

An aerial photograph of a residential street in Broadland. The street is lined with brick houses, some with multiple stories and dormer windows. Several cars are parked along the road, and a few are in motion. The houses have varying roof colors, including grey and red. The street curves to the right in the foreground.

# Housing Allocations Scheme

Updated March 2025



<b>Section</b>	<b>Content</b>
<b>Section 1</b>	1.1 The Allocations Scheme 1.2 The Legal Framework 1.3 Allocation of a Tenancy 1.4 Data Protection 1.5 Equalities, Access and Monitoring 1.6 Force Majeure 1.7 Changes to the Allocations Scheme 1.8 Statement on Choice
<b>Section 2</b>	2.1 Eligibility
	2.2 Persons from Abroad
<b>Section 3</b>	3.1 Qualification
	3.2 16- and 17- Year Old Applicants
	3.3 The Armed Forces Community
	3.4 Non-Qualification Rules
	3.5 Exceptional or Mitigating Circumstances
	3.6 Reassessment of Non-Qualification
<b>Section 4</b>	4.1 Applications and Assessments
	4.2 Submitting an Application
	4.3 Applicants Without a Fixed Address
	4.4 Joint Applicants
	4.5 Proof and Verification Required
	4.6 Dependant Children
	4.7 False Information
	4.8 Assessment
<b>Section 5</b>	5.1 The Priority Bands
	5.2 Application of the Priority Bands
	5.2.1 Emergency Band Time Limit
	5.2.2 Discharge from Medical Care
	5.2.3. Homeless Assessments
	5.2.4 Priority on Health Grounds
	5.2.5 Accessible and adapted properties
	5.2.6 Care Leavers
	5.2.7 Move On from Supported Accommodation
	5.2.8 Priority Due to Housing Conditions and Lacking Amenities
	5.2.9 Overcrowding and Under-occupancy
	5.2.10 Child of Tenant
	5.2.11 Welfare Need to Move
	5.3 Determination of Effective Band Date
<b>Section 6</b>	6.1 Household Type and Property Size Entitlement
	6.2 Students Living Away from Home
	6.3 Applicants who are Pregnant
	6.4 Additional Bedrooms

	6.4.1 Additional Bedroom for Medical Reasons
	6.4.2 One and Two Bedroom Wheelchair Adapted properties
	6.4.3 Over 55 needing to move to the district to have their care needs met by close family
	6.4.4 Meeting Disability Need for Larger Families
	6.4.5 Additional Information Regarding Carers
	6.4.6 Foster Children
<b>Section 7</b>	7.1 Notification
	7.2 Cancellation of Applications
	7.3 Change in Circumstances
	7.4 Deliberate Worsening of Circumstances
	7.5 Safe Surrender
	7.6 Transfer Assessments
	7.7 Elected Members, Employees and Close Relatives
	7.8 Direct and Sensitive Lets
	7.8.1 Direct Lets
	7.8.2 Sensitive Lets
	7.8.3 Local Lettings Policy
	7.8.4 Section 106 Local Connections
<b>Section 8</b>	Advertising, Bidding and Offers
	8.1 Advertising the property
	8.2 Bidding for properties
	8.3 Assisted Bidding
	8.4 Grouped Bids
	8.5 Shortlisting
	8.6 Offer of Accommodation
	8.7 Limited Offers
<b>Section 9</b>	Decisions reviews and complaints
	9.1 Decisions
	9.2 Applicant Requested Reviews
	9.3 Council-initiated Reviews
	9.4 Complaints
	9.5 Judicial Review
<b>Appendix 1</b>	The Scheme Partner Landlords
<b>Appendix 2</b>	The Legislative Framework
<b>Appendix 3</b>	Lettings Outside of the Allocations Scheme
<b>Appendix 4</b>	Reassessment of Non Qualification

## 1.1 The Allocations Scheme

The Council continues to face significant demand on its housing stock meaning it is often the case that we are only able to assist those facing urgent need or homelessness. This document outlines how affordable rented housing in Broadland is allocated to those in the greatest need, whilst also facilitating the letting of properties subject to local lettings policies.

The policy aims to balance supply and demand by operating a choice based lettings system. More detail can be found in 8.5. Where supply can meet local demand there will be greater access to those in lower need. However, where properties are in low supply due to example property size or adaptations etc, those of higher appropriate need will gain more fortuitous access.

Broadland District Council holds a register of customers qualifying to apply for social housing and works in close partnership with social housing landlords, who we refer to as our partner landlords. A list of our partner landlords can be found in **Appendix 1**.

Our housing register and allocations scheme is called Home Options.

Access to our housing register is through a centralised system, but applicants to our housing register are prioritised for homes in the Council area with which they have a local connection.

We also work closely with South Norfolk Council.

## 1.2 The legal framework

The Allocations Scheme is a requirement of Part 6 of the Housing Act (1996) and has been framed in accordance with our Homelessness Strategy and the South Norfolk and Broadland Council's Rough Sleeping Strategy. In developing the scheme, the Council has followed all relevant legislation, regulations and statutory guidance, which are listed in **Appendix 2**.

## 1.3 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 where the allocation is for a tenant by their own partner landlord. These are summarised in **Appendix 3**.

## **1.4 Data Protection**

When an application for housing is made, Broadland District Council will only seek information that they require to assess the application, and the applicant's housing needs. Information supplied may be shared amongst relevant officers, landlords and support agencies. Broadland District Council will ensure the personal information of all applicants (prospective, existing and archived) is:

- Processed within the scope of all data protection legislation, including the UK General Data Protection Regulations (UK GDPR) and the Data Protection Act 2018 (DPA)
- Stored lawfully.
- Processed in a fair and transparent manner.
- Collected for a specific, explicit and legitimate purpose.
- Kept up to date and not held any longer than necessary (in-line with the Council's Data 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's Privacy Notice can be located [via our online portal](#) and is available on request.

## **1.5 Equalities, access and monitoring**

Broadland District Council is committed to ensuring that our allocations scheme is non-discriminatory, particularly taking into account any vulnerability or other specific needs, and 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, disability and other relevant criteria. The information obtained will be used to monitor the impact of the policy on specific groups and to evidence the need for amendments, as required.

Under the Equality Act 2010 and 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 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.

This policy has been subject to a 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 (see Section 1.7).

### **1.6 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, provided that reasonable action and notification to applicants is taken by the Council. More fully, this means, circumstances beyond the reasonable control of the Council, including (without limitation) strikes, lock outs, acts of God, the act or omission of any governmental or other competent authority, war or national emergency.

### **1.7 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. An Equalities Act Impact Assessment will define whether the changes and their impact constitute a major or minor change.

The routes to enable amendments are:

<b>Major change</b>		<b>Minor change</b>
i.	Internal Management	Internal Management Only
ii.	Stakeholders including partner landlords and members	
iii.	Corporate Leadership Team	
iv.	Legal checking	
v.	Broadland Community Housing and Planning Policy	
vi.	Broadland District Council Cabinet	
vii.	BDC Council	

The Council will ensure the changed scheme is then made available to the public via [their website](#).

