion please refer to Section 3. It should be noted that the law in relation to eligibility is complex and subject to change.

3: Application and Assessment Process



3.1 An application to join the Housing Register is subject to a housing assessment being completed. Whilst the Council will consider all enquiries for help with housing, not all applicants are eligible under this Policy to join the Housing Register (See Section 2). The application and assessment for social housing under this Emergency Allocation Policy is as follows:

Information, advice, and emergency assistance

3.2 A team of dedicated Housing Hwb Advisors will discuss individual housing needs and circumstances and give appropriate information, advice, and emergency assistance.

The initial-assessment interview will allow us to fully:

- identify the urgency of the need for housing
- assess whether an applicant will qualify to join the Housing Register
- consider housing options to formulate individual housing plans
- Consider if an applicant has the financial resources available to meet their housing costs
- identify if the applicant has any reasonable prospect of being housed through registration
- identify any support required (refer where necessary)

3.3 The team can be contacted by telephone on 01554 899389 or by email via schoptions@ Carmarthenshire.gov.uk. Following the initial assessment, if we think the applicant may be homeless or threatened with homelessness applicants should be referred to a Housing Options Advisor. To speak to someone out of hours as an emergency phone 0300 3332222 or email contactus@deltawellbeing.org.uk

3.4 The Council uses an online application process, with support being made available for our most vulnerable residents and those who are unable to complete this on their own and do not have support to do so.

3.5 A full assessment will only take place following an initial assessment interview and once we have received all the supporting documents and evidential information to support the application. We will assist our vulnerable residents to do this.

3.6 Following the assessment, we will notify applicants of the outcome of the assessment, if they are eligible or not to join the register, and if they have been placed in a Band or have no preference. The Band will be the one that most reflects their housing need. They will have the right to request a review of this decision if they do not agree with the outcome of the assessment.

3.7 A joint application will be treated as one application. The housing needs of all members of the household will be considered in assessing an application. However, we do not accept multiple applications from an applicant, meaning that no individual can have their name on more than one housing application at any one time. All applicants will be provided with a full range of realistic options to resolve their housing need, and which are tailored to their individual circumstances.

3.8 It is the responsibility of every applicant to ensure that their application details are correct at the time of registration and are subsequently updated when any circumstances change. Failure to do this may either lead to the application being cancelled, the applicant being placed in the wrong Band, or a subsequent offer of accommodation being withdrawn because application details were incorrect.

- Further, section 171 of the Housing Act 1996 provides that it is a criminal offence for a Housing Register applicant (or someone on their behalf) to knowingly or recklessly make a material statement or withhold information which the Council have reasonably required.

3.9 Applicants will be required to re-register their housing application twice a year to confirm that they still want to be considered for housing. On the 6 and 12-month anniversary of the date of their registration, applicants will be reminded that they are required to renew their application. Applicants will be notified in writing of the arrangements for completing this renewal.

3.10 Failure to complete the renewal or failure to re-register, log-on and access their accounts, or bid for properties that meet their needs, will mean that applicants will be removed from the Housing Register within the time-period specified. Applicants have the right to appeal removal from the Housing Register by providing the necessary evidence.

Housing Options Assessment

3.11 As part of the housing options assessment, we will determine whether an applicant will qualify to join the Housing Register. We must ensure applicants are eligible to join The Register and rigorous checks are undertaken to ensure only those legally eligible for social housing are registered. We need information which will include formal photo identification (e.g., passport, driving licence) and a National

Insurance Number. This will help us to make initial checks prior to registration. We will also collect information to help us ensure allocations are made fairly and in line with the Equality Act 2010.

3.12 There are some groups of people who *by law cannot* join the register regardless of their housing need or circumstances. (See Section 2 and Appendix One). These are people who:

- Come under various immigration rules and cannot claim housing help
- Live outside the Common Travel Area (UK, Channel Islands, the Isle of Man, or the Republic of Ireland) for tax purposes
- Do not have the right to live in the UK
- The Secretary of State has decided are not eligible for housing.

3.13 Under section 160A (7) & (8) of the 1996 Housing Act we may not register people who have been guilty of unacceptable behaviour. This is where we are satisfied that an applicant (or a member of an applicant's household) is guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant.

- Unacceptable behaviour means behaviour which would (if they were a contract-holder) breach section 55 of the Renting Homes (Wales) Act 2016 (anti-social behaviour and other prohibited conduct). See 2.4 and 2.5 above for further details.

3.14 Anyone who is 16 or 17 years of age will ordinarily be referred to our Social Services team or other organisations who work with young and vulnerable people. A Children's Act 1989 assessment may be carried out. If the child is deemed a child in need, they will be provided with accommodation under S20 of the Children's Act 1989. Where they are not deemed a child in need then they will be referred to the most appropriate supported or temporary accommodation provision available to accommodate them.

