

WALH Banding Scheme – Phase II Review
October 2006

Appendix A

| | Current Banding Scheme | | Proposed |
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| | Band 1 – Urgent Housing Need | | |
| 1. | Applicants that have been awarded a priority band 1 medical because they urgently need rehousing to reduce the effects of their current housing on their health or welfare. | 1. | No change. |
| 2. | Homeless applicants where there is a legal duty to rehouse. (They must not have recently seriously broken their tenancy or licence conditions in either their current or previous tenancy). | 2. | Homeless applicants where there is a legal duty to rehouse. Applicants must be roofless or have been placed in emergency accommodation by WALH. |
| 3. | Applicants living in hostel accommodation where there is a legal duty to rehouse them. The hostel provider must have confirmed that the applicant is ready to move and is capable of independent living. | 3. | Delete – see Band 2 number 4. |
| 4. | Applicants living in properties that are in Council approved clearance areas. | 4. | Applicants living in confirmed clearance areas or properties subject to individual compulsory purchase orders (including those where a CPO could be made, but the owner agrees to sell their property to the Council by agreement) or subject to prohibition (excluding emergency prohibitions) or demolition orders. N.B. Those subject to Emergency Prohibition Notices will be supported under the Councils homelessness duties. |
| 5. | Applicants living in properties where the Council requires them to leave, for example to demolish it or if they live there as part of their job and they leave their job. | 5. | Applicants living in council properties where the council requires them to move, for example to demolish. |
| 6. | Applicants living in properties that have been substantially adapted for disabled people and the applicant’s household no longer need the adaptations. | 6. | No Change. |

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| | Band 1 – Urgent Housing Need Cont'd | | |
| 7. | Exceptional cases who are awarded priority by the Area Director when urgent rehousing is needed, for example because their housing situation is life threatening or seriously damaging their welfare or community safety. | 7. | No change. NB These decisions are rare and involve exceptional cases |
| | Band 2 – High Housing Need | | |
| 1. | Applicants that have been awarded a band 2 medical because they need rehousing as a high priority to reduce the effects of their current housing situation on their health or welfare. | 1. | No change. |
| 2. | Homeless applicants from Band 1 who have not made bids or accepted a reasonable offer of accommodation within two months of being placed in Band 1. | 2. | Delete. Wigan and Leigh Housing have revised working practices. They will monitor and intervene at an early stage to find out why expressions of interest have not been made against suitable properties. They will offer assistance, continue to monitor, which may ultimately lead to a review of the homeless decision or discharge of duty. |
| 3. | Applicants leaving a local authority child care placement. | 3. | Applicants leaving a local authority child care placement where there is a statutory duty to rehouse. |
| 4. | Applicants who cannot live independently in their current property and are in receipt of a support package from a recognised agency. | 4. | Applicants living in recognised supported accommodation or in receipt of a recognised support package where their current accommodation no longer meets their needs. The support provider must provide written confirmation the applicant is ready to move and is capable of independent living. |

| Band 2 – High Housing Need Cont'd. | | | |
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| 5. | Homeless applicants who will not become homeless within the next 28 days. | 5. | Homeless applicants accepted as being threatened with homelessness in the next 28 days under s.195 of the Housing Act 1996 and have been given a decision letter confirming this. |
| 6. | Applicants without one or more basic amenities in their home, such as an inside toilet, hot water, kitchen, bath or shower. | 6. | Applicants without one or more basic amenities in their home such as an inside toilet, hot water, kitchen, bath or shower and where a grant is not available or the applicant does not have the means to remedy. |
| 7. | Private sector tenants or owner-occupiers who have to move on a temporary basis because essential repairs are being carried out to their home. | 7a. | Private sector tenants or owner-occupiers who have to move on a temporary basis because essential repairs are being carried out to their home. These repairs cannot be carried out whilst they are living in the property. NB The council accommodation is provided on a temporary basis only. |
| | | 7b. | Council tenants who need to move on a temporary basis to allow essential repairs work to be carried out which cannot be done whilst they are living in the property. |
| 8. | Homeless applicants where there is a legal duty to rehouse but they have recently seriously broken their tenancy conditions in their present or previous tenancy, or have broken their license conditions in temporary accommodation. | 8. | Delete If a tenancy or license condition has been breached and it continues as the applicant will not remedy then legal action will be taken. This may result in a discharge of duty rather than a demotion from Band 1 to Band 2. |

