

# **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 is the letting policy for Breckland Council to be used in conjunction with the Breckland Housing Allocations Scheme. The allocations policy aims to ensure that all people seeking social housing in the Breckland district can exercise choice in deciding where they wish to live and in the type of property they would prefer.
- 1.1.2 The 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 given.
  - d) What the decision-making processes are.
  - e) How homes will be 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 Councils Housing, Homelessness & Rough Sleeping Strategy, and
- e) 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); and
- 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 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 also 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 for housing

- 2.1.1 As well as applying to go on the housing register, applicants are given the opportunity to complete an on-line Housing Advice form (HAF). This allows the applicant's housing options to be assessed and determine which options could be the most appropriate. If this includes social housing (which includes Affordable Rents), and the applicant is eligible, they will then need to complete the more detailed housing register application.
- 2.1.2 Where applicants are unable to use these on-line facilities and approach the council, an officer will either complete the on-line form over the telephone with the applicant, or face to face in an interview or at a home visit.
- 2.1.3 An applicant may include anyone on their application who may reasonably be expected to live with them as part of their household.
- 2.1.4 Where two applicants wish to have a shared application they will be known as joint applicants. If an applicant lists a partner on his/her application, it will be assumed that the partner is a joint applicant unless either party advises the council otherwise. Although adults who are not partners and need more than one bedroom may jointly apply to the register, due to the level of demand for family sized accommodation from family households (by "family" we mean households that have children (under 18) who are dependent on the adult(s)) they will not normally be prioritised for an offer of this size of accommodation ahead of families.
- 2.1.5 On receipt of the application Breckland Council will assess this and may request additional information and supporting evidence so that the applicant's eligibility and housing need can be confirmed. Breckland Council will verify the information provided which may include inviting the applicant for an interview or visiting them at home.
- 2.1.6 Applications will only be accepted onto 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).
- 2.1.7 After assessment Breckland Council will write to applicants to inform them whether they have been accepted onto the housing register, or give reasons if they have not. Where accepted they will be informed of:
- a) Their unique reference number, which allows them to bid for homes through the Housing Allocations Scheme
  - b) The housing needs band in which the application has been placed
  - c) The date that the application was placed in the band (the "date in band")
  - d) The size of property for which the applicant is likely to be able to bid

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

2.2.1 The registration date of an application will be the date the on-line housing application is received by Breckland Council.

## 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 28 days 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. 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 Multiple applications**

2.5.1 An applicant can have only one active application on the housing register at any time.

## **2.6 Change of circumstances**

2.6.1 Where an applicant registered with Breckland Council has a change in their circumstances they must promptly inform Breckland Council by updating their information on the Breckland Housing Allocations website. Applicants can complete a change of circumstances on-line at <https://brecklandhousing.co.uk/> . Change 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

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

2.7.1 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.

2.7.2 Breckland Council may take 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 court action to obtain possession of the property.

## **2.8 Data protection**

2.8.1 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 on the scheme. Breckland Council's policy on Data Protection is available on request and can be found here:

<https://www.breckland.gov.uk/privacypolicy>

<https://www.breckland.gov.uk/dataprotectionpolicy>

## **2.9 Application review**

- 2.9.1 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.
- 2.9.2 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 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.
- 2.9.3 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.

## **2.10 Cancelling an application**

- 2.10.1 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.
- 2.10.2 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).
- 2.10.3 Where an applicant wishes to re-join the housing register 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 onto 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 his or her 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)

### 3.4 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 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

\* 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
- 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
  - 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.
- f. 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

#### 3.4.3 Exceptional circumstances

In rare and exceptional circumstances, a decision to allow an applicant onto the register can be taken by the Housing Manager or Housing Options Team Leader. This may be because:

- a. The applicant requires an 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.
- b. Where an applicant resides outside the Breckland area but has a close geographical, social or community engagement to a community within Breckland.
- c. Where an applicant resides outside the Breckland area but where there are strong social, welfare or medical grounds to move to accommodation within the area

- d. Where it is necessary for an applicant to geographically relocate from another area on grounds of personal safety.
- e. Where the applicant occupies supported housing in the Breckland district, 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 accommodation provider. These two documents must verify the applicant's capacity for independent living.

