# **Allocation Policy**

in partnership with Stafford and Rural Homes

**Executive Summary** 



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# 1 Introduction and Background

The purpose of the Allocation Policy is to set out how Stafford Borough Council will allocate properties, it explains who is eligible and qualifies for social housing in Stafford, how people are prioritised and the process for nominating people to properties. The aim is to ensure that affordable housing is allocated in a fair and transparent way to those with greatest housing need, in accordance with legislative requirements.

Stafford Borough Council is the strategic housing authority for the Borough but does not own any housing stock. The local authority has duties in accordance with Part 6 and Part 7 of the Housing Act 1996 (as amended) to provide housing advice and assistance and to prevent and relieve homelessness. The local authority works closely with all Housing Associations who own social housing within Stafford in order to discharge these duties and to increase the supply of affordable housing through new developments. This includes affordable housing for rent and low cost home ownership, in particular shared ownership. The Council also works closely with private landlords to increase access to the private rented sector for people in housing need where appropriate.

The Allocation Policy can be viewed online

<u>https://www.staffordbc.gov.uk/housing.</u> A copy of the full policy can be made available upon request. The Policy takes effect from 3 August 2020.

## 2 Nominations

Stafford Borough Council does not own any housing stock. Instead, social housing is owned by Housing Associations (registered providers of social housing). See Appendix A for a full list of Housing Associations in Stafford. The Council have entered into nomination agreements with Housing Associations with stock within the Borough, which means a percentage of properties will be made available to the Council to offer to applicants from our waiting list in accordance with this Allocation Policy. Stafford and Rural Homes advertise these properties via their HomeChoices website whereas other Housing Associations provide their empty properties for direct nomination from the Council.

Applicants who are registered with Stafford and Rural Homes, who are eligible and qualify for a priority banding in accordance with our Allocation Policy will receive a nomination which will allow households to apply for properties via Stafford and Rural Homes with the same priority banding that they would receive on our waiting list. The Housing Option Service will inform Stafford and Rural Homes of any banding changes, or decisions on eligibility for the waiting list accordingly.

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Stafford and Rural Homes have the final decision as to who is suitable for housing in accordance with their own Allocation Policy. In situations where housing need is clear and identifiable, such as overcrowding, Stafford and Rural Homes may provide a banding increase on behalf of Stafford Borough Council. Stafford and Rural Homes will inform the Housing Options Service of any banding increase provided in line with this Allocation Policy to promote access to social housing within the Borough.

For other Housing Associations within the borough, the Council will put forward (nominate), a suitable applicant, in accordance with the Allocation Policy. The Housing Association, who own and manage the property, will consider the nomination against their own allocation criteria and make the final decision as to whether that household will be suitable for the property.

The Council, along with local Housing Associations, will work in close partnership to deliver the policy and maximise the potential rehousing options available for applicants.

# 3 Accessing the Housing Register

Households can access the housing register by contacting Stafford Borough Council for a housing needs assessment. The Council does not operate an open Housing Register therefore applicants must be assessed as eligible and qualify for a housing need, as outlined by this Allocation Policy before they are accepted onto a waiting list for social housing.

Households can approach the Council in a number of ways including telephone, in person, via email and also via our online self-assessment tool that provides a detailed and immediate housing options assessments. A Housing Options Officer will assess the application and explore suitable options for eligible applicants with a focus on enabling a household to remain at home where it is safe and reasonable to do so. Depending on the households circumstances, the Council may ask for additional information from the applicant in order to assess their housing need, taking into consideration all housing options including other tenures such as shared ownership or the private rented sector.

Households who are most vulnerable and would otherwise struggle to access social housing may be offered targeted support that can include budgeting advice and assistance, signposting to training and employment opportunities, referral to relevant supporting agencies and practical help with activities such as setting up a bank account. Applicants will be asked to disclose any pending court cases or unspent criminal convictions at the point of application. Information gained will not automatically exclude an applicant from the register. It may also be used to make informed decisions about any nomination for vacant property.

It is the responsibility of the applicant to inform the Housing Options Team of any change of circumstance in a prompt and timely manner.