## **1.8 Statement on choice**

Broadland District Council is committed to enabling applicants 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 comply with all relevant legislation.

Choice is restricted by the availability of properties and the size and types of property an applicant is assessed as requiring.

For customers in Emergency Band, a direct let of suitable accommodation may be made anywhere within the district after 8 weeks (see Section 5.2.1).

Where a customer is assessed as being responsible for committing anti-social behaviour, they may be restricted in their choice of area, to minimise the risk of further incidents.

## **2.1 Eligibility**

The Broadland District Council housing register is a list of applicants who are eligible for inclusion on the list. On contacting the Council, an applicants' eligibility will be checked before their application is processed.

## **2.2 Persons from abroad**

Some persons from abroad may not be eligible to join the housing register. These rules are set by the Government.

Under sections 160ZA (1), (2) and (4) of the Housing Act 1996 Broadland 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.

Where an eligible applicant includes people who are ineligible as part of his or her household the Council can, in deciding who forms part of the applicant's household for the purposes of housing allocation:

- (a) Have regard to the fact that members of a person's household would not be eligible for accommodation in their own right.
- (b) Have regard to the fact that an ineligible person is not permitted to have recourse to public funds.
- (c) Conclude that an ineligible person does not form part of the household.

The rules regarding Eligibility are complicated and do change. Anyone who is impacted or believes they may be impacted can approach the Council for advice or seek independent legal advice.

## 3.0 Qualification and non-qualification criteria

### 3.1 Qualification

Demand for social housing far exceeds the supply of affordable properties in Broadland District. For this reason, only those applicants who meet the local connection criteria will qualify to join the housing register.

Applicants, who are eligible for an allocation, must meet one or more of the following qualification rules in order to join our housing register:

Have a local connection to Broadland through one or more of the following:

- Have lived in Broadland for 12 months of the previous two years.
- Have lived in Broadland for 3 of the previous 10 years.
- Hold a current contract of employment where the work is entirely or primarily conducted within Broadland and have done for at least 6 months with a good prospect of that employment continuing for at least a further 6 months.
- Be residing in a Home Options partner supported housing project in Broadland, having lived there for at least 6 months and having been assessed as ready to Move-on.
- Be residing in a Home Options partner supported housing project outside the Broadland District to which they were referred by or with the agreement of Broadland District Council and met the qualification criteria immediately before the placement.
- An applicant aged 55 or over with a family connection to Broadland who has an ongoing need for care, and it is necessary to move to Broadland to enable the family member to meet this care need

The only exceptions to these criteria are:

- a) Homeless applicants owed a homeless duty by Broadland District Council (whereby the homeless local connection criteria as laid down by the Housing Act 1996 as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017 would apply).

Applicants will still need a positive homeless local connection to Broadland District Council in order to qualify to join the housing register. Except at the Main Housing Duty stage, where a homeless duty is owed to an applicant with no local connection to Broadland District, other housing options will be used to help the customer secure suitable accommodation or to discharge any accommodation duties that may be owed.

- b) Where an applicant has been 'placed' or relocated outside the district due to illness, military service or other exceptional circumstances such as violence and lived in Broadland District for at least 6 months immediately prior to the placement.



c) Where an applicant is:

- Currently serving, or has served, in the Regular Armed Forces
- A divorced, separated, or ex-civil partner of armed forces personnel required to vacate a Ministry of Defence property within the next 56 days.
- The bereaved spouse, or civil partner of someone serving in the Regular Forces where the bereaved spouse or civil partner has recently ceased (or will cease) to be entitled to reside in Ministry of Defence accommodation following the death of their Service Spouse or civil partner and the death was attributable to their service.
- A current or former member of the Reserve Armed Forces suffering from a serious injury, illness or disability which is attributable to that service.

d) Right to Move – Broadland District Council will follow the Right to Move and Social Housing Allocations (2015) guidance where an existing social housing tenant (in England):

- has reasonable preference because of a need to move to Broadland to avoid hardship, and
- needs to move because they work in Broadland, or
- needs to move to take up an offer of work.

In applying this test Broadland must ensure, not simply that the tenant needs to move for work, but that if they were unable to do so, it would cause them hardship.

e) Victims of domestic abuse who are residing in a refuge in Broadland or Broadland District's dispersed safe temporary accommodation as they have fled abuse from another area.

f) Gypsies and Travellers (as defined in the Caravan Sites Act 1968) who have habitually resorted to living in the Broadland area.

g) Persons with a local connection to South Norfolk Council. Applicants who can evidence a local connection to the South Norfolk District Council area will be permitted to bid on properties within the Broadland area, via the Broadland District Council Housing Register. Local Connection for this purpose is the same as defined above in this Section.

### **3.2 16- and 17-Year-old applicants**

Subject to Eligibility and Qualification an applicant over the age of 16 may join the housing register, if 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, or owed leaving care duties, social services may act as a guarantor, and this should be explored. This is subject to the applicant's ability to live independently and manage their tenancy. Social services may be requested to provide a support package to prevent the risk of losing the tenancy. The tenancy will be held in trust until they reach 18 years of age.

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 it is held in trust, until the applicant reaches 18 years of age.

Applicants under 18 years of age, without a suitable guarantor will not be able to join our housing register and will be assisted to access other housing options such as supported accommodation.

### **3.3 The Armed Forces community**

Broadland District 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 or 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 will:

- Disregard injury and disability payments; whether these are periodic or paid as a lump sum
- Allow qualification from current or former members of the Regular Armed Forces
- Allow qualification from divorced, separated or a civil partner of service personnel who are required to move out of Ministry of Defence accommodation.
- Allow qualification of a bereaved spouse, eligible partner or civil partner of a deceased member of the Regular Armed Forces where their death was attributable to that service.
- Allow qualification of current or former member of the reserve forces suffering from a serious injury, illness or disability which is attributable to that service.
- Provide additional preference to the following groups where they fall within a reasonable preference category of housing need:

- Those currently serving in the Regular Armed Forces and suffering from a serious injury, illness or disability which is attributable (wholly or partly) to their service.
- Those who formerly served in the Regular Armed Forces.
- A bereaved spouse or civil partner who has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of their spouse or civil partner whose death was attributable (wholly or partly) to service in the Regular Armed Forces.
- Those who are, or had been, serving in the Reserve Armed Forces (this includes the Territorial Army) and who are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to their service.

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

### **3.4 Non-qualification rules**

Non-qualification will be assessed on a case-by-case basis factoring in any mitigating circumstances (see Section 3.5 for further details). However, for the significant majority of applicants, where the following factors exist, they will not qualify to join the housing register and any mitigation must be exceptional in nature.

An applicant will not qualify for an allocation where:

- a) They have been housed by a scheme landlord, through Home Options within the preceding 12 months, unless there has been a change in circumstances resulting in a new and unexpected housing need.
- b) They have been housed through the Council's Rent Advance & Deposit Scheme within the preceding 12 months unless there has been a change in circumstances resulting in a new and unexpected housing 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, mortgaged property or other settled accommodation and has neither had a settled period of accommodation for a minimum of six months nor met the criteria for reassessment since the eviction.

