

# **Breckland Council**

## **ALLOCATIONS POLICY**

This document sets out how Breckland Council, in partnership with Registered Providers with properties in the district, will allocate their properties through the 'Breckland Housing Allocations' Scheme

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## Chapter 1

### 1.1 Introduction

- 1.1.1 This Allocations Policy aims to ensure that all people, with a housing need, seeking social housing in the Breckland district can exercise some choice in deciding where they wish to live and in the type of property they would prefer.
- 1.1.2 The Allocations Policy enables Breckland Council to consider the individual needs of its applicants whilst making best use of the scarce resource of housing stock. The policy sets out:
- a) How to apply for housing.
  - b) Who will qualify to be accepted onto the housing register.
  - c) How priority for housing applicants will be assessed and rewarded.
  - d) What the decision-making processes are.
  - e) How homes will be offered and let.
- 1.1.3 You may view the Housing Allocations Scheme information and this allocations policy, at <https://brecklandhousing.co.uk/> or request a copy from the Council offices.

### 1.2 Objectives of the allocations policy

- a) To meet the legal requirements for the allocation of social housing as set out in the Housing Act 1996 (as amended).
- b) To assist applicants in the highest assessed need.
- c) To let properties in a fair and transparent way and provide a consistent allocations process.
- d) To make best use of housing stock.
- e) To ensure that applicants are not unlawfully discriminated against, whether directly or indirectly.
- f) To improve accessibility and support for vulnerable applicants.
- g) To provide increased choice and information to applicants.
- h) To provide information and feedback on homes that are let through the Housing Allocations scheme.
- i) To promote social inclusion and help achieve sustainable communities.
- j) To prevent homelessness and reduce the use of temporary accommodation through an effective prioritisation scheme.

### 1.3 Statement on choice

- 1.3.1 Breckland Council is fully committed to enabling applicants to play a more active role in choosing where they live, whilst continuing to house those in the greatest need in the district. The Housing Allocations system allows applicants to make a choice about the housing which will best meet their needs from the options that are available whilst still meeting the Council's statutory duties to those in greatest housing need.

## **1.4 Legal context**

- 1.4.1 All applicants for housing will be assessed to determine their eligibility to be placed on the housing register. This is to ensure homes are let to those in the highest assessed need and ensures that the Council meets its legal obligations as set out in the Housing Act 1996 (as amended).

This policy has also had regard to:

- a) Allocation of accommodation: guidance for local housing authorities in England, and
- b) The Public Sector Equalities Duty, and
- c) Section 17 of the Crime and Disorder Act, and
- d) Breckland Council's Housing Strategy, and
- e) Breckland Council's Homelessness & Rough Sleeping Strategy, and
- f) Breckland Council's Tenancy Strategy.

- 1.4.2 The law states that there are five groups of applicants where reasonable preference must be considered:

- a) People who are homeless (within the meaning of Part VII (7) of the Housing Act 1996 (as amended));
- b) People who are owed a duty by any local housing authority under section 190(2), 193(2), or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3);
- c) People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- d) People who need to move on medical or welfare grounds (including grounds relating to a disability);
- e) People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

- 1.4.3 The Allocations Policy has been designed to ensure applicants who fall into the above reasonable preference categories will be awarded reasonable preference.

- 1.4.4 Every application received by Breckland Council will be considered according to the facts that are unique to that application as Breckland Council recognises that every applicant's situation is different. Applications will be considered on an individual basis and individual circumstances will be taken into account. However, all allocations will be made in accordance with this allocations policy.

## **1.5 Equal opportunities and diversity**

- 1.5.1 The Allocations Policy will be responsive, accessible and sensitive to the needs of all by having regard to the protected characteristics in the Equality Act 2010.

Breckland Council is committed to promoting equality of opportunity and will ensure that all applicants are treated fairly and without unlawful discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In addition, Breckland Council is committed to the aims of the Public Sector Equality Duty (2011):

- a) Removing or minimising disadvantages suffered by people due to their protected characteristics.
- b) Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- c) Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Breckland Council also has due regard to the commitments made in Article 14 of the Human Rights Act (1998) as it relates to the service provided.

## **1.6 The Welfare of Children**

- 1.6.1 Breckland Council will ensure that decisions made under this allocations policy have regard to the need to safeguard and promote the welfare of children, taking into account Section 11 of The Children's Act and the Public Sector Equality Duty.
- 1.6.2 Breckland Council will also have regard to the Children & Social Work Act 2017 as relates to the local arrangements for safeguarding and promoting welfare of children.

## **1.7 The Welfare of Adults**

- 1.7.1 Breckland Council will have regard to the Care Act 2014, which includes provisions for adults at risk of abuse or neglect.

## **1.8 Monitoring and reviewing the Allocations Policy**

- 1.8.1 Breckland Council will monitor the operation of the Allocations Policy by regularly reviewing the policy to ensure that the policy meets its stated objectives and complies with legislative changes.

## Chapter 2

### 2.1 How to apply to the housing register

- 2.1.1 Customer's housing needs are initially triaged by a Housing Solutions Officer through a telephone or face to face interview. This enables appropriate advice and intervention to be provided at the earliest opportunity. If the customer is eligible for and qualifies for the housing register and they agree it is appropriate to make an application, an appointment will be made for a full application interview with an officer.
- 2.1.2 An applicant may include anyone on their application who may reasonably be expected to live with them as part of their household.
- 2.1.3 Where two applicants wish to have a shared application they will be known as joint applicants. If an applicant lists a partner on their application, it will be assumed that the partner is a joint applicant unless either party advises the Council otherwise.
- 2.1.4 Breckland Council will assess an application at interview and will request information and supporting evidence beforehand so that the applicant's eligibility and housing need can be confirmed. This will normally be expected to be provided before or at the interview and if the applicant has not provided this then the interview could be rearranged. Breckland Council will verify the information provided and if it is not provided within a set timescale, the application will be cancelled.
- 2.1.5 Applications will only be accepted on to the register where:
- a) The applicant is eligible for an allocation of social housing (see Chapter 3); and
  - b) The applicant qualifies for an allocation of social housing. (See sections 3.2 to 3.4).

If they have not been accepted onto the housing register the Council will set out the reasons for this decision and will provide information about the review process (see Chapter 6).

### 2.2 Date of registration

The registration date of an application will be the date that all the information and documents are received to enable an application to be fully assessed.

### 2.3 Date in band

- 2.3.1 The principle of the policy is that normally no applicant should overtake existing applicants in a band. Therefore, applicants will be placed within a band in date order.
- a) **New applications:** the date in band will be the same as the applicant's date of registration. Where supporting documents have been requested and are not provided within the requested timescale but still accepted at the discretion of the Council, the date in band will be the date the documents were received.

- b) **Change of circumstances which results in a higher band assessment:** the date in band will be the date the applicant provides evidence of the change of circumstances leading to the award of a higher priority band.

2.3.2 When applicants move down bands due to a change in their circumstances the following applies:

- a) **Returning to a band that they were previously placed in:** the date in band reverts to the date that applied when the applicant was previously in that band.
- b) **Moving into a lower band they have not previously been placed in:** the date in band will be the date that the application was first placed into a higher band. In most circumstances, this is likely to be their date of registration.

## 2.4 **Armed Forces personnel – date in band.**

2.4.1 Additional priority will be awarded to the following categories of people:

- a) serving members of the regular forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
- b) former members of the regular forces (veterans). Note: A veteran is someone who has received 1 days' pay as a member of the Regular Armed Forces (not reserves).
- c) bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.
- d) existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service.

2.4.2 Additional priority will be awarded to the above categories of people by awarding their application the appropriate priority band, as set out in this allocations policy, and backdating their date in band by a period of six months. This will have the effect of raising their priority above applicants in similar circumstances who have not undertaken military service. This additional priority is awarded to meet the expectations set out in the Armed Forces Covenant and national guidance.

2.4.3 Current members of the Armed Forces may also request that this additional priority be applied to their housing application six months prior to the date when they are due to leave military service. Appropriate evidence of the end to military service will be required.

## 2.5 **Supported Housing Residents – date in band**

2.5.1 Residents of supported housing in Breckland, or who have been referred to supported housing outside Breckland by a Breckland Council Housing Officer, who are ready to move on, will have their application backdated by 6 months from the date that evidence is provided to show that they are ready to move on.

## **2.6 Multiple applications**

- 2.6.1 An applicant can have only one active application on the housing register at any time either as a lead applicant or a household member.

## **2.7 Change of circumstances**

- 2.7.1 Where an applicant registered with Breckland Council has a change in their circumstances they must promptly inform Breckland Council. They can do this through their Key Select account or by contacting the housing team direct. Changes of circumstances will be assessed based on the new circumstances. Examples of change of circumstances are detailed below, although this list is not exhaustive.

- a) Change of address
- b) People joining or leaving the household
- c) Pregnancy/birth of a child
- d) Relationship breakdown
- e) Change to the medical circumstances of anyone included on the application
- f) Death of a household member
- g) Death of a joint applicant
- h) A member of the household now applying in their own right

## **2.8 Applicant's consent and declaration**

- 2.8.1 When an applicant applies for housing, they will be required to confirm their understanding of, or sign a declaration to confirm that:

- a) The information they have provided is true, accurate and complete.
- b) They will promptly inform Breckland Council of any change in circumstances.
- c) They understand that information will be shared with other agencies.
- d) They consent to Breckland Council making enquiries of any relevant persons to confirm the information on the application form is correct including previous or current landlords and other local authorities.
- e) They consent to the release of any relevant information either to Breckland Council held by third parties, or by Breckland Council to third parties.
- f) The information provided may be used to help in the detection and prevention of fraud.

