

# **Breckland Council Allocations Policy**

## **1. Introduction**

Housing Authorities are required by the Housing Act 1996 s166A (as amended by the Homelessness Reduction Act) and the Localism Act (2011)) to have an allocation scheme for determining the priorities and defining the procedures to be followed in allocating affordable housing accommodation.

The allocation of affordable housing is undertaken by the Housing Options team within the Council in partnership with Registered Providers of affordable housing e.g. Housing Associations.

The Allocation Policy sets out who can access the housing register and how accommodation is allocated within the District.

In delivering our Allocations Policy we will seek to meet the following objectives:-

- To operate a scheme which is open, fair, and consistent within the District
- To improve accessibility and services for vulnerable applicants
- To allow applicants to understand and control their housing situation so they may make informed decisions on their housing options
- To enable access to a wide range of housing options, services and advice to find the best solution to meet particular needs
- To prevent homelessness and reduce the use of temporary accommodation through an effective prioritisation scheme
- To make best use of the housing stock within the District
- To be compliant with current legislation

## **Our approach to choice**

Breckland Council operates a system to allow choice to be made by applicants in meeting their housing need through Breckland Key Select. The 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.

## **Breckland Key Select**

When an applicant has been accepted onto the housing register, they will be able to view properties which landlords are advertising on the system. The advertisements will provide details of the property, the rent to be charged and the tenure the property is offered under. Applicants will then be able to apply/bid for the property of their choice as long as they meet the relevant qualifying criteria.

At the close of the bidding round the Landlord will consider the shortlist of applicants and select the applicant in the highest need, reflected by band, who has been

waiting the longest period of time in that band. Feedback on the bidding cycles as to the successful lets of the properties is published on the Breckland Key Select website.

## **How to apply to Breckland Key Select**

Under the Localism Act 2011 Breckland Council has taken the opportunity to restrict access to the housing register to those with a local connection to the area, (see section 5 below), and to prioritise those in the most housing need. The supply of affordable housing does not currently meet the demand, making housing a scarce resource which needs to be targeted at those in the greatest housing need.

Access to the housing register will be via an application through the Key select website. For potential applicants unable to utilise this facility a telephone application may be accepted. Special arrangements will be made for potential applicants unable to access Key Select through these routes. Housing Options Officers will be able to provide immediate advice and assistance in cases of urgent housing need.

The Housing Options team can provide guidance on a full range of housing options and will offer realistic advice in terms of chances of success.

On registering a successful property bid, a review and verification process of the applicant's application will be carried out. This process will ensure that the application is compliant with the eligibility criteria and that the application had been correctly banded as detailed within this policy.

This process may require the applicant to provide supporting information as requested by the verifying officer; the applicant will have three working days in which to provide the requested information.

In the event that the application cannot be verified, either because the information has not been provided as requested within the above timescale, or that the information provided does not support the housing application, the allocation will be refused and the second highest bidder contacted and application verified as above.

On refusing an allocation based on unsatisfactory verification, an applicant can request a review of this decision which will be carried out within 1 working day of the appeal being received. This review will be carried out by an impartial and more senior officer.

Further verification of an applicant's information may be undertaken by the Registered Provider offering a successful allocation of property.

## **Eligibility**

Anyone 16 years of age and over can apply to the housing register if they are eligible to be housed. However this does not guarantee housing under the scheme, as, by law, there are defined groups of applicants who cannot be rehoused. An applicant's eligibility for the scheme will be assessed before access is given to complete an

application. It may be necessary to provide evidence of eligibility during the process which will include at least 5 years of past housing history.

Breckland Council cannot provide accommodation to ineligible applicants.

Under the Housing Act (1996) as amended by the the Homelessness Reduction act and the Localism Act (2011), Local Authorities must consider whether applicants are eligible for housing assistance. This relates to some people who may have been living abroad or who do not have permanent permission to remain in the UK. Some people will be ineligible, whether or not they are subject to immigration control. Regulations for these may be updated regularly.

### **Who is not eligible?**

Breckland Council cannot by law allocate housing accommodation to anyone who is subject to immigration control within the meaning of the Asylum and Immigration Act (1996) unless they fall within a class exempted from this restriction by Government regulations.

In addition, Breckland Council cannot, by law, allocate housing accommodation to other classes of persons from abroad if Government regulations dictate we cannot.