# 4 Criteria to be accepted onto the Housing Register

Applicants must meet the criteria outlined below in order to be accepted onto the housing register: (see the full Allocation Policy for more detail)

- Be eligible for social housing in light of their immigration status, age and/or capacity to be granted a tenancy;
- Have a local connection to Stafford Borough;
- Must be likely to be accepted by a Housing Association for a property, referred to as 'Nomination Ready' (see Section 5 below);
- Must have a housing need that falls within the criteria outlined within the Allocation Policy (see Section 7 below);

Applicants may be disqualified for the Housing Register if:

- Three offers of suitable accommodation have been refused (Note: applicants who are owed a statutory homeless duty will only be provided with one offer of suitable accommodation. If this offer is refused, the applicant will lose their homeless priority banding);
- Information has been withheld or false information has been provided;
- Applicants with a history of failed tenancies or serious unacceptable behaviour who do not acknowledge or address these issues.
- Applicants do not take reasonable steps outlined in their Personalised Housing Plan;
- The household has sufficient financial resources, or own property.

The Council retains the ability, in exceptional circumstances, to exercise its discretion when making decisions regarding the qualification and disqualification rules. Further details are outlined in the full Allocation Policy.

# Households with previous failed tenancies or serious unacceptable behaviour

Stafford Borough Council does not operate a blanket exclusion policy for household's with a history of failed tenancies, for example, due to anti-social behaviour or rent arrears. Households can work with Stafford Borough Council to take steps to address previous failed tenancies with a view of enabling access to social housing (as outlined in Section 5 below).

Applicants may qualify for the Housing Register but may still be taking steps to resolve previous failed tenancies or unacceptable behaviour, for example, by demonstrating commitment to rent arrears repayment plans or by attending substance misuse programmes. Applicants who are taking steps to resolve previous unacceptable behaviour or outstanding rent arrears will be accepted onto the Housing Register and placed into a relevant band but will not be nominated for an offer of accommodation. Steps required to be considered for nomination will be agreed with the applicant and outlined in their Personalised Housing Plan. Applicants will continue to accrue waiting time on the Housing Register despite not being able to be considered for a nomination or an offer of housing.

Housing Associations with have their own letting criteria and Allocation Policy. Stafford Borough Council works closely with Housing Associations to enable applicants on our waiting list access to social housing within the Borough. Where an applicant is disqualified for previous failed tenancies or unacceptable behaviour they will be told in writing the reasons why and informed of the actions they may consider to take to enable access to the Housing Register. Applicants have the right to ask for a review of the decision made to disqualify them. Full detail is contained within the Allocation Policy (see Appendix E).

# 5 Nomination Ready

Qualifying households must supply the following information in order to be accepted onto the Housing Register:

- Identification must be provided for all members of the household (passport, driving licence, birth certificate);
- Proof of residency for children included in the household (child benefit award, child tax credit, court order or residency order);
- Proof of income must be provided for all non-dependents in the household (Wages, Universal Credit Journal or Benefit Entitlement letter, self employed tax returns and bank statements);
- Bank statements must be provided for all non-dependents in the household for a minimum period of three months prior to application;
- Last five years address history;
- Completed Income and Expenditure;
- Information regarding unspent criminal convictions;
- Details of how rent in advance is going to be paid.

Once this is provided, the application will be assessed and the relevant banding awarded in line with this Allocation Policy. Households accepted onto the waiting list will only be put forward for a suitable property if they will satisfy the letting criteria for the relevant Housing Association.

This may include the following:

- A Landlord Reference from previous settled accommodation;
- Information regarding outstanding debts, including rent arrears and details of re-payment plans;
- Details of ongoing support or care plans from relevant agencies including substance misuse services, community mental health, probation or care leavers services amongst others.

Depending on an individual household's circumstances the criteria for being ready for a nomination may differ. For example those with a history of failed tenancies may be required to demonstrate that they are engaging with support services to address the underlying causes of homelessness. The Housing Options Service will make clear what is required to enable a household to be considered for a nomination by using an online Personalised Housing Plan that will be published within seven days of initial contact with the service. Households who do not have access to the internet will be provided with a paper copy of the Personalised Housing Plan.