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| | Band 2 – High Housing Need Cont’d. | | |
| 9. | An applicant who has been a victim of domestic violence and is expecting a child and/or has dependant children. The applicant is not legally homeless for example, they are staying with parents and not being asked to leave. | 9. | Delete - Wigan and Leigh Housing will assess under homeless criteria and applicant would be placed in appropriate band depending on circumstances e.g. homeless – Band 1 or lodging with parents Band 3. |
| 10 | Applicants who are overcrowded and need three or more extra bedrooms. | 10. | No change. |
| 11 | Anyone living in a flat above ground floor level where a member of their household is expecting a child or there are one or more children aged less than 10 years old. | 11. | No change. |
| 12 | Wigan Council or housing association tenants living in the Wigan Borough who live in a house with four or more bedrooms but need accommodation with two bedrooms or less. | 12. | No change. |
| | | 13. | Applicants living in council accommodation which is part of their employment requirements for example resident Caretakers and Scheme Managers and they leave their job. (Not dismissed). |
| | Band 3 – Housing Need | | |
| 1. | Applicants who are overcrowded and need an extra two bedrooms. | 1. | No change. |
| 2. | Applicants who have no security of tenure in their present home, for example lodgers, people living in bed and breakfast accommodation, prisoners and people who are no fixed abode or homeless but have no priority need under homeless legislation. | 2. | Applicants who have no security of tenure in their present home, for example lodgers, people living in bed and breakfast accommodation, people who are no fixed abode or homeless but have no priority need under homeless legislation. |
| 3. | Applicants who have had a relationship breakdown but are still living in the same household as their former partner. | 3. | No change. |

| Band 4 – Standard Housing Need | | | |
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| | Applicants who do not fall into any of the above bands including. | | Applicants who do not fall into any of the above Bands. |
| 1. | Key workers, such as those who work for the Health Authority or the Police, who need to move into the Borough to start work. | 1. | Delete – No key worker accommodation and open housing register. |
| 2. | Applicants living in a hostel in the Borough who the hostel providers think are not yet ready for moving on into an independent tenancy. | 2. | Applicants living in recognised supported accommodation in the Borough who the support providers think are not yet ready for moving on into an independent tenancy. |
| 3. | Applicants who are overcrowded and need one extra bedroom. | 3. | No change. |
| 4 | Applicants living in caravans or mobile homes. | 4. | No change. |
| 5. | Members of Her Majesty’s Forces/Prisoners. We will re-assess the application immediately before the applicant leaves the forces. | 5. | Members of Her Majesty’s Forces/Prisoners applications will be assessed once a discharge/release date has been provided. |
| 6 | Tenants and owner-occupiers who are adequately housed. | 6. | No change. |
| 7. | Applicants that we accept under the Homes Mobility Scheme. | 7. | Delete – not required as we have an open register. |
| | | 8. | New addition – Applicants already living in a suitably adapted property and there are no other overriding circumstances. |
| Medical and Welfare Awards | | | |

As well as using the banding scheme, medical or welfare priority may be awarded to applicants.

These are explained below.

One of the three awards can be made:-

1. Priority band 1 – Urgent Housing Need – the applicant needs to be urgently rehoused to reduce the effects of their current housing situation on their health or welfare.
2. Priority band 2 – High Housing Need – the applicant needs to be rehoused as high priority to reduce the effects of their current housing situation on their health or welfare.
3. No action = the applicant’s current housing situation does not have a significant impact on their health or welfare.

Allocations Policy - Phase II – Proposed Changes – October 2006

| Issue | Current Policy | Proposed Change | Reason | Impact |
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| <p>1. Under occupation - Pressure on making best use of stock given demand.</p> <p>There have been mixed views on this issue of allowing under occupation by one bedroom.</p> <ul style="list-style-type: none"> • Tenant/Resident and customer feedback indicates a preference for not allowing under-occupation, mainly based on existing tenants in 2 bed accommodation with 2 plus children seeing households with one child accessing 3 bed accommodation. This is causing customer frustration. • Pragmatic view is to allow under-occupation by one bedroom. This would foster a commitment to an area as families are more likely to remain in the property and community should their family size increase. Note: Some estates do not have many 2 bed properties eg. Marsh Green. | <p>Current policy allows under occupation by one bedroom.</p> | <p>Leave as in existing policy so allowing under occupation by one bedroom.</p> | <p>No overall consensus of opinion. In the first 6 months of this year 43% of three bedroomed properties were under occupied meaning they went to households with one child. A high proportion of these were homeless households. This indicates if the policy were to be changed it would have a substantial impact on the councils ability to meet its homeless obligations.</p> | <p>See reason</p> |

Allocations Policy - Phase II – Proposed Changes – October 2006 Cont'd.