### **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 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
- 3.5.2 When considering whether an applicant with a history of unacceptable behaviour qualifies to be accepted on the housing register, 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
- 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, 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 agreeing an arrangement to make payments towards rent arrears and adhering to this, or by the applicant showing that the circumstances or behaviour that made them unsuitable to be a tenant, has changed.
- 3.5.4 If an applicant is accepted onto 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 and the reasons for 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 Anyone aged 16 or over can apply for housing if they are eligible. However, this does not guarantee housing under the scheme and until the applicant reaches 18 years old any offer of accommodation will be subject to appropriate trustee arrangements being in place and show 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. Leaving Care services.
- 3.6.2 Applicants under 18 years old will be referred to a housing officer for advice regarding their housing rights and options and may be offered semi-independent accommodation with support.

## 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 meet their 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 scheme. Medical assessments will be made by a medical professional or appropriately trained 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 advert and available to read on the Housing Allocations webpages. 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.

#### 4.5.2 Emergency Band: Urgent priority

Emergency banding is only awarded in urgent 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.

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

**a) Urgent transfer**

Where an existing housing association tenant needs to move urgently because of circumstances that could include:

- Major repairs are required on the property in which they live, and which cannot be undertaken with the tenant living in the property.
- The property is being demolished.
- Urgent social need to move.

**b) Urgent health and safety risk**

The condition of the applicant's current accommodation has been assessed by Breckland Council as posing an urgent health and safety risk. This will apply where the assessment has classified the accommodation as unsafe, or where there is a risk of imminent harm as identified in the assessment, 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. This will include applicants whose properties have been subject to a Prohibition or Demolition Order

**c) Applicants threatened with serious and immediate violence**

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 causing alarm and distress that will be improved by an urgent move 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.

Breckland Council will offer advice and support to assist the applicant in identifying possible ways to resolve the situation.

**d) Urgent medical need**

An urgent medical priority will be awarded where the assessment 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 include people whose life is at risk due to their current housing conditions or who are completely housebound because of the type of accommodation they live in.

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

**e) 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.

**f) Urgent multiple needs**

This priority will be applied where an applicant is assessed as having two or more Gold Band needs. This may include an application where two household members have the same assessed need e.g. two high medical needs.

**g) Other exceptional cases**

Other exceptional and extreme cases as agreed by the Housing Manager or Housing Options Team Leader.

**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 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 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 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
- 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.

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

The condition of the applicant's current accommodation has been assessed by Breckland Council 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, 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.

#### **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 (which includes existing tenants) is assessed as lacking two or more bedrooms than they currently have (see s.5.4).

#### **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 an urgent move) 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 Options 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 Options 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 Options 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.

The decision to apply this priority will be made by the Housing Options Team Leader or the Housing Manager.

#### **i) High Multiple needs**

This priority will be applied where an applicant is assessed as having three or more Silver Band needs. This may include an application where more than two household members have the same assessed need e.g. three medical needs.

### **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 applicants 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 are willing to move to a smaller property commensurate with their needs.

**c) Lacking one bedroom**

This priority will be applied where the household (including existing tenants) is assessed as lacking one bedroom based on the bedroom calculation in (see s.5.4).

**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.

An applicant will only be awarded this factor once irrespective of the number of social needs that may apply to their situation.

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 10 years of age as part of their household or is more than 24 weeks pregnant.

**f) Housing conditions**

This priority will be applied where the applicant/s either lack or share two or more of these facilities with persons, who are not members of their household. Facilities may include:

- 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. Priority will not be awarded if there has been a subsequent remedial action to remove any identified hazards. The Council will keep the case under regular review in liaison with the relevant environmental health department, to identify whether remedial action has taken place. Where priority has been awarded in this category and subsequent remedial action has taken place, the application will be reassessed.

Any priority awarded for unsatisfactory housing conditions cannot be awarded along with any other category if there are two categories that recognise the same housing circumstances, the banding for the higher priority will apply.

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 confirmed that an applicant is sleeping rough and has no other accommodation available to them. The council will verify that an applicant is sleeping rough before awarding this priority. Rough sleeping priority will not be awarded when accommodation is available to the applicant, including a placement at a direct access hostel, but the applicant chooses not to take up this offer. Applicants assessed as 'Sleeping rough' will not be awarded additional priority on any other accommodation related factors.