- 2.8.2 Breckland Council may take legal action against applicants who withhold or provide false information regarding their housing application. Where an applicant has been offered a property as a result of providing false information, this offer will be withdrawn. Where an applicant has been let a property as a result of providing false information, their landlord may take court action to obtain possession of the property.

## **2.9 Data protection**

- 2.9.1 When an applicant applies for housing, Breckland Council will only seek information that they require to assess the application and the applicant's housing needs. Information supplied by the applicant may be shared amongst participating officers, landlords and support agencies. The applicant will confirm their consent to this via the declaration when registering for the scheme. Breckland Council's

policy on Data Protection is available on request and can be found on the Council's website.

## **2.10 Application review**

2.10.1 Regular reviews will be undertaken to check that applicants have been bidding for properties and that information provided is up to date. Those applicants who have not bid on a property within the last 6 months will be contacted and advised that they are to be removed from the register.

2.10.2 Applicants wishing to remain on the register must contact the Council to explain why they have not been bidding. Only where there is a justifiable reason for non-bidding, for example needing an adapted property or an accepted requirement to be in a specific location and no properties having been available within the 6-month period will an applicant be allowed to remain on the register.

2.10.3 If there is no response within 28 days of contacting an applicant who has not been bidding, the application will be deemed to have been cancelled and the customer notified of this in writing.

## **2.11 Cancelling an application**

2.11.1 An application will be cancelled from the housing register in the following circumstances:

- a) At the applicant's request.
- b) If the applicant becomes ineligible for housing (see s.3.2).
- c) If the applicant no longer falls within a qualifying class of applicant (see s.3.3).
- d) When the applicant has been adequately and appropriately housed including into the private sector.
- e) Where an applicant does not maintain their application through the review process, or where they move and do not provide a contact address.
- f) Where the applicant purchases a property/shared ownership property.
- g) When an applicant fails to bid in a 6-month period and provides no justifiable reason for not bidding.
- h) Where the applicant has died.

2.11.2 When an application is cancelled we will write to the applicant or their representative to notify them. Where an applicant has been highlighted as vulnerable, Breckland Council will contact the applicant to verify their circumstances before cancelling the application. Any applicant whose application has been cancelled has the right to ask for a review of the decision, (see Chapter 6).

2.11.3 Where an applicant wishes to apply to the housing register again at a later date their new date of registration will be the date they re-apply.

## Chapter 3

### 3.1 Who can be accepted onto the housing register?

- 3.1.1 The Council can allocate housing to anyone who qualifies for an allocation if they are eligible under the Housing Act 1996.
- 3.1.2 The Council cannot allocate housing to two or more persons jointly if one of them is ineligible.

### 3.2 Eligible applicants

- 3.2.1 Breckland Council is required, by law, to decide that certain applicants are ineligible for an allocation of social housing. Eligibility can change with a change of immigration status and therefore the Council will keep an applicant's eligibility for housing under review. Applicants are responsible for informing the Council of any change in their immigration status.
- 3.2.2 Applicants whose immigration status makes them ineligible to be considered on the register will be notified in writing of the decision and the reason for the decision. If an applicant is accepted on to the register, but subsequently becomes ineligible, their housing application will be cancelled, and the applicant notified. Applicants found to be ineligible have a right to ask for a review of the decision (see Chapter 6).
- 3.2.3 Where an eligible applicant includes people who are ineligible as part of their household the Council can, in deciding who forms part of the applicant's household for the purposes of housing allocation:
  - (a) Have regard to the fact that members of a person's household would not be eligible for accommodation in their own right
  - (b) Have regard to the fact that an ineligible person is not permitted to have recourse to public funds.
  - (c) Conclude that an ineligible person does not form part of the household.

### 3.3 Qualifying categories of applicants

- 3.3.1 Breckland is an area where the demand for social housing far exceeds the supply. For this reason only those applicants who meet the local connection criteria will qualify to join the housing register (see s.3.4).
- 3.3.2 Applicants will not qualify to join the housing register if they are considered to be unsuitable to be a tenant because of unacceptable behaviour (see s.3.5).
- 3.3.3 Applicants will not qualify to join the housing register if they are adequately housed, as assessed by an officer (i.e. if they do not meet the Emergency, Gold or Silver Band criteria) unless they are applying for a specific Exceptions Site Scheme where this will be enabled for a specified length of time (see 4.5.5.b)
- 3.3.4 Applicants will not qualify to join the housing register if they own a property, including in another country, other than in exceptional circumstances that must be agreed by the Housing Manager or the Housing Solutions Team Manager.
- 3.3.5 Applicants will not qualify to join the housing register if they have sufficient financial resources to resolve their housing situation themselves through

purchasing a property or renting privately. There may be exceptions to this in some cases. See Appendix D for further guidance. Excluded from the above financial assessment will be any member of the Armed Forces who has received a lump sum as compensation for an injury or disability sustained on active service.

### **3.4 Connection to the local area criteria**

3.4.1 An applicant will be considered to have a connection with Breckland Council and accepted onto the housing register if they meet one of the following criteria:

- (a) Has lived in the district continuously for the preceding 3 years; or
- (b) Has lived in the district for at least 3 out of the last 5 years; or
- (c) Has a contract of permanent employment within the district; or
- (d) Has a close family connection\* with someone who currently lives in the district and has done so for 3 or more years and needs to move to either provide or receive essential care and support that cannot be given by anyone else. This must be evidenced and the decision regarding this lies with a Breckland officer.

\* Close family connection is defined as a person who is a parent, spouse, civil partner, child or sibling of the applicant or someone who, in the opinion of the Council, has a relationship with the applicant that can be construed as a close family connection even though not related by blood.

3.4.2 The only exceptions to these criteria are:

- a. Homeless applicants (whereby the local connection criteria as laid down by the Housing Act 1996 as amended by the Homelessness Act 2002 would apply).
- b. The applicant was placed or relocated outside the district due to illness, need for temporary accommodation, military service, provision of care or other exceptional circumstances and needs to return to live in the district.
- c. The applicant needs to relocate from another district to escape violence or harm (this includes those who need to move for witness protection).
- d. The applicant needs to relocate to the district to receive support to rehabilitate and integrate back into the community.
- e. The applicant, as defined by the Allocation of Housing (qualification Criteria for Armed Forces) (England) Regulations 2012 (SI2012/1869), is
  - a person currently serving in the regular forces or who has served in the regular forces at any time in the five years preceding their application; or
  - a bereaved spouse or civil partner of a person serving in the regular forces where their entitlement to accommodation with the Ministry of Defence has ceased and the death of that person was wholly or partly attributable to that person's service; or
  - an existing or former member of the reserve forces who has suffered from a serious injury, illness or disability which is wholly or partly attributable to their service.
- f. The applicant is an existing social housing tenant (in England) who is employed within Breckland, or who has an offer of permanent employment

within Breckland and a genuine intention to take up the offer and has a reasonable preference to move to the area to avoid hardship.

- g. Where the applicant occupies supported housing in the Breckland district or outside of the district and were referred there by Breckland's Housing Team, and it has been determined by their support worker that they are ready to move on. This will be subject to receiving a satisfactory move on report and a housing risk assessment from the supported housing provider. These two documents must verify the applicant's capacity for independent living.

### 3.4.3 Exceptional circumstances

In rare and exceptional circumstances, a decision to allow an applicant on to the register can be taken by the Housing Manager or Housing Solutions Team Manager.

## 3.5 Applicants with a history of unacceptable behaviour

- 3.5.1 Where an applicant or a member of their household has a history of behaviour which, in the opinion of Breckland Council, is unacceptable and makes the applicant currently unsuitable to be a tenant the Council may decide that the applicant does not qualify to be accepted onto the housing register. Unacceptable behaviour can include (but is not limited to) domestic or other abuse, harassment, anti-social behaviour, drug dealing or other criminal activity, failing to maintain or repair their home or associated garden or garage, noise nuisance or tenancy related debt. The decision will be made by a senior officer.
- 3.5.2 When considering whether an applicant with a history of unacceptable behaviour qualifies to be accepted on the housing register or not, the Council will consider the nature of the behaviour, when it took place, the length of time that has elapsed since and whether there has been any change in circumstances which would show that the applicant or member of the applicant's household had amended their behaviour so that they are considered suitable to become a tenant. Guidance on this is detailed in Appendix C.
- 3.5.3 If the Council decides that an applicant does not qualify to be accepted on the housing register because the applicant or a member of their household has a history of unacceptable behaviour that makes them unsuitable to be a tenant at the time of application, the applicant will be informed in writing of this decision and the reasons for the decision. They will also be informed how they can become a qualifying person, for example, by putting in place an arrangement to make payments towards rent arrears and adhering to this for a minimum length of time, or by the applicant showing that the circumstances or behaviour that made them unsuitable to be a tenant, has changed. Guidance on this is detailed in Appendix C.
- 3.5.4 If an applicant is accepted on to the register but a change in their behaviour means that they are no longer a qualifying person, their housing application will be cancelled and the applicant will be notified in writing of this decision with the reasons for the decision. The decision that an applicant does not qualify for the housing register or an allocation may occur at the time of joining the housing register, at any time during the life of the application, at the time the applicant is allocated a property, or when the applicant has bid and has been short-listed for a property. The Housing Officer will make the decision.