- e) 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.

If they receive partial Housing Benefit or the housing element of Universal Credit this will apply based on 16 weeks at the amount of the shortfall due to be paid by them, or a member of their household and not the full rent charge.

- f) They have made a fraudulent claim for housing and/or housing benefit or have provided false information to the Council.
- g) They, or a member of their household, has caused damage to a property and have been or are likely to be charged for damages and/or recharges and/or court costs totalling over £1000.
- h) They, or a member of their household, has been evicted for, or is at risk of being evicted for, anti-social behaviour or unacceptable behaviour and there has been no demonstrable evidence of behaviour change in settled accommodation.
- i) They have not placed a bid on Home Options for a period of 12 months.
- j) They have refused three offers of accommodation through the housing register (please note there are other rules for applicants with priority due to being owed a homeless duty where only one suitable offer may be made).
- k) They, or a member of their household, own a residential property and have the financial means to find their own housing solution.
- l) Applicants and their household who are considered to have 'sufficient financial resources' to secure accommodation within the private sector. Sufficient financial resources include any income, assets or investments even if they are not immediately available to the applicant, including any residential or non-residential property that they own, or part own anywhere in the UK or abroad.

Additional guidance setting the figures at which the sufficient financial resources threshold will be triggered will be published and reviewed at least annually.

Any lump sum received by a member of the armed forces as compensation for an injury or disability sustained on active service will be disregarded.

- m) 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.
- n) 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 to seek low-cost home ownership schemes, rent to buy, shared ownership/shared equity, private renting, discounted market sale and starter homes, supported housing, private retirement accommodation 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 may exercise discretion when assessing qualification.

The following factors will be taken into account in determining non-qualification:

- Physical disability, illness or frailty
- Mental illness and/or severe depression
- Special educational needs
- Learning disabilities
- Financial resources or substantial debt problems
- Support and needs
- Rooflessness and 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 another member of the household. Meeting the above factors will not automatically mean a non-qualification decision is reversed. The decision may depend on the number of factors being present, the severity and their relevance to the overall situation and it is intended that these decisions be exceptional in nature. The decision made could be that an applicant does qualify to join the housing register or that the time set for a reassessment of their case be reduced.

### **3.6 Reassessment of non-qualification**

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 they may qualify to join Home Options.

**Appendix 4** provides a table summarising the causes for non-qualification and an example of the evidence which may be required to mitigate it.

## **4.1 Applications and assessments**

### **4.2 Submitting an application**

Applications to join the housing register are primarily made online [via the housing porta.:](#)

Alternative contact and support methods are in place for those unable to access the internet or in need of additional support. In the first instance we may ask whether you have any friends, family or anyone else supporting you who can assist you. If not a request for support may be made to our Help Hub.

If you are being referred by one of the agencies we work with, they will assist you to apply, if deemed one of your options for housing.

When registering for the first time you will be asked for your National Insurance number, the system will check if you are already recorded on our files. If you are not, you will be asked for information including your name, date of birth, address and contact details and will be asked to set a memorable date and password.

If you are already registered you will be able to log-in and complete an online application form.

When completing a housing register application form, an accurate 10-year address history will be required.

### **4.3 Applicants without a fixed address**

Applicants with no fixed address can request that correspondence about their application be sent to the care of another address. If no other address is available, the Housing Solutions team will hold correspondence on file and take reasonable steps or use electronic communication to contact the applicant.

### **4.4 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 priority and property size entitlement.

The behaviours, debts and financial resources of the whole household will also be considered when assessing qualification to the housing register.

Joint tenancies are normally granted where applicants have a long-term commitment e.g. married couples, civil partners and those co-habiting 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.

Neither adults nor children can be named on more than one housing register application made to South Norfolk or Broadland District Councils, the only exception is the Child of Tenant rules in section 5.2.10 when expressly agreed by Broadland District Council.

#### **4.5 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 an assessment of need, the applicant(s) will also be asked to provide independent documentary proof of the following:

- Proof of immigration status
- An accurate 10- year address history with details of previous addresses and your reason for leaving
- Details of the property you currently live in/where you are currently staying – the address, your occupation status and length of residency
- Contact details for current and former landlords or friends or family you have stayed with
- Whether you have a local connection with Broadland
- A minimum of three months bank statements for all accounts held by all adult members of the household
- Proof of income for all adult members of the household e.g. pay slips or self-employed earnings details
- Proof of income from any benefits received
- Details of all savings, capitals, equity or investments held, including stocks and shares
- Tenancy agreement or mortgage details if appropriate.
- Formal evidence proving separation and relationship breakdown

Based on individual circumstances and the type of housing need a priority is being sought for, any of the following may also be required:

- Medical evidence from Doctors, Occupational Therapists or other professionals

- Evidence of mobility issues or physical disability and how it is impacted by your housing
- Evidence to support a welfare or social need to move
- Child Residence Orders
- Any other relevant Court Orders
- School letters
- Proof of outgoings
- Proof of pregnancy, including a MATB1 form when available
- Notice seeking possession and any other associated documents where notice has been served
- Evidence of unspent criminal convictions
- Details of room sizes
- Anti-social behaviour logs
- Police crime reference numbers
- Rent account information

These lists are not exhaustive and alternative evidence may be requested if required.

A home visit may be conducted if the Council consider this necessary.

In the case of mobility needs or physical disability, the Council may ask applicants to complete a medical self-assessment form, and provide medical evidence from professionals such as a General Practitioner, consultant or Occupational Therapist 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 of an application in order to make an accurate assessment of need
- b) At the point of a review to affirm the assessment. Applications should be reviewed every 2 years
- c) At the point of a change of circumstances to make a reassessment.
- d) At the point of an offer of accommodation.

It is Broadland District 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 and to cooperate fully with the investigation and assessment process. Applicants must advise the housing team at Broadland District Council where their situation changes after their initial application.

Where proof cannot be supplied, the reasons will be determined, and a decision will be made by a senior officer on whether the application can be processed. Where proof is not supplied by an applicant, but their housing officer is satisfied the information could be supplied, an application will not be processed, or may be cancelled if it is already active.



#### **4.6 Dependent children**

Where children live with one person, but another person has child access, or where they stay with them some of the time, evidence must be provided which determines the length of time spent with the main carer.

Children cannot appear on more than one application and will only be considered as part of a household where they live in that household for a minimum of 4 nights per week on a permanent basis throughout the year. Other information to determine dependency may be required, such as considering who receives Child and other benefits for the children.

#### **4.7 False information**

It is a criminal offence for anyone to knowingly give false or misleading information or to withhold relevant information if reasonably required to give it, on any matter regarding the allocation of housing. It will also lead to non-qualification to the housing register. Should an applicant be successful in obtaining a tenancy from one of our partner landlords by knowingly or recklessly making a false statement, then the Council will support that landlord in seeking possession of the property and may seek a prosecution which could lead to a fine and/or imprisonment.

#### **4.8 Assessment**

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.
- 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 our district, where failure to meet that need would cause hardship (to themselves or others).