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

**a) Applicants who do not have a reasonable preference or priority.**

Any applicant who does not meet any of the criteria in Emergency, Gold or silver Bands will be assessed as having a low level of housing need and their application will be placed in to Bronze Band.

Anyone assessed as having sufficient financial resources to resolve their own housing need (see s.4.13) will be placed in Bronze Band. These applicants will only be considered for an offer of a property once all other bidding applicants who do not have enough financial resources to resolve their own housing need have been considered.

**b) Low priority**

In certain circumstances, applicants may be accepted onto the housing register, but their application will be considered as low priority as a result of unacceptable behaviour or circumstances that affects their suitability to be a tenant. In these circumstances their application will be placed in a Bronze Band and they will not be

actively considered for an offer of a tenancy or be able to express interest in available properties. Their application will remain in this band until the applicant has shown that the circumstances or behaviour has changed so that they are considered suitable to be a tenant.

Applicants being awarded low priority in these circumstances have a right to ask for a review of the decision (see Chapter 6).

#### **4.6 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).

#### **4.7 Homeowners**

- 4.7.1 In line with the 'Allocation of accommodation: guidance for local housing authorities in England', Breckland Council will usually only allocate social housing to homeowners in exceptional circumstances. However, the council may allocate housing that is in low demand. Applicants who are homeowners will be allocated a Bronze Band status.

In exceptional circumstances Breckland Council may consider a homeowner's status for example the council may allocate housing to applicants who require support and whose age qualifies them for housing for older people but who have insufficient financial resources to access housing for older people in the private sector.

#### **4.8 Financial resources**

- 4.8.1 All qualifying applicants are entitled to apply for housing regardless of income levels. However, if an applicant is assessed as having income and/or capital, which will enable them to resolve their own housing need through other tenures they will not receive any preference for social housing and when bidding will appear on the shortlist after all other applicants that do not have the resources to resolve their own need.

This assessment will be based on the following

- a) The total income of the applicant/partner
- b) Any capital available to the applicant/partner
- c) Average property prices and rents in the area for the type of accommodation needed by the household
- d) The ability of the applicant/partner to rent a property in the private sector based on a realistic assessment of their financial position and commitments.
- e) The ability of the applicant/partner to acquire a mortgage and maintain required repayments based on a realistic assessment of their financial position and commitments.

- 4.8.2 Excluded from the above financial assessment will be any member of the Armed Forces who may have received a lump sum as compensation for an injury or disability sustained on active service.

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

4.9.1 Where an applicant has held Emergency Band status for three 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.
- c) Moving into a lower priority band if the circumstances under which they were placed in Emergency Band no longer apply.
- d) Making the applicant unable to bid for a specified period, not exceeding 6 months

## 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 remain in their existing housing needs band whilst a homeless assessment is carried out (unless the criterion in s.5.2.3 below applies).
- 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 A person who is threatened with homelessness may have an existing housing register application. Applicants already in Emergency Band will retain their existing Emergency Band status whilst homelessness prevention measures are pursued.
- 5.2.4 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).
- 5.2.5 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 4.8(d). If an applicant has intentionally worsened their circumstances the housing needs assessment will take this into account (see s.4.11).

#### 5.3 Split families

- 5.3.1 Where an application is made by family members who it would be reasonable to expect them to live together but they are unable to do so, the council will assess their particular circumstances to consider the best way of addressing their housing needs. This may, but will not always, take into account the circumstances of whichever home is more appropriate, assuming that it was available for the whole family to live in.

#### 5.4 Bedroom requirement guidelines

- 5.4.1 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.

- 5.4.2 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.
- 5.4.3 A pregnant woman expecting her first child will be assessed as requiring two bedrooms from week 26 of her pregnancy.
- 5.4.4 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. Statutory and legislative provisions relating to overcrowding will also be taken into account.
- 5.4.5 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.

## **5.5 Staying contact with children**

- 5.5.1 A child, or children, living between parents at separate addresses will only be considered as having one main home unless there are exceptional circumstances that mean that both parents should provide a home. A Court Order allowing access to children, or confirming residence between separated parents does not mean that the council must consider that the child is part of an applicant's household for the purposes of a housing register application.
- 5.5.2 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.

