

**South Norfolk Council
Allocations Scheme**

With effect from 17 October 2022

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1.1 The Allocations Scheme

This document outlines how affordable housing, which is a limited resource in both districts, is allocated to those who need it. South Norfolk Council operates a housing register of those seeking social housing however the Council does not have properties of its own. We work in close partnership with a number of social housing landlords who we refer to as our partner landlords. The partner landlords own and manage properties in the district.

From January 2020, the Housing and Homelessness function at the Council has been carried out by a shared Officer team with Broadland District Council. Access to the service will be through a centralised system. All applicants will however be distinguishable by their 'home' district (the district in which their qualification criteria applies) allowing preference criteria detailed within this Allocations Scheme to be applied.

We work with:

- Broadland Housing Group
- Clarion Housing Group
- Cotman Housing Association with Places for People
- Flagship Housing Group
- Hastoe Housing Association
- Havebury Housing Partnership
- Metropolitan Housing Trust
- Orbit Housing Association
- Orwell Housing Association
- Saffron Housing Trust (South Norfolk Council's Stock Transfer partner)
- Sage Housing
- Victory Housing

We also work with a range of supported and specialist housing providers:

- House of Genesis
- Benjamin Foundation
- Emmaus
- Homegroup
- Solo Housing
- YMCA
- Leeway
- Evolve East Anglia
- St Martins Housing
- Stonham
- Sanctuary Housing
- YMCA Norfolk

1.2 The Legal Framework

The Allocations Scheme is a requirement of Part 6 of the Housing Act 1996. Applicants are able to apply for housing and all applications will be fully assessed. The Allocations Scheme has been framed in accordance with the Greater Norwich Homelessness Strategy and the South Norfolk and Broadland Rough Sleeping Strategy. In developing the Scheme; the Council has followed and fully considered the following housing legislation, regulations, and statutory guidance:

- The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England)
- The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act 2017
- Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG) “the Code”
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) “Supplementary Code”
- Allocation of Housing (Procedure) Regulations 1997, SI 1997/483
- Allocation of Housing (England) Regulations 2002, SI 2002/3264
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 and all subsequent amendments
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
- ‘The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)’
- Equality Act 2010.
- Data Protection Act 2018 and contained within the General Data Protection Regulation 2018 (GDPR).
- Care Act 2014
- Human Rights Act 1998
- Domestic Abuse Act 2021

1.3 Right to Move

In accordance with the Right to Move statutory guidance on housing allocations for local housing authorities in England (Department for Communities and Local Government, March 2015) the Scheme sets a limit of no more than 2% of lettings per annum will be allocated to social housing tenants from outside of South Norfolk who need to move for employment purposes.

1.4 Allocation of a Tenancy

The allocation of housing by a housing authority is defined in s.159 of the 1996 Housing Act as:

- a) Selecting a person to be a secure or introductory tenant of housing accommodation held by them (i.e. by that housing authority)
- b) Nominating a person to be a secure or introductory tenant of housing accommodation held by another person (i.e. another housing authority)
- c) Nominating a person to be an assured tenant of housing accommodation held by a Private Registered Provider (Housing Association)

Lettings outside of the Allocations Scheme are those essentially where the allocation is for a tenant by their own partner landlord. These are summarised in **Appendix 1: Lettings outside of the Allocations Scheme.**

1.5 Data Protection

South Norfolk Council will ensure personal information of all applicants (new, existing and deleted) is:

- Stored lawfully
- Processed in a fair and transparent manner

- Collection is for specific, explicit and legitimate for the purpose
- The data will be kept up to date and will not be kept any longer than is necessary and in line with the Council's Retention Policy.
- Shared only with other organisations for legitimate processing, the prevention of fraud or with the person's explicit consent.

An applicant's permission to share their personal information is a qualification condition of being accepted onto the housing register. The Council has a Privacy Notice which can be located via the online portal at: www.southnorfolkandbroadlandhomeoptions.org.uk

1.6 Equalities, Access and Monitoring

South Norfolk Council is committed to ensuring that the Scheme is non-discriminatory and that all applicants are able to access the service, especially taking account of any vulnerability or other specific needs, and also the needs of different groups protected by the Equality Act 2010; the Human Rights Act 1998; and for Children, Section 11 of the Children Act. To identify the needs of our applicants the application contains specific questions relating to vulnerability, ethnic origin, sexual orientation, disability and other relevant criteria. The information obtained will be used to monitor the impact of the policy on minority and specific needs groups and to evidence the need for amendments, as may be required.

Under the Equality Act 2010 and in particular section 149 of the Public Sector Equality Duty, Councils are required to give due regard to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not, when exercising a public function such as their legal Housing Allocations Scheme. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The policy has been subject to a full, detailed Equalities and Communities Impact Assessment (EqCIA). The impact will continue to be monitored throughout the administration of the Scheme. Should evidence of discrimination occur; it will trigger a "Change to the Allocations Scheme".

1.7 Force Majeure

The Council will not be liable for any delay in performing its obligations under this policy if the delay is caused by a Force Majeure (chance occurrence or unavoidable accident for example), provided that reasonable action and notification to customers is taken by the Council. More fully, this means, circumstances beyond reasonable control of that party, including without limitation, strikes, lock outs, acts of God, the act or omission of any governmental or other competent authority, war or national emergency.

1.8 Changes to the Allocations Scheme

The Council reserves the right to expand, change or alter any element of the scheme, as and when required, to meet changes in housing need, capacity, resources and legislation. The routes to enable the amendments would depend on whether the change is major or minor. The EqCIA will define whether the changes and their impact constitute a major or minor change.

| | Major | Minor |
|------|--|--------------------------|
| I. | Internal management | Internal management only |
| II. | Stakeholders including partner landlords and members | |
| III. | Corporate Management Leadership Team (CMLT) | |
| IV. | Legal Check | |
| V. | SNC People & Communities Policy Committee | |
| VI. | SNC Cabinet | |
| VII. | SNC Council | |

The Council will ensure the changed scheme is then made available to the public through its website at: <https://www.southnorfolkandbroadland.gov.uk/help-find-new-home/housing-register>

1.9 Statement on Choice

This Allocations Scheme is fully committed to enabling customers to play an active role in choosing where, and in what property type and tenure they live, while continuing to house those people in the greatest housing need and complying with all relevant legislation. However, to minimise the risk of further incidents of anti-social behaviour an applicant may be restricted in their choice of area.

It is important to realise that the demand for accommodation is higher in some areas than others. In making a decision about the choices available, applicants need to consider their housing need priority against the availability of properties in any given area.

In order to meet our statutory duties, an applicant in the Emergency Band may be made a direct let of suitable accommodation anywhere within the district.

2 Part 2: Aims of the allocation scheme

In order to deliver this Allocations Scheme, South Norfolk Council aims:

- To reduce the use of temporary accommodation for homeless applicants and to assist with prevention by making customers aware of their potential housing choices and the alternative options available to them e.g. private sector, low cost home ownership.
- To increase the availability of accommodation in supported housing schemes, helping scheme residents to 'move-on' when they are ready to do so and creating throughput in the schemes. Careful consideration will be given where customers have been referred by other local authorities into short-term housing schemes in South Norfolk, but where the longer-term responsibility for accommodation lies with the referring local authority.
- To ensure a lettings service that embraces equality and diversity by being open and fully accessible to all individuals and to provide support to customers where needed.
- To improve the means by which local people in the district gain access to social rented housing by providing a modern and easy to understand allocations system which allows choice and is fair, transparent and accountable.
- To encourage residents to access employment and to recognise residents who make a contribution to a local community.
- To make the best use of the housing stock within the scheme.
- To increase opportunities for tenant mobility between the region and other areas of the country. In accordance with the Right to Move statutory guidance on housing allocations for local housing authorities in England (issued by the Department for Communities and Local Government, March 2015) the Scheme sets a limit of no more than 2% of lettings will be allocated to social housing tenants from outside of South Norfolk who need to move for employment purposes.
- To attract new customers from the existing housing register to areas of low demand and reduce void times on 'hard to let' properties
- To meet the legal obligations of the Council by giving appropriate priority to customers who fall within the Housing Act "reasonable preference" categories.
- To contribute to the creation of balanced and sustainable communities; ensuring local need is given sufficient weighting.
- To enable applicants to sustain their tenancy

3 Part 3: Eligibility and Qualification

3.1 Eligibility

The South Norfolk Council Housing Register is a list of applicants who are eligible for inclusion on the list. On contacting the Council your eligibility will be checked before an application is processed.

3.1.1 Persons from Abroad

Some persons from abroad may not be eligible to join the housing register. These include:

- Under sections 160ZA (1), (2) and (4) of the Housing Act 1996 South Norfolk cannot allocate a tenancy, or nominate a person for housing, if they are a person who is ineligible for an allocation of housing accommodation by virtue of being a person subject to immigration control or a person from abroad who is prescribed as ineligible.
- Do not live habitually in the Common Travel Area (UK, Channel Islands, the Isle of Man or the Republic of Ireland);
- Do not have the right to live in the UK;
- Other categories of people who the Government may in the future, decide are not eligible for housing assistance.