In addition:

f) Broadland District Council prioritises local housing for local residents 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.
- h) Additional preference may be given to certain groups of people in line with the Allocations Code of Guidance or in order to meet local need.

Applicants will be placed in the priority band suitable for their circumstances.

### 5.1 The priority bands

Subject to eligibility and qualification criteria being met, an applicant will be placed in one of the following 5 bands depending on the assessment of their housing need.

<b>Emergency Band</b>	- Discharge from Medical Care Please see s5.2.2
	A homeless applicant owed a s193 Main Housing Duty by Broadland District Council and currently residing in temporary accommodation.
	A homeless Applicant who is owed a s189b Homeless Relief Duty by Broadland District Council, has been placed in interim accommodation and who is likely to be found in priority need and not likely to be assessed as intentionally homeless.
<b>Band A</b>	An applicant assessed as likely to be found in priority need for accommodation, who will become homeless within the next 16 weeks and who is not likely to be assessed as being intentionally homeless.
	Applicants with an urgent medical need to move.
	Applicants downsizing from a social housing property of 3 or more bedrooms in the Broadland District to a property that meets their current household need.
	Applicants in a property suffering disrepair leading to unsafe housing conditions where the situation cannot be remedied by the landlord in a reasonable timescale.
	Applicants Leaving Norfolk County Council Childrens Social Care under section 23c within 12 weeks with a connection to Broadland.

<b>Band B</b>	Applicants who are rough sleeping in Broadland and are currently engaging with our rough sleeper services.
	Applicants overcrowded by 2 or more bedrooms.
	Applicants with a high welfare need to move.
	Applicants with a significant medical need to move.
	Applicants downsizing from a 2 bedroom social housing property in the Broadland District to a property that meets their current household need.
	Applicants in a property lacking essential amenities where the situation cannot be remedied by the landlord in a reasonable timescale.
	Applicants formerly in Norfolk County Council Childrens social care up to and including 25 years of age with a connection to Broadland.
	A current social housing tenant in Broadland living in an adapted property they no longer need.
	Split households where two existing socially rented households are seeking to move into one property where both of the properties are in Broadland.
<b>Band C</b>	Intentionally homeless applicants or those assessed as likely to be found intentionally homeless.
	Homeless applicants assessed as having no Priority Need.
	Applicants assessed as ready to move on from supported accommodation.
	Applicants overcrowded by 1 bedroom.
	Applicants with a medium welfare need to move.
	Split household where two existing socially rented households are seeking to move into one property, where one of the properties is in Broadland.
	Applicants assessed as needing to move to Broadland, where failure to do so would cause hardship.

<b>Band D</b>	Applicants considered to be adequately housed.
	Applicants in interim or temporary accommodation as part of a homeless assessment but where the homeless application is still under assessment.
	Applicants assessed as not able to sustain independent accommodation.
	Applicants whose priority has been reduced after 8 weeks in Emergency Band.

## **5.2 Application of the priority bands**

### **5.2.1 Emergency band time limit**

Emergency band will only be valid for 8 weeks. It is our highest band, intended only for the most urgent needs to move and therefore may not provide an applicant with as much choice regarding the properties they bid for as our other bands.

The 8-week time limit can be extended where the applicant has not placed a bid because no suitable property has been available during that period. Suitability will be assessed by the Council's officers. For most customers it is anticipated that a suitable property will come available within 8 weeks. For homeless applicants, the homelessness rules on suitability will be applied.

If an applicant does not meet the extension criteria, their priority will be reduced to Band D 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.

### **5.2.2 Discharge from medical care**

This priority may be awarded where an applicant is unable to be discharged home from medical care due to a changed accommodation need, and who is likely occupying a hospital bed without medical necessity (considered a Delayed Transfer of Care). All options for resolving the issue will have been exhausted and the Council must be satisfied that the applicants property cannot be made suitable in a reasonable timescale.

### **5.2.3 Homeless assessments**

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 determine the following:



- a) Whether homeless prevention measures can keep the applicant in their current accommodation
- b) Whether the applicant is likely to become homeless in the next 12 weeks
- c) Whether the applicant is already homeless and is owed a relief duty by Broadland District Council
- d) Whether the applicant has a priority need for accommodation
- e) Whether the applicant is likely to be found intentionally homeless
- f) Whether the applicant has a local connection to Broadland
- g) Whether a Safe Surrender Agreement prior to tenancy surrender prevented imminent homelessness.

Broadland District Council will use a toolkit to undertake the homeless assessment. The applicant will then be placed in the relevant priority band.

### **Homeless priority and emergency band**

Section 193 (the Main Housing Duty) and section 189B (the Homeless Relief Duty) are both Emergency band reasons, but it must be remembered that Emergency Band is awarded for only 8 weeks, and this priority banding will only be awarded once for someone owed a relief duty and then subsequently owed a main housing duty (if homelessness is not relieved) if this is as part of the same homeless application.

Where priority is given because of a statutory homeless duty and that duty ends, homeless banding reasons will not be used to assess priority on the register. Applicants will be assessed on any other housing needs they have, except where their local connection was only due to homeless connections being applied, in which case the application will be cancelled if the applicant no longer qualifies for the housing register.

### **5.2.4 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 medical priority is not given on the basis of the medical condition or disability alone (however severe) but upon the effect the housing circumstances are having on a long-term and serious medical condition or disability.

The Council will consider whether the accommodation occupied meets the medical need reported, or if it does not, how far short of meeting that need the accommodation is.

Consideration will be given to whether the accommodation occupied is making a medical condition worse, or if a move is likely to significantly improve the medical condition or the quality of life of the applicant. We will also consider if where you live now can reasonably be adapted to meet your needs.

It may 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.

Assessment will likely begin with an applicant being asked to complete a medical self-assessment form. The medical need will be assessed, and the Council may ask for

confirmation from qualified health professionals. The Council may seek advice and/or recommendations in relation to the medical condition(s) and the impact that housing is having on that condition or on the household. Occupational Therapist reports are usually used to assess housing requirements for mobility and physical disability cases.

Any evidence supplied will be considered fully and further evidence may be requested. Only the current medical need will be considered at point of application. Whilst we understand that some medical needs can be predicted to worsen because the timeframe of such deterioration is unknown, we can only house for current need, not possible predicted need.

Where an applicant requests priority on medical grounds the Council may decide:

- That the threshold for awarding a medical priority is not met
- That an applicant has a significant medical need to move home
- That an applicant has an urgent medical need to move home

### **Significant medical need**

This priority may be awarded where there is a significant medical need to move and where an applicant's current home is not suitable and cannot be made suitable. The accommodation is causing the applicant significant problems, but they are managing to some extent. A change in accommodation could reasonably be expected to alleviate or significantly improve the problem. Consideration may be made of how long an applicant has managed in the accommodation at the point of assessment, and how long the applicant may be able to continue to manage in that accommodation, with the support of medical treatment or other assistances available.

Account will be taken of any information from other organisations and professionals, but the assessment of housing need will be made by the Council's officers.