Stafford Borough Council does not operate a blanket exclusion policy for households with a history of failed tenancies, for example, due to anti-social behaviour or rent arrears. Households can work with Stafford Borough Council to take steps, in accordance with their Personalised Housing Plan, to address previous failed tenancies with a view of enabling access to social housing. Applicants will be placed on the Housing Register and accrue waiting time, whilst resolving issues relating to previous failed tenancies, but will not be nominated for a property until all steps outlined in the Personalised Housing Plan have been completed. Applicants who do not complete steps outlined in their Personalised Housing Plan within a reasonable period of time may be excluded from the Housing Register. Details are contained in the full Allocation Policy.

In exceptional circumstances, where households are vulnerable and unable to access key information (for example, individuals on nil income, fleeing domestic abuse or those with a history of entrenched rough sleeping), applicants may be nominated for a property whilst additional information is still being collected. Such nominations will be discussed with the relevant housing provider.

Although Stafford Borough Council may consider a household ready for a nomination, the Housing Association who manages the property will have the final decision in accordance with their own Allocations and Lettings Policy.

The Housing Register will be subject to a six monthly review. Applicants who are not taking steps outlined in their Personalised Housing Plan during this six month period may be disqualified and not considered for nomination.

# 6 Suitability and Offers of Accommodation

When nominating for a property, the Council will take into account:

- The number of bedrooms required;
- Any essential requirement concerning the type or location of housing, including requirements relating to the medical needs of the household relating to property type, essential facilities and number of bedrooms required;
- The housing band into which the applicant has been assessed;
- The Suitability of Accommodation Order 1996 (as amended) where the applicant has been accepted as homeless or threatened with homelessness in accordance with relevant legislation;
- Current permanent employment of the household and relevant transport links;
- Essential support links required by the household.

The number of bedrooms allocated will be dependent upon the number and age of the people living as part of the household, in order to make best use of housing stock.

The bedroom standard states that a separate bedroom shall be required for the following persons:

- Each adult couple;
- Any other adult age 18 and over
- Two adolescents of the same sex aged 10 18
- Two children regardless of sex under the age of 10.

When determining the size of the property for which applicants are eligible, the bedroom standard will usually apply. However there may be exceptions such as where there is medical evidence to support that an applicant requires an additional bedroom, or level access accommodation, on health grounds, or where the applicant requires the support of an overnight carer who cannot reasonably be expected to share a bedroom with another member of the household. Other examples include applicants who have been approved as foster carers/adopters and require larger accommodation that would normally be required.

Households who are currently undergoing gender reassignment or require specific bedroom allocation as a result of gender reassignment will be considered on a case by case basis. Decisions on bedroom allocation, and

suitability of accommodation, will be made in conjunction with the applicant and the relevant housing provider (including supported accommodation and hostels) as to what would be suitable.

Specialist accommodation, such as sheltered or adapted accommodation will be let to households with specific needs taking into account age and disability.

An application including an additional room for an overnight carer will be assessed in conjunction with Staffordshire Council's Social Care and Health Services. In these circumstances, the applicant must provide supporting evidence that a carer is needed to provide overnight support, for example, from other agencies such as social care or health professionals.

Further details on suitability of accommodation can be found in the full Allocation Policy.

#### **Offers of Accommodation**

Applicants will be offered accommodation in writing. Housing Associations often have strict turnaround criteria for letting properties and it is important that applicant's respond to the Housing Options Team and the Housing Associations in a timely manner otherwise the property may be offered to the next suitable applicant. Time frames will be specified at the point of offer.

An offer of accommodation can be made in any area of the Borough that the Council and if appropriate, partners (such as the police) has assessed is suitable and safe for the applicant to live in. A refusal of an offer of the correct size and type will normally be considered unreasonable.

If the Council considers that the applicant has unreasonably refused three offers of suitable accommodation the applicant will no longer qualify for the Housing Register. The applicant will not be entitled to apply again within 12 months of the date of disqualification. Offers of accommodation include those offered directly by a **relevant housing provider** and those that are arranged by way of a nomination to a registered provider. The Council reserves the right to place an application on behalf of a household (management applications) and, if successful, this would amount to an offer of accommodation.

## 7 Priorities for Allocating Housing

The Allocation Policy intends to make best use of housing stock by prioritising social housing for those in most need, in a fair and transparent way, recognising that demand for social housing exceeds supply. There are 4 housing need bands with each band reflecting the level of assessed housing need. Stafford Borough Council does not operate an 'open housing register'. If an applicant is not assessed as having a statutory housing need as defined by

Housing Act 1996 Part 6 reasonable preference categories they will not be able to qualify for the Housing Register.