3.5.5 Applicants considered as not qualifying due to unacceptable behaviour have a right to ask for a review of the decision (see Chapter 6).

### **3.6 16 and 17 year olds**

3.6.1 16 and 17 year olds cannot normally apply to the housing register. The exception is 17 year olds who are looked after children in local authority care and who are working with Children's Services, in conjunction with a Breckland Housing Solutions Officer, on a housing plan for when they turn 18. This application can be made up to 6 months in advance of their 18th birthday, but any offer of accommodation will be subject to appropriate trustee arrangements being in place, showing that they will be supported in the tenancy and that the level of support is appropriate for their needs. The trustee could be a family member, adult friend, or a professional body e.g. Life After Care services.

3.6.2 Anyone approaching the Council who is under 18 years old will be referred to a housing officer for advice regarding their housing rights and options and may be referred for supported housing for young people.

## **Chapter 4**

### **4.0 Assessment of housing need**

#### **4.1 Legal background**

4.1.1 All eligible and qualifying applicants will be placed in a housing needs band following an assessment of their household's needs. This is to ensure that Breckland Council meets its legal obligations as set out in the Housing Act 1996 (as amended).

#### **4.2 Advice and information**

4.2.1 Breckland Council will ensure that advice and information on how to apply for housing in Breckland is available free of charge to everyone. If applicants are likely to have difficulty in making an application without assistance, then the Council will make any necessary assistance they require available.

#### **4.3 Assessment of housing need**

4.3.1 Assessments of housing needs are based on an applicant's current housing circumstances. Assessments will be completed by housing officers of Breckland Council in accordance with this allocations policy. Assessments that relate to medical conditions will take into account the information provided by medical professionals but will be made by a Breckland Housing Officer.

#### **4.4 Local allocations criteria**

4.4.1 Some properties are built to meet identified local needs of a particular parish or community and have local lettings criteria attached to them. Preference will be given to applicants who have a local connection meeting those criteria as stated in the planning agreement. This criteria will be highlighted in the property. Specific allocations will be made on the basis of housing needs as assessed by the Council.

4.4.2 Other than developments on exception sites, local lettings criteria will be determined having regard to the general housing needs of the Breckland District. Where a property has local area connection criteria attached to it through a local allocations plan or s.106 agreement, then these properties will be let in line with the criteria within the allocations plan or the s.106 agreement. This may differ from the connection to the local area criteria contained within this allocations policy and will be mentioned in the property advert.

#### **4.5 Housing needs bands**

4.5.1 Eligible and qualifying applicants will be placed in one of the following four bands in date order. Applicants placed in the Emergency Band will have the highest assessed need, followed by Gold, Silver and with Bronze Band being the lowest. If the household circumstances meet more than one of the criteria the highest band need will be awarded. There is no provision for bands increasing due to multiple needs.

##### **4.5.2 Emergency Band: Urgent priority**

Emergency banding is only awarded in urgent circumstances and will require significant evidence to support this.

Applicants with the following circumstances will be placed into the Emergency Band:

**a) Urgent medical need**

An urgent medical priority will be awarded where the officer concludes that the applicant or household member has a severe medical condition or disability that is made substantially worse by their current housing. This would normally include people whose life is at risk due to their current housing conditions or who cannot access bathing and cooking facilities because of the type of accommodation they live in and it cannot be adapted for them in a reasonable timescale.

Priority will be given depending on how unsuitable the current accommodation is in relation to their medical or disability needs. The assessment is not purely based on the applicant's health conditions.

The following are only examples of circumstances that **may** qualify (but not in all circumstances) for an urgent medical need award:

- Those who, on leaving hospital, either have nowhere to live or have somewhere to live but it is unsuitable for their medical needs and cannot be made suitable through adaptations.
- Those who have somewhere to live but it is unsuitable for their medical needs and cannot be made suitable through adaptations because of cost effectiveness, structural difficulties or the property cannot be adapted within a reasonable amount of time. Applicants will be individually assessed.
- Where an applicant's condition is life threatening and the existing accommodation is a major contributory factor.
- Where an applicant's health is so severely affected by the accommodation that it is likely to become life threatening.

**b) Homeless households (Main homelessness duty owed under s.193 (2) of the Housing Act 1996 as amended)**

Where Breckland Council has accepted a duty under s193 (2) of the Housing Act 1996 (as amended) and this duty has not been ended.

**c) Other exceptional cases**

Other exceptional and extreme cases as agreed by a senior officer.

**4.5.3 Gold Band – High Priority**

**a) Applicants owed a Prevention or Relief duty (under s, 189a or 189B of the Housing Act 1996 (as amended))**

Where an applicant is threatened with homelessness within 56 days, Breckland Council will work with the applicant to try and prevent their homelessness. Those applicants, who the Council have reason to believe would be owed the main duty in the event of a homelessness application and would have a local connection, will be placed in Gold Band whilst the prevention measures are being pursued and the applicants are actively co-operating with the prevention work being done.

Where homelessness prevention has not been possible and an applicant becomes homeless, they will be owed a relief duty. Those applicants, who the Council have

reason to believe would be owed the main duty in the event of a homelessness application and would have a local connection, will remain in Gold Band during this time.

This priority will no longer apply once the prevention and relief duties have ended and applicants will be re-assessed on their housing circumstances.

### **b) High Medical Need**

A high medical priority will be awarded where the assessment concludes that the applicant or household member has a serious medical condition or disability that is made substantially worse by their current housing, but who are not housebound or whose life is not at risk due to their current housing. However, their housing conditions directly contribute to causing serious ill health and the condition of the property cannot be resolved within a reasonable period of time.

Circumstances will be assessed and may need to be referred to a relevant health care professional, depending upon the circumstances. The following are only examples of cases that **may** qualify (but not in all circumstances) for a high medical need award:

- The applicant's accommodation is directly contributing to the deterioration of the applicant's health, such as a severe chest condition, requiring intermittent hospitalisation because of chronic dampness in the accommodation.
- Children with severe conditions such as autism, or cerebral palsy, where their long-term needs cannot be met without suitable accommodation and the current home is not considered suitable.
- A member of the household seeking accommodation is disabled and re-housing will enable that person to overcome physical barriers created by current accommodation e.g. steps and stairs.
- A person with a severe disability requiring substantial adaptations to a property which is not, and cannot be provided for in their current accommodation.
- A person with a terminal illness or long-term debilitating condition whose current accommodation is not having a significant impact on their condition but where their quality of life would be significantly improved by moving to alternative suitable accommodation.
- A person suffering with a diagnosed mental illness where the medical condition would be significantly improved by a move to alternative accommodation.

The decision on this assessment and priority will always be made by a Housing Officer and not by any other organisation.

### **c) High Health & Safety Risk**

The condition of the applicant's current accommodation has been assessed by Breckland Council's Private Sector Housing Team using the Housing Health and Safety Rating System as posing a high health and safety risk to them or members of their household. This will apply where the assessment has identified that the applicant is living in a property, the condition of which places them or members of their household at a high risk of harm as identified in the assessment, (usually a Category 1 hazard), which cannot be remedied in a reasonable time and where the

health and safety risk has not been caused intentionally by the applicant or a member of the applicant's household who will continue to live with them. The reasonable timescale will be agreed with the Private Sector Housing Team.

#### **d) Under-occupancy by two or more bedrooms or release of adapted property**

Where an existing housing association tenant living within Breckland:

- a) Is assessed as having two or more bedrooms that are not required by the household (see s.5.4).
- b) Where a property has been adapted and the adaptations are no longer required. For example, if the person requiring the adaptations has moved or died.

#### **e) Lacking two or more bedrooms**

The household is assessed as lacking two or more bedrooms than they currently have (see s.5.4). This can include where family members could reasonably be expected to live together but live apart due to lack of space.

#### **f) Applicants with a high need to move due to harassment, threat of violence or abuse**

This will be awarded where Breckland Council has investigated and identified that the applicant or a member of their household is being subjected to harassment or other conduct that will be improved by a move (but not where the applicant would be considered homeless under homelessness legislation) to alternative accommodation. Harassment might be, but is not limited to, harassment due to, race, sex, gender reassignment, sexual orientation, mental health, physical disability, learning disability, religion, domestic abuse or harassment by a former partner or associated persons.

#### **g) Young people with high needs**

This will include:

- a) Young people leaving local authority care where a young person has been referred as part of their pathway plan for leaving care and have been engaging with the Housing Solutions team.
- b) Households containing a child or young person for whom another Authority has requested assistance under the Children's Act 1989, section 27, and where a Housing Solutions Officer considers that assistance to be appropriate.
- c) Applicants for whom another Authority has requested assistance under the Care Act 2014 and where a Housing Solutions Officer considers that assistance to be appropriate.