Under the Localism Act the Council can further restrict applicants from being included onto the housing register. These will include circumstances where:

- Applicants or members of their household have been found guilty of unacceptable behaviour making them unsuitable to be a tenant at the time an application is made unless a proven sustainment of good behaviour for a period (normally 12 continual months) is provided. Behaviour is deemed unacceptable only if it is of a kind that would entitle a landlord to a possession order
- Applicants who have been successfully rehoused through Breckland Key Select. Tenants will not be eligible to apply again through Key Select 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
- An existing social housing tenant/licensee requests a transfer but has not maintained their current property to an acceptable standard; or has accrued rent arrears or other charges; or has proven instances of antisocial behaviour.
- Evidence of sustained debt clearance, good behaviour and engagement with a Landlord, normally for a period of 12 months may be taken into account. A letter of support for a transfer will need to be provided from the Landlord.
- Housing Options Officers will be considered Judges of Fact in the event of any dispute
- An existing private tenant/licensee has not maintained their current property to an acceptable standard; or has accrued rent arrears or other charges; or has proven instances of anti-social behaviour. Evidence of a sustained attempt at debt clearance and/or good behaviour and engagement with a Landlord, normally for a period of 12 months, may be taken into account. A letter of

support for a transfer will need to be provided from the Landlord. Housing Options Officers will be considered Judges of Fact in the event of any dispute

- Applicants have current or former rent arrears or have accrued other property related charges unless there has been a sustainment of debt clearance for a period, normally 12 months.
- Applicants have assets and/or household income levels where it is assessed that the private housing market can provide for their housing needs.
- Applicants have been evicted from mortgaged properties where the property was deemed to be affordable for them.

### **Notifying an ineligible or non-qualifying customer**

Applications from ineligible or non-qualifying applicants will not be accepted on to the Housing register. The applicant will be notified of the decision of ineligibility or non qualification and the grounds for the decision.

If an applicant is accepted onto the register, but subsequently becomes ineligible, their housing application will be removed and the applicant notified. Any offer of accommodation that may have been made will be considered null and void and rescinded.

Applicants found to be ineligible or non-qualifying have the right to ask for a review of the decision.

Mitigation of behaviour that has led to exclusion or non-acceptance may be taken into account as will circumstances where applicants are excluded but are deemed to be at risk if they do not move. In both cases a sustained programme of monitored engagement with Housing Options Officers will be expected.

### **16 to 17 year olds**

Any applicant aged 16 or over can apply for housing, however a tenancy will not usually be granted to a person who is under 18 unless the applicant has a guarantor, can show they will be supported in the tenancy, and that the level of support is considered appropriate for their needs. This may include parental support, tenancy sustainment services, or Leaving Care services (provided by Children's services under the Children (Leaving Care) Act 2002)

Some 16 and 17 year olds who cannot live with their parents or partner, and who require social housing, may be offered semi-independent accommodation with support.

Any landlord offering a tenancy to an applicant who is under 18 will require a rent guarantor or a trustee to sign the tenancy agreement and to hold the tenancy on trust until the applicant reaches the age of 18.

#### **4. Assessment of housing need**

All applicants who are accepted onto the Housing Register will have their application assessed and be awarded an appropriate band based on an assessment of their housing need in accordance with the allocations scheme.

This is to ensure that the Council meets its legal obligations as set out in the Housing Act (1996) amended by the Homelessness Reduction Act 2017.

#### **Reasonable Preference**

By law Local Authorities must award 'reasonable preference' to certain categories of applicant:

- Applicants who are homeless within the meaning of Housing Act 1996, part 7 The Homelessness Reduction Act 2017
- Applicants who are owed a duty by any Housing Authority under The Homelessness Reduction Act 2017
- Applicants who are occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- Applicants who need to move on medical, support or welfare grounds, including grounds relating to disability
- Applicants 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 others.

The Breckland Council allocations scheme is based on a banded system which gives reasonable preference to the above categories of applicants along with additional preference given to current or former members of the armed forces, their spouses or civil partners, as set out below. Further additional preferences may be applied to meet local and/or other legislative priorities.

#### **Additional Preference**

Under the provisions of The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 additional preference is given to the following applicants who fall within one, or more, of the statutory reasonable preference categories and are in urgent housing need:

- 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
- Former members of the regular forces
- 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

- 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. Urgent housing need in this case will be taken to be an assessment resulting in a banding of Emergency or Gold.