Band A- Very urgent need to move (reasonable preference and are granted additional preference): These are applicants that are owed a statutory award of *reasonable preference* but whom the Council believes should also be awarded *additional preference* Band A based on their very urgent need to move.

**Band B – Urgent) Need to move (reasonable preference):** These are applicants that are owed a statutory award of *reasonable preference* under the policy and have been awarded Band B priority based on their urgent assessed housing need.

**Band C - Housing Need to move (reasonable preference):** These are applicants that are owed a statutory award of *reasonable preference* under the policy and have been awarded Band C priority based on their assessed housing need

**Band D – Lower Housing Need to move (reasonable preference):** These are applicants that are owed a statutory award of *reasonable preference* under the policy and have been awarded Band D priority based on a lower level of assessed housing need

For applicants that are not assessed as having a statutory housing need (Bands A-D) they can still approach the Council to receive advice on their housing options using the on-line housing advice portal on our website, <u>https://www.staffordbc.gov.uk/housing</u>.

# The table setting out bands A-D and a description of the criteria used to award a Band

Description
Applicants owed a main housing duty (section 193(2) duty) or the section 193C(4) 'reduced' section 193 duty <sup>1</sup>
who are priority need and not intentionally homeless.
Applicants who are homeless and are owed the relief duty (section 189B duty) and would be owed, or be likely to be owed, the main housing duty (Section 193(2) duty) if the relief duty were to come to an unsuccessful end because they are, or would be likely to be found to be in priority need and unintentionally homeless.
Applicants who have nowhere to live, or have somewhere to live but it is unsuitable for their medical needs and cannot be made suitable through adaptions within a reasonable period of time and the living conditions has such a serious impact on the applicants health that it is life threatening and/or they are unable to carry out daily activities in their accommodation or access facilities such as bathroom, kitchen, inside or outside of their accommodation. See Appendix F for full details on how medical housing need will be assessed.
Applicants ready to be discharged from hospital who: have somewhere to live but their accommodation is unsuitable due to their medical needs and cannot be made suitable through adaptations because of cost effectiveness or structural difficulties or the property cannot be adapted within a reasonable amount of time. Applicants who have urgent need to move due to them having medical problems or disabilities that are being worsened by their current housing situation which is having a life threatening impact on their health. Specific

#### Band A – Very urgent need to move

<sup>&</sup>lt;sup>1</sup> Where the council has exercised its powers for homeless applicants who deliberately and unreasonably refuse to cooperate.

<sup>.....</sup> 

Criteria	Description
Harassment	Applicants where there is a threats to life of a member of a household or where the continued occupation of the household would pose a significant threat to the community and an approved risk assessment has been received by the police. Examples included in the full Allocation Policy.
Domestic Abuse	Applicants where there is evidence of domestic abuse where the threat means it is imminently not safe for an individual to remain in their present home – verification is required by the police, or other agency or body such as MARAC.
Armed Forces	Former, or serving, members of Her Majesty's Regular Armed Forces, or Reserves, who need to move because they are suffering from a serious injury, illness or disability which is attributable (wholly or partially) to their military service; Bereaved spouses or civil partners of members of Her Majesty's Regular Forces who have left or will be leaving services accommodation provided by the Ministry of Defence following the death of their spouse or civil partner and whose death was attributable (wholly or partially) to their military service.
Disaster or Emergency	Applicants whose homes are damaged by fire, flood or other disaster and it is not possible to repair the existing home, or if any work to repair is to take such a long period of time that there will be serious disruption to family life.
Care Leavers	A young person, who has been looked after, fostered or accommodated and has a duty of care accepted under the Children's Act 1989 who has been assessed as suitable for independent living with an agreed package of support from relevant support services. Further details on suitability of independent living and packages of support are outlined in the full Allocation Policy.
Entrenched Rough Sleepers	Applicants who have a history of entrenched rough sleeping and are being considered for immediate accommodation and are engaging with intensive floating support as the only means of being able to access accommodation provision within the Borough.