Emergency Banding Criteria

3.15 Applicants will be placed in a Band depending on their housing need identified through the housing assessment and according to the criteria set out in the Bands.

3.16 Under this Policy people who have been assessed under Part 2 of the Housing (Wales) Act 2014 and a section 75 duty has been accepted; and those assessed under Appendix 3 of the *Code of Practice* with additional preference will be considered eligible to join the emergency Band A to ensure that they are given adequate priority for housing.

3.17 Under this Policy the Council will maintain a Register of those applicants who are eligible and fall within:

Band A - Emergency Eligibility

Band B – Housing Need

Band C - those who are “registered only”

And those who have no preference according to this Policy (see section 2.8).

3.18 People being assessed as having no housing need will not normally have any preference on the Housing Register under The Policy. Except for those applicants

- who wish to be considered for sheltered accommodation and accommodation for older people (for over 55s); requiring extra care housing (Housing with care and support; have been assessed as requiring an adapted home; or wish to register for Low-Cost Home Ownership (LCHO)). They may be offered properties or be able to bid for properties which have not been taken up by applicants from Bands A and B.

3.19 For existing (at the time this policy is introduced) applicants in Band A, in urgent housing need, their Banding will be retained, subject to 3.8 - 3.10 above.

3.20 Homes will be matched to people in the greatest need first. Only if a property cannot be matched to an applicant in Exceptional Circumstances or in Band A will it be advertised on Canfod Cartref - Home Finder.

3.21 Social Housing is only allocated to people who have been accepted onto our Housing Register. Once eligibility to join The Housing Register has been confirmed, applicants will be placed in a Band or the “no preference” group as follows:

Band A - Emergency Eligibility

1. Homelessness: Additional Preference

- Applicants who have been assessed under Part 2 of the Housing (Wales) Act 2014 and a section 75 duty has been accepted

2. Homelessness: Reasonable Preference

- Applicants who are homeless, and housing will relieve their homelessness (Section 73 Housing (Wales) Act 2014)
- Applicants who have a substantiated threat of homelessness and housing will prevent their homelessness (Section 66 Housing (Wales) Act 2014)
- Applicants who would be owed a homelessness duty as they need to move on from supported housing

3. Urgent Housing Need: Additional Preference

- Applicants who we owe a homelessness duty 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 abuse
 - victims of hate incidents.
 - 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.
- Applicants who need to move due to high risk or life-threatening medical/welfare grounds which will not improve until more suitable accommodation is offered. This will require an assessment by an appropriate professional
- Applicants who need to move to suitable accommodation because of a serious injury, medical condition, or disability which he or she, or a member of their household, has sustained because of service in the Armed Forces
- Applicants who are currently occupying a property where there is a statutory requirement to vacate due to a prohibition order/demolition order/compulsory purchase order
- Applicants who are currently under-occupying social housing in Carmarthenshire and needs to transfer to a smaller property due to the current property being unaffordable and remaining would result in hardship

The Housing Act 1996 Section 167 gives full detail of situations where applicants should be given additional preference and/or assessed under Part 2 of the Housing (Wales) Act 2014 and we will assess applicants in accordance with this legislation fully.

Band B – Housing Need: Reasonable Preference

- Applicants who need to move, as their medical/welfare condition will not improve. The assessment is not based on the medical condition alone but how their current accommodation affects their health. This includes applicants living in a mobile home, caravan or converted vehicle
- Applicants who need to move to provide or receive support and care as they cannot carry out day to day activities alone i.e., washing, cleaning, and getting in and out of bed
- Applicants who are currently under-occupying social housing in Carmarthenshire and want to transfer to a smaller property
- Applicants who want to move from an adapted home that they no longer require. This would then benefit another household who requires this specialist type of property
- Applicants occupying insanitary or overcrowded housing or otherwise living in unsatisfactory conditions
- Applicants who need to move to a particular locality in Carmarthenshire County Council, where failure to meet that need would cause hardship to themselves or others

Band C – Registered Only

- Applicants who have no housing need based on the information they submitted on their application

No Preference Group

- Have the financial resources available to meet their housing costs
- Have been guilty, or a member of their household has been guilty, of unacceptable behaviour serious enough to make them unsuitable to be a tenant of the Council AND in the circumstances at the time their case is considered, they deserve, by reason of that behaviour, not to be treated as a member of a group of people who are to be given preference
- Do not have a local connection to Carmarthenshire, as defined at section 81 of the Housing (Wales) Act 2014, unless they are exempt from the local connection criteria as set out in Appendix Three

4: Allocation Process



4.1 We are committed to ensuring that our allocations and lettings do not discriminate, and we aim to meet our obligations under the Equality Act 2010. This includes all applicants being able to access the service taking account of any vulnerability or specific needs.