The relevant regulations that apply to eligibility are:

- Regulations 3 and 4 Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294
- All subsequent amendments including 'The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)

The rules are complicated and anyone who is impacted or believes they may be impacted can approach the Council for advice or seek independent legal advice.

3.2 Qualification Rules

Section 160ZA (7)) allows South Norfolk Council to define who will be regarded as qualifying and non-qualifying persons. Applicants, who are eligible for an allocation, must meet one or more of the following qualification rules in order to join the Housing Register:

Have a South Norfolk local connection through one or more of the following:

- Have lived in South Norfolk for 6 of the previous 12 months
- Have lived in South Norfolk for 3 of the previous 10 years
- Have a current contract of employment that is effective, within South Norfolk. Where it is anticipated employment will last 6 months

- Have an existing social tenancy and been in employment or training in South Norfolk for a minimum of six months and there is a reasonable expectation that the employment or training will continue for a further 12 months.
- If they are residing in a supported housing project in the district and approaching the Councils via a Move-on arrangement, they will have to have resided at the project at least 6 months before submitting an application. If the specialist provider has a move on arrangement with the Council this will provide the local connection.
- Be threatened with homelessness (within 12 weeks) when the local connection criteria as laid down in the homelessness code of guidance would apply
- Be owed a Relief duty under the Homelessness Reduction Act, when the local connection criteria as laid down in the homelessness code of guidance would apply.
- Have been 'placed' or relocated outside the district due to illness, military service or other exceptional circumstances such as violence and lived in South Norfolk for at least 6 months immediately prior to the placement.
- A young homeless care leaver under 25 years who has been looked after by Norfolk County Council for at least 2 years, including some time before they turned 16, under section 22A of the Children Act 1989.
- A care leaver age under 25 years, placed in accommodation in South Norfolk by another authority for at least 2 years, including some time before they turned 16, under section 22A of the Children Act 1989.
- Are living in accommodation-based support services outside the district to which they were referred by or with the agreement of South Norfolk Council and they met the qualification criteria immediately before the placement.
- Be a current or former member of the British Armed Forces, having left service within the preceding 5 years, as defined by s.374 of the Armed Forces Act 2006.
- Be a divorced, separated, or ex-civil partner of armed forces personnel and is required to vacate a Ministry of Defence property in the next 56 days or has been required to do so in the previous 5 years.
- The bereaved spouse, eligible partner or civil partner of a deceased member of the regular armed forces where their death was attributable to that service.
- Current or former members of the reserve forces who suffer from a serious injury, illness or disability which is attributable to that service.

- Victims of domestic abuse who are residing in a refuge or other safe temporary accommodation in the South Norfolk area as they have fled abuse from another area.
- Be a gypsy (as defined in the Caravan Sites Act 1968) who has habitually resorted to the South Norfolk area.
- Have a family member (parent, adult child or adult sibling) who lives in and has lived in South Norfolk for a continuous period of at least five years*

Once local connection has been established, appropriate banding (see section **4.4.11 Housing Priority Bands**) will be allocated depending on the level of housing need.

Applicants who are disqualified as they meet one of the disqualification criteria can re-apply when their circumstances change so they would qualify.

*Please see the Housing Allocations Policy Supporting Guidance for further information regarding family connection

All applications accepted onto the Housing Register will be subject to a review. **See Part 6**

Special arrangements for 16 – 18- year old

- Anyone over the age of 16 is eligible to join the Housing Register if their current address is their only home, or sole residence, and they are not already registered through someone else's housing application.
- Applicants under 18 cannot legally hold a tenancy. If they are under the jurisdiction of social services and owed a duty under the Children Act, social services will act as a guarantor for those within 6 months of their 18th birthday under an existing protocol. This is subject to their ability to live independently and manage their tenancy. Social services will need to provide a support package to prevent the risk of losing the tenancy. The tenancy will be held in trust until they reach 18.
- Those not owed a duty under the Children Act, may still be granted a tenancy provided they can provide a suitable person to act as a guarantor such as a parent, legal guardian or relative. They will accept responsibility for the tenancy whilst the tenancy is held in trust until the applicant reaches 18.

3.3 The Armed Forces Covenant

South Norfolk Council is a signatory of the Norfolk Armed Forces Covenant. It is a voluntary statement of mutual support between a civilian community and the local armed forces community.



South Norfolk Council has created a Covenant Pledge to demonstrate its support, as an employer of choice, to the armed forces community. We believe that those who serve in the Armed Forces, whether Regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services. Special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved as defined in Section 166A(3) of the Housing Act 1996 as amended by regulations made under section 166A(7))

In undertaking this covenant, we:

- Disregard injury and disability payments; whether these are periodic or a lump sum
- Overlook lack of connection for current and former members. We allow up to 5 years for divorced and separated spouses, eligible partners and civil partners.
- All applications qualify from current or former members (having left service within the preceding 5 years, as defined by s.374 of the Armed Forces Act 2006)
- If they are divorced, separated or a civil partner of service personnel required and are required to move out of Ministry of Defence accommodation, they will qualify

3.4 Non-Qualification Rules

The non-qualification rules below will be assessed and considered on a case by case basis factoring in any mitigating circumstances. Please see section **3.5** and **3.6** for further details

An applicant will not qualify for an allocation where:

- a) They have been housed by a scheme landlord, through a home options within the preceding year, unless there has been a change in circumstances resulting in a priority need.
- b) They have been housed through the Council's Rent Advance & Deposit Scheme within the preceding year, unless there has been a change in circumstances resulting in a priority need.
- c) They are under 18 and do not have a guarantor and cannot show they will be supported in a tenancy where the Council assesses that support is needed to sustain a tenancy.
- d) They, or a member of their household, have been evicted from a tenancy and has neither had a settled period of a minimum of six months nor met the criteria for reassessment, since the eviction.

- e) They, or a member of their household, have been evicted from a property for mortgage arrears and has neither had a settled period of a minimum of six months nor met the criteria for reassessment, since the eviction.
- f) They, or a member of their household is or was responsible for paying rent or a mortgage and they have rent or mortgage arrears and/or court costs greater than 16 weeks if charged weekly or greater than 4 months if charged monthly and they have not met the criteria for reassessment. This will apply equally whether they pay the rent in full, are on partial housing benefit or the housing element of Universal Credit and they pay the shortfall; or are in receipt of full housing benefit or the housing element of Universal Credit where the arrears are solely the responsibility of the tenant. In respect of housing benefit or the housing element of Universal Credit an exception may be made if they have provided the information required and the claim is being reassessed.
- g) They have made a fraudulent claim for housing and/or housing benefit or have provided false information.
- h) They, or a member of their household, has caused damage to a property and been charged for damages and/or recharges and/or court costs of over £1000.
- i) They, or a member of their household, has been evicted for anti-social behaviour or unacceptable behaviour and there has been no demonstrable evidence of behaviour change in settled accommodation.
- j) They, or a member of their household, own a residential property and have the financial means to find their own housing solution. Exceptions may be made where there is demonstrable hardship and the applicants would qualify for sheltered accommodation or housing with care. An exception may also be made if a court order is in place rendering their property is not available for the applicant to live in.
- k) Failure to bid. Exceptions may be made when s106 properties (**see 5.2.6**) or properties which are hard to let become available and the applicants can demonstrate they can afford the unit.
- l) Applicants and their household who are considered to have sufficient financial resources to secure accommodation within the private sector
 - 'Sufficient financial resources' includes any income, assets or investments even if they are not immediately available to the applicant, such as any residential or non-residential property that they own, or part own anywhere in the UK or abroad.
 - Any lump sum received by a member of the armed forces as compensation for an injury or disability on active service will be disregarded.
- m) They or a member of their household, own residential property or are in the process of purchasing residential property, including a Right to Buy or Right to Acquire and have the financial means to find their own housing solution'

- n) They or a member of their household are in arrears or have a debt of more than £1000 with the council. This can include but is not limited to rent in advance, deposits, loan, Council Tax arrears, and temporary accommodation charges.
- o) Applicants who have deprived themselves of assets, to include property, savings or income will be treated as still possessing the value of the asset and will not qualify where, had the asset not been transferred, they would have had sufficient financial resources. Consideration will be given to the personal circumstances of the applicant and the length of time which has passed. Information and advice will be provided on alternative housing options. When considering this we will also consider benefit regulations with regard to deprivation of capital.

Those who do not qualify will be offered alternative advice such as low cost home ownership schemes, rent to buy, shared ownership/equity, private renting, discounted market sale and starter homes, supported housing and housing with care.