For the purpose of eligibility and assessment of financial status any compensation payment for an injury or disability sustained on active service will be disregarded. Additional preference will be awarded by giving by notionally lengthening the time the application has been live by 3 months thereby giving advantage to the applicant in the bidding process under Key Select.

### **Categories of Banding.**

The Council will assess all applicants who are eligible for the housing register and appoint them a priority banding,

- Emergency Urgent Priority
- Gold High Priority
- Silver Medium Priority
- No reasonable preference No reasonable or additional priority

### **Emergency**

Emergency banding is only awarded in exceptional circumstances and will require significant evidence to support this. If an applicant in emergency banding is not proactively bidding a Housing Options Officer will bid on their behalf. If the applicant is offered a property by a Registered Provider as a result of such a bid and refuses the offer Breckland Council will deem it has discharged its housing duties and the applicant's priority will be reduced.

Circumstances where emergency priority will be given:

- Applicants accepted as unintentionally homeless and in priority need
- Applicants whose properties have been subject to a Prohibition or Demolition Order
- Applicants threatened with serious and immediate violence
- Applicants requiring urgent discharge from hospital where their current accommodation is assessed as unsuitable for their needs
- Applicants with very urgent and serious medical needs
- Applicants with a combination of high needs or a combination of needs within an household
- An existing Registered Provider's tenant who needs to move urgently as their property is about to be demolished or redeveloped
- Other extreme cases

### **Gold**

- Applicants who are threatened with homelessness within 12 weeks through no fault of their own and who have been assessed as likely to be in priority need and who are engaging with the Housing Options team to prevent their homelessness from occurring
- Applicants with a high medical need which results in the need to move urgently because their current home is not suitable and cannot be made suitable for their needs
- Applicants occupying a property which has been assessed as posing a high health and safety risk
- Applicants with a combination of medium needs or a combination of needs within a household
- Housing Association tenants within Breckland who are assessed as having 2 or more bedrooms more than they need and are willing to move to a smaller property commensurate with their needs
- Applicants (which includes existing tenants) who have been assessed as needing 2 more bedrooms than they currently have
- Applicants with a high need to move due to harassment, threat of violence or abuse
- 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 Options team
- 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 Options officer considers that assistance to be appropriate
- Applicants for whom another Authority has requested assistance under the Care Act 2014 and where a Housing Options officer considers that assistance to be appropriate

### **Silver**

- Statutory homeless households
- Registered Provider tenants who are assessed as having 1 more bedroom than they need and are willing to move to a smaller property commensurate with their needs
- Applicants (which includes existing tenants) who have been assessed as needing 1 more bedroom than they currently have
- Applicants assessed as ready to move on from supported accommodation with supporting evidence from the support provider that a tenancy can be sustained
- Applicants who need to move on social, medical and welfare grounds and they can evidence that their circumstances will be improved by rehousing and their need is significant but not over riding
- Applicants who require a larger property due to being accepted as foster carers

### **No reasonable preference**

- Applicants who do not have a reasonable preference or priority as set out above.

## **5 Assessment of Applications**

### **Local connection**

Local connection for the housing register is deemed as an applicant who:

- Has lived in the district continuously for 3 years; or
- Has lived in the district for at least 3 out of the last 5 years; or
- Has a contract of permanent employment within the district; or
- Has a close family connection\* with someone who currently lives in the district and has done so for 3 or more years

### **The only exceptions to these criteria are:**

- Homeless applicants (where-by the local connection criteria as laid down by the Housing Act 1996 as amended by The Homelessness Reduction Act 2017 would apply)
- 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
- The applicant needs to relocate from another district to escape violence or harm
- The applicant needs to relocate to the district to receive support to rehabilitate and integrate back into the community
- 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
- 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
- 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.
- The applicant is an existing social housing tenant ( in England ) who is employed within Breckland, or who has an offer of 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 \* 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 a Housing Options officer, has a relationship with the applicant that can be construed as a close family connection even though not related by blood.

## **Overcrowding and Bedroom numbers**

The following guidelines are used by the Housing Options team to assess the number of bedrooms required to meet the needs of the applicant's household: Overcrowding is specifically defined in legislation but Housing Options officers may take individual circumstances into account when assessing need for bedrooms.