Size, Type and Location of Homes

4.2 We will establish where an applicant has a community connection, as well as the size and type of home they need. As far as possible, we will aim to meet their aspirations as well as their needs. We will also ask an applicant about areas where they believe they cannot live, for example due to fear of violence, harassment, or domestic abuse.

4.3 Giving applicants a choice must be set against our legal responsibilities to discharge our homeless duties and the high demand for housing in Carmarthenshire. We may not be able to meet every applicant's preference.

4.4 Appendix Four sets out which size of property applicants will be considered for.

Allocations – Where 'criteria for letting' applies

4.5 Under this Policy, the following allocations will have their own criteria for letting. Further detail is provided in Appendix Five:

- **New housing developments** where Local Lettings Policies (LLPs) apply
- **Traveller sites** – Accommodation needs for traveller families are assessed under section 101 of the Housing (Wales) Act 2014
- **Adapted accommodation** – Some homes have been specially adapted to meet people's needs. This type of accommodation includes homes for people with disabilities and people with special housing requirements. To ensure we match people to adapted homes and make the best use of the accommodation we have available, an Accessible Housing Register (AHR) is operated as part of the main Register (see Operational Procedure for full details)
- **Shared accommodation** – shared lettings will allow for some self-selection of fellow sharers

Allocations - Where 'Exceptional Circumstances' applies

4.6 Under this Policy, the following allocations will have a detailed and evidenced report of all exceptional circumstances approved by the Head of Housing and Public Protection or the Housing Hwb Manager and for future inspection where this power has been used by any member of the Partnership.

- **Exceptional circumstances** – For example but not exhaustive:
 - Where there is a need to provide alternative accommodation for a tenant to carry out repairs or improvements to their home or where the tenant needs to be moved as part of a regeneration scheme and the tenant has chosen not to move back in after the works have been completed
 - Where there are significant operational or management issues requiring an urgent and permanent move
 - Where an applicant has reasonable preference and where several statutory agencies are involved, and immediate provision of housing will alleviate multi-agency input
 - Any other allocation that does not fall outside of this Policy

Allocations - 'Exempt' from this Policy

4.7 There are times when allocations of homes are exempt from this policy, or where homes may be allocated outside of the usual banding priorities. In the interests of transparency, we will record all such allocations.

These include those mentioned in S160 Housing Act 1996. The list below is exhaustive:

- Where there is a need to provide alternative accommodation for a tenant to carry out repairs or improvements to their home or where the tenant needs to be moved as part of a regeneration scheme
- A transfer that is permitted under section 114 or 118 of the Renting Homes (Wales) Act 2016
- Where a person succeeds to a secure occupation contract under section 73, 78 or 80 of the Renting Homes (Wales) Act 2016
- Where a tenant dies, and succession of the contract to members of their household applies under the Renting Homes (Wales) Act 2016. If the home they have gained succession for is bigger than they reasonably need, they may be offered suitable alternative accommodation. Or if the homes they succeed is an adapted property they may be offered a suitable alternative to ensure we make the best use of our stock

- Adding or removing any qualifying persons to or from a secure contract in line with the Renting Homes (Wales) Act 2016:
 - Where an occupation contract vests in or is otherwise disposed of pursuant to an order listed in section 160(3A) (d) of the Housing Act 1996.
 - Where an introductory standard contract becomes a secure occupation contract under section 16 of the Renting Homes (Wales) Act 2016
 - Where a prohibited conduct standard contract becomes a secure occupation contract under section 117 of the Renting Homes (Wales) Act 2016
 - Where there is a duty to re-house people or following a compulsory purchase, or other legal process
 - Where an applicant is homeless and in temporary accommodation that would not be suitable for more than a short period of time, or where we need to move applicants out of temporary accommodation to manage the budgetary implications
 - Where an existing contract-holder or occupant is given a substitute occupation contract, in respect of the same dwelling or substantially the same dwelling
 - Where an existing contract-holder or occupant is given a new occupation contract in respect of a different dwelling, for housing management reasons (for example, to prevent under-occupation or overcrowding, or to resolve an anti-social behaviour matter)
 - Where a minor who occupies a dwelling is given an occupation contract of the same dwelling, on reaching the age of 18
 - Where a standard or secure occupation contract (other than an introductory standard occupation contracts) is made in the circumstances set out in Schedule 3 of the Renting Homes (Wales) Act 2016 (Occupation Contracts Made with or Adopted By Community Landlords Which May Be Standard Contracts)
 - The provision of suitable alternative accommodation, where possession of a dwelling is sought or obtained (or could be sought or obtained) on estate management grounds under the Renting Homes (Wales) Act 2016