### **Urgent medical need to move**

This priority may be awarded where a customer has a high medical need which results in an urgent need to move, because the accommodation available to the applicant is totally unsuitable and cannot be appropriately adapted. The urgency is reflected by the customer not being able to manage their health condition in their current accommodation. This priority is appropriate if there is an imminent risk of serious injury or of significant health deterioration as a result of the unsuitability of the applicant's accommodation should they remain, **or** the unsuitability is such that daily living is severely affected, and a change of accommodation could be reasonably expected to alleviate or significantly improve the problem.

There must be a clear expectation, supported by relevant health professionals where appropriate, that a change in their accommodation will have a substantial positive impact on their health or wellbeing. It is expected that applicants will be positively working with medical professionals to manage their health condition(s) and are taking the advice given by medical professionals.

Account will be taken of any information from other organisations and professionals, but the assessment of housing need will be made by the Council's officers.

### **5.2.5 Accessible and adapted properties**

Properties on the housing register will be advertised as either:

- having no extra accessibility,
- being 'level access' or having a wet room or
- being wheelchair accessible

Applicants will be assessed according to their medical need and where they are assessed as needing a level access property, or a wet room, or where they require the use of a wheelchair indoors, they will be prioritised appropriately for suitable properties.

Broadland District Council is committed to meeting the needs of applicants with a disability and making the best use of the limited stock we have available. The system will ensure that the medical need for an adapted property is met, and this will be prioritised when shortlisting for a property over band alone. For example, a customer in Band B with a significant medical need to move and where it is evidenced that they require a wet room, will be prioritised for properties with a wet room over a customer in Band A not requiring those adaptations.

An occupational therapy report detailing future housing need is the preferred evidence for making this assessment, but all relevant information will be considered by the Council.

### **5.2.6 Care leavers**

#### **Young people leaving care**

Broadland District Council is committed to ensuring that young people leaving care do so in a planned way and homelessness is avoided wherever possible. The Council will work with Norfolk County Council (or another relevant authority with Children's Social Care responsibility) to achieve this aim. All appropriate housing options will be considered, not only the allocation of social housing. All appropriate tenancy preparation and support measures which may be required to sustain a tenancy will also be explored. It is expected that the relevant parts of a Pathway Plan, covering housing plans for leaving care and any support needs identified, will be shared as part of this work. The Council may also make enquiries regarding the appropriateness of stay-put arrangements and ongoing support available from the Children's Services team after leaving care.

#### **Young people formerly in care**

Broadland District Council recognises how vulnerable some young people who have been in local authority care may be, and that even after leaving the care system additional support may be needed. As part of our commitment to helping this group, young people up to the age of 25 who have previously been in Norfolk County Council authority care can be awarded priority where they wish to move and where they qualify to join our housing register

### **5.2.7 Move on from supported accommodation**

Applicants in supported housing with a partner supported accommodation provider will be assisted to move on, when they are assessed by the Council as ready to do so.

All housing options will be considered to help those ready to move on including shared accommodation in the private rented sector and independent private rented accommodation.

At the point of being assessed as ready to move on, it is expected that applicants will have taken steps to address the support needs identified at the point they were accepted into the supported housing scheme. They should therefore be able to consider a range of housing options to ensure that they are able to move-on from supported housing.

A move-on form will be required, along with evidence that support needs have been met, that any rent or charges have been paid and that the applicant is ready to access and sustain accommodation which does not provide support.

Where the application to the supported scheme was not made by Broadland District Council, the original application to the scheme may be requested in order to assess that support needs have been addressed and to confirm readiness to move on.

In addition, Broadland District Council has an agreement to use a set number of direct lets each month to help applicants move on from supported accommodation and to create capacity within the supported housing system locally.

### **5.2.8 Priority due to housing conditions and lacking amenities**

Where issues raised may give rise to accommodation being unreasonable to continue to occupy, the Council will assess whether the threshold is met to trigger a homeless application (apparent homelessness) and if so, homelessness criteria will be applied in banding decisions once the investigation is concluded and if homeless duties are owed.

Where a resident must leave their accommodation due to Broadland District Council's Housing Standards team serving an Emergency Prohibition or Demolition Order, they will initially be assessed under homeless legislation to determine what assistance can be provided.

### **Applicants in a property suffering disrepair leading to unsafe housing conditions**

Where it is assessed that there is a high or urgent need to move but the threshold for being assessed or assisted under homeless legislation has not been met, Band A may be awarded for cases where a property has disrepair issues leading to unsafe housing conditions and where the situation cannot be remedied by the landlord in a reasonable timescale.

These decisions will usually be made in partnership with the Council's Housing Standards team, or another Council's equivalent service if the property is not in Broadland District. A Housing Health and Safety Rating System assessment will usually form part of the investigation into the assessment of need. All efforts will have been made



to rectify the issues before priority to move is awarded and an applicant must be assessed as having no other accommodation available to them. For this level of priority, assessment will have identified that the applicant is living in a property, the condition of which places them or members of their household at a high risk of harm, and where the health and safety risk has not been caused intentionally by the applicant or a member of the applicant's household.

### **Applicants in a property lacking essential amenities**

Essential amenities means applicant's living in homes lacking a kitchen (or cooking facilities), a bathroom, an inside WC, running water, or electricity. This is not an exhaustive list.

For this priority, the condition of the applicant's current accommodation will have been assessed by Broadland District Council as posing a health and safety risk to them or members of their household. This will apply where the assessment has identified that the applicant is living in a property, the condition of which places them or members of their household at a risk of harm as identified in the assessment, which cannot be remedied in a reasonable time and where the health and safety risk has not been caused intentionally by the applicant or a member of the applicant's household.

### **5.2.9 Overcrowding and under-occupancy**

Bedroom requirements are generally determined in line with the Local Housing Allowance (LHA) regulations and these regulations will be applied when calculating bedroom requirements in overcrowding and under-occupancy assessments.

The impact of the household's living situation and ability to manage may be taken into account when assessing overcrowding and legislation will be used as an aid in assessment.

The Council will use the following guidelines to assess the level of overcrowding:

- A single person aged 16 or over requires one bedroom.
- A couple require one bedroom.
- Two children of a different sex, where one is aged 10 or over, require 2 bedrooms.
- Rooms measuring less than 50 square feet will not be counted as a bedroom.
- A bedroom is classed as any habitable room, excluding a single living room for family use.

Overcrowding is defined in legislation and regulation using the Room Standard and the Space Standard:

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 are 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 exceeds 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 is excluded from this definition 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.

<b>Floor Area of Room (square feet)</b>	<b>Number of Persons</b>
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

A pregnant woman expecting her first child will be assessed as requiring two bedrooms when a MATb1 form is provided to the Council. However, if property size is an issue, 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 child's date of birth will be used to determine the effective band date.