#### **h) Current supported housing resident**

Applicants leaving Social Services care or other supported accommodation, and are ready to move to a permanent home of their own. This will be subject to receiving a satisfactory move on report and a housing risk assessment form from the accommodation provider. These two documents must verify the applicant's capacity for independent living.

If the applicant needs an on-going support package to allow them to live independently, confirmation that this will be put in place will also be required from

the proposed support provider. The date that this priority is awarded (date in Gold Band) will be the date that the resident is ready to move to independent living, as recommended by their support worker and then backdated by 6 months.

#### **4.5.4 Silver Band – Medium Priority**

##### **a) Other homeless households**

Applicants who are:

- a) Owed a s195 prevention or s189(b) relief duty but where the Council believe the applicant would be unlikely to be owed the main s193(2) housing duty if the relief duty were to come to an end unsuccessfully.
- b) No longer owed a prevention or relief duty.
- c) Where the relief duty has come to an end unsuccessfully and the applicant has been determined to be intentionally homeless.
- d) Where the relief duty has ended unsuccessfully, and it has been determined that the applicant is not owed the main duty as they are not in priority need.
- e) Applicants who are owed the s193C(4) duty where the s189B relief duty has been ended due to the applicant's deliberate non-cooperation.
- f) Owed a main homelessness duty by another local authority but has a local connection as defined in this policy.
- g) The household is homeless and in priority need but has been classed as intentionally homeless.

Applicants assessed as 'Other homelessness' will not be awarded additional priority on any other accommodation related factors. Applicants given this priority will have their application reviewed on the anniversary of the decision, unless there is a change in their circumstances in the meantime.

##### **b) Under-occupancy by one bedroom**

This priority will be applied where an existing housing association tenant is assessed as having one bedroom more than required by the household (see s.5.4) and they are willing to move to a smaller property commensurate with their needs.

##### **c) Lacking one bedroom**

This priority will be applied where the household is assessed as lacking one bedroom based on the bedroom calculation in (see s.5.4). This can include where family members could reasonably be expected to live together but live apart due to lack of space. This includes applicants who do not have a bedroom at all and are, for example, sleeping in a living room.

##### **d) Medium medical need**

Medium medical need will be awarded where an applicant has a medical condition or disability that is affected significantly by their housing circumstances, not at a critical or serious impact level but a move would be likely to improve their quality of life.

##### **e) Need to move for social or welfare reasons**

This priority will be applied where Breckland Council has assessed the applicant's need to move for social or welfare reasons and they can evidence that their

circumstances will be improved by rehousing and their need is significant but not over riding.

Examples where a social need to move may apply may include where an applicant:

- a) Needs to move to Breckland to give or receive support, and a proven level of support is required and can be given
- b) Has found employment in the Breckland Council area and needs to move closer to work, or will otherwise lose their employment, or suffer hardship
- c) Has staying contact with a child/children and is living in accommodation where the child/children are not allowed to stay overnight.
- d) Is living in a first floor or above property and has children less than 5 years of age as part of their household or is more than 24 weeks pregnant.

#### **f) Housing conditions**

This priority will be given to households with children under 18 years old who either don't have or share an essential facility with people outside their household or family. It will not be awarded if they are sharing with family members who are not part of their application or if they're sharing a tenancy with friends.

Essential facilities are:

- a) A living room
- b) Kitchen
- c) Bathroom

In addition, even if not sharing facilities a-c above, priority will be awarded if the property is in disrepair and is detrimental to the health and wellbeing of the resident, following a Housing Health and Safety Rating System assessment by a Private Sector Housing Officer (A high Category 2 hazard band D or E) and they assess that work cannot be undertaken in a reasonable timescale to alleviate it.

Priority will not be awarded if there has been a subsequent remedial action to remove any identified hazards or if it is planned within a reasonable timescale, as agreed by the Private Sector Housing Officer and Housing Solutions Officer. Where priority has been awarded in this category and subsequent remedial action has taken place, the application will be reassessed.

If any of the property issues are found to be attributable to the applicant's behaviour/lifestyle, then no additional priority can be awarded.

#### **g) Foster Carers**

Applicants who require a larger property due to being accepted as foster carers and this is verified by Social Services in writing.

#### **h) Sleeping rough and/or Sofa Surfing**

Applicants with no identified priority need who have been verified by the Council as having no settled accommodation and are 'rough sleeping' or 'sofa surfing'.

This priority will be applied where it has been verified that an applicant is sleeping rough and has no other accommodation available to them. This priority will not be awarded when accommodation is available to the applicant, including a reasonable placement in temporary accommodation or in supported housing, but the applicant chooses not to take up this offer.

#### **4.5.5 Bronze Band – Low/No priority**

##### **a) Intentionally worsening housing circumstances**

If an applicant is assessed as having intentionally worsened their circumstances, the effect of which would be to improve their housing priority irrespective of whether they had prior knowledge of the allocations policy, their level of housing need will be assessed on the basis of their previous accommodation, or previous circumstances at their current accommodation.

Applicants found to have intentionally worsened their circumstances have a right to ask for a review of the decision (see Chapter 6).

##### **b) Exceptions sites with local connection restrictions**

Applicants for properties on exceptions sites where priority is given to people with a local connection to a parish in which the properties are situated. Bronze Band will be awarded to them if they do not meet any of the urgent or reasonable preference criteria in Emergency, Gold or Silver but meet the 1st level of the cascade in the planning agreement. This will apply only to bids for these properties and for a time limited period until they are let.

##### **c) Reduced preference**

An applicant will be given reduced preference if the Council is satisfied they:

- Are a current or former tenant of any landlord with rent arrears but these are not at a level where possession action would normally be taken or there are other housing related debts owed to the landlord or Council.
- Are a current or former tenant of any landlord and who has failed to maintain the rented property in a proper and reasonable condition or has otherwise breached their tenancy conditions but where possession action would not normally be taken.

Appendix E provides guidance on what an applicant should do and evidence in order to be given relevant additional preference again.

In exceptional circumstances, applicants will be given additional preference despite meeting one of the criteria outlined above. Examples of where this may be appropriate are:

- Where a scheme landlord seeks discretion as current rent arrears are caused by welfare reform due to under-occupation and the applicant is seeking to downsize, is keeping to a repayment arrangement and is working with the landlord to address arrears.
- Where a person is fleeing violence and has rent arrears.

#### **4.6 Officer review for Emergency Band applicants**

- 4.6.1 Where an applicant has held Emergency Band status for two months or more from their applicable date in band or the applicant has refused one reasonable suitable offer of accommodation for the applicant and their household or has made no attempt to bid for accommodation Breckland Council may carry out a review of their circumstances. This will result in either:

- a) A direct let – usually for statutorily homeless applicants living in temporary accommodation.
- b) Priority being maintained, if there are valid reasons.
- c) Moving into a lower priority band if the circumstances under which they were placed in Emergency Band no longer apply.

## Chapter 5

### 5.0 Assessment information and criteria

#### 5.1 Transfer applicants

- 5.1.1 Transfer applicants are those applicants who are tenants of a Council or housing association property in the UK who wish to move to alternative accommodation.

#### 5.2 Homeless applications

- 5.2.1 Applicants who are already on the housing register will be assessed according to the stage of their homelessness application (see s.4) and any previous banding will not apply.
- 5.2.2 When a decision has been made by Breckland Council that an applicant is owed a main homelessness duty under s.193(2) of the Housing Act 1996 (as amended) their application will be placed and remain in Emergency Band until that duty is brought to an end (See s.4.6 (g)).
- 5.2.3 An applicant who is statutorily homeless or threatened with homelessness but deemed not to have a priority need will be placed in Silver Band (unless other circumstances are such that they are eligible for placement within a different band).
- 5.2.4 Applicants who have been assessed as being in priority need but are intentionally homeless will be assessed as having Silver Band status in line with 4.5.4. If an applicant has intentionally worsened their circumstances the housing needs assessment will take this into account (see s.4.5.5).

#### 5.3 Bedroom requirement guidelines

- 5.3.1 Bedroom requirements are generally determined in line with the Local Housing Allowance (LHA) regulations and these regulations will be applied when calculating bedroom requirements in overcrowding and under-occupancy assessments. They will also be used when calculating the size of property (number of bedrooms in the property) that an applicant will be able to bid on and eligible to be offered through the letting process.

Bedroom requirements are determined by the applicant's size of household. Ineligible household members may not be included (see paragraph 3.2.3). Generally, the LHA regulations allow one bedroom each for:

- a) Every adult couple
- b) Any other adult aged 16 or over
- c) Any two children (aged under 16) of the same sex
- d) Any two children, regardless of sex, under the age of 10
- e) Any other child aged under 16
- f) A non-resident carer (claimant/partner or child have disability and need overnight care)

Applicants requiring help in calculating their bedroom entitlement can use the Directgov online bedroom entitlement calculator at <https://lha-direct.voa.gov.uk/BedRoomCalculator.aspx>.

If, in exceptional circumstances, the Council considers that a room designated by a landlord as a bedroom is not capable of being used as a bedroom, they may re-assess overcrowding for the household.