| Issue | Current Policy | Proposed Change | Reason | Impact |
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| <p>2. Current tenants wishing to transfer but who have a housing debt for:-</p> <ul style="list-style-type: none"> - Current rent arrears - Court costs - Rechargeable repairs - Former Tenants Arrears | <p>A current tenant can transfer to another property with a housing debt provided the arrears are under £200.00 or they have kept to an agreement for 13 weeks to reduce their arrears.</p> | <p>Existing tenants who owe any housing debt must:-</p> <ul style="list-style-type: none"> a) Make an agreement to repay and keep to this for 13 weeks before being made active. b) Must clear any remaining debt within 3 working days of any offer. If unable to do so then offer is withdrawn and the property is offered to the next applicant. <p>Some exceptions e.g. medical reasons or lives in danger.</p> | <p>If a current tenant owes a housing debt then they are in breach of their tenancy.</p> <p>If a current tenant has been taken to Court due to a debt and a Postponed Possession Order granted, they have in effect lost their security of tenure and so their right to transfer until the Court Order has been fully complied with.</p> <p>If a current tenant on a Court Order is allowed to move the Court Order is null and void.</p> | <p>Improved management of current tenant debt recovery to the Housing Revenue Account.</p> <p>Working practices to be put in place to give advice and assistance on repayment but not encourage debts to be repaid from un-reputable companies.</p> <p>A proviso is in the policy to assist those in exceptional circumstances</p> |
| <p>3. Former tenants' with arrears.</p> | <p>To make agreement to repay and keep to it for 13 weeks before being made active.</p> <p>NB S193 Homeless duty overrides this requirement</p> | <p>Expand to include any housing debt which cover</p> <ul style="list-style-type: none"> - Rent arrears - Court costs - Rechargeable repairs <p>If any payments are missed they must bring up to date at offer stage. Failure to do so will result in the offer being withdrawn and the property offered to the next applicant.</p> | <p>To clarify that debt means all debt to the Housing Revenue Account, not just for former tenants rent arrears.</p> | <p>Engage applicant in a payment culture.</p> |

Allocations Policy - Phase II – Proposed Changes – October 2006 Cont'd.

| Issue | Current Policy | Proposed Change | Reason | Impact |
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| 4. Local/Community Letting Policy. | Not specifically referred to in existing policy. | Insert a section advising on criteria and method of progressing any request for a local lettings policy. | Dispel any myths about what a local lettings policy is. Set out clear guidance on what factors need to be taken into account. Timescales involved and reported outcomes. | None. |
| 5. Excluded and suspended applicants due to Anti Social Behaviour | <p>Advises on what Anti-Social Behaviour is and what the applicant has to do to remedy and be accepted onto the register or made active.</p> <p>It does not stipulate any conditions that may be applied for when they become eligible for an offer of accommodation.</p> | Insert a sentence in the policy to state “Any previous Anti-Social Behaviour may limit the areas where an applicant may later be rehoused due to the wider responsibility to the community both in confidence and future community stability”. | Provides an assurance to communities that known culprits of Anti-Social Behaviour will not be allowed back as tenants on the estates where they have previously caused problems. | Any duty owed to the applicant is met as suitable accommodation may have to be provided but not on the estate where they have previously caused problems or on estates with high levels of crime and disorder. |

Allocations Policy - Phase II – Proposed Changes – October 2006 Cont'd.

| Issue | Current Policy | Proposed Change | Reason | Impact |
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| 6. Ineligible Applicants | Needs updating in line with legislation which came into effect on 01.06.06 . | <p>Update wording and procedure to advise:-</p> <ul style="list-style-type: none"> • A person may register whilst ineligible e.g. whilst in prison, in the armed forces or an Asylum Seeker • Applications will be inactive (suspended) until either a release date, discharge date is given and imminent or a positive decision is given on the right to remain. Applicants will become active and retain their original registration date. • If not given a positive decision to remain the application will be cancelled as not eligible for social housing. | Identified under Diversity Impact Assessment that ineligible applicants could be being disadvantaged for re-housing if not allowed to register until decision on eligibility granted. | Applicants will build up waiting time on the register. |
| 7. Introductory Tenancies. | Need to clarify rights regarding re-housing and update wording to take account of new legislation regarding extensions. | <ul style="list-style-type: none"> • Applicants signed up on an introductory tenancy are eligible to apply for a transfer. • Introductory Tenancies maybe extended beyond 12 months if there have been instances of Anti-Social Behaviour. | To comply with legislation. | Provides an opportunity to evaluate suitability to hold a tenancy and take either legal action to end or preventative measures and time for these to be assessed. |

Allocations Policy - Phase II – Proposed Changes – October 2006 Cont'd.