### **5.2.10 Child of tenant**

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

There are specific criteria for this assistance:

- It would apply where the main household already has priority for overcrowding
- A household member aged 18 years (+) could potentially be given their own allocation subject to an application being submitted to be considered as a single person

- The application of the adult child would reflect the overcrowding priority award of the main household
- It is subject to the agreement of the adult child and the parent/guardian
- It must alleviate the overcrowding by at least one bedroom
- The main household and child's application would be linked, so that if the adult child is allocated a property, the main application is automatically reviewed. 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, or overcrowding remains, but at a lower level, the application will be reassessed as a change of circumstances
- The adult child must be deemed as ready to live independently and be able to afford any property offered. They must be assessed as being able to sustain their tenancy

### **5.2.11 Applicants with a welfare need to move**

Priority to move on welfare grounds 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. The welfare need must be causing daily issues and an applicant will not be managing with the consequences of the welfare need. It is expected that an applicant will be taking all steps to address the welfare need and working with any support available to manage or minimise the need.

A medium welfare need will be awarded where there is a clear need to move but that a move is not assessed urgent or an essential need. To be entitled to this priority, the circumstance will be causing the applicant significant problems and will be substantially affecting their wellbeing but the applicant will be managing to some extent. 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.

Where a welfare need arises as a result of anti-social behaviour (ASB) in the locality, it is expected that all options have been pursued to resolve the issues before priority for a move is given. Broadland District Council are committed to tackling ASB by resolving the behaviour, as moving an ASB victim often means that ASB continues unchecked. It is expected that any applicant reporting ASB works with their landlord, Broadland's Community Protection team and, where relevant, Norfolk Police to help resolve the behaviour which is causing concern and take action against the perpetrator of the ASB if necessary.

A welfare need may include, but is not limited to, financial difficulties, targeted 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.

### 5.3 Determination of effective band date

In order to determine an applicant's effective band date, and provided there is no delay in providing the information required, we use the following:

- First assessment - we will use the date an application had been submitted and all the information required to correctly assess priority had been provided.
- If there is a change of circumstances in an existing application, the priority awarded changes and the band awarded increases, we will use the date the new priority was awarded.
- If there is a change of circumstances in an existing application, the priority awarded changes and the band awarded goes down, we will use the effective band date given in the applicant's original band.
- An assessment and award of priority cannot take place without the supporting evidence. If evidence is not provided at the point of an application is submitted, or the date an applicant advises the Council of a change of circumstances, we will use the final assessment date, once all evidence has been received, as the effective band date.
- For homeless applicants the effective band date will be the date in which, following our homeless investigations, the applicant was accepted as homeless.
- If a homeless applicant has refused a suitable offer of accommodation which results in the ending of a homeless duty owed by Broadland Council, the effective date awarded for the original homeless priority band will no longer apply. The effective date will be changed to the date the homeless duty ceased, unless a new housing need is identified, in which case we will use the date the new priority is awarded.
- 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.

### 6.1 Household type and property size entitlement

Broadland District Council will ensure the following factors are met in deciding property size entitlement:

- The Council and landlords must make the best use of the limited social housing stock in our district.
- The size of the property allowed will be suitable for the household needs.
- Any property must be affordable for the applicant it is allocated to.
- It should be possible for the applicant to sustain their tenancy for any property allocated.
- The household's circumstances will be fully considered.

- The property is allocated in accordance with the Broadland District Council Allocations Scheme.
- The final decision on property size entitlement will be made by Council officers.

Each applicant will be assessed to determine what size and type of property they are eligible for. The following rules will be used to determine property size entitlement:

- Two children of different sexes 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.
- Assessment will be based on the suitability of the property for the size of the household.
- Only children who live with an applicant for four or more nights a week on a permanent basis will be considered as part of the household. We will request proof of this.
- Households with access to children who do not live with them four or more nights a week as part of the permanent household will only be able to bid for the property size they have been allocated without those children.
- A person can only be on one housing application with Broadland or South Norfolk Council.

## **6.2 Students living away from home**

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 their 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.

## **6.3 Applicants who are pregnant**

Once proof of pregnancy of at least 20 weeks is provided, an unborn child will be classed as a child for the purposes of property size eligibility (but not for overcrowding assessments). A MATb1 form is the usual evidence of pregnancy requested. Where a household already has another child, an unborn child will be classed as the same sex. Where there is more than one child already in the household, an unborn child will be treated as the same sex as the youngest child.

## **6.4 Additional bedrooms**

### **6.4.1 Additional bedroom for medical reasons**

Broadland District Council receives a high number of requests for an additional bedroom for medical reasons. The Council is unable to agree the majority of requests it receives. There are many requests where the Council recognises that there would be a benefit to



an applicant in having an additional bedroom, or that an extra room is recommended by health professionals, but that the criteria for awarding the extra room is that it is an essential need that cannot be managed without.

When considering whether an additional bedroom should be awarded, all other options, including the use of other areas of a property (such as setting up a temporary sleeping area in the living room etc) will be considered.

Where an applicant needs someone to stay with them on a part-time or irregular basis, it is unlikely that an additional bedroom will be allowed. An additional bedroom may be awarded if an applicant can demonstrate that they need a full-time carer to provide support night and day and that arrangements for that care are in place or will imminently be put in place. If appropriate care can be provided without the carer living with the applicant, it is unlikely that an additional bedroom will be provided.

If an applicant is having essential health treatment at home that needs large machinery or a stock of health supplies to be stored e.g. they are having renal dialysis at home an additional bedroom may be awarded. If an applicant has a permanent and substantial disability or long-term limiting illness or severe learning disability and needs additional space for specialist equipment, this will also be considered in terms of whether an additional bedroom is appropriate.

Where a couple, who would normally be entitled to one bedroom, request an additional bedroom as they feel they cannot share a bedroom, all options will be considered. This will include whether they could manage by using two single beds in a double bedroom or having temporary sleeping arrangements elsewhere in a property, such as the living room. The severity of the issue causing difficulties sharing a bedroom will be considered as will the regularity and permanency of the issues. To award an additional bedroom a severe detriment to health caused by sharing a bedroom would have to be evidenced.

#### **6.4.2 One and two-bedroom wheelchair adapted properties**

The Council recognises that there is a significant shortage of one bedroom wheelchair adapted properties in Broadland, two-bedroom properties are more common. However, there are typically a greater number of applicants requiring a wheelchair adapted property who are assessed as requiring one bedroom than two bedrooms.

To try to address this imbalance, a reasonable adjustment may be made where an applicant is assessed as requiring one bedroom but also needing a wheelchair adapted property. The Council may consider allowing an applicant to apply for two bedroom wheelchair adapted properties. In cases where this is agreed by the Council, the bids will be placed manually by a Council officer at the request of the applicant.

Where an applicant is assessed as requiring two bedrooms and has been assessed as having a need for a wheelchair adapted property, they will be prioritised for two bedroom wheelchair adapted properties over applicants assessed as only needing one bedroom. An applicant assessed as needing one bedroom but requiring a wheelchair adapted property will be prioritised over applicants not assessed as needing those adaptations.

#### **6.4.3 Clarification regarding care needs of over 55 needing to move to the district**

An applicant will have a family connection where they have a close family member who has resided in the district continuously for at least five years. The family member must be responsible for the unpaid care (excluding Disability Living Allowance, Attendance Allowance, and Carers allowance and Personal Independence Payments) of the applicant who needs help because of frailty, illness or a disability and they cannot cope without this support. Consideration will be given to the extent and frequency of the care required, the distance the applicant lives from the family member and what other provision of care is available to the applicant in their current locality. Evidence may be requested to verify the relationship between the applicant and the family member, the care needs of the applicant and the length of time the family member has been resident in the district

#### **6.4.4 Meeting disability need for larger families**

Some applicants with disabilities who require a three bedroom property may be eligible for larger properties or those with two reception rooms where this will meet the needs relating to their disability.