- 5.3.2 Single and joint applicants of pensionable age may be eligible to be considered for one- and two-bedroom properties considered to be housing for older people.
- 5.3.3 A pregnant person's unborn child will be taken into account for the purposes of calculating bedroom need once the pregnancy has reached 26 weeks.
- 5.3.4 A Housing Solutions Officer may take into account any medical and/or disability needs when assessing whether, or not, a household has sufficient numbers of bedrooms for their circumstances but the final decision lies with the Housing Officer. This will include the possible need for an additional bedroom for an overnight carer. Statutory and legislative provisions relating to overcrowding will also be taken into account.
- 5.3.5 In order to ensure efficient use of available housing stock or to protect vulnerable applicants' allocations may be made outside of these criteria as circumstances dictate.

#### **5.4 Staying contact with children**

- 5.4.1 Breckland Council understands the importance of children spending quality time with both parents in their respective homes and want to support this wherever possible. Therefore, parents who are not considered the 'main carers', for example, they do not receive the child benefit or if they do not have the children stay with them for more than 50% of the week, are able to apply for both a property size that would give them one additional bedroom for their child(ren) and one that would not. This would normally mean being eligible for both 1 or 2 bedroom properties but it could be a different combination, allowing one additional bedroom.

As with all housing register applications, proof will be required of this need.

It is also important that the rent is affordable and landlords need to take this into account when letting properties. The ultimate decision on whether to offer and let the larger property to the applicant will lie with the landlord and will be dependent on their own policies and/or an affordability check. Any incident of a property not being offered for this reason would result in a conversation with the applicant about what is realistic at that time.

#### **5.5 Medical, disability and welfare needs assessments**

- 5.5.1 Medical and disability assessments will be carried out for any applicants who believe that their medical condition or disability is affected by their current accommodation. The applicant will be required to provide information from a medical professional, detailing the effect that their current accommodation has on their medical condition or disability and how a move would have a positive impact. This information will be taken into account, but the decision lies with the relevant officer in the housing team and not other organisations. The need for carers to stay overnight will also be taken into account when determining bedroom need.
- 5.5.2 Each welfare case is considered on its own merits and the nature of the condition/situation and seriousness of its impact on the applicant will determine

the priority awarded to the application. Account will be taken of information and assessments made by other professionals in support of the application, but the final decision lies with the with the relevant officer in the housing team and not other organisations.

## **5.6 Property condition – unfitness**

- 5.6.1 To be awarded priority as a result of the condition of the property an assessment will need to be carried out in line with the Housing Health and Safety Rating System and any other statutory or legislative provisions as may be relevant.
- 5.6.2 Where statutory provision exists to remedy poor physical housing conditions this will be enforced so the physical state of any current accommodation may not affect any individual applicant's banding.

## **5.7 Harassment and domestic abuse**

- 5.7.1 Where the applicant is a victim of harassment, domestic abuse or anti-social behaviour, Breckland Council will offer advice and support to assist applicants in identifying possible ways of resolving their situation. Officers will engage with other services and support providers to enable applicants to stay safely in their homes, if this is suitable.

## **5.8 Applicant subject to Multi Agency Public Protection Arrangements, (MAPPA)**

- 5.8.1 Where an applicant is subject to Multi Agency Public Protection Arrangements (MAPPA), Breckland Council will liaise with the panel to ensure an appropriate housing solution to meet the needs of the applicant and the community.

## **5.9 Direct Lets**

- 5.9.1 Most properties will be advertised through the Housing Allocations scheme. However, some properties may, occasionally, be let directly to applicants and these properties will be let outside of the allocation scheme. The list below gives some examples of where this may happen, but this is not exhaustive. The decision is taken by a senior officer in conjunction with the Registered Provider.
  - a) Where an applicant in Relief Duty (Gold Band) or Main Duty (Emergency Band) has not bid on a property within 56 days of their band start date and suitable properties were available for them to bid for.
  - b) Where a property is needed urgently to deal with an emergency or to provide temporary accommodation for a homeless family.
  - c) Where an allocation is required to ensure protection of the public, for example, following a decision made by a Multi-Agency Public Protection Panel meeting or to fulfil agreements made with offender management services, or where a customer has been referred as part of the witness protection scheme
  - d) Properties that have been purchased under the Local Authority Housing Fund for Afghan and Ukrainian refugees will not be advertised and will be let directly. This is detailed at Appendix F.
  - e) Properties that have been built and acquired through the Rough Sleeper Accommodation Project scheme will be let directly to people who have been sleeping rough and are engaged with the Breckland Rough Sleeper Team.
- 5.9.2 Direct lets will be made based on a suitable property becoming available. Where a property becomes available that is suitable for more than one applicant with a

direct let status, the date applicants were awarded a direct let status will be used as a deciding factor in deciding to whom the property will be let.

## **5.10 Offers and direct lets to homeless applicants**

5.10.1 Where homeless applicants in Emergency Band, who are owed a main homelessness duty by Breckland Council (under s.193(2) of the Housing Act 1996 (as amended)), have not been offered a tenancy through the bidding process at the point at which the Council has accepted the main homelessness duty, the Council reserves the right to make a direct let of a property, either in the social or private rented sector, under the Council's policy on discharging homelessness duties. However, Breckland Council will normally only do a direct let through the scheme as detailed in 5.10, where the applicant has not bid on suitable properties within a 56 day period.

5.10.2 The main homelessness duty will come to an end, and a homeless applicant loses their priority under this section, when any of the circumstances within s.193(6) or (7) of the Housing Act 1996 Act (as amended) are met. This will include an applicant:

- a) Accepting an offer of accommodation made through the Housing Allocations scheme; or
- b) Accepting an offer made through the direct let process within the policy (see s.5.10 above); or
- c) Accepting a suitable offer of accommodation in the private rented sector in line with section 193 of the Housing Act 1996 (as amended) and the Homelessness (Suitability of Accommodation) (England) Order 2012; or
- d) Having been informed of the possible consequences of refusal and the right to request a review of the suitability of the accommodation, refuses a reasonable offer of suitable accommodation made through the direct let process.

S. 193(6) of the Housing Act 1996 Act (as amended) gives the full circumstances under which the main homelessness duty comes to an end.

5.10.3 Where a homeless applicant is to be allocated a property through the direct let process or an offer through the bidding process Breckland Council has responsibility for determining the suitability of any allocation. They will do this by assessing the household's particular needs and circumstances within the context of the general housing conditions in the area.

5.10.4 Where a homeless applicant is offered suitable accommodation through a direct let or through the bidding process, but does not feel that this offer is suitable; they have the right to request a review of the decision that the offer is suitable. For details of the review process (see Chapter 6).

5.10.5 As the property does not have to remain available during the review of the suitability and reasonableness of a direct let, homeless applicants are advised to accept and move in to the accommodation pending the decision on review. If the review outcome is unsuccessful for the applicant they will still have accommodation to live in whilst they consider their further options.

5.10.6 If a homeless applicant refuses a direct let or an offer through the bidding process and it is then deemed suitable at review, the main homelessness duty will come to an end. They will also have to vacate any temporary accommodation that is being provided. The housing register application will be re-assessed based on the new circumstances of the applicant.

5.10.7 If, on reviewing an applicant's refusal of a direct let or an offer through the bidding process, the property offered is considered to be unreasonable or unsuitable, the duty under s.193 (2) will continue and the applicant will be made a further offer of suitable accommodation.

### **5.11 Applicants who require a specific size, type or adapted property.**

5.11.1 Where an applicant requires a specific size, type or adapted property, they will be placed in the appropriate housing needs band, but may be offered a direct let if Breckland Council have a shortage of suitable properties. For example:

- a) An applicant requires a very large property to accommodate their household.
- b) An applicant requires a property of a specific type in a specific area of the district.
- c) An applicant requires a property with specific adaptations and such a property becomes available.
- d) Where an applicant is willing to move to release a property larger than required to meet their housing needs.

### **5.12 Housing for older people (also known as sheltered housing or independent living)**

5.12.1 Housing for older people will be advertised through the Housing Allocations scheme. Sheltered properties have an age criteria set by the landlord who owns the scheme. Some properties are specifically developed for persons aged over 55 or 60 and will be prioritised to applicants over this age. In exceptional circumstances a younger person with particular support needs, which are not able to be met elsewhere, may be allocated such accommodation. This will be achieved via a direct let.

### **5.13 Extra care properties**

5.13.1 Extra care properties are for older people who need the additional support services that are provided. Extra care properties are not advertised through the Housing Allocations Scheme. Applications should be made directly to Norfolk County Council.

### **5.14 Refusals of direct lets**

5.14.1 Where an applicant (other than a person owed the main homelessness duty) refuses a reasonable offer of a direct let a senior officer will review the reasons for the refusal and the applicant may lose any housing priority they held, dependent on the reasons for the offer refusal. Applicants have the right to ask for a review of this decision (see Chapter 6).

### **5.15 Local Lettings plans**

5.15.1 Some properties are built to meet identified local needs of a particular parish or community and have local lettings criteria attached to them. Preference will be given to applicants who have a local connection meeting those criteria as stated in the planning agreement. These agreements will be highlighted in the property advert and available to read on the Housing Allocations website. Specific

allocations will be made based on housing needs as assessed by the Council. Other than developments on exception sites, local lettings criteria will be determined in consultation with the Portfolio Member for Housing and the Housing Manager having regard to the general housing needs of the Breckland District.