3.5 Exceptional or Mitigating Circumstances

Each application will be assessed individually. Exceptional and/or mitigating circumstances will be considered and the council will be able to exercise its discretion. If it can be shown that they now qualify they will be placed in a suitable band. However, if there is still concern in relation to their behaviour or ability to pay the rent, their application may be suspended or made inactive for bidding until a suitable pattern of behaviour has been demonstrated over a period of 6 months or more.

The following are factors to be taken into account in determining non-qualification or reduction of preference and subsequent management of their application to either suspend or prevent from bidding.

- Physical disability, illness or frailty
- Mental illness and/or severe depression
- Special educational needs
- Learning disabilities
- Financial resources or substantial debt problems
- Low income/benefit recipient
- Support or floating support needs
- Rooflessness/homelessness
- Inability to find alternative accommodation
- Size of family (including young children)
- Known forms of violence have occurred including domestic abuse and neighbour disputes.

This list is not exhaustive and could apply to an applicant or a member of the household. Depending on the number of factors present, the severity and their relevance to the overall situation, the effect could be a non-qualification or reduction of preference or it could lead to a non-qualification being changed to a reduction of preference. Non-qualification means the applicants cannot join the housing register. Reduction of preference means the applicant can join the register but their ability to

bid may be restricted or their application suspended for an agreed period of time and subject to a set of conditions.

3.6 Reassessment of applications who have not qualified

Applicants who have failed to qualify will need to provide the evidence if their circumstances have changed to initiate a reassessment. If the reassessment is successful and they now qualify, they will be treated as reduced preference and either suspended or made inactive for bidding for an agreed period of time.

The table below summarises the causes and evidence required to mitigate it.

| Cause | Evidence |
|---|---|
| They are in arrears of rent in advance and deposit loan or other debt owed to the Council. | Repayment plan in place and adhered to for a minimum of six months or the debt has been cleared by regular payments whichever is sooner |
| Eviction from a tenancy for rent arrears | Minimum six month settled accommodation with up to date rent account. Repayment plan in place and adhered to for a minimum of six months |
| Eviction from a property for mortgage arrears | Minimum six month settled accommodation with up to date rent account. Repayment plan in place and adhered to for a minimum of six months |
| Responsible for paying rent and they have rent arrears and/or court costs greater than 16 weeks rent, or if the rent is charged weekly or greater than 4 months if the rent is charged monthly. This will apply equally whether they pay the rent in full, are on partial housing benefit/housing element of universal credit and they pay the shortfall or are in receipt of full housing benefit/housing element of universal credit where the arrears are solely the responsibility of the tenant. | Up to date rent account (where relevant) and repayment plan in place and adhered to for a minimum of six months or the debt has been cleared by regular payments, whichever is sooner. Confirmation of information provided for a housing benefit claim to be assessed. |
| Damage to a property and been charged for damages and/or recharges and/or court costs of over £1000. | Repayment plan in place and adhered to for a minimum of six months or the debt has been cleared by regular payments whichever is sooner |
| Eviction from a tenancy for anti-social behaviour | Minimum six month settled accommodation with no complaints relating to behaviour. |

3.7 Safe Surrender Agreements

Where a tenancy is failing but has not yet met the threshold for non-qualification and resulting reduced preference, a Safe Surrender Agreement may be considered which enables the surrender of the tenancy before the situation escalates to a crisis and/or eviction. It should be agreed before the tenancy is surrendered.

The agreement is between Landlord, Tenant, and relevant Council

If agreed the conditions are:

- a) The tenant will give usual 28-day notice.
- b) The partner landlord may agree a shorter notice period at their discretion.
- c) The tenant must be unable to manage the tenancy due to illness and/or other support needs which cannot be met at that time.
- d) Where the property is in danger of deterioration, but substantial deterioration (under £500) has not yet occurred and does not occur before vacant possession is given.
- e) The tenant is struggling to pay the rent, but the rent account is not yet more than 8 weeks in arrears (net) and does not become so before vacant possession is given.
- f) The tenant is in breach of other terms of the tenancy, but this has not yet reached the level where a reduction of preference would usually be applied and does not become so before vacant possession is given.
- g) Applications submitted under a Safe Surrender Agreement, will not have reduced preference applied provided no further issues become known subsequent to the agreement.
- h) Their priority will be assessed according to current need and circumstances. If a subsequent homelessness application is made, the existence of a safe surrender agreement will allow the Councils to take this into account when making their decision.

4.1 Submitting an application

The application to join the housing register is online via the Housing portal which is located by following the link: www.southnorfolkandbroadlandhomeoptions.org.uk Alternative contact and support methods are in place for those unable to access the internet or in need of additional support.

The application can be submitted by one of the following:

- a) When you enter the Housing online portal website by clicking the link to the housing register, it will ask you for your name, date of birth and national insurance number and if we already hold an application for you, it will advise you on what to do next. If not, it will take you to the electronic online form. You will be offered assistance if you need it.
- b) If you are being referred by one of the agencies we work with, they will assist you to submit an application if this is deemed one of your options.

Wherever you enter the Housing portal you will be given a unique identification number. The identification number will enable you to access the housing portal. You will be asked to create this account when you log on for the first time. The account will hold a reference number and password, and these should be held by you to access the account.

4.2 Applicants without a fixed address.

Applicants with no fixed address can request for correspondence about their application to be sent to the care of another address. If no other address is available, the Housing and Benefits Service will hold the correspondence and take reasonable steps to contact the applicant to inform them that correspondence needs to be sent to them and to agree a way of sharing the correspondence.

4.2.1 Joint Applicants

Joint applications will be accepted and will be treated as one application. The housing need of the full household will be considered in assessing housing need. Joint tenancies are normally granted where applicants have a long-term commitment e.g. married and unmarried couples, civil partners but this decision is down to the individual partner landlord who will decide whether to allow a joint tenancy in accordance with their own rules.

Carers cannot be a joint applicant unless they are already a member of the permanent household and are providing a carer role in addition to their prior and existing relationship with the applicant.

4.3 Proof & Verification Required

For every person on the application we must normally see at least two of the following forms of proof of identity - one of which must be a photo ID, and proof of where they currently live and previously lived:

- full birth certificate

- medical card
- marriage certificate
- driving licence
- national insurance card
- Passport.

In order to assess whether the qualification rules are met and to undertake the assessment the applicant will also be asked to provide independent documentary proof of the following:

- relationship to and between all those named on the application
- immigration status
- the property you currently live in – where, the occupation status and how long
- previous property details and reasons for moving
- if you have a local connection with the Local Authority area
- salary levels, proof of income e.g. pay slips, P60
- formal evidence proving separation and relationship breakdown
- main bank account into which benefits, or salary is paid
- details of savings held including stocks and shares
- title deeds of any properties owned and/or mortgage details
- school letters
- utility bills
- proof of benefits including proof of receipt of child benefits
- residence order
- other relevant court orders
- evidence of medical conditions and how it is impacted by your housing
- evidence of mobility or physical disability and how it is impacted by your housing
- MATB1 as evidence of a pregnancy
- Notice to Quit where notice has been served
- evidence to support welfare or social reasons for moving
- evidence of unspent criminal convictions (a Disclosure and Barring Service (DBS) or police check may be subsequently undertaken).

This list is not exhaustive, and alternatives may be requested. In the case of mobility or physical disability, the Council will use Occupational Therapists to make an assessment where required.

Verification requires the applicant to provide information to support their housing needs or the needs of a member of their household and an investigation into its authenticity. Information will be required as follows:

- a) At the point of submission in order to make the initial assessment.
- b) At the point of a review to affirm the assessment.
- c) At the point of a change of circumstances to make a reassessment.
- d) At the point of offer of accommodation if either the last review was over 12 months or confirmation of new circumstances comes to light.

It is South Norfolk Council's responsibility to ensure an application is verified before an allocation is made. It is the applicant's responsibility to provide the information required by the date indicated and to cooperate fully with the investigation.

Where proof cannot be supplied; the reasons will be determined, and a decision must be made by a senior officer on whether the application can be processed.

4.3.1 Household Splits

Where children live with one person, but another person has access where they stay with them some of the time, and in the absence of a Residence Order from the courts, a combination of this evidence must be provided which determines the length of time spent with the main carer. i.e. their habitual residence. Children cannot usually appear on more than one application.

4.3.2 False information

The application form states that under the Housing Act 1996 and Homelessness Act 2002, it is a criminal offence for anyone to knowingly give false information or to withhold relevant information if reasonably required to give it, on any matter regarding the allocation of housing. In addition, applicants will be advised that should an applicant be successful in obtaining a tenancy from one of the partner landlords by knowingly or recklessly making a false statement then the landlord would seek possession of the property and may result in prosecution leading to a fine and/or imprisonment.