# **Band B -** (Urgent) Need to move (reasonable preference)

Criteria	Description
Acute Overcrowding	Where an applicant household is severely overcrowded defined as being either statutory overcrowded or requiring 2 or more additional bedrooms to reach the bedroom standard. See Appendix G for the definition of statutory overcrowding and bedroom standard.
Under Occupancy	Applicant is under- occupying a property by two or more bedrooms in accordance with statutory bedroom requirements. The bedroom standard, outlined in Appendix G, will be used to define under-occupancy.
Housing conditions including housing that poses a serious risk to health, safety or welfare	A property that has been assessed by a qualifying officer within the Council as having a serious health and safety hazard and the property is not suitable for occupation for more than a short period of time as a result, which has resulted in the Council taking enforcement action and the property condition, cannot reasonably be rectified by the owner within six months. This may include applicants who do not have access to essential bathing or cooking facilities or access to running hot water or electric or gas.
Demolition or Compulsory Purchase Order	Applicants whose property is subject to a demolition or Compulsory purchase Order for redevelopment.
Supported Accommodation Move On	Applicant is living in supported accommodation, including refuge and the Council has agreed a move on agreement with the housing provider. The applicant must demonstrate that they have the practical skills to sustain long-term independent accommodation and, where appropriate, have a support plan in place.
Foster Carers	Applicants approved as foster or adoptive parents who need to move to facilitate the placement of a child/children.
Releasing an Adapted Property	Transfer applicants residing in social housing that are releasing a property with major adaptations where the adaptations are no longer required and there is an identified housing need for the property. This excludes adaptations that do not alter the physical fabric of the building, for example, stair lifts, temporary ramping, ceiling track, hoists etc.

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Criteria	Description
Homeless Relief	Homeless applicants who are owed, or likely to be owed, the Section 189B Relief Duty for as long as that duty is owed to the applicant, and they would not be owed, or are unlikely to be owed, the main housing duty (Section 193(2) duty).
High Medical Need	Applicants whose current housing situation is having a serious detrimental, but not life threatening, impact on their health so that they require re-housing based on medical grounds. The housing condition must directly contribute to causing serious ill health and the condition of the property cannot be resolved within a reasonable period of time. Further details and examples can be found in the full Allocation Policy.
Domestic Abuse	Applicants who need to move due to threat of domestic abuse, violence or harassment but are not in immediate danger, as determined by an appropriate agency such as the police or MARAC.

# Band C – Housing need to move

Criteria	Description
Overcrowding	Applicants who require one additional bedroom in accordance with statutory bedroom requirements. See Appendix G for the definition of statutory overcrowding and bedroom standard.
Under Occupancy	Applicants who are under occupying their property by one bedroom in accordance with statutory bedroom requirements. The bedroom standard defined in Appendix 8 will be applied to assess under-occupancy.
Homeless Prevention	Applicants who are owed a Section 195 Prevention Duty by Stafford Borough Council for as long as that duty is owed to the applicant.
Armed Forces	Members of the Armed Forces persons who are serving in the regular forces who will be discharged within three months and have served for five years preceding their application as long as this has not been a dishonorable discharge and were previously resident within the Borough for at least six months or have close family that

Criteria	Description
	have lived in Stafford for at least three years.
	This includes those who are leaving the Armed Forces having received their notice of discharge date; or have left in the last five years, having been medically discharged in the last five years; or served the required minimum level of service. This does not include Discharge As Of Right (DAOR).
Sharing Facilities	Applicants, who are sharing facilities, such as a kitchen or bathroom, following an offer of accommodation from the local authority and/ or where the applicant has medical, care or support need that would benefit from self- contained accommodation.
Planned Move from insecure accommodation	Applicants who are living with family and friends whilst looking for alternative accommodation and would otherwise be at threat of homelessness or would be likely to be excluded.
	Note: Family and friends must agree that it is likely that the applicant can remain at the property for a minimum period of six months whilst they look for alternative accommodation or are waiting to see if they will be able to be nominated to a social housing property under this Policy.
Care and Support	Applicants who need to move to give or receive care and support that is substantial and ongoing.
	There must be demonstrable evidence accepted by the Council that the household, or an individual/s in that household, provides or receives substantial and on-going support to or from relatives or friends, This will only be considered where there are significant medical or welfare issues including grounds relating to disability where moving would prevent significant physical or psychological hardship.
Affordability	Applicants whose current accommodation is not affordable for them to sustain. Applicants must engage with the Housing Options Team to complete a detailed budgeting exercise, including addressing priority debts, maximising income and reducing expenditure. Applicants housing cost must exceed one third of their net income