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

- 5.6.1 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. This information will be assessed and where appropriate referred to a medical professional or appropriately trained officer for their opinion of how the medical condition is affected by the applicant's housing circumstances. The need for carers to stay overnight will also be taken into account when determining bedroom need

5.6.2 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.

## **5.7 Property condition – unfitness**

5.7.1 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.

5.7.2 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.

## **5.8 Harassment and domestic violence**

5.8.1 Where the applicant is a victim of harassment, domestic violence or anti-social behaviour, Breckland Council will offer advice and support to assist applicants in identifying possible ways of resolving their situation.

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

5.9.1 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.

## **5.10 Direct Lets**

5.10.1 Most properties will be advertised through the Housing Allocations scheme. However in certain circumstances some properties may be let directly to applicants and these properties will be let outside of the allocation scheme. Where an applicant is identified as requiring a direct let the case will be referred to a senior officer for approval. The list below gives some examples of where this may happen.

- a) Where the council has accepted a main homelessness duty towards a household but the household has not found suitable accommodation during a period of choice through the Housing Allocations scheme.
- b) Where an applicant and their household require a specific size, type or adapted property and the applicant has not been able to find suitable accommodation through the Housing Allocations scheme.
- c) Where an existing social housing tenant is required to move to make the best use of stock, including where their home is to be demolished, and they have not been successful in finding a suitable property through the Housing Allocations scheme.
- d) Where an applicant in Emergency Band has refused a reasonable offer or made little or no effort to bid.
- e) Where a property is needed urgently to deal with an emergency or to provide temporary accommodation for a homeless family
- f) 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

5.10.2 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.

## **5.11 Direct lets to homeless applicants**

5.11.1 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.

5.11.2 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
- 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
- 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.

5.11.3 Where a homeless applicant is to be allocated a property through the direct let 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.

5.11.4 Where a homeless applicant is offered accommodation through a direct let, 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).

5.11.5 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.

5.11.6 If a homeless applicant refuses a direct let 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.

5.11.7 If, on reviewing an applicant's refusal of a direct let, 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.

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

5.12.1 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.

## **5.13 Housing for older people (also known as sheltered housing)**

5.13.1 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.

## **5.14 Extra care properties**

5.14.1 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. A separate application form is available on the Breckland Housing website for these properties.

## **5.15 Refusals of direct lets**

5.15.1 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).

## **5.16 Local Lettings plans**

5.16.1 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.

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

5.17.1 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.

#### **5.18 Sensitive Lets**

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

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

5.19.1 The following decisions are made outside of Part 6 of the Housing Act 1996, 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

5.19.2 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 by the Housing Options Team leader in consultation with the Housing Manager or other member of the Corporate Management Team.

## 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) Multiple need in band
- b) Emergency housing status
- c) Moving people up a band or down a band
- d) Priority assessments, in complex cases.
- e) Housing people in different accommodation to designated need size
- f) Low priority decisions
- g) Direct lets
- h) 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 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 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 Housing Allocations, landlords retain the right to allocate 20% of their vacant properties outside of Housing Allocations. 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 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.

### 7.4 Shortlisting

- 7.4.1 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).

- 7.4.2 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.
- 7.4.3 Preference during shortlisting will be given to applicants within a band who have a proven connection to the local area.
- 7.4.4 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.
- 7.4.5 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.
- 7.4.6 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. This is known as a 'sensitive let'.

## **7.5 Formal offer of the property**

- 7.5.1 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.
- 7.5.2 Applicants who have been successfully rehoused through Breckland Housing Allocations. Tenants 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
- 7.5.3 Once the property is ready to let the landlord of the property will complete the tenancy sign up.

## **7.6 Withdrawal of offers**

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

## **7.7 Refusing an offer of accommodation**

- 7.7.1 Usually, if an applicant refuses an offer of accommodation made through Housing Allocations, they will remain in their housing needs band. If an applicant unreasonably refuses three or more offers of a property made through Housing Allocations or has made little or no attempt to bid for accommodation, an officer may contact the applicant to offer support and assistance and verify their circumstances. The applicant may be moved into a lower priority band or be unable to bid for a specified period not exceeding 6 months

## **7.8 Allocations to staff, council members or their family members**

- 7.8.1 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 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.

## 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 ICO'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.

Adopted April 2020

## Appendix 1

### 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.