- A single adult or couple will be expected to occupy one bedroom only
- Two children of the same sex will be expected to share a bedroom until the oldest child reaches 16
- Two children of different sex will be expected to share a bedroom until the oldest child reaches 10
- Any adult over the age of 16, who is sharing with another adult, but they are not deemed to be living together as a couple will be deemed to require their own bedroom.

Unborn children and children under the age of 1 year will not be taken into account when considering overcrowding but may be taken into account for the allocation of bedrooms numbers, (unborn children from 26 weeks gestation only).

A Housing Options 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, (see below). Statutory and legislative provisions relating to overcrowding will also be taken into account.

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.

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

Each 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. The need for carers to stay overnight will also be taken into account when determining bedroom need. Account will be taken of information and assessments made by other professionals in support of the application.

## **House condition**

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.

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

### **Split families**

Where family members who would normally be expected to live together are presently living separately, housing need will be assessed based on the circumstances of whichever home is more appropriate, assuming that it were available for the whole family to live in.

### **Shared custody arrangements**

When assessing the accommodation needs of a person with shared access to children this will only be taken account of if children live with the applicant for a period of more than 60% of a calendar month. Applicants will have to provide proof of this which, as a guide, will be who receives Child Benefit. In the case of 50 / 50 shared custody the Housing Options Officer will consider the evidence provided when assessing entitlement to accommodation through the housing register. The implications of any Court Orders will be taken into account.

### **An applicant intentionally worsening their housing condition**

If, in the reasonable opinion of Breckland Council, an applicant has deliberately worsened their housing circumstances in order to increase the likelihood of receiving an offer of accommodation, their housing priority will be assessed on the basis of their circumstances prior to those actions being taken.

### **Applications by staff and elected Members of Breckland Council and their Families**

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 however be disclosed at the earliest opportunity in their application at the time of applying.

Before such an applicant is given a priority banding or an allocation of property, approval will be sought from the Housing Manager at Breckland Council.

### **Change of circumstances**

Where an applicant has a change in their circumstances they must update their information on the Key Select website. It is the applicant's responsibility to ensure the information held on them is a true and correct reflection of their circumstances. Any false information at the point of being successful in an allocation could result in the offer being withdrawn. Any changes which may result in a higher priority may require supporting information to be submitted. Examples of changes in circumstances are detailed below, although this is not an exhaustive list;

- People joining or leaving the household
- Pregnancy or birth of a child

- A member of the household now applying in their own right
- Relationship breakdown
- Change in medical circumstances
- Death of a household member

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

When an applicant applies for housing, they will be required to agree to a declaration to confirm that:

- The information they have provided is true and accurate
- They have given consent for information to be shared with other agencies; and
- They consent to the information they have provided being verified with previous/current landlords and other Authorities.

Breckland Council may consider taking legal action against applicants who withhold, or provide false, information regarding their housing application. Where an applicant has been let a property as a result of providing false information, their landlord may take action to obtain possession of the property.

### **Application Review**

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.

Applicants wishing to remain on the register must contact the Options team 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 a 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.

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.

### **Cancelling an application**

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

- At the applicant's request
- If the applicant becomes ineligible for housing (see section 3)
- When the applicant has been adequately and appropriately re-housed including into the private rented sector
- Where an applicant fails to ensure that the information in their application is up to date

- When the applicant purchases a property/shared ownership property
- When an applicant fails to bid in a 6 month period and provides no justifiable reason for not bidding
- Where an applicant moves and does not provide contact details
- An executor or personal representative notifies the Council that an applicant is deceased (unless the rest of the household still needs rehousing) When an application is cancelled, we will contact the applicant or their representative, either by email or letter, to notify them. Where an applicant has been highlighted as vulnerable, the customer's circumstances will be verified before an application is cancelled. The applicant has a right to ask for a review of the decision. Where an applicant wishes to re-join the housing register at a later date, their application date will be the date they reapply.

## **6 Special circumstances**

### **Allocations and lettings**

A minimum of 80% of social housing within Breckland is let via Breckland Key Select, landlords retain the right to allocate 20% of their vacant properties outside of Key Select. This is subject to any specific nomination agreements which may set a higher or lower figure for particular developments.

### **Direct Lets**

In certain circumstances the Council in agreement with a landlord may allocate properties directly to applicants without them being advertised.