4.4 Assessment

4.4.1 Assessment of housing need

All applicants who are eligible and qualify to join the Housing Register will be assessed for housing need. The law requires that reasonable preference for an allocation must be made in the following cases:

- a) People who are homeless within the meaning of Part 7 of the Housing Act 1996 as amended by the Homelessness Reduction Act. **See 4.4.2**
- b) People who are owed a duty by a housing authority under relevant housing and homelessness legislation.
- c) People occupying unsanitary (unhealthy) or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- d) People who need to move on medical or welfare grounds, including grounds relating to a disability.
- e) People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or others).
- f) South Norfolk Council prioritises local housing for local people and will give additional preference to local connection specifically in relation to:
 - Properties built under a s106 agreement
 - Local lettings plans
 - Rural lettings schemes
- g) Additional preference is given under the Armed Forces Covenant. **See Part 3.**
- h) Additional preference may be given to certain groups of people in order to meet local and priority need.

Applicants are placed in the South Norfolk banded priority award suitable for their circumstances. **See section 4.4.11**

4.4.2 Homeless Assessment

Applicants presenting as homeless within the meaning of Part 7 of the Housing Act 1996 as amended by the Homelessness Reduction Act will be subject to a homeless assessment to assess the following:

- a) Whether homeless prevention measures can keep the applicant in their home.
- b) Whether the applicant is going to become homeless in the next 12 weeks.
- c) Whether the applicant is already homeless and is owed a relief duty.
- d) Whether the applicant is intentionally homeless and thereby is owed a reduced preference.
- e) Whether a Safe Surrender Agreement prior to tenancy surrender prevented imminent homelessness.

South Norfolk Council will use a toolkit to undertake the homeless assessment. They will then be placed in the relevant priority band.

4.4.3 Temporary Suspension of Bidding

Applicants who have failed to qualify and are subsequently reassessed so that they now qualify will be treated as reduced preference. If you have reduced preference, it means that you will be awarded the correct priority band for your circumstances, but your allocation will be held for the agreed period of time to enable stabilisation. This allows the applicant to demonstrate their ability to meet tenancy conditions in the future.

This will be achieved by:

Inactive to Bid: The application is made inactive. There is a period of stabilisation which allows the applicant to improve their tenancy management skills and increase the probability of tenancy sustainment.

We do not operate a reduced preference band, as this still allows a reduced preference applicant to receive an offer of accommodation. If they have failed to address the behaviour that led to their reduced preference award, they are a high risk of tenancy failure.

Likewise, we do not allow them to bid and then bypass them for selection. This is not in keeping with a fair and transparent policy.

4.4.4 Transfer assessments

Social tenant applications (transfers) with a local connection will be accepted and assessed in accordance the following being met:

- a) Eligibility
- b) Qualification
- c) Housing need

South Norfolk Council transferred their stock to a partner landlord operational in the area under a stock transfer agreement which preserves the rights of tenants to transfer using the Housing Register. This has been further expanded to allow all partner landlord tenants with a local connection to utilise the Housing Register to effect transfers.

4.4.5 Child of Tenant

This is a scheme which rehuses adult children within a household with the aim of alleviating overcrowding while allowing the family as a whole to remain in their community.

Specific Criteria:

- It would apply where the main household has already got an overcrowded priority.
- 18 years olds+ could potentially be given their own allocation subject to an application being submitted to be considered as a single person.
- The application of the 18 year-old+ would reflect the overcrowding priority award of the main household.
- It is subject to the agreement of the 18-year-old+ and parent/guardian.
- It must alleviate the overcrowding by at least one bedroom.
- The main household and child's application would be linked so that when the child is allocated, the main application is flagged for review. If overcrowding is the only priority and this has been fully alleviated, then the main application will be treated as rehoused and the application closed.
- If the main household has another priority need besides the overcrowding it will be reassessed as a change of circumstance.
- The 18-year-old+ must be deemed as ready to move and able to afford the property and sustain their tenancy.

4.4.6 Priority on Health Grounds

Priority on health or disability grounds will only be awarded after an assessment if someone in the household has a severe long-term limiting illness, or a permanent and substantial disability AND their health or quality of life is severely affected by the home they live in.

A priority medical award is not given on the basis of the medical condition or disability alone but upon the effect the housing circumstances are having on a long term and serious medical condition or disability. We will also consider if where you live now can be reasonably adapted to meet your needs. It may also be that there are combinations of serious health or disability concerns that mean that the health or quality of life of a household is being severely affected.

The Housing and Benefits Service will undertake the assessments and may ask qualified health advisers for advice and/or recommendations in relation to the condition and the impact their housing is having on that condition or that of the household. Occupational Therapists are usually used to assess housing requirements for mobility and physical disability cases. Any evidence you supply will be considered fully and further evidence may be requested.

Other recommendations can be made on health grounds such as:

- a) The type of property that is most suitable and essential on health grounds. This can include access, space, location, or access to a garden.
- b) When a property with one of these features is advertised, preference for it may be given to applicants where a recommendation by health advisers has been accepted.
- c) Use of a garden for safe supervised outdoor play area by a child under 18 in your household with one of the following:
 - a permanent and substantial physical disability
 - severe long-term limiting illness

- the severest forms of learning disabilities
 - the severest forms of behaviour problems.
- d) Use of a garden for an adult in the following circumstances:
- if they have a cognitive impairment that means they do not sense danger
 - at risk of wandering and so need constant supervision
- e) A garden may be recommended if:
- they have a severe, permanent, and substantial disability or severe long-term limiting illness
 - limiting illness and caring for children is causing concern such that their continued residence is at risk
 - stress of caring for them is exacerbating the health problems
 - they have a sensory impairment and/or a guide dog and they live alone or only with others with disabilities.
- f) Extra space may be recommended if:
- you, or someone in your household, has either a permanent and substantial disability, or a severe long term limiting illness, or the severest form of learning disabilities or behaviour problems and-for you to share a bedroom with that person would seriously affect the sleep of those you would normally share with, to the severe detriment of their or your health.
 - You are having essential health treatment at home that needs large machinery or a stock of health supplies to be stored e.g. you are having renal dialysis at home.
 - you need a full-time Carer to provide support night and day
 - you have a permanent and substantial disability or long-term limiting illness or severe learning disability and need additional space for specialist equipment
 - you have a severe long-term limiting illness and sharing a bedroom will exacerbate your health problems e.g. you have an immune deficiency.
- g) An additional recommendation that can be made is that an applicant must have ground floor on health or disability grounds or must have a ground floor property that is wheelchair accessible. This may be recommended if you have a permanent and substantial disability or severe long- term limiting illness that means that your mobility or exercise tolerance is so severely restricted you cannot safely manage any stairs.

4.4.7 Care Leavers

Young people in local authority care will work with the Council with the assistance of social services to access the Housing Portal. All the tenancy preparation and support measures they required to sustain a tenancy will be explored together with the possible housing solutions. Once they are stable and ready to move their application will be activated. This will be no sooner than 6 months before they reach 18 years old. This will be done jointly with the Housing and Benefits Service and Social Services. It is usual for applicants coming through this route to be vulnerable and therefore it is especially important to get the assessment right. For their eligibility and qualification. **See Part 3**

4.4.8 Move On

Applicants in supported housing with a specialist provider will work with the Council to access the Housing Portal. All the tenancy preparation and support measures they require to sustain a tenancy will be explored together with the possible housing solutions. Once they are stable and ready to move their application will be activated. This will be done jointly with the Housing and Benefits Service and the specialist provider. It is usual for applicants coming through this route to be vulnerable and therefore it is especially important to get the assessment right. For their eligibility and qualification. **See Part 3 and Part 1**

4.4.9 Elected Members or Employees and Close Relatives

| | |
|-------------------------------------|---|
| Elected Members: | The application will be assessed by a relevant manager of the Council. The award of priority (housing need band) must be authorised by the Council's Managing Director. |
| Current or Former Employees: | The application will be assessed by a relevant manager of the Council. The award of priority (housing need band) must be authorised by the Council's Director with the responsibility for Housing. |
| Close relatives: | The application will be assessed by a relevant senior officer or manager of the council. The award of priority (housing band) must be authorised by the Council's Director with the responsibility for Housing. |

4.4.10 Pitches for Gypsies and Travellers

Applications for these pitches are through the same route as applicants for Housing Register. A landlord reference is required. If it is their first pitch application and they have no reference, they will need to provide a guarantor, usually an existing pitch holder with a good record. They are assessed and awarded a priority need band. There may be an additional assessment of any site-specific factors. The assessments will be in accordance with Gypsy and Traveller Site Management Good Practice Guide (Published by Communities and Local Government July 2009) and will include consideration of the balance and mix in the community, therefore prioritising the long-term cohesion of the site.

Specific Considerations:

- a) Extra support with the process is offered to applicants where it is needed.
- b) The pitches are not advertised on the website and these are covered as direct lets. **See 5.1.1**
- c) A degree of limited discretion in allocating pitches is required and should not be automatically bound to the household with the highest priority. The Councils will have the discretion to offer pitches other than the one applied for to prevent the household residing on an unauthorised encampment.
- d) Sites are often occupied by extended family groups and this can help to ensure good community relations on the site. In some exceptional circumstances the Councils may, in consultation with the site manager, want to take account of factors which a pitch allocation may have in adversely affecting the suitability of the site as a social unit.
- e) If as a result of an assessment of their application, the landlord has good reason to be concerned about the risk of conflict with existing residents, they

should take up this issue with the applicant, and carry out a risk assessment. Refusal to allocate a pitch must be based on the merits of the application, without undue influence from those already on a site.