Criteria	Description
	<b>and</b> priority outgoings must exceed income following budgeting assistance. The Housing Options Team may refer to an external agency to provide budgeting advice before awarding priority under this banding.
Hardship	Applicants who need to move to a particular locality in the district of the housing authority where failure to do so would cause hardship as they would not be able to take up specialist employment. Further details can be found in the full Allocation Policy.
Right To Move	Existing social tenants of accommodation in England who wish to exercise their Right to Move (using the Government's Right to Move regulations) to a social tenancy in Stafford Borough. Further details can be found in the full Allocation Policy.
Sheltered Accommodation	Older or disabled applicants assessed as requiring retirement, extra care or sheltered housing.

Band D – want to move (no reasonable preference)

Criteria	Description
Non- Violent	Applicants living separately with their ex-partner following
Relationship	a non-violent relationship breakdown.
Breakdown	
Intentionally Homeless	Applicants who have been found intentionally homeless in accordance with Part 7 of the Housing Act (as amended) and not owed a full homeless duty and meet the eligibility and qualification criteria. This award will only be for the period that the Council is under a section 190(2) intentional homeless duty, which is usually no longer than one month. Further details can be found in the full Allocation Policy.

#### Allocations in Exceptional Circumstances

Priority within a Band will be determined by the length of time the application has been placed in that Band and most allocations will be made to applicants in the highest band, and then by the time they have waited within that Band. In some circumstances an offer will be made to an applicant outside of the priority band and 'time registered' procedure. This is where there is an urgent need for an individual household to be housed or where there is an operational or financial need to house certain categories of applicants.

#### Applicants who deliberately worsen their housing situation

Where there is evidence that a customer has deliberately made their housing situation worse in order to gain a higher priority on the register, the assessment of their needs will be based on the circumstances before their situation changed through their deliberate worsening of their circumstances. Applicants will be informed in writing of this decision.

# 8 Review of the Waiting List

Applicants will be reviewed after being on the waiting list for six months. Applicants will be contacted on the last known contact details via email, or their preferred method of contact and asked to update to the Council of their housing situation within a reasonable period of time. It is the applicant's responsibility to keep their contact details up to date. Applicants who do not respond to the review request, or whose circumstances have changed so that they are no longer have a preference under the Allocation Policy or are no longer eligible, will have their circumstances updated or be removed from the waiting list accordingly. Applicants will be informed in writing and have the opportunity to review this decision.

If upon the Council's reassessment a lesser priority banding is given, the applicant will retain the original assessment date from when they first qualified for the Housing Register. The Housing Option Service will inform Stafford and Rural Homes of any banding changes, or decisions on eligibility for the waiting list accordingly.

## 9 Request for Review

Applicants have the right to information about decisions and right to review certain decisions made in accordance with their housing application. Decisions on review are final and can only be challenged by way of judicial review. Further details on the right to review and general provisions can be found in the full Allocation Policy.

#### Appendix A: A list of social housing providers in Stafford Borough

#### Aspire

Kingsley The Brampton Newcastle Under Lyne ST5 0QW Tel- 01782 635200

#### **Midland Heart**

20 Bath Row Park Central Birmingham B15 1LZ Tel- 03456020540

#### **South Staffs Housing Association**

Acton Court Acton Gate Stafford ST18 9AP Tel- 01785 312000

#### **Stafford and Rural Homes**

The Rurals, 1 Parker Court Dyson Way Staffordshire Technology Park Beaconside Stafford ST18 0WP Tel- 0800 111 4554

#### Wrekin Housing Trust

Colliers Way Old Park Telford TF3 4AW Tel- 01952 217100

#### **Bromford Housing Group**

1 Venture Court Broadlands Wolverhampton WV10 6TB Tel- 0330 1234 034

#### Sanctuary Housing

164 Birmingham Road West Bromwich B70 6QG Tel- 0800 1313348 or 0300 1233511

#### Staffordshire Housing Association

308 London Road Stoke On Trent ST4 5AB Tel- 01782 744533 Fax- 01782 744931

#### Walsall Housing Group

100 Hatherton Street Walsall WS1 1AB Tel – 0300 555 6666

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