- Where the Council is ordered to provide suitable alternative accommodation by a court or tribunal or agrees to provide suitable alternative accommodation to settle or avoid a legal proceeding
- The provision of supported housing and homelessness temporary accommodation
- Where an existing license or tenancy becomes an occupation contract under the Renting Homes (Wales) Act 2016

Direct Allocations

4.8 In order to meet the needs of its residents in greatest housing need, all the Council and RSL vacancies will be considered for direct allocation under this Policy for applicants:

- With exceptional circumstances followed by those in Band A; and
- Who have a Local Connection (See Appendix Three)

4.9 When selecting applicants to be considered for direct allocations we will consider the size and type of property (See Appendix Four) and whether the property has had disabled adaptations. We will prioritise applicants in accordance with the following prioritising factors:

Prioritisation Factors	Criteria	Process
First	Time Registered in Duty or the priority band	We will sort in Duty order (1 st S.75, 2 nd S.73, 3 rd S.66, 4 th Urgent Housing Need) based on the time spent in the priority band. Offers will be made in Duty and date order
Second	Community Connection Criteria	We will sort by Community Connection (see Appendix Three for full details of community connection). Only people with a community connection will be considered in the first instance. If there are no applicants with a community connection, we may consider other applicants who have expressed a preference to live in that community
Third	Identified support Needs	Only applicants who can be supported to live in settled accommodation will be considered. (See Appendix Six for full details of support needs definitions)
Fourth	Community Cohesion	To support a sustainable tenancy, we will consider the impact of any eligible applicant on the wider community before making the nomination

4.10 Where we are unable to directly match an available home to people in greatest need, we will continue to advertise those properties on Canfod Cartref – any applicants in Bands A, B and C on the Housing Register can continue to bid for these homes. When selecting applicants for advertised homes, the offer is made to the highest banded applicant (with local connection, community connection and time waiting used to help us to shortlist between people in the same Band).

5: Offer of accommodation



The Offer of Direct Allocation

5.1 The offer is made in line with the prioritisation criteria set out in section 4.9 above.

5.2 Once an applicant has been identified for a property, we will carry out a further verification of their eligibility and priority to ensure all information is accurate and correct before a formal offer is made. An offer will not be made if;

- Since joining the register an applicant has become ineligible
- The Priority Band was found to have been incorrectly awarded due to the information provided by the applicant
- Circumstances have changed since the Priority Band was awarded and the applicant is no longer entitled to the same level of priority

5.3 We will verify all applicants' details and request proof in certain circumstances to confirm the information given is correct. Failure to provide the required information may mean we will withdraw the offer.

5.4 It is the applicant's responsibility to keep us up to date of any changes to their housing needs or household make up. It is critical that we have accurate contact details. If the applicant fails to respond to our contact, we will bypass them for the nomination and may remove them from the Housing Register.

5.5 It is an offence to give a false statement or to withhold information in connection with making a housing application. Where there is evidence of such an offence, we will initiate legal proceedings against the applicant and take steps to end any tenancy gained fraudulently.

Reasons why an RSL may refuse a nomination

5.6 It is important to note that RSLs also carry out their own verification processes and they may refuse to accept an applicant as a tenant if they do not meet the guidelines set out in their own policies. This would include applicants who owe a rent debt but who have been allowed onto the Register.

5.7 RSLs will also carry out an affordability check when allocating properties to ensure that applicants are able to afford the rent for the property.

5.8 If, for any reason, the RSL is considering refusing an applicant for a property they will contact the applicant to let them know and the applicant will be given an opportunity to request a review of the decision. If the Council do not agree with the decision of the RSL, we will negotiate with them, but we may have to move on to another nomination if that negotiation is unsuccessful.

5.9 RSLs may also prevent an offer going ahead where the property is not considered to be suitable for an applicant. This may include issues of public safety, risk, or sustainability of the tenancy. An offer may not be made or may even be withdrawn if an applicant's support needs are such that the housing provider, in consultation with the Council, deems that the applicant will be unable to maintain an independent tenancy. This decision may also be informed by the input from other partner agencies involved in a case. In these circumstances there must be a sufficient care, or support, package available to ensure the tenancy is likely to be successfully maintained.

Reasonable Offers

5.10 Applicants in Band A will be offered a Reasonable Offer or a Suitable Offer (Part 6 HA 1996). Applicants to whom we owe a Housing Duty will be given a Reasonable Offer to discharge our Homelessness Duty; all other applicants will be given 2 Suitable Offers. See Appendix Seven for an explanatory flow-chart.