- f) The landlord will confirm the landlord reference with the applicant.
- g) The landlord reserves the right to withdraw any offer which may have been granted on the basis of incorrect information.

4.4.11 Housing Priority Bands

Each application will be assessed to determine the level of housing need of the household and placed into one of four bands:

Emergency

- People with a serious medical need who are unable to be discharged home from medical care due to their changed accommodation need. This may include access to an adapted property.
- If your home has been destroyed by a disaster
- Homeless and fleeing/threat of violence
- A homeless applicant who is either owed a s193 Main Housing Duty and is currently living in temporary accommodation or who is owed a s189b Homeless Relief Duty, and have been placed in interim accommodation and is not likely to be assessed as intentionally homeless.
- Witness Protection

Band 1

- An applicant in priority need who is either homeless or threatened with homelessness within the next 12 weeks and who is not likely to be assessed as intentionally homeless.
- High Medical Need. This may include access to an adapted property(see Band Considerations below for further detail)
- High Welfare (See Band Considerations below for further detail)
- Current tenant in an adapted property they no longer need
- Tenant in social housing, within the South Norfolk under-occupying by 1 or more bedrooms (current property unaffordable)
- Disrepair/Unsafe Home/lacking essential amenities *
- Overcrowded by 2 or more bedrooms
- Care Leavers (**see 4.4.7**)

Band 2

- An applicant who is either homeless or threatened with homelessness within the next 12 weeks who is assessed as likely not to have priority need
- Medium Medical Need. This may include access to an adapted property(see Band Considerations below for further detail)
- Medium Welfare Need(See Band Considerations below for further detail)
- Lack of Amenities*
- Overcrowded by 1 bedroom
- Tenant in social housing, within the South Norfolk under-occupying by 1 or more bedrooms (current property affordable)
- Assessed as ready to move on from supported accommodation
- Two existing socially rented households moving into one property where at least one of the properties is in South Norfolk District

- Have a need to move to the South Norfolk area where failure to meet that need would cause hardship to themselves or others.
- An applicant who has been likely assessed as Intentionally Homeless

* Essential amenities means applicants living in homes lacking: A kitchen (or cooking facilities), a bathroom, an inside WC, running water, or electricity. Disrepair/Unsafe Home - A property assessed by the Council's Housing Standards department under the Housing Health and Safety Rating System and considered eligible for formal enforcement through either Improvement, Prohibition, Emergency Prohibition and Hazard Awareness Notices (including Suspended, Improvement and Prohibition Notices)

Band 3

- S193 Duty (not able to live independently)
- TA (assessment in progress)
- Meet eligibility/qualification
- No Housing Priority Need

Band Considerations:

Cumulative Need:

We do not operate a banded system with cumulative need. If you have more than one priority need (reasonable preference allocation). We will use your highest priority to place you in the correct band.

Time Waited:

You will be placed in the priority band in effective band date order. Those who waited the longest will be the highest in the list. **See 4.4.12** to see how we determine your effective band date.

Suspension of Bidding:

We do not operate a lower band for reduced preference. Instead we manage this within the administration of the housing register and bidding process. In this way we promote good tenant behaviour and sustainable tenancies. **See 4.4.3**

Adequately Housed:

You will be in band 3. If you are adequately housed. You will still get the benefit of any properties that have a specific local lettings criteria attached. **See 5.1.4**

Priority on Welfare need:

Will only be awarded after an assessment confirms that a change of accommodation could reasonably be expected to alleviate the problem.

A high welfare need will be awarded where there is an urgent need to move as the circumstance is having a severe impact on the household's wellbeing or where there may be an imminent risk of future homelessness.

A medium welfare need will be awarded where the need to move is not urgent, but the circumstance is causing the applicant significant problems and is substantially affecting their wellbeing. Applicants may

be provided with additional information and advice relating to their welfare need and may be signposted to appropriate agencies and services which provide specialist support. A welfare need may include, but is not limited to financial difficulties, anti-social behaviour, harassment, and isolation. Circumstances will need to be verified and multi-agency information sharing, and assessment may be required, but it remains the Council's decision to determine if there is a housing need and the level of priority which should be awarded.

Priority on Health Grounds:

A high medical need will be awarded where the applicant or a member of their household has an urgent need to move because their accommodation is unsuitable and cannot be made suitable . An applicant will be assessed as having an urgent need to move where there is an imminent risk of health deteriorating as a result of the unsuitability of the accommodation and there is a clear expectation, supported by relevant health professionals that a change in accommodation will have a significant impact on their health and wellbeing. This includes access adapted properties.

A Medium medical need will be awarded where the current home is causing the applicant significant problems and whilst they are managing to some extent, a change in accommodation could reasonably be expected to alleviate or significantly improve the problem. The need will be supported by relevant health professionals. This includes access adapted properties

Emergency Band time limit:

Emergency band will only be valid for 8 weeks. This can be extended where the applicant has not placed a bid because no suitable vacancy has arisen during that period. If the applicant does not meet the extension criteria, their priority will be reduced to Band 3 and they will be directly offered the next available property suitable to their needs. If they refuse the offer of that property, the Council will view any housing duty as having been discharged.

4.4.12 Determination of Effective Band Date

In order to determine your effective band date, and provided there is no delay in providing the information required within the time stipulated, we use the following:

- Your first assessment, we will use the date you submitted your application
- If you have a change of circumstances and your priority need changes and you go up a band, we will use the date your new priority was awarded.
- If you have a change of circumstances and your priority need changes and you go down a band, we will use the same effective band date you had in your original band.

- An assessment and award of priority cannot take place without the supporting evidence. If you fail to provide this at the point of submission or the date you advised us of the change of circumstances, we will use the assessment date as the effective band date.
- If you are statutory homeless, the effective band date will be the date in which, through our investigations, you were deemed as actually homeless.
- In the unlikely event more than one applicant bids for the same property and they have the same effective band date, we will consider the type of priority awarded and the urgency of the priority to determine who will be allocated the property.

4.4.13 Household Type and Property Size Allowed

The legislation states in order to allocate a property we must ensure all of the following:

- The size of the property must be suitable for the household need
- Landlords must make best use of their stock
- The property must be affordable for the applicant it is allocated to
- It should be possible for the applicant to sustain their tenancy if the property is allocated
- The household's circumstances must be fully considered
- The property is allocated in accordance with the South Norfolk Council Allocations Scheme.

The table below shows how we allocate property size. For further clarification and definition of the room and space standards. **See Appendix 2: Allocation by Bedsize**

| Household Type | Property Size | Conditions |
|-----------------|---|---|
| Single Person | Any 1 bed property or 2 bed above ground Floor | 2 beds will only be allocated where a property is deemed hard to let. It is allocated subject to affordability and sustainability. |
| Couple | Any 1 bed property or 2 bed above ground Floor | 2 beds will only be allocated where a property is deemed hard to let. It is allocated subject to affordability and sustainability. |
| Carer | A bedroom will be allocated if the carer needs to reside in the property overnight and is not already part of the permanent household | Subject to an agreed medical need for a Carer. Evidence of Housing Benefit and/or Disability Living Allowance will need to be at enhanced levels. Young carers treated as if they are 16+ |
| Medical | A bedroom will be allocated if recommended and evidenced as part of the medical need | Subject to an agreed and evidenced medical need where the extra room may be needed to accommodate large essential equipment or there are serious mobility issues. |
| Child Residency | A bedroom will be allocated for a child who resides as part of the household 4 nights per week or more and | Subject to evidence such as Child Benefit and/or Custody Order. We will not allow the same children on more than one application. |

| Household Type | Property Size | Conditions |
|-------------------------|--|--|
| | we have evidence they are part of the applicant's household | |
| Unborn Child | Provision will be made for an unborn child provided we have evidence | Subject to evidence of a MATB1 issued by NHS confirming the pregnancy. The unborn child will be treated as same sex. The overcrowding priority will not be awarded until the child is born and a birth certificate has been provided. The applicant will be able to bid without the overcrowding award. The date of birth will be used to determine the effective band date. |
| 16+ | Own Bedroom | The child is deemed in need of their own personal space. |
| Sex Separation | Children of the opposite sex will only be allocated their own bedroom when they are 10 years or older | This reflects the current benefits position. |
| Students | Living away from home will be treated as part of the main household | Where a household normally includes a family member who currently lives away from home studying at college or university that family member may be considered part of the household for the duration of the initial course. This will usually be up to 3 years. Evidence of the end date of the course must be provided and a reassessment will be made following the end of the course. Post graduate study may not be covered by the above criteria. This ties in with Housing Benefit/Universal Credit. |
| Under Occupation | Allow under occupation by 1 bedroom | This will only apply where a property is deemed hard to let and subject to affordability and sustainability. |
| Ground Floor | Ground floor units will be prioritised for medical need where possible but ultimately, we will make best use of stock. | We will advertise clearly to show how we allocate ground floor properties. We will seek to be fair to applicants and partner landlords. Some partner landlords may restrict upper floors when a household has children for safety reasons, and this will show in the advert. |
| Adapted | Adapted units will be prioritised for medical need applicants who require the | OT assessments will be used to assess the requirements of the household. |

| Household Type | Property Size | Conditions |
|----------------|---------------------------------------|------------|
| | specific adaptations in the property. | |

4.5 Notification

Once an application has been assessed the applicant will be notified in writing of the following:

- The band in which they have been assessed
- The size and type of property they qualify for
- How to access the online portal in order to bid for properties
- Their Housing Register number
- Their right of review of their band and property size/type eligibility
- Qualification under reduced preference where relevant, the conditions imposed and the reassessment process.