## **5.16 Allocations on specified sites in neighbourhood areas**

- 5.16.1 Across Breckland a number of local communities have proactively sought to develop 'neighbourhood plans'. These plans enable local communities to set a vision for the future of their local areas. Breckland Council is keen to support communities that adopt neighbourhood plans that set a positive vision for their local area. Matters relating to housing provision are often key considerations in the minds of local communities. This is especially the case in relation to affordable housing. In order to meet local housing needs, a number of communities are developing neighbourhood plans that seek to support additional sustainable housing growth, above and beyond that planned for by the local planning authority.

Where a community adopts a neighbourhood plan that facilitates additional housing supply by allocating sites within their neighbourhood plan for housing over and above those sites already allocated by the local authority to meet the district wide need, Breckland Council will, in relation to any affordable housing secured on those additional named and allocated sites, give preference to applicants with a local connection to the Parish, subject to the requirement to give reasonable preference as detailed in this policy. This approach will only be applied where it is supported by corresponding policies within an adopted neighbourhood plan. The housing types will be agreed in conjunction with the landlord and the local authority, taking into account matters relating to evidence of housing need, development viability, deliverability and prevailing local and national policy. The nomination arrangements relating to individual sites will be captured in specific lettings agreements, which will run with the identified properties for the lifetime of the development.

Matters of eligibility and priority will be determined in accordance with the full provisions of this allocations policy.

## **5.17 Sensitive Lets**

- 5.17.1 On occasion landlords may request some properties to be advertised as sensitive lets. This may be because of anti-social behaviour problems in the area and the need to ensure the right mix of tenants in an area. Sensitive lets will be agreed between the landlord and senior officer and this will be included in the property advert details. This may result in applicants on the top of the short list being bypassed for a more appropriate applicant. Occasionally a road or an area will be identified for sensitive lets and this will be time limited, with a set review date.

## **5.18 Decisions outside the scope of the Allocations Policy**

5.18.1 The following decisions are made outside of Part 6 of the Housing Act 1996 (as amended), and are outside the scope of the Allocations Policy:

- a) Succession on a tenant's death; or
- b) Assignment by way of a mutual exchange; or
- c) Assignment to a person who would be qualified to succeed to the tenancy on the tenant's death; or
- d) Transfer of the tenancy by a court under family law provisions; or
- e) An order made under the Civil Partnership Act 2004, or
- f) Transfers initiated by the Local Housing Authority
- g) Acceptance of a surrender and regranting of tenancy to another partner

5.18.2 The provisions of part 6 of the Housing Act 1996 do not apply to an allocation of housing accommodation to a person who is already a social housing tenant unless the allocation involves a transfer of housing accommodation for that person and is made on his application and where there are strong welfare grounds for the applicant being close to those persons or where it is necessary for an applicant to geographically relocate from another area on grounds of personal safety. Decisions in exceptional circumstances will be taken a senior officer.

## **Chapter 6**

### **6.1 Reviews of decisions**

6.1.1 Breckland Council will carry out reviews of assessment decisions as required.

6.1.2 Examples of circumstances that may be reviewed include:

- a) Emergency housing status
- b) Moving people up a band or down a band
- c) Priority assessments, in complex cases.
- d) Housing people in different accommodation to designated need size
- e) Low priority decisions
- f) Direct lets
- g) Being restricted from bidding

The above list is not exhaustive.

### **6.2 Statutory reviews**

6.2.1 An applicant has the right to request a review of certain decisions made under part 6 of the Housing Act 1996 (as amended). These are:

- a) Decisions about the facts of the applicant's case which are likely to be, or have been, taken into account in considering whether to accept onto the housing register or to allocate housing accommodation to the applicant.
- b) Lack of any reasonable preference based on previous behaviour s167(2C) Housing Act 1996 (as amended).
- c) Ineligibility for an allocation based on immigration status s160ZA (9)
- d) Decisions that an applicant does not qualify for entry on to the housing register (see sections 3.3 to 3.5).

6.2.2 Decision letters issued in respect of housing applications will advise the applicant of their right to request a review and provide appropriate guidance on how to do this. An applicant can obtain further details of the review procedure from Breckland Council.

6.2.3 A request for a review of a decision can be made in writing or verbally to a member of staff at Breckland Council. The request should be made within 21 days following the notification of the decision. The request should include information that the applicant believes has not been taken into account that further supports the original application or is new information. Reviews will normally be considered within 56 days of the request being received but may be completed sooner. The applicant will receive a written response outlining the result of the review.

6.2.4 An applicant may only have a decision reviewed once. If an applicant is still unhappy following the review of a decision, they can make a complaint through the Council's complaints procedure, contact the Housing Ombudsman Service or seek further advice from, for example, the Citizens Advice Bureau.

6.2.5 Reviews will be undertaken by a senior officer who was not involved in the original decision and who is senior to the decision-making officer. In the case of a transferring tenant, the current Landlord will be invited to be involved in the decision making. A response to a review request will be made within 28 days.

### **6.3 Homeless reviews**

- 6.3.1 Homeless applicants have the right to request a review of certain decisions made by Breckland Council in respect of their homeless application. Within the context of the Council's allocations policy this includes the decision to bring to an end the homelessness relief or main homelessness duty by making a suitable offer of permanent accommodation through the housing register through the direct let process or in the private rented sector (see s.5.11).
- 6.3.2 If an applicant wishes to ask for the review of the Council's decision following a homeless application, they must request this within 21 days of the date of the decision letter.
- 6.3.3 If an applicant wishes to request a review of the reasonableness of an offer or the suitability of the property, this must be made within 21 days of notification of a decision to make the offer. Late review requests can be considered under exceptional circumstances at the discretion of the Council.
- 6.3.4 Applicants who request reviews of decisions about suitability of accommodation will be advised to accept and move into accommodation pending the outcome of their review request. If the review goes in their favour alternative accommodation will be provided as quickly as possible. However, if the reasonableness and suitability of the offer is upheld the applicant will still have accommodation to live in whilst they consider their further options.
- 6.3.5 The applicant has the right of appeal to the county court if they are dissatisfied with the decision on a review.

### **6.4 The Local Government Ombudsman**

- 6.4.1 The Local Government Ombudsman investigates complaints of injustice arising from maladministration by local authorities and other bodies. They can be asked to investigate complaints about most Council matters including housing.
- 6.4.2 If an applicant is not satisfied with the action the Council has taken, and has exhausted the Council's own complaints procedure, they can send a written complaint to the ombudsman.
- 6.4.3 The Local Government Ombudsman can be contacted at:  
Local Government Ombudsman  
The Oaks No 2  
Westwood Way, Westwood Business Park  
Coventry CV4 8JB  
Tel: 024 7682 0000  
Website: [www.lgo.org.uk](http://www.lgo.org.uk)

If an applicant wishes to make a complaint against a housing association, they should contact:

The Housing Ombudsman Service  
Norman House  
105 -109 Strand  
London WC2R 0AA  
Tel: 08457 125 973  
Website: [www.ihos.org.uk](http://www.ihos.org.uk)

## **Chapter 7**

### **7.1 Advertising and letting of accommodation**

- 7.1.1 Properties will be advertised through the Housing Allocations scheme. The advertising will be carried out on a regular basis and for specific periods of time, known as advertising cycles.
- 7.1.2 A minimum of 80% of social housing within Breckland is let via Breckland's Housing Allocations scheme, landlords retain the right to allocate 20% of their vacant properties outside of this Housing Allocations scheme. This is subject to any specific nomination agreements which may set a higher or lower figure for particular developments.
- 7.1.3 The Council reserves the right to expand, change or alter any element of Breckland Housing Allocations Policy and Scheme as and when required to meet changes in housing need, capacity, operational exigencies, resources and legislation.

### **7.2 Labelling property adverts**

- 7.2.1 All adverts will include a description of the property and any other relevant information, for example rent charge, property size, length and type of tenancy, local facilities, disabled adaptations or if the property is housing for older people. The property will be labelled to show who is able to express an interest in it (known as bidding), for example, where a local connection is required, or if there is an age restriction on the property.
- 7.2.2 Applicants should check the information contained in the property advert labelling to see if they qualify to be considered for the property.

### **7.3 Bedroom requirements**

- 7.3.1 Bedroom requirements will generally be determined in line with the Local Housing Allowance (LHA) regulations (see s.5.4).
- 7.3.2 Landlords may choose to allow the under-occupation of certain properties including those that they advertise. The property advert will explain this on those properties the landlord is willing to under-occupy. Where a landlord is willing to allow under-occupation, this will generally be by allowing an applicant to be considered for one bedroom more than their assessed Local Housing Allowance (LHA) entitlement (for example allowing applicants with an assessed two bedroom LHA need to be considered for a 3-bedroom property). All households bidding for these properties and meeting the labelling criteria will be considered in line with the shortlisting criteria contained in 7.4.1 below.
- 7.3.3 Where a landlord is willing to allow under-occupation an affordability assessment will be completed to ensure that the applicant being considered for the property is able to meet rent payments. If the applicant is assessed as being unable to afford the rent payments the landlord may bypass them on the shortlist.
- 7.3.4 Applicants who live in 4 or 5 or 6 bedroom housing association properties but are under-occupying by 2,3, 4 or 5 bedrooms can be considered eligible for a property though the scheme that would give them one extra bedroom more than their needs. This would be following an affordability assessment.