5.11 Where an applicant has been made an offer of the size and type, they need, we shall set out the offer, the consequences of not accepting the offer and their right of review if they refuse the offer in line with HWA 2014.

5.12 If the applicant does not consider the offer to be reasonable, refuses the offer and submits a request for a review, the property shall be re-allocated in-line with the prioritisation criteria above. Should the review be upheld the applicant will be offered a further 'Reasonable Offer'.

5.13 Should the review not be upheld; the applicant will be removed from the eligibility Band A and reassessed.

5.14 We may make a suitable offer to applicants in Band A who we do not owe a Housing Duty to. Where an applicant has been offered a home of the size and type, they need, we shall make up to two offers setting out the offer, the consequences of not accepting the offer, and their right of review if they refuse the offer.

5.15 If the applicant does not consider the second offer to be suitable, refuses the offer and submits a request for a review, the second property shall be re-allocated in-

line with the prioritisation criteria above. Should the review be upheld the applicant will be offered a further 'Suitable Offer'.

5.16 Should the review not be upheld the applicant will be removed from the eligibility Band A and reassessed.

5.17 Where an eligible applicant is 18-35, the offer of a shared tenancy will normally be considered a Reasonable or Suitable Offer as this is consistent with the offer of accommodation in the private rented sector and the level of help applicants get with all or part of their rent, unless the applicant can demonstrate affordability of a 1-bedroom home or provide evidence from an appropriate professional that shared housing would not be an appropriate offer.

The Review Process

5.18 The applicant has the right to review any of the following decisions:

- The applicant disagrees with the decision not to place them in the Emergency Band
- The applicant considers that a decision has been reached based on incorrect information
- The applicant has been treated as ineligible based on their immigration status
- The applicant has been treated as ineligible to join the register due to unacceptable behaviour
- The applicant disagrees with a Reasonable or Suitable Offer of accommodation

5.19 Applicants must request a review of a decision within 21 days of being notified in writing of the decision. They must give reasons why they wish to have the decision reviewed including where they believe an incorrect decision has been made.

5.20 The applicant has a right to representation as part of the review. Examples of who may make representation include family members, support workers, social workers, or local members.

5.21 The review will be carried out by a senior officer of the Council. The reviewing officer will not have been involved in making the original decision.

5.22 The applicant should normally be notified of the outcome of the review within 8 weeks of the review request.

6: Governance Arrangements



Councillors, RSL Board members, staff, and their relatives

6.1 The primary role of our Councillors (as outlined in statutory guidance) is to develop and approve the Policy and to hold officers of the authority to account for their actions.

6.2 Councillors cannot be involved in assessing housing applications or the allocation of housing. However, this does not prevent them from seeking or providing information on behalf of their constituents. Councillors will be informed of any vacant homes in their ward and when they are reallocated.

6.3 Officers of the authority and RSLs are responsible for applying this Emergency Policy and allocating according to its rules. To ensure that we are treating all applicants fairly, any application for housing from Councillors, employees of Partners, Board members, or associated persons must be disclosed. Canvassing is not allowed.

6.4 These applications will be assessed in the normal way, but any allocation of housing must be approved by the Head of Housing and Public Protection. For RSLs, they must also have the allocation approved at Board level and make the Welsh Government aware of the allocation.

Publicising the policy

6.5 We will publish this Policy and make it freely available. We will provide a copy free of charge to anyone who requests one as well as making it available online. Advice on this policy is available through the Housing Options and Advice Team on 01554 899389 or email schoptions@carmarthenshire.gov.uk

Reviewing the policy

6.6 This Policy has been produced in agreement with participating RSLs. We will notify those it may affect in writing, and within a reasonable period, of the changes in this Policy. Regular review of policy to inform Any subsequent changes will require scrutiny members review before County Council approval.

6.7 A set of operational procedures which will underpin this Emergency Policy document will be approved by the Head of Housing and Public Protection. The Partnership (as set out in 1.8) will be involved prior to any changes.



Appendix One – Persons subject to immigration control who are eligible for an allocation of housing accommodation

The following classes of persons subject to immigration control are persons who are eligible for an allocation of housing accommodation under Part 6 of the 1996 Act—

Class A – a person who is recorded by the Secretary of State as a refugee within the definition in Article 1 of the Refugee Convention and who has leave to enter or remain in the United Kingdom;

Class B – a person—

- (i) who has exceptional leave to enter or remain in the United Kingdom granted outside the provisions of the Immigration Rules; and
- (ii) whose leave to enter or remain is not subject to a condition requiring that person to maintain and accommodate themselves, and any person who is dependent on that person, without recourse to public funds

Class C – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and whose leave to enter or remain in the United Kingdom is not subject to any limitation or condition, other than a person—

- (i) who has been given leave to enter or remain in the United Kingdom upon an undertaking given by the person's sponsor;
- (ii) who has been resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland for less than five years beginning on the date of entry or on the date on which the undertaking was given in respect of the person, whichever date is the later; and
- (iii) whose sponsor or, where there is more than one sponsor, at least one of whose sponsors is still alive;

Class D – a person who has humanitarian protection granted under the Immigration Rules

Class E – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland and who has limited leave to enter the United Kingdom as a relevant Afghan citizen under paragraph 276BA1 of the Immigration Rules.