4.6 Cancellation of Applications

Applications will be cancelled for one or more of the following reasons:

- a) The applicant requests cancellation
- b) The applicant's circumstances change, and they are no longer eligible or no longer qualify
- c) The applicant has not responded to a review of their application within the 28 days requested.
- d) The applicant is found to have made a false or deliberately misleading statement, or to have withheld information in connection with their application.
- e) The applicant has not placed a bid for 12 months
- f) The applicant has not responded to contact from the Council within the 28 days requested.
- g) The applicant has failed to provide the evidence required to assess their application.

4.7 Change in circumstances

A change in circumstances must be notified to the Council immediately together with any supporting evidence. Failure to do this could result in an applicant not being considered for a property. This is because priority is based on the applicant's current situation. A change in circumstances will mean that an application has to be reassessed.

4.8 Deliberate or worsening circumstances

Where there is evidence that an applicant has knowingly and deliberately made their housing situation worse in order to gain a higher priority on the register, the assessment of their priority need will be based on the circumstances before their situation changed through their actions to deliberately worsen their circumstances.

Some of the examples are listed below:

- Applicants who have allowed family members or others to move into their property, who previously had suitable accommodation or the financial means to

secure their own accommodation, and this has resulted in the property being overcrowded.

- Applicants who have moved from previously suitable or more suitable accommodation which it was reasonable for them to continue to occupy, into a less suitable property.
- Applicants who have given up affordable and suitable private rented accommodation which they are able to maintain, to move in with other relatives or friends, creating a situation of overcrowding and/or sharing of bathroom/kitchen and/or a split household.
- Requesting or colluding with a landlord or family member to issue them with a Notice to Quit.

5. Part 5: Allocations and Lettings

5.1 Allocations

5.1.1 Direct Lets

South Norfolk Council will make a direct let in the following situations:

- a) Where a property is needed urgently to deal with an emergency or to provide temporary accommodation for a homeless family.
- b) 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. These are usually referred to as sensitive lets.
- c) Where a customer's home is being repaired and they need to be moved from the property on a temporary or permanent basis.
- d) Where the applicant has enjoyed an established occupancy of the property, has a reasonable expectation of a property of that type and would be a suitable tenant (e.g. former tenants of the property, non-secure or introductory tenants or carers or family members with no succession rights). A tenancy reference will be obtained to verify the decision.
- e) Homeless and in TA under s189B(2) relief duty or main duty – use of TA
- f) Urgent rehousing requirement: property, health, personal safety, discharge of homelessness duty the allocations needs to be undertaken quickly.
- g) Duty to house under s39 land compensation act 1973.
- h) Failure to bid.
- i) The applicant has exceeded the number of offers they are allowed, and their refusal has been deemed unreasonable.
- j) Adapted units.
- k) Vulnerable applicants where they would find bidding problematic.
- l) Pitches for Gypsies and Travellers.

If a direct let is needed for other reasons it requires the approval of the Allocations Scheme Panel to make the decision. **See Appendix 3: Allocations Scheme Panel.**

5.1.2 Advertising the Property

Properties identified for choice-based lettings are advertised online on the Housing portal for a period of 7 days from Thursday to Wednesday. This is called an advert cycle. The 7th day is the closing date.

Information regarding other alternative housing options such as private rented, shared ownership properties and other solutions will be explained on the online portal.

5.1.3 Rent Regimes

This should be clear in the advert and/or offer letter where it is a direct let. There may be 3 types:

Social Rented: Properties built before the affordable rent programme; the rent is calculated as a formula rent under the rent standard. Tenure types will be Starter and Assured tenancies.

Affordable Rented: Properties built under the affordable rent programme; the rent can be up to 80% of the local market rent value. Tenure types will be Starter and Affordable Assured with some of them being fixed term tenancies of between 3 and 5 years. This is determined by the partner landlord's tenancy policy.

Fair Rented: These are generally for tenancies issued prior to 1989 or stock transfer properties. They only apply to social landlord transfers currently on a secure or preserved secure tenancy. The rent is registered every 2 years with the Rent Officer Service. Tenants on secure tenancies may not be able to transfer their tenancy to an Affordable Rented property unless the advert specifically states you can. If you bid for it and accept it, you will be expected to surrender your secure tenancy and sign up on an affordable assured tenancy. This will be discussed with you at the time and you may wish to seek independent advice.

5.1.4 Local Letting Provision

Sometimes local lettings agreements are agreed with South Norfolk Council either for a new development or existing properties. The table below outlines the types of local letting provision operating within this Allocations Scheme. These are monitored annually and measured for their impact on the main Allocations Scheme.

| Local Letting Provision | Description |
|--------------------------------------|--|
| <p>Local Letting Policies</p> | <p>Local Lettings Policies Section 167(2E) of the 1996 Housing Act enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories.</p> <p>Criteria in addition to the Allocations Scheme are considered when an allocation is made to a particular estate or community. They are used to achieve a wide variety of housing management and other housing policy objectives, and are usually developed where there is a wish to alter the balance of the community or ensure a balanced community at the stage where a new development is let.</p> <p>The partner landlord will gain approval from their own Board and the Allocations Scheme Panel. The Enabling department of the Councils will also be involved where the policy is being applied to a new development.</p> <p>The reason for its proposed introduction must be set out as follows:</p> |

| Local Letting Provision | Description |
|-------------------------------|--|
| | <ul style="list-style-type: none"> ▪ the particular issue that is affecting the community that requires the Local Lettings Policy ▪ the area it would cover including the number and types of properties ▪ how long the policy will be in place ▪ what they hope to achieve by its introduction ▪ what the policy contains ▪ the impact on the main Allocations Scheme |
| Rural Lettings Schemes | <p>In areas which are officially defined as either villages or rural parish the rural lettings scheme may apply. The allocation will be made to the applicant with the highest priority, where there is equal priority, the allocation will be given to the applicant that demonstrates the greatest connection to the community which is assessed by:</p> <ul style="list-style-type: none"> ▪ how long the applicant has resided in the community ▪ how long the applicant has been employment in the community ▪ how long the applicant has been involved in voluntary work within the community |
| Section 106 Agreements | <p>Section 106 Agreement Letting Scheme Properties developed on sites that incorporate a S106 planning agreement determining the allocation of housing on that site will be let in accordance with the terms of the agreement. Such agreements have been developed to ensure that secure mechanisms are in place to restrict the occupancy of the dwelling both on first occupation and in perpetuity to those who have a local community need for an affordable dwelling.</p> <p>The partner landlord will gain approval from their own Board, the Councils planning department and the Allocation Scheme Panel.</p> |

5.1.5 Housing with Support or Extra Care

Some accommodation is designed specifically for older people or people who need a specific type of care or support. There is a charge in addition to the rent. The older people schemes are designed for those with a minimum age of 55 or 60. They may also have extra care provision. If the property is advertised as choice-based letting, the advert will be clear who can apply. Some schemes are not advertised and are subject to a direct let.

In exceptional circumstances, younger people may be considered for older people schemes, if they require support, and other types of accommodation are not suitable. This would be achieved through a direct let.

In both instances, the partner landlord will undertake a need and risk assessment of the applicant to ensure they meet the eligibility for the scheme.

5.2 Expressions of interest

5.2.1 Bidding for Properties

Once an applicant has been assessed and provided there are no restrictions such as a reduced preference or they are not ready to move, they will be made active to bid and can start using the online portal. This enables them to apply for an advertised property which meets the size and type they are permitted. They can bid for up to two properties a week, but they must do so before the closing date to be considered. The expression of interest is by bidding.

Bidding can be undertaken by:

- Phone
- Website

5.2.2 Assisted Bidding and Auto Bidding

Where someone is vulnerable or unable to bid for themselves and has no one to do it for them, we will allow you to register for assisted bidding. You provide us with your choices, and we do it for you. They are placed using a function we call auto bidding. If you wish to change your choices, you need to contact us. We may need to reassess your application if your new choices do not match with your current priority need.