Illustrative examples of direct lets are as follows:

- where a property is needed urgently to deal with an emergency or to provide temporary accommodation for a homeless family.
- 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 Allocations or where an applicant has been referred as part of the witness protection scheme
- where an applicant's home is being repaired and they need to be moved from the property on a temporary or permanent basis.

Direct lets will be agreed by a senior officer at the Council and a senior officer at the relevant Registered Provider

### **Sensitive Lets**

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 the Housing Options Team Leader or Principal Officer. This may result in applicants on the top of the short list being bypassed for a more appropriate applicant.

## **Adapted Properties**

Where properties have been adapted to meet the needs of disabled applicants, preference for allocations will be made to applicants who have a need for an adapted property. This may result in the property being offered to an applicant in a lower band.

## **Local Lettings**

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 Key Select website.

Specific allocations will be made on the basis of 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.

## **Over 55's and Sheltered Accommodation**

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.

## **Departure from Local Connection Requirements**

Examples of such situations are detailed below although this is not an exhaustive list,

- Allocation of specialist housing where there are a limited number of eligible applicants through the normal allocations process and where that accommodation would otherwise remain unused
- Where an applicant resides outside the Breckland Council area but has a close geographical, social or community engagement to a community within Breckland
- Where an applicant resides outside the Breckland Council area but where there are strong welfare or medical grounds to move to accommodation within the area
- 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 by the Housing Options Team leader or The Housing Manager. Information relating to these decisions will be treated in accordance with paragraph 9 below

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

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.

## **7 Decisions made outside Part 6 Housing Act 1996**

The following decisions are made outside of Part 6 of the Housing Act 1996, and are outside the scope of the Allocations Policy:

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

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 secure or introductory 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
- 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 by the Senior Housing Options Officer and Housing Options Team leader in consultation with the Housing Manager or another member of the Corporate Management Team. Information relating to these decisions will be treated in accordance with paragraph 9 below

## **8 The right to a review**

Applicants have the right to a review of a decision or assessment made in regards to their application for housing under certain circumstances. These are:

- Where the accuracy of the facts of the applicant's case which have been taken into account in considering priority banding is disputed; or
- Where the applicant has been found to be ineligible for acceptance onto the Register

A request for a review of a decision should be made in writing by the applicant, or a representative on their behalf, within 21 days of receipt of the decision being received by the applicant. 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.

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.

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.

## **Homelessness Reviews**

Homelessness applicants have the right to request a review of certain decisions. This includes the decision to discharge duty through a reasonable offer of accommodation via the housing register for those accepted as being homeless. The review request must be made within 21 days of notification of a decision, although

late review requests can be accepted at the discretion of the reviewing officer.

Details of the homeless review procedure can be obtained from Breckland Council

## **9 Refusal of offers**

An applicant's position within the register may be affected if they continually refuse an offer of accommodation which they have bid for and have successfully been offered. An applicant will have their banding reduced to the minimum band following the refusal of at least 3 properties in such circumstances unless there were acceptable reasons for those refusals.

Similarly, if an applicant fails to bid on suitable properties in three bidding cycles which are deemed to meet their housing need their banding will be reduced to the minimum band unless there were acceptable reasons for not bidding.

### **Refusal of offers by homeless applicants**

Applicants who have been accepted as being owed a duty from Breckland Council under the homelessness legislation will be awarded an emergency band. Applicants will be entitled to bid for properties in the same way as other applicants. If an applicant is not active in bidding for properties the Housing Options team may make bids on their behalf on properties they deem suitable for the applicant.

Where a homeless applicant is allocated a property through the housing register process, Breckland Council has a responsibility for determining the suitability of the allocation. This will be determined in the light of the household's particular circumstances and with regard to the housing conditions prevailing in Breckland at the time.

Where a homeless applicant is offered a property, but does not feel it is a suitable offer, they have the right to request a review of the offer. Details of the review process can be obtained from Breckland Council. Applicants will be advised to accept the offer whilst the review is carried out. If, on review, the property is felt to be a reasonable offer, no further offers of accommodation will be made and the Council will discharge its duty. If the applicant is in temporary accommodation provided by the Council, the applicant will be given notice to leave that accommodation. If, on review, the property is felt to be unsuitable then a further offer of suitable accommodation will be made. The timescale for this will be dependent on the availability of accommodation.

## **10 Confidentiality and access to information**

When an applicant applies for housing, Breckland Council will seek only 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 on the scheme.