Class F — a person who has limited leave to enter or remain in the United Kingdom on family or private life grounds under Article 8 of the Human Rights Convention, such leave granted under paragraph 276BE (1), paragraph 276DG or Appendix FM of the Immigration Rules, and

who is not subject to a condition requiring that person to maintain and accommodate themselves, and any person who is dependent on that person, without recourse to public funds.

Class G – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland and who has been relocated to the United Kingdom under section 67 of the Immigration Act 2016 and has limited leave to remain under paragraph 352ZH of the immigration rules.

Class H – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland and who has been granted Calais leave to remain in the United Kingdom under paragraph 352J of the immigration rules.

Class I — a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland and who has limited leave to remain in the United Kingdom as a stateless person under paragraph 405 of the Immigration Rules.

Class J — a person –

- (i) who has limited leave to enter or remain in the United Kingdom by virtue of Appendix Hong Kong British National (Overseas) of the Immigration Rules¹⁶;
- (ii) whose leave to enter or remain is not subject to a condition requiring that person to maintain and accommodate themselves, and any person who is dependent on that person, without recourse to public funds; and
- (iii) who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland.

Class K — a person—

- (i) who is granted leave to enter or remain in the United Kingdom in accordance with the Immigration Rules, where such leave is granted by virtue of—
 - (aa) the Afghan Relocations and Assistance Policy; or
 - (bb) the previous scheme for locally employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme); or
- (ii) with leave to enter or remain in the United Kingdom not coming within sub-paragraph (i), who left Afghanistan in connection with the collapse of the Afghan government that took place on 15 August 2021, but excluding a person (P)—
 - (aa) who is subject to a condition requiring P to maintain and accommodate themselves, and any person who is dependent on P, without recourse to public funds; or
 - (bb) who has been given leave to enter or remain in the United Kingdom upon an undertaking given by P's sponsor and has been resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland for less than five years beginning on the date of entry or the date on which P's sponsor gave the undertaking in respect of P, whichever date is the later, and whose sponsor or, where there is more than one sponsor, at least one of whose sponsors, is still alive; and

Class L — a person who has been granted leave to enter or remain in the United Kingdom by virtue of Appendix Ukraine Scheme of the Immigration Rules.

Appendix Two – Section 55 of the Renting Homes (Wales) Act 2016

Section 55 Anti-social behaviour and other prohibited conduct

(1) The contract-holder under an occupation contract must not engage or threaten to engage in conduct capable of causing nuisance or annoyance to a person with a right (of whatever description)—

(a) to live in the dwelling subject to the occupation contract, or

(b) to live in a dwelling or other accommodation in the locality of the dwelling subject to the occupation contract.

(2) The contract-holder must not engage or threaten to engage in conduct capable of causing nuisance or annoyance to a person engaged in lawful activity—

(a) in the dwelling subject to the occupation contract, or

(b) in the locality of that dwelling.

(3) The contract-holder must not engage or threaten to engage in conduct—

(a) capable of causing nuisance or annoyance to—

(i) the landlord under the occupation contract, or

(ii) a person (whether or not employed by the landlord) acting in connection with the exercise of the landlord's housing management functions, and

(b) that is directly or indirectly related to or affects the landlord's housing management functions.

(4) The contract-holder may not use or threaten to use the dwelling subject to the occupation contract, including any common parts and any other part of a building comprising the dwelling, for criminal purposes.

(5) The contract-holder must not, by any act or omission—

(a) allow, incite, or encourage any person who is living in or visiting the dwelling to act as mentioned in subsections (1) to (3), or

(b) allow, incite or encourage any person to act as mentioned in subsection (4).

(6) This section is a fundamental provision which is incorporated as a term of all occupation contracts; section 20 provides that this section—

(a) must be incorporated, and

(b) must not be incorporated with modifications.

Appendix Three – Local Connection and Community Connection definition and areas

We have two connection factors used when prioritising an allocation, which relate to a person's requirement for that specific vacant property.

Local connection – the applicant has a connection to the County of Carmarthenshire

Community connection – the applicant has a connection to the community area where the property is situated

Local Connection to Carmarthenshire

Local Connection is defined in Section 81 of the Housing (Wales) Act 2014.