The auto bids are like advance expressions of interest. You will need to be sure of choices so that the auto bidding system can bid for the type of home you are willing to accept.

5.2.3 Grouped Bids

In certain circumstances, properties that are advertised may be grouped into one single advertisement. This will include advertisements for new build properties and those properties made available following regeneration schemes, where properties will be grouped by property type and size. Schemes under 5 units will not be subjected to grouped bids. Where there are grouped advertisements, applicants who place one bid will be considered for all properties within the group.

5.2.4 Retrospective Bids

A retrospective bid request is a bid placed once the bidding cycle is closed. It is usually a request from an applicant, or their authorised representative, to include a new bid or withdraw an existing bid and replace it with another. It will only be considered if there was a period during the bidding cycle where the bidding facility was unavailable for 30 minutes or more and the Housing and Benefits Service can confirm this. The Council places alerts on the system when the system is down and invites retrospective bids where necessary. If allowed, a retrospective bid can only be placed by the Council no later than the close of business on the day after the closing date. By placing such a bid, the applicant is not guaranteed an offer. The applicant will need to contact the service by phone or come in person. The Council

will alert the partner landlord who owns the property, the shortlist will be suspended whilst this bid is processed and then the shortlist will be run again.

5.2.5 Shortlisting

When a closing date is reached for a choice based letting, the applicants who bid for the property will be shortlisted within 3 working days.

The shortlist will use the following parameters to prioritise:

- South Norfolk Council local connection **See 3.2**
- Local letting provision **See 5.1.4**
- Targeted advert criteria **See 5.1.5**
- Reduced preference applicants who are inactive to bid should not appear on the list. **See 4.4.3**
- Bedsize and property type allowed **See 4.4.13**
- Adapted unit.

The successful applicant will be verified if they are to be selected for the property and it has not been done within the last month or the applicant shows an outstanding issue. The property must be deemed suitable to the needs of the applicant and there must be agreement by the partner landlord.

If an applicant has to be bypassed because there are circumstances which mean they do not suit the property or cannot be selected, a bypass reason must be recorded on the system. This is mandatory and ensures the decisions are fair and transparent. This will be preserved on the applicants offer history.

Typical bypass reasons are:

- Bid was placed before a change of circumstance was requested
- Failed tenancy reference – arrears
- Failed tenancy reference – ASB
- Failed tenancy reference – other
- Unable to afford
- Matching incorrect – review application
- Unable to contact using 2 different methods and making 3 attempts

If a shortlist is exhausted and it is not possible to select an applicant, the list may be run again to check there are no further applicants who have been missed.

Where it has not been possible to select an applicant, a matching exercise will be undertaken on applicants who are inactive to bid. If one of them matches, their stabilisation will be reviewed, and risk assessed. If the Council feels they could now sustain their tenancy and the partner landlord agrees; then they will be selected for a direct offer subject to conditions around tenancy sustainment.

5.2.6 Direct Offer

Where a property or an applicant has been identified for a direct offer **See 5.1.1** a matching exercise will be undertaken to ensure the property is suitable for the applicant. It uses similar criteria to the shortlisting process undertaken for choice-based lettings. Officers will undertake the matching exercise in the Housing Register.

Once matched a list is generated. Bypass reasons are mandatory on a match list in the same way as they are for a shortlist. The successful applicant will be discussed with the partner landlord and following their agreement, an offer will be made. The expression of interest is by the applicant responding favourably to the offer.

5.3 Letting

5.3.1 Offer of Accommodation

All applicants selected for a property will receive a formal offer letter which serves two purposes:

- preserves the offer history whether they accept or refuse the property
- meets legal compliance

Partner Landlord will: Formally offer the applicant the property; even if this has to be done retrospectively because of the quick turnaround of voids.

All formal contact around selection and offer is subject to the following:

- a) Applicants will usually be contacted after the closing date.
- b) It is the applicant's responsibility to keep the Council informed of current contact details.
- c) Applicants have up to two working days to respond.
- d) If they fail to contact or to express an interest if they do, the Council will go to the next applicant on the shortlist.
- e) Partner landlords will have their lettings procedures which will usually include an affordability check, a suitability assessment and a needs and risk assessment if they are providing specialist housing. Pitches for gypsies and travellers may be subject to further assessments. **See 4.4.10**
- f) The landlord has the final decision on whether they will accept the applicant for the property, however they are required to contact the Council before rejecting them to see if there are more measures that can be put in place to make the offer more suitable.
- g) Selection and an offer may be withdrawn if it is found that the information supplied by the applicant was either false or incorrect or they have had a change in circumstances.
- h) All offers are subject to viewing.

Once the formal offer is made the status of the applicant on the Housing Register will show as matched.

5.3.2 Limited Offers

South Norfolk Council has a limited offer policy:

- homeless single offer; penalty discharge of duty and no reapplication unless circumstances change
- management transfers unlimited; no penalty required
- all others three offers only; penalty suspension for 6 months which could have the added requirement of a reapplication and new application date. This drops them down the time waited queue.
- An offer is deemed to be reasonable if it matches area, bedroom allocation, floor level, property type for household, criteria for medical award, takes into account young children, and is an average standard of repair or more. Where

an offer is agreed as not reasonable it will be withdrawn and will not count as one of the limited offers.

Part 6: Complaints, Decisions and Reviews

6.1 Decisions

The administration of the Allocations Scheme requires South Norfolk Council to make key decisions in relation to an application to join the Housing Register.

- a) The decision that confirms or denies your eligibility to join. **See Part 3**
- b) The decision that confirms or denies your qualification. **See Part 4**
- c) The decision that awards your priority housing need. **See Part 4**
- d) The decision to reassess your application as reduced preference. **See Part 3**
- e) The decision to reassess your priority housing need following a change of circumstance. **See Part 4**
- f) The decision to cancel your application. **See Part 4**
- g) The decision to deny your review. **See Part 6**
- h) The decision that deems your refusal of a property as unreasonable. **See Part 5**
- i) The decisions to refuse a duty under the homeless legislation. **See Part 4**

If you disagree with a decision in relation to your application, you have the right to request a review. In order to ensure you are heard by the correct officer, it is important to understand the following:

- ❖ If you provide evidence that you did not provide for your assessment. **This is a change in circumstance. See 4.7**
- ❖ If you think we failed to follow our policy or stated process, or you simply feel we could have handled your application better. **This is a complaint. See 6.2**
- ❖ If you disagree with a homeless decision under Part 7 of the legislation. **This is a statutory right of review.**
- ❖ If you disagree with your priority award under Part 6 of the legislation. **This is a statutory right of review.**
- ❖ If you have completed a period of stabilisation on reduced preference. **This is a housing register review.**
- ❖ If you take legal action and the judge agrees with you and directs the Councils accordingly. **This is a judicial review**

6.2 Reviews & Complaints

There are several types of reviews:

| Review Type | Review Description |
|---------------------------|--|
| Housing Register Review | This review is initiated by the Council in order to maintain applications on the housing register. |
| Statutory Right of Review | This is the right of review requested by the applicants because of a decision made in relation to their application. |

| Review Type | Review Description |
|-----------------|---|
| Judicial Review | This a review undertaken by the Courts because something has come to light in a case where legal action has been taken. |

6.2.1 Housing Register Review

South Norfolk Council undertakes the current Housing Register reviews:

- Emergency Band:** Will be reviewed every 8 weeks. This ties in with homeless prevention and relief duties. These are critical cases and should not retain the highest level of priority indefinitely as factors in relation their circumstances usually change rapidly.
- All other bands:** Will be reviewed every 24 months. Good practice dictates these are undertaken annually in order to maintain the accuracy of the Housing Register.
- Spontaneous Reviews:** These arise from time to time as a result of being alerted either by an allocation or because we have been contacted by another agency in relation to the application.
- Reassessment Reviews:** Applicants on reduced preference who have completed a period of stabilisation in relation to their behaviour will have a review when it ends in order to assess their ability to sustain a tenancy. If they have failed, they may no longer qualify. If they succeed, they will qualify, and action will be taken to allow them to bid in the awarded band.

In order to undertake Housing Register reviews, we will:

- a) Set the correct review period on their initial assessment and all subsequent reassessments.
- b) Our Allocations Scheme will flag the application on its review date.
- c) This will be assigned to an Officer to review.
- d) They will write to the applicant or contact them by their preferred method to confirm if their circumstances remain the same.
- e) The applicant has 28 days to respond.
- f) If they fail to respond their application is cancelled.
- g) If they confirm the circumstances remain the same, the correct review period is reset.
- h) If their circumstances have changed, they will be asked to provide the evidence and their application is reassessed as a change in circumstances. Their new review period is set following the reassessment.
- i) With reassessment reviews for reduced preference applicants, a tenant reference will be obtained from their current landlord in relation to their behaviour during their stabilisation period. References from other agencies

may also be obtained if the reason for their reduced preference is not tenancy related. If the reference is favourable, they will be made active to bid and this will be confirmed in writing. If they have failed their reduced preference will be removed and they will no longer qualify to be on the Housing Register and their application will be cancelled.