Information held about the application will be kept in accordance with the Data Protection Act (1998) and the Freedom of Information Act (2000). Under the Data

17 Protection Act, customers have the right to ask to view, and receive a copy of, any information held about them on computer or paper records. This information must be provided within 40 days of a written request being made. In accordance with the Act, there will be a £10 charge for information requests.

Confidential information held about customers will not be disclosed to third parties apart from;

- Where the individual who is the subject of the confidential information has consented to the disclosure;
- Where any officer is required by law to make such disclosures; or
- Where disclosure is made in accordance with an information sharing protocol.

## **11 Changes to Breckland Key Select**

The Council reserves the right to expand, change or alter any element of Breckland Key Select as and when required to meet changes in housing need, capacity, operational exigencies, resources and legislation.

Adopted November 2012

Revised June 2016

V. 8.0

# SWANTON MORLEY PARISH COUNCIL

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Susan Heinrich  
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Elizabeth House  
Walpole Loke  
Dereham  
NR19 1EE

10<sup>th</sup> June 2019

Dear Susan,

## **SWANTON MORLEY NEIGHBOURHOOD PLAN**

Thank you for sight of Mr Edge's letter dated 3<sup>rd</sup> June 2019 in respect of his ongoing examination of the specific policies in the Swanton Morley Neighbourhood Plan (SMNP). Firstly, it is confirmed that his interpretation of the scope of his examination should be focussed on those policies where Breckland Council has resolved to take a different decision from that of the first examiner (Mr Patrick Whitehead), albeit as Mr Edge rightly points out there may be a need for some further 'read through' modifications to other policies depending on his findings although we hope that such can be kept to a minimum.

As you know, Breckland Council's housing allocations policy (HAP) was amended a few weeks ago (a copy of the relevant extract is attached to this response) which now allows the local lettings policy to be applied to affordable dwellings secured via sites allocated in Neighbourhood Plans in perpetuity. This was not the case at the time the revised SMNP Policy 4 was redrafted a few months ago. For his background information, the SMNP policy still reflects the previous agreed position which was for first let only as this was aligned to the agreed corporate policy in place at the time of the pre-submission publication of the plan and its subsequent submission to Mr Edge.

However, the situation has since shifted and as has been highlighted, there is now a difference between the two positions due to the HAP being updated. As you know, we have discussed this matter at some length and both Breckland Council and Swanton Morley Parish Council are of the view that the Neighbourhood Plan policy should be fully aligned to Breckland Council's latest HAP position, which actually reflects the Parish Council's initial aspirations prior to Mr Whitehead's initial examination. Therefore, both parties consider that the best mechanism to deal with the issue is for Mr Edge to recommend further Modifications as part of his report to bring the SMNP policy back into line with the Council's latest housing allocations policy. To assist Mr Edge I have copied below an amended version of Policy 4 which has been suggested by our Neighbourhood Plan Steering Group. We feel that this aligns with the HAP and together both documents meet the aspirations of our community.

**POLICY 4: Housing for the Local Community (Local Lettings)**

In order to meet the housing needs of the parish, the plan seeks to ensure that eligible households with a local connection to the parish of Swanton Morley are given preference in perpetuity on new affordable housing for rent on the sites LP(098)014 and LP(098)016, being sites allocated by the Neighbourhood Plan over and above those already allocated by the local authority.

A local connection is defined by one or more of the following;

- Households containing one or more individuals who have resided within Swanton Morley parish for the last three years
- Households who need to move to Swanton Morley Parish to give or receive support from or to a close family or relatives who are residents of Swanton Morley
- Households where one or more member has been employed within the parish of Swanton Morley for three years
- Former residents of Swanton Morley parish who have lived in the parish for at least three years of the past six years

If at the time of letting there are no eligible household with a local connection, and/or the pool of eligible applicants with a local connection has been exhausted, allocations will be made in accordance with the local housing authority's prevailing housing allocation policy and associated district-wide local connection criteria.

The final percentage and mix of housing types will be determined by the local authority based on housing need in the area and taking into account any other relevant matters such as viability, deliverability and prevailing local and national policy. Matters of eligibility and priority will be determined in accordance with the prevailing housing allocations policy of the local housing authority.

I trust this is of assistance to Mr Edge. His help in this matter would be greatly appreciated.

Yours sincerely,

Roger Atterwill  
Chairman, Swanton Morley Parish Council