## **7.4 Applying for properties**

- 7.4.1 Applicants apply for properties by placing a bid on them during the weekly advertising cycle. They can view all properties on the Key Select website but can only apply for properties that they are eligible for.
- 7.4.2 Applicants can bid for up to two properties per weekly cycle. If they, or someone supporting them, are not able to access the online website, they can ask to have auto-bidding set up for them. This means that the system will automatically place bids for them on properties that they are eligible for, in the broad areas of their choice, at the end of the cycle, if they have not already placed bids themselves.
- 7.4.3 In some cases, where the Council believes there is a risk to the safety of the applicant or a member of their household, or there is a risk to the safety of other people, the Council will restrict the choice of areas for which the applicant can bid for and reserves the right to make bids for the applicant and withdraw any bids the applicant makes in unsuitable areas.
- 7.4.4 Applicants in Gold Band for Homelessness Relief or Emergency Band for Homelessness Main Duty are expected to apply for all suitable properties each week (up to the maximum of two). If they have not done this by the last day of the advertising cycle, their officer will contact them and discuss which properties are suitable for them. If an officer considers a property or properties to be suitable for them, they will ask the applicant to place a bid(s) or they will do it for them.

## **7.5 Shortlisting**

- 7.5.1 After the end of an advertising cycle a shortlist of applicants bidding for the property and meeting the labelling criteria will be produced. Applicants will be ranked in order of their priority band with Emergency Band above Gold Band, Gold Band above Silver Band and Silver Band above Bronze Band. Where more than one applicant in the same priority band appears on the shortlist, they will be ranked in date order as determined by their date in band (see 2.3).
- 7.5.2 In circumstances where there is more than one applicant in the same band with the same date in band, the applicant with the earliest registration date will appear higher on the shortlist. If there is more than one applicant with the same band, date in band and registration date an officer will make an allocation decision based on the best use of the housing stock and needs of the applicants.
- 7.5.3 Applicants are recommended to consider carefully which properties they bid for, as once they appear at the top of one shortlist they will be required to identify their preferred property and will only be considered for that property. There are some exceptions to this which are set out in Section 13 on the Offer Process
- 7.5.4 When a shortlist of applicants is completed the landlord of the available property may offer an accompanied viewing of the property to a group of the highest priority applicants. This is to ensure that if the applicant who tops the shortlist decides not to take the tenancy, the property can be quickly offered to the next person on the shortlist.
- 7.5.5 After viewing the property the applicant at the top of the shortlist will be given 24 hours to accept or refuse the offer. If an applicant is offered a tenancy (verbally or in writing) and does not reply to accept that offer within the deadline given, the landlord will take this as a refusal of the offer. If the offer is refused the next

person on the shortlist will be offered the property. The landlord will work down the shortlist in order.

- 7.5.6 In exceptional circumstances an officer may make a decision to bypass an applicant on a shortlist, for example, if, in doing so, the offer could put a vulnerable person at risk of any harm. Any such decisions will be explained fully to the applicant in writing by the landlord making the decision and agreed with Breckland Council.

## **7.6 Formal offer of the property**

- 7.6.1 Once the applicant has confirmed their acceptance of the tenancy the landlord of the property will write to confirm the formal offer of the tenancy. The Housing Allocations system will then not allow that applicant to be considered for any further properties and once the tenancy starts their housing register application will be cancelled.
- 7.6.2 Applicants who have been successfully rehoused through the Breckland Housing Allocations scheme will not be eligible to apply again within 12 months of their tenancy start date unless their circumstances have considerably changed leading to a housing needs assessment banding of Emergency, Gold or Silver.
- 7.6.3 Once the property is ready to let the landlord of the property will complete the tenancy sign up.

## **7.7 Withdrawal of offers**

- 7.7.1 In exceptional circumstances an offer of a property may be withdrawn, for example if:
- a) There has been a change in the applicants' circumstances
  - b) The successful applicant has rent arrears or other housing related debts that they had not previously disclosed
  - c) Following verification the applicant is not eligible for the property
  - d) An error has been made in the advertising criteria
  - e) An offer of accommodation could put a vulnerable person at risk of any harm
  - f) The property is no longer available to let

## **7.8 Refusing an offer of accommodation**

- 7.8.1 If an applicant unreasonably refuses an offer of a property their application will be reassessed to determine their need.

## **7.9 Allocations to staff, Council members or their family members**

- 7.9.1 Members of staff and elected Members, including their close families, seeking housing within Breckland may apply for housing in the same way as other applicants. Their status should be disclosed at the earliest opportunity at the time of applying. Before such an applicant is given a banding or an allocation of property, approval will be sought from the Housing Manager at Breckland Council.

## **Chapter 8**

### **8.0 Confidentiality and access to information**

#### **8.1 Applicants' rights to information**

- 8.1.1 Applicants have the right to request such general information as will enable them to assess:
- a. How their application is likely to be treated under the allocations policy (including whether they are likely to be regarded as a member of a group of people who are to be given preference by this policy, (see Chapter 3)
  - b. Whether housing accommodation appropriate to their needs is likely to be made available to them.
- 8.1.2 Applicants have the right to request information held about their application which is likely to be, or has been, taken into account when considering whether to allocate them housing.

#### **8.2 Data protection**

- 8.2.1 When an applicant applies to the Housing Allocations scheme the Council will only ask for information that they need to assess their eligibility and housing needs. The Council will only collect and keep data in accordance with the Council's guidelines on handling personal, sensitive personal or special categories of personal data.
- 8.2.2 These guidelines are in accordance with the national regulations which cover both electronic and manual records and the govern everything we do with the data, including collecting, storing, using and disposing of it.
- 8.2.3 Personal, sensitive personal or special categories of personal data held about applicants will not be disclosed to third parties apart from:
- a) Where the individual who is the subject of the confidential information has consented to the disclosure
  - b) Where disclosure is made in accordance with an information sharing protocol that complies with the Information Commissioner Office's current data sharing code of practice
  - c) Where the Council or a partner organisation is required by law to make such disclosures

#### **8.3 Requesting information**

- 8.3.1 Applicants are able to request copies of the information held regarding their application. Please note that we cannot provide you with personal information about other people if doing so will breach the regulations.

## Appendix A

### GLOSSARY OF TERMS

**Adapted properties** – a property that has been adapted for an applicant with disabilities.

**Advertising cycle** – how often properties are advertised and available to make a bid on.

**Advertised** - properties that are advertised and are available for applicants to bid for through Housing Allocations.

**Age restrictions** - where a property is labelled, as only being available to applicants of a certain age.

**Application number** - a unique housing register number generated by the computer system.

**Bedroom eligibility** - how many bedrooms a household is assessed as needing.

**Bid** – the process used by applicants in registering an interest in an available property.

**Choice based allocations (CBL)** - a method of allocating social and affordable homes which have become available for letting by openly advertising them, and allowing applicants to bid for these.

**Customer/applicant** - is either a tenant of a partner organisation or a housing applicant on the Housing Register.

**Date of registration** - the date an application form is registered with the Council.

**Date in band** - the date an application is placed in a housing needs band and used as the applicable date when shortlisting.

**Direct let** - a property that is offered directly to an applicant, without them having to bid.

**Domestic violence/abuse** - is threatening behaviour, violence or abuse (physical, psychological, sexual, financial or emotional) by a partner, former partner or a family member.

**Housing options** - looking at the number of ways in which an applicant or customer might be assisted and supported to find a solution to their housing needs. Housing options may include private rented accommodation, mutual exchange, or even a help to buy product.

**Housing register** - a list of those requesting, eligible and qualifying for housing.

**Housing related debts** - are defined as recoverable current rent arrears, former tenant arrears, outstanding re-chargeable repairs, current and former housing related service charge arrears and court costs. They do not include Council Tax debts or Housing Benefit overpayments.

**Joint application** - where more than one applicant applies to join the housing register on one application form.

**Labelling properties** - describing who is eligible to bid for a property and if there will be a preference applied.

**Local Connection** - The connection an applicant has to the area.

**Local elected members** - a group of elected members also known as Councillors.

**LSVT landlord** - Large Scale Voluntary Transfer, where a local authority has sold its housing stock to a Registered Provider

**Mutual exchange** - a scheme which allows two social housing tenants to swap their homes.

**Registered Providers** - also known as housing associations. These are social landlords who also provide social and affordable rented homes for which applicants/customers can bid for through the Housing Allocations scheme.

**Regular Forces** - Means the Royal Navy, the Royal Marines, Her Majesty's regular army or the Royal Air Force

**Reserve Forces** - Means the Royal Fleet Reserve, the Royal Naval Reserve, the Royal Marines Reserve, the Army Reserve, the Regular Reserves, the Royal Air Force Reserve or the Royal Auxiliary Air Force

**Transferring tenant** - an applicant who is currently a tenant of a local authority or registered provider and who wishes to move.