A person has a local connection with the area because:

- the person is, or in the past was, normally resident there, and the residence is or was of the person's own choice
- the person is employed there
- of family associations
- because of special circumstances

Applicants who do not have a local connection with Carmarthenshire or who do not fall under 'special circumstances' or meet one of the requirements for having an exception to local connection requirements will not be considered under this Emergency Allocations Policy.

Community Connection to an Area

Community Connection to an area within the county will usually be the area where an applicant currently lives. However, it can also apply to an area where they lived previously, have family living, work closely to, or have children in school close by. Applicants can select one area where they wish Community Connection to apply considering the following criteria

- Applicants who have lived in the community area for a continuous period
- Applicants who are working in the community area
- Applicants who have previously lived in the community area for a continuous period but have had to move out of the area to access accommodation; and/ or have a close relative who has resided in the area, and it has been assessed they need to continue to live in the area to provide essential support
- Serving members of the Regular Forces who have a community connection to the area (e.g., previously lived here/ close relatives currently living here)

Community Connection Areas

Applicants will be classified as having a community connection to the following area groupings:

Grouped Community Connection Areas		
<u>Llanelli Town</u>	<u>Ammanford</u>	<u>Carmarthen</u>
Elli	Ammanford	Carmarthen Town North and South
Bigyn	Betws	Llangunnor
Glanymor	Penygroes	Abergwili
Tyisha	Saron	Carmarthen Town West
	Llandybie	
<u>Llanelli East</u>	Tycroes	<u>Rural North</u>
Hendy		Cenarth and Llangeler
Llangennech		Llanfihangel ar-Arth
Bynea	<u>Amman Valley</u>	Llanybydder
Llwynhendy	Garnant	Cynwyl Elfed
	Glanamman	
<u>Llanelli West</u>	Cwarter Bach	<u>Rural West</u>
Pembrey		Laugharne Township
Burry Port	<u>Gwendraeth</u>	Trelech
Hengoed	Gorslas	Llanboidy
Trimsaran	Glyn	St Clears and Llansteffan
Kidwelly and St Ishmael	Llannon	Whitland
	Pontyberem	
<u>Llanelli North/Rural</u>	Llangyndeyrn	<u>Llandovery/Llandeilo</u>
Swiss Valley		Llandovery
Dafen and Felinfoel	<u>Rural Central</u>	Llandeilo
Lliedi	Llanddarog	Manordeilo and Salem
	Llanegwad	Cilycwm
	Llanfihangel Aberbythych	Llangadog

If an applicant can demonstrate any other reason that they have a connection with a different community area, then we will offer flexibility to register them for that area. An example of flexibility is where the applicant is living near the boundary of a community area.

These 'community connection area' groups are designed to give applicants choice over a wider area than just a single village or town. This helps balance need against areas with little or no social housing.

Appendix Four – Location, type, and size of property

Properties will be allocated which are appropriate to the size of the household. However, in some areas we may not have the size of home to meet exact needs.

To ensure we can maximise the use of the stock, an offer of a property may be made which is smaller or larger than would normally be made. We will ensure individual assessments are completed for applicants whose household does not fit within the standards in the table before making the offer.

Household	Size	Property Type
Single people and/or couples	1 bed	Bedsit, shared house/flat, 1 bedroom flat
Single people or couples 55 and over	1 bed	Bedsit, 1 bedroom flat 1 or 2 bed bungalows and sheltered housing
Household expecting their first baby (and in receipt of the MATB1 certificate)	2 beds	2-bedroom flats, maisonettes, and houses
Household with one child*	2 beds	2-bedroom flats, maisonettes, and houses
Household with two children of same sex aged under 16 years	2 beds	2-bedroom flats, maisonettes, and houses
Household with two children of opposite sex where one is over 10 years	3 beds	3-bedroom house
Household with three or four children	3 beds	3 - or 4-bedroom houses (if available as limited stock of this size, and dependant on age and sex of children)
Household with five or more children	4 beds	4 - or 5-bedroom houses (if available as limited stock of this size, and dependant on age and sex of children)

** Households with children – this means a person in receipt of child benefit. We do not consider a requirement to provide a secondary home. The household size requirement for pregnant applicants with children will need to be considered based on the ages of the children and if they would be able to share with the expected child.*

There are exceptions to this which are outlined as follows:

Older people's housing or 'Sheltered Housing' is normally reserved for those aged 55 years plus. This may vary in Extra Care Accommodation where the criteria may be based on care and health needs. For Council Schemes, an assessment will be carried out by a Sheltered Scheme Officer. To be considered, people will normally:

- Be over 55, (although some schemes may have a higher minimum age requirement)
- Be able to evacuate the building by themselves in the event of a fire (for Council-owned complexes)

The same priority arrangements are then applied.