| Issue | Current Policy | Proposed Change | Reason | Impact |
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| 8. Equity – Policy States to be reviewed annually based on house prices in the Borough. | Any applicant with equity over £80k has to be approved by relevant Director to go on register. | Increase to £120k and where there is no prospect of the household securing affordable housing to meet their needs. Property Shop Managers to authorise. Right of appeal on any decision to Director. | Current policy states that level of equity should be reviewed in light of local houseprices. Consultation suggests that the level should be set between £80,000 and £120,000. The land registry advises the average house price in the Borough of Wigan has risen to £120,000. | If over £120,000 equity then Band 4, if applicant can find own suitable alternative accommodation. To consider health in making final decision on banding. |
| 9. S193 cases are placed in Band 1, need to re-word - (see Banding Scheme - Appendix A). | Homeless applicants where there is a duty to re-house. | To re-word to Homeless applicants where there is a duty to re-house. Applicants must be roofless or have been placed in emergency accommodation by WALH. If applicant is offered and refuses a suitable property any duty owed will be discharged. | To give priority to those applicants who are homeless now and a full duty is owed. | To prevent blockages in temporary accommodation and Band 1. |

Allocations Policy - Phase II – Proposed Changes – October 2006 Cont'd.

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| <p>10. Homeless Applicants in Band 1 who have not expressed an interest or accepted a reasonable offer, (see Banding Scheme – Appendix A).</p> | <p>Currently they are “demoted” to Band 2.</p> | <p>Delete this category.</p> | <p>WALH have revised working practises. These include improved monitoring of cases with early intervention if clients are not expressing an interest for suitable accommodation. Advice and assistance will be given but ultimately if a client fails to express an interest for no good reason the case will be reviewed which could lead to a discharge of duty (no obligation to rehouse under the Homeless legislation so the applicant will loose any priority status previously granted)</p> | <p>Improved management of cases and housing register</p> |
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Allocations Policy - Phase II – Proposed Changes – October 2006 Cont'd.

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| <p>11. Moves for existing Tenants in a Sheltered Scheme who wish to move to another flat e.g. ground floor when no lift facility.</p> <p>Often not registered as ill health or availability of more suitable flat is the driver for the request.</p> | <p>No extra priority given to tenants in schemes who wish to move within the scheme.</p> | <p>Grant priority to existing tenants in a scheme wishing to move to:-</p> <ul style="list-style-type: none"> a) Another floor b) Another flat <p>Criteria to be applied e.g. medical reasons not moving to a better decorated flat.</p> | <p>Recognition for tenants already in scheme whose health may have deteriorated.</p> | <p>Improved well being of tenant.</p> |

Allocations Policy - Phase II – Proposed Changes – October 2006 Cont'd.

| Issue | Current Policy | Proposed Change | Reason | Impact |
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| 12. Age restriction on the multi storeys at Scholes. | Only to be offered to applicants over 30 years of age. No offers to be made to applicants who have children under 12 in their household. | Raise the age criterion to 40 years of age. | Multi-storeys are a special case. They include a significant number of older people, there are common parts and close proximity of dwellings so any crime or anti-social behaviour has the potential to affect a large number of neighbours. Elsewhere multi's have failed simply because of a failure to ensure appropriate clients were located in the block. Consultation and research has been carried out. A survey showed the majority of respondents' preference was to raise the age limit to 40. The next highest preference was to retain it at 30. | Housing register shows still enough demand from applicants aged 40+ to maintain full occupancy. Over the last 2 years 70% of lets have been to people aged 40+. |

Allocations Policy - Phase II – Proposed Changes – October 2006 Cont'd.

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| <p>13. Adapted properties</p> | <p>Only refers to the allocation of existing adapted properties.</p> | <p>Retain the allocation principle for existing adapted properties and add "If a household is already in a suitably adapted property they will be placed in the appropriate Band taking all their circumstances into account. They can only sign up for another property if it is already suitably adapted."</p> | <p>The adaptations budget is administered by Social Services. The demand on this budget has increased significantly and it can no longer meet the requests made on it. The aim is to assist as many applicants as possible but if some are accessing the pot more than once this is unfair and not best use of resources as the property they leave may not go to another disabled household.</p> | <p>Limited. Some applicants may find it more difficult to find a move. Each case will be assessed and due regard given to any extenuating circumstances which necessitate a move. These can be dealt with under welfare awards.</p> |
| <p>14. Right to Review/ Appeals.</p> | <p>States the applicant must do so in writing giving reasons.</p> | <p>Allow reviews/appeals to be made verbally or in writing. Written response must always go out to the customer or advocate.</p> | <p>In line with complaints policy. No discrimination against those who may not be able to write.</p> | <p>Improved customer service and recognition of diversity and vulnerability.</p> |