It is acknowledged that there is a shortage of three bedroom accommodation suitable for those that need single level access.

Where such an applicant is identified, discretion can be used to increase their property size entitlement by one bedroom to enable them to bid for a larger property that would meet their disability needs. For example, a three bedroom parlour house with all necessary facilities on the ground floor. This discretion would only usually be used where the property identified will meet the household's needs without alteration.

Where it is decided to exercise this discretion, the following points will apply for applicants:

- Property size entitlement will only be altered for the relevant bidding cycle when a particular property has been identified as potentially meeting their need.
- Applicants will only be considered for properties outside their usual eligibility that have been specifically agreed by the Housing Solutions Team and relevant landlord, this will need to be recorded on their application before their property size entitlement is altered.
- If, after viewing, it is considered that the property would not be suitable, it will not be offered to the applicant.
- The exercise of this discretion is to be used to meet the needs of applicants with a disability who could otherwise be unfairly disadvantaged by the lack of suitable properties.
- The shortlisting will still be carried out according to band and time spent in band in the usual way.

#### **6.4.5 Additional information regarding carers**

An additional bedroom may be awarded where an applicant or a member of their household is disabled and needs overnight care from a carer who doesn't live with them. An additional bedroom will only be considered where:

- There is no one living with the applicant who could provide that care
- It is essential that the carer, for the sole purpose of providing overnight care, provides full time care day and night and this is a permanent need.
- Appropriate care cannot be given without the provision of an additional bedroom.

Consideration will be given to:

- Whether a paid-for, live-in care service is in place, or it can be demonstrated that it would be, were there space in the applicants home to allow it.
- How many nights each week or month the carer would need to reside at the applicant's household.
- Whether any of the following benefits are received in the applicant's household:
  - Attendance Allowance
  - The middle or higher rate of the care component of Disability Living Allowance
  - The standard or enhanced rate of the daily living component of Personal Independence Payment
  - Armed Forces Independence Payment
  - Standard or enhanced rate of the daily living component of Adult Disability Payment
  - The middle or highest rate of the care component of Child Disability Payment
- Any medical evidence provided, including but not limited to Care Act assessments or an Occupational Therapy report.
- Other space available in the applicants home to accommodate a carer staying when needed.

In order to allow additional space, both the need for care and the fact that need is being met or will imminently be met, is required. Ideally a care package would be in place unless lack of space is prohibiting this.

The threshold which will be applied is that there is an essential need for overnight care on a long-term basis that must be provided by a non-resident carer and cannot be met by existing household member or by using other space within the property.

The final decision on whether an additional allowance is given will be made by officers at Broadland District Council.

#### **6.4.6 Foster children**

One additional bedroom may be allowed for:

- An applicant who is a foster parent and who has a child or young person placed with them.
- An applicant who has been approved as a foster parent, is waiting for a placement, and where evidence has been supplied to show a high likelihood of a placement being made imminently
- An applicant who has a child or young person placed with them prior to adoption.

In addition, foster care payments, paid by a council will be disregarded in our assessment of household income for the purposes of assessing significant financial resources. Evidence of fostering will be requested, and any assistance or priority given will be reassessed regularly. The Council may request a copy of the foster carers annual tax self-assessment, a report from the supervising social worker outlining the foster care arrangement, bank statements to confirm ongoing payments or any other relevant information the Council considers necessary.

The final decision on whether an additional bedroom should be awarded will lie with an officer in the Housing Solutions Team and all cases will be considered on an individual basis.

## **7.1 Notification**

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

- If they are not eligible to join the housing register, the reason this decision has been made and their right to request a review of this decision.
- If they do not qualify to join the housing register:
  - The reason for this.
  - The steps they would need to take to be reassessed at a future point.
  - Their right to request a review of the non-qualification decision.
- If they do qualify to join the register:
  - The band that they have been awarded.
  - The size and type of property they can bid for.
  - How to bid for properties.
  - Their responsibility to update the Council of any changes in their circumstances.
  - That applications will be reassessed after two years.
  - Their right of review of their band and property size/type eligibility

Notification letters will normally be sent electronically.

## **7.2 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 for the housing register. This may include where a homeless duty ends, and the only qualifying connection was a homeless local connection.
- c) The applicant has not responded to contact regarding a review of their application within 28 days.
- 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 any contact from the Council regarding their application within 28 days of the request.
- g) The applicant has failed to provide the evidence required to assess their application.
- h) The applicant has refused 3 properties when contacted by scheme partner landlords.

### **7.3 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 an applicant's current situation. A change in circumstances will mean that an application must be reassessed.

It is the applicant's responsibility to ensure that the Council has the correct information to assess their needs accurately and all relevant changes must be reported. This includes:

- A change in the address or living arrangements of any household member.
- A change in the make-up of the applicant's household, including the number of nights per week a household member stays.
- Any changes in income, savings or capital for any household member.
- Any changes in employment in the household.
- Any changes in medical needs.
- Any changes that would affect banding (such as Anti-Social Behaviour ceasing where a welfare priority due to Anti-Social Behaviour was given).
- Any changes to debt levels or rent arrears.
- Any changes that may affect eligibility or immigration status.
- Any changes that may affect qualification.
- Any changes to property ownership, equity or interest in other land or property.
- Any changes to access to alternative accommodation that may be available.
- Any changes in local connection to Broadland.
- Any other relevant change.

Any changes must be notified to the Housing Solutions Team, even if they have been reported to another team in the Council.



## **7.4 Deliberate worsening of circumstances**

Where there is evidence that an applicant has knowingly and deliberately made their housing situation worse, the assessment of their priority need will be based on the circumstances before their situation changed through their actions to worsen their circumstances. This is not intended to penalise people for making genuine mistakes or acting in good faith, however, where it is assessed that the reasonable likelihood of any actions would be the worsening of a housing situation or where no good reason can be given for the actions taken, this clause will be applied.

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 suitable accommodation which they were 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.
- Applicants who have asked to be removed from a tenancy or from the title of a property, without having other suitable accommodation available.
- Applicants who have gifted significant financial resources, including money or equity in a property to another person when they did not have to do so.

There are many other situations where the Council may consider that an applicant has deliberately worsened their housing situation and each case will be considered on an individual basis.

## **7.5 Safe surrender**

Where a tenant of a Home Options partner landlord, living in Broadland is genuinely unable to manage their tenancy satisfactorily due to illness, support, or other needs which cannot be met at that time, a safe surrender may be agreed.

Where possible, however, support will be arranged to enable the tenant to remain in their home.

Safe surrender may be appropriate where a tenancy is failing but has not yet met the threshold for non-qualification on the housing register. Safe surrender may be considered where it enables the surrender of the tenancy before the situation escalates to a crisis and/or eviction. There must be agreement between the tenant of the Home Options partner landlord and Broadland District Council for safe surrender to take place.