Bungalows will normally be allocated to households with a family member over the age of 55. If there are no applicants who meet these criteria, people with disabilities and people with special housing requirements will be considered taking account of their circumstances.

Adapted properties will be allocated where a member of the household has been assessed by an Occupational Therapist and where it has been determined they require adaptations.

Extra Care – These are specialist facilities for applicants who require support and care. The assessment will be made based on the Extra Care Facilities criteria.

Appendix Five – ‘Criteria for Letting’

<p>Local Lettings Policies (LLPs)</p>	<p>In some circumstances, particular areas may have a formally agreed local lettings policy. A local lettings policy would be in place to make sure that homes in that area are given in a way that helps to tackle issues. To agree a local letting policy it should be based on the following test:</p> <p>Clear definition of what is to be achieved by the local lettings policy.</p> <p>Clear evidence to back up the need of the local lettings policy.</p> <p>Any potential equality impact has been considered; how long the local lettings policy is to be operational and when the local lettings policy is to be reviewed.</p> <p>A local lettings policy must be approved by the Executive Board Member for Housing (Council) and the housing association board for RSL LLPs before it can be put into place. It must have partnership approval to ensure any adverse unintended impact on other partner landlords are mitigated and the review period agreed.</p> <p>An example is, when looking at new housing developments, a local lettings plan is required to ensure a sustainable community cohesion is sought.</p> <p>The Executive Board Member for Housing would need final sign off following partnership approval.</p>
<p>Sensitive Lettings (individual properties)</p>	<p>An individual property may be a ‘sensitive let’. This could be where there is a confirmed history of antisocial behaviour or criminal activity at that property or in close vicinity.</p> <p>A property will only be designated a sensitive let with the approval of the Head of Housing (Council) or by a manager of equal seniority (housing association). If a property is a sensitive let, certain households will not be considered for that property.</p>

	<p>Once the property has been let it will no longer be classed as a sensitive let. Letting in this way should be as an exception and not the rule.</p> <p>It must have partnership approval to ensure any adverse unintended impact on other partner landlords are mitigated and the review period agreed.</p>
Traveller sites	<p>Accommodation needs for traveller families are assessed under section 101 of the Housing (Wales) Act 2014. If the assessment identifies needs within the area with respect of the provision of sites on which mobile homes may be stationed the Council must exercise its powers in section 56 of the Mobile Homes Wales Act 2013.</p> <p>Regard has been given to the Welsh Government's publication, "Travelling to a better future" and its guidance on Managing Gypsy and Traveller Sites. The process for allocating a pitch would still be based on priority, local connection, community connection and time waiting if there were 2 or more interested applicants.</p>
Adapted Accommodation	<p>Some homes have been specially adapted to meet people's needs. This type of accommodation includes homes for people with disabilities and people with special housing requirements.</p> <p>To ensure we match people to adapted homes and make the best use of the accommodation we have available, an Accessible Housing Register (AHR) is also operated as part of the main register.</p> <p>Specific housing needs are identified and assessed as part of the initial housing enquiry. As part of this process an assessment may be undertaken by an occupational therapist. The result of this assessment will dictate the level of need and the type of adapted property required.</p>
Shared accommodation	<p>Shared lettings may be allocated outside of the policy to allow the ability for some self-selection of fellow sharers to ensure sustainability of the tenancy. A local letting plan should be developed before allocation.</p>

Appendix Six – Identified Support Needs

- **Low Needs** - likely to be a significant proportion who have no or very low support requirements and who can be supported into settled accommodation with either a low level of support or potentially just signposting
- **Medium Needs** – alongside Low Needs, likely to be the majority who will require a Rapid Rehousing service with temporary floating support. May also require support from other professional services to live independently in settled accommodation
- **High Needs** - this category is where we would expect to see those who have persistent complex needs and/or a history of repeat rough sleeping and who should be offered, as a default, a form of intensive housing-led support such as Housing First
- **Intensive Needs** (*potentially 24/7 support requirements*) - these should be those who are unable to live independently, perhaps due to concerns around risk to self or others or perhaps even choice. Our expectations would be that professionals are engaged from a health and social care sectors to ensure their care and support is fit for purpose. Where someone is identified as falling into the Intensive Needs category, moving into settled accommodation must continue to be the objective

Rapid Rehousing Transition Plans: Guidance for Local Authorities and Partners Developing a Rapid Rehousing Transition Plan 2022 to 2027 October 2021

Appendix Seven – Reasonable Offer and Suitable Offer Flowchart