6.2.2 Statutory Right of Review

If you are not satisfied with a decision you may request a statutory right of review which would cover:

- The information we used to make the decision
- Whether the information was fully considered
- The reason for the decision
- The decision itself.

The following steps should take place for a Statutory Right of Review:

- a) The applicant or their representative should make the request within 21 days of the decision preferably in writing. The request should state why they disagree with the decision and if necessary, provide the necessary information they felt should have been considered.
- b) The request will be logged and acknowledged. It will state how long the review will take. The reviews will be carried out within 28 days of the request being received. If more time is required, an extension will be requested with the applicant.
- c) The review will be assigned to a senior Officer who did not make the original decision.
- d) If the information was not previously provided for the original decision, the review will be closed, and the applicant will be advised in writing that this now being treated as a change in circumstances.
- e) If the senior Officer feels that the applicant is correct or partially correct the outcome will be to uphold the review and the application will be reassessed.
- f) If the senior Officer feels the original decision is correct, they will deny the review and the original decision stands.
- g) The review outcomes will be recorded.
- h) The applicant will be advised in writing within 14 days of the decision.
- i) If the review needs more time, the applicant will be advised in writing that an extension is required.
- j) If the applicant is still not satisfied with the service they have received they can make a complaint as per our complaint's procedure

6.3 Complaints

If a complaint relates to the decision of Housing application, in the first instance this will be treated as a review (see 6.2). However, if your complaint relates to the service you have received, this will be dealt with via our complaint's procedure <https://www.southnorfolkandbroadland.gov.uk/council/compliments-suggestions-complaints> or on request.

If a complainant is not satisfied with the action the Council takes, they can send a written complaint to the Local Government Ombudsman who can be contacted at:

Local Government Ombudsman

**PO Box 4771
Coventry CV4 0EH
Tel: 0300 061 0614
Website: www.lgo.org.uk**

If an applicant wishes to make a complaint against a partner landlord, they should contact:

**Housing Ombudsman Service
Exchange Tower
Harbour Exchange Square
London
Tel: 0300 111 3000
E mail: info@housing-ombudsman.org.uk**

6.4 Judicial Review

Where an individual or organisation feels the Council's Allocations Scheme is unfairly prejudicial or their case has been dealt with a prejudicial manner, they may wish to take legal action. They should seek independent advice before doing so.

The case will be heard in Court before a judge. Both sides will appoint counsel. If the judge decides the case against the Council to be partly or fully substantiated, the Council will be formally advised of the verdict and will need to respond through their counsel. The result may be an alteration to the Allocations Scheme and/or a reassessment of the applicant's case. These are termed judicial reviews.

Appendix 1: Lettings outside of the Allocations Scheme

Lettings where an allocation takes place and a tenancy or licence is created that are outside of the South Norfolk Council Allocations Scheme include:

- a) **Introductory or probationary tenancies:** Where an introductory/probationary tenancy becomes a secure or assured tenancy
- b) **Family Intervention Tenancies:** Introduced by the Housing and Regeneration Act 2008, Family Intervention Tenancies are a form of residential tenancy without security of tenure. They may be offered by either a local housing authority or a registered provider to anyone who is a tenant of a secure (or assured) tenancy subject to a possession order on the grounds of anti-social Behaviour or domestic abuse or anyone who (if they had a secure or assured tenancy) could have had such a possession order made against them.
- c) **Succession:** Under S89 of the Housing Act 1985 (secure tenancies), under S133 (2) of the Housing Act 1996 (introductory tenancies) or under S90 of the Housing Act 1985 (fixed term tenancies).
- d) **Non-Secure tenancies or temporary accommodation:** Any accommodation that is provided to meet an interim duty under Part VII of the Housing Act 1996.
- e) **Temporary decants:** Secure or Introductory tenants of a local authority or assured or assured shorthold tenants of Registered Providers who need to be moved temporarily whilst major work is carried out on their home.
- f) **Demoted tenancies:** Following a successful application for a demotion order under sections 14 and 15 of the Anti-Social Behaviour Act 2003.
- g) **Mutual exchanges:** Between existing tenants under S92 of the Housing Act 1985 or under S158 of the Localism Act 2011.
- h) **Assignment:** To a person who would be qualified to succeed the tenant under S92 of the Housing Act 1985 (secure tenancies) or S134 Housing Act 1996 (introductory tenancies).
- i) **Conversion of an introductory tenancy:** to a secure tenancy under S125 Housing Act 1996).
- j) **Transfers of secure or introductory tenancies by a court order:** Made under certain provisions contained within matrimonial, family, children, and partnership legislation.
- k) **Land Compensation Act:** Allocation to a person entitled to rehousing under section 39 of the Land Compensation Act 1973.
- l) **Re - Purchased Homes:** Allocation to a person whose home is repurchased under sections 554 or 555 of the Housing Act 1985 (defective dwellings).
- m) **Transfers:** Within the same partner landlord (registered provider) stock, where the unit has not been made available to the Councils under current partner arrangements.

Appendix 2: Allocation by Bedsize

A bedroom is defined under the legislation and regulation as:



The Room Standard: The room standard is contravened when the number of persons sleeping in a dwelling and the number of rooms available as sleeping accommodation is such that two persons of opposite sexes who are not living together as partners must sleep in the same room. Children under the age of ten excluded from this definition. A room is available as sleeping accommodation if it is of a type normally used in the locality either as a bedroom or as a living room.

The Space Standard: The space standard is contravened when the number of persons sleeping in a dwelling is in excess of the permitted number, having regard to the number and floor area of the rooms of the dwelling available as sleeping accommodation. A child under the age of 1 year and a child aged 1 year or over but under ten shall be reckoned as one-half of a unit. A room is available as sleeping accommodation if it is of a type normally used in the locality either as a living room or as a bedroom.






















No account shall be taken for the purposes of either standard of a room having a floor area of less than 50 square feet.

| Floor Area of Room (square feet) | Number of Persons |
|----------------------------------|-------------------|
| 110 or more | 2 |
| 90 or more but less than 110 | 1.5 |
| 70 or more but less than 90 | 1 |
| 50 or more but less than 70 | 0.5 |

This table below provides guidance on the size of home that different types of household can bid for on the South Norfolk Council Choice Based Lettings website. Further information may be provided by the partner landlord on the website when a property is advertised. Use the key below to explain the symbols.

| Key | Description |
|---|---|
|  | Number of bedrooms allowed for this household type |
|  | Number of bedrooms allowed for this household type, subject to the ages and sex of the children: <ul style="list-style-type: none"> ▪ Two children under the age of 10 are usually expected to share a bedroom ▪ Two children of the same sex are usually expected to share a bedroom until they are 16 ▪ Once a child is 16 a separate bedroom is allowed |

| Key | Description |
|-----|---|
| D | The Council will award the extra bedroom as a discretionary allowance, but it is subject to affordability and the ability to sustain their tenancy even if they are in receipt of benefits and subject to the spare room subsidy. |
| * | Some partner landlords may only allow households with children to bid on houses |

| Household | Bedsit | 1 bed | 2 bed | 3 bed | 4 bed | 5+bed |
|--|---|---|---|---|---|---|
| Single person |  |  | D | D | | |
| 2 Adults – Couple <i>(inc.: same sex couples)</i> |  |  | D | D | | |
| 2 Adults | | |  * | D | | |
| 1 Adult plus 1 Child | | |  | D | | |
| 1 Adult plus 2 Children | | |  |  | | |
| 1 Adult plus 3 Children | | | |  |  | |
| 1 Adult plus 4 or more Children | | | |  |  |  |
| Couple plus 1 Child | | |  | D | | |
| Couple plus 2 Children | | |  |  | | |
| Couple plus 3 Children | | | |  |  | |
| Couple plus 4 or more Children | | | |  |  |  |

Note: Households with access to children who do not live with them as part of the permanent household will only be able to bid for the property size they have been allocated as part of their priority award. **See 4.3.1 and 4.4.13**

Appendix 3: Allocations Scheme Panel

The Allocations Scheme Panel representatives will differ dependant on the decision that has to be made, details of panel members are shown below.

| Allocations Scheme Panel Function | Allocations Scheme Panel Members |
|---|---|
| Approve a direct let for an applicant that does not meet the criteria list in 5.2.1 Approve a sensitive let requested by the Council in relation to an application or a partner landlord in relation to a property. | Housing and Benefits Manager Registered Provider Representative (Housing and Wellbeing Senior Manager for complex cases or cases where the decision will have a negative impact on the household) |
| Consider and approve Local Lettings Policies partner landlords may wish to introduce | Housing and Wellbeing Senior Manager Growth Delivery Manager Registered Provider Representative Consultation with the Portfolio Holder with Responsibility for Housing and Wellbeing |