## **Appendix B**

### **Scheme Partner Landlords**

- Victory Homes
- Cotman Housing Association
- Orbit Housing Association
- Havebury Housing Association
- Hastoe Housing Society
- Metropolitan Housing
- Sage Housing
- Sanctuary Housing Association
- Orwell Housing Association
- Saffron Housing Trust
- V&F Homes
- Samphire Homes
- Clarion Housing
- Habinteg
- Legal and General
- Places for People

## Appendix C

### Non-Qualification for the Housing Register

The Council, scheme landlords and Breckland residents have a right to expect certain standards of behaviour. The Council has the power to determine whether, in its opinion, applicants or members of their household have been guilty of unacceptable behaviour serious enough to determine that they should be disqualified from the Home Options scheme at the time of application.

Some examples of the type of behaviour that could mean that an applicant does not qualify for the Housing Register are:

- Existing serious rent arrears or other tenancy related debt which, in the Council's view, would entitle the landlord to a possession order, where the applicant does not have a payment plan in place or where one exists and they have not been keeping to the arrangement for 12 months.
- A history of anti-social behaviour which, in the Council's view, would entitle the landlord to a possession order and where a substantial period of time has not elapsed without issue.

#### Guidance on level of housing related debt for disqualification:

An applicant will not qualify for the housing register if they have the equivalent of 6 months or more of the rent or service charges that were due when they were in a tenancy. There is not a financial figure attached to this as the amount will vary depending on the amount that the applicant was liable for.

An applicant will not qualify for the housing register if they have £1,000 or more of other tenancy related debt (for example, for damage to the property).

#### How to qualify for the Housing Register

##### Housing related debt

Applicants will not be considered for qualification again until they have a repayment plan in place and have adhered to it for a minimum of twelve months, or the rent account or debt is cleared, whichever is sooner. If the debts relate to a former tenancy it is expected that the applicant can evidence a minimum six months settled accommodation with an up to date rent account and no tenancy issues.

The onus is on the applicant to contact the Council and provide the evidence to support their application being reassessed.

Where the Council assesses that, in the cases above, an applicant becomes eligible for the Housing Register, but they have not finished paying the debt, a reduced preference (bronze band) will apply for so long as the debt exists, unless the Council owes a homelessness relief or a main housing duty to the applicant.

##### Anti-social behaviour

Where an applicant does not qualify through their behaviour and is seeking a review of the decision, they must be able to evidence that they have successfully addressed the issue

which caused them not to qualify. This would be through either successfully maintaining an independent tenancy or living independently for an appropriate length of time and demonstrating that there have been no recurrences of that behaviour or any other which would affect their ability to manage a tenancy.

In such instances the appropriate period of time will relate to the severity of the issue and will be confirmed to the applicant at the point they are advised that they do not qualify.

Exceptional circumstances will be taken into account, the applicant's individual circumstances will be fully considered and the case treated on its own merits.

## Appendix D

### Guidance on Sufficient Financial Resources

An applicant will not normally qualify for the Housing Register if they have sufficient financial resources to secure accommodation through purchasing a property (shared ownership or on the open market) or renting one privately. This is because social housing for rent is a scarce resource that must be prioritised for those who are in the greatest need and cannot afford any other alternative.

#### Savings

In line with other legislation relating to benefits entitlement, any applicant with savings of £16,000 or more will not be eligible for the housing register. There will be some rare exceptions to this and these decisions taken by a senior officer.

As part of the application process bank account and savings details must be provided and, if it is found that an applicant has recently held £16,000 or more in their account and has spent or transferred large amounts on non-priority debts the applicant will normally be considered to have deliberately worsened their circumstances and will be placed in the Bronze Band. This decision will be made by a senior officer.

#### Income

If an applicant's income is great enough to enable them to rent privately they will not normally qualify for the housing register. This takes into account the income of the whole household.

The figures below will be updated annually based on average rents in Norfolk on [home.co.uk](http://home.co.uk), assuming a net income of 2.5 times the monthly rent is required. This will be reviewed every 6 months.

<b>Bedroom need</b>	<b>Average net monthly income</b>	<b>Average net annual income</b>
1 bedroom	£2,125	£25,500
2 bedrooms	£2,585	£31,000
3 bedrooms	£3,085	£37,020
4 bedroom	£4,297	£51,570

## Appendix E

### Guidance on Reduced Preference

An applicant will be given reduced preference if the Council is satisfied they:

- Are a current or former tenant of any landlord with rent arrears but these are not at a level where possession action would normally be taken or there are other housing related debts owed to the landlord or Council below £1,000.
- Are a current or former tenant of any landlord who has failed to maintain a rented property in a proper and reasonable condition or has otherwise breached their tenancy conditions but where possession action would not normally be taken.

The applicant will be informed, in writing, of the decision to place them into the Reduced Preference Band and of what they must do in order to be given additional preference again. The aim of this is to encourage good payment habits and the acceptance of responsibility for previous behaviour, demonstrating a willingness to be a responsible tenant in the future.

The applicant will normally be required to have a repayment plan in a place and have kept to it for 6 months or to have fully paid the debt, whichever is sooner. This will be provided in writing to the applicant.

The applicant must provide evidence of this to Breckland Council and the onus is on the applicant to instigate this. Until this is provided, the applicant will remain in Bronze Band, unless agreed by a senior officer.

For reduced preference reasons that relate to anti-social behaviour, which does not warrant non-qualification for the housing register, the applicant must demonstrate a period of settled housing without any incidences. This period will be agreed at the time of application, by a senior officer, and will be provided in writing to the applicant. In some exceptional circumstances a different agreement will be reached and signed off by a senior officer.

## **Appendix F**

### **Local Authority Housing Fund Scheme Lettings Plan**

The Council has been allocated grant funding by central government through the Local Authority Housing Fund to acquire affordable homes to provide more sustainable accommodation for Ukrainian and Afghan households who have arrived via certain resettlement schemes and are in housing need. This local letting plan sets out how these homes will be allocated in accordance with funding requirements.

#### **Background**

The Local Authority Housing Fund aims to ensure resettlement schemes offering sanctuary to those fleeing conflict provide sufficient longer-term accommodation to those they support and to help to relieve housing pressures for Councils who have welcomed substantial numbers of Ukrainian refugees. This is also so that Councils are not disadvantaged by increased pressures from these arrivals on the existing housing and homelessness systems, particularly when sponsorship/family placements/bridging accommodation arrangements come to an end.

The fund will also enable effective resettlement and economic integration of the eligible households and deliver accommodation which can be used to support wider local authority housing and homelessness responsibilities to UK nationals after usage by these households.

#### **Homes for Ukrainian Households**

Funding has been allocated to acquire 13 homes, initially, to meet housing need from eligible Ukrainian Households.

#### Eligibility

Eligible Households for these properties will meet the following criteria

- Households will have an active housing application through the Council's Housing Register
- Households will have leave to enter or remain in the UK via Appendix Ukraine of the UK Immigration Rules, namely one of the following schemes
  - Ukraine Family Visa Scheme,
  - Homes for Ukraine or the
  - Ukraine Extension Scheme
- Households will be either homeless, at risk of homelessness or live in unsuitable accommodation

#### Lettings

Due to the limited eligibility for properties, allocations will be via direct lets rather than advertising via Breckland Key Select.

Properties will be matched to households whose household size and make up match the house type of the property according to the Housing Allocations Policy.

Eligible Households will be prioritised based on their banding and relevant date on the housing register in line with normal allocations.

#### Type of tenancies

Eligible Ukrainians will have been granted limited leave to enter or remain for a period of up to 36 months. There is no condition or endorsement restricting their entitlement to public funds and they are eligible for housing assistance for the duration of their leave to enter or remain. However, if further leave to remain is not granted, they may lose the Right to Rent.

Therefore, Breckland Council will offer fixed term tenancies to these households to reflect their tenants' period of leave to enter or remain. This approach will apply to all households with limited leave to remain nominated through the housing register, regardless of whether the nomination is linked to the Local Authority Housing Fund.

### **Homes for Afghan Households**

Funding has been allocated to acquire 2 homes, initially, for eligible Afghan households. These properties are required to have at least 4 bedrooms due to the average size of eligible Afghan households.

#### Eligibility

Eligible households for these properties will meet the following criteria

- Households will have entered the UK via one of the following schemes
  - Afghan Citizen Resettlement Scheme (ACRS),
  - Afghan Relocations and Assistance Policy (ARAP)
- Households will be currently accommodated in Home Office Bridging Accommodation

#### Lettings

Allocations will be via direct lets rather than advertising in the normal manner. Eligible Households will be identified and nominated by Norfolk County Council's People From Abroad Team who will liaise with the Home Office and who co-ordinate the resettlement schemes across the county and provide outreach support.

Prospective nominees will be required to apply to the Housing Register and supply all relevant documentation.

#### Type of tenancies

Eligible Afghan households will have Indefinite Leave to Enter or Remain in the UK. Therefore, they will be offered the same type of tenancy that the Council would offer to any other tenants in line with the tenancy policy at the time.

### **Relets**

Where a property funded through the LAHF scheme becomes vacant during the duration of this lettings plan, further allocations will be made in accordance with this lettings plan. If no eligible households are identified, the property will be let in accordance with the normal provisions of the Social Housing Allocations Policy

This will apply to the relet of any properties funded via the scheme rather than relets of homes from existing stock that are used to meet the need of eligible households.

### **Review Arrangements**

This lettings plan will be reviewed after 2 years. At this point the level of housing need within the eligible households in the borough will be assessed and the letting plan may be extended for a further 12 months