The safe surrender must also be agreed before the tenancy is ended. If a safe surrender arrangement is agreed, the tenant will give notice in the usual way, but a shorter notice period may be agreed at the landlord's discretion.

A safe surrender agreement can be reached:

- Where the property is in danger of deterioration but substantial deterioration (over £1000) has not yet occurred, and does not occur before vacant possession is given.

**and/or**

- The tenant is struggling to pay the rent, but the rent account is not yet more than 8 weeks in arrears and does not become so before vacant possession is given.

**and/or**

- The tenant is in breach of other terms of their tenancy but this has not yet reached the level where non-qualification to the housing register would usually be applied and does not become so before vacant possession is given.

**and/or**

- Other similar circumstances exist as agreed between the scheme landlord and the Council.

Where a safe surrender is agreed, if the tenant subsequently applies to the Broadland housing register, a non-qualification decision will not be made for matters relating to that tenancy, and that were reported as part of the safe surrender agreement. A non-qualification decision could be made where there were issues that have subsequently become known.

Their priority will be assessed according to current need and circumstances.

If a subsequent homelessness application is made, the fact that a safe surrender was agreed, together with all the circumstances at that time, would be considered. However, the Council cannot fetter a possible future homelessness decision, including decisions around intentional homelessness.

## **7.6 Transfer assessments**

Broadland District Council supports transfer applications as an important means of creating mobility for social housing tenants. Social tenant applications (transfers) will be accepted provided qualification to the housing register is met.

Where an applicant is a current social housing tenant in Broadland they will be recorded as a transfer tenant. Broadland District Council will allow Home Options partner landlords to advertise up to 20% of their available properties solely for transfer tenants to apply for.

This will mean that those able to bid for transfer properties face less competition for those properties, enabling a greater chance of being able to move.

It will be for the landlords to decide which properties are marked for transfer tenants but the Council reserves the right to do so if landlords are not using the transfer property option.

## **7.7 Elected members, employees and close relatives**

Elected Members:

Applications from Elected Members or their close relatives will be assessed by a relevant manager of the Council. The award of priority (a housing need band above Band D) must be authorised by the Council's Managing Director or a Director-level officer.

Current or former employees and close relatives:

Applications from current or former employees of the Council or our partner landlords, or from a close relative of a current employee, will be assessed by a relevant manager of the Council. The award of priority (a housing need band above Band D) must be authorised by the Council's Head of Service with responsibility for housing and make the Director with the responsibility for Housing or an Assistant Director aware.

## **7.8 Direct and sensitive lets**

### **7.8.1 Direct lets**

Broadland District Council is committed to social housing in our district being allocated in a fair and transparent way. For this reason, most of the properties that become available will be advertised for bidding on our system. Numbers of Direct Lets agreed are expected to be low.

For a Direct Let to be considered a customer must have an active housing register application and therefore must qualify to join our allocations scheme.

Direct Let Requests can be made by:

- Broadland District Council
- One of the Home Options Partner landlords in respect of a tenant living in one of their properties in Broadland

A Direct Let may be made in the following circumstance:

- a) Where a customer has been in Emergency Band for 8-weeks, has not bid on properties the Council considers suitable and a direct offer is being made.
- b) Where a customer is in a Registered Provider property as temporary accommodation and the Council are requesting a direct offer to discharge a homeless duty.
- c) Where a partner landlord wishes to let a property following a 'McGrady' decision.
- d) Where a partner landlord wishes to follow their decant procedure.

The above decisions will be communicated between the Council and the relevant partner landlord and where the above situations exist, will be agreed by both parties.

- e) A Direct Let may also be requested to assist an applicant who is in such an urgent or dire housing need or who requires such a specific type of property, which is rare within our housing stock (and who would not be able to be housed in another type or property or location), that bidding for a property, even in the highest priority band, could be seen as insufficient to meet their needs. The needs must be exceptional in nature for a Direct Let to be agreed.

Where the Council or a partner landlord wish to make a Direct Let on this basis, a Direct Let form will be completed with details of the applicants needs and a report of what other options to meet that need have already been pursued, outlining why it is felt that a Direct Let is the only option to resolve the housing need.

The decision will be made by a manager at the Council who has not been directly involved in the case. The Council will aim to make a decision within 5 working days but where additional information is required this may be extended.

Where a Direct Let is requested and the property identified has been advertised for bidding on the housing register, the Council will not agree the Direct Let unless the bidding has closed and the shortlist for the property has been worked through without a successful let.

### **7.8.2 Sensitive lets**

Sometimes landlords will request that the advertising of a vacant property is treated as a sensitive let. An example of this would be where the previous tenant has been responsible for anti-social behaviour and it is important to avoid further issues in that locality. Where appropriate, this will be agreed by a relevant housing manager at the Council and the property will be advertised for transfer applicants only.

Information must be put on the advert by the landlord to explain that the property is subject to a sensitive let and that additional checks will be made before any offer of a tenancy. Where those checks show behaviour of concern previously the landlord may decide that the applicant at the top of the shortlist is not suitable to be offered the property and agree to offer it to the next applicant.

Sensitive lets are not appropriate for all cases where there has been previous anti-social behaviour at a property, they are designed to help local residents where there have been serious and ongoing issues in their neighbourhood and are intended to be part of the solution to resolving those issues, in conjunction with any other tenancy management options available to combat and prevent ASB.

### **7.8.3 Local lettings**

Sometimes local lettings agreements will be made for an existing property or group of properties and may allow different priorities for allocating properties.

Local lettings agreements can be requested for new developments and, if agreed, be applied in addition to any local authority planning restrictions that have been put in place (but it will not override them).

When considering a local lettings agreement request made by a partner landlord, Broadland District Council will take account of:

- 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 the landlord hopes to achieve by its introduction
- The content of the request
- The impact on the main Allocations scheme.

An example of where a Local Lettings agreement might be used on relet stock is where a former sheltered scheme has been decommissioned and the properties have become available for general needs bidding. Landlords may wish to set an age-limit on those properties for a short time.

Local Lettings Policies are not intended to remain in place for the longer-term.

These types of local lettings will be approved, when appropriate, by a relevant manager at Broadland District Council and will be reviewed annually.

#### **7.8.4 Section 106 local connections**

Priority for some properties is determined by specific local connection criteria. Properties developed on sites that incorporate a Section 106 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.

For some of these properties the local connection will be current residency in Broadland. Other properties will be let on a cascade of local connections which can include the specific town, village, or parish an applicant currently resides in, has previously resided in or works in, there is usually a minimum time requirement to qualify for these connections.

Where there is a local connection of this type applicable to a property, it will be clearly noted in the property advert and Broadland District Council asks that where there is a Section 106 agreement, the local cascade for the property be attached to the property advert.



## **8 Advertising, bidding and Offers**

### **8.1 Advertising the property**

Properties available for choice-based lettings are advertised online on the housing portal for one week from Thursday to Wednesday. This is called an advert cycle. The 7th day is the closing date. Anyone can see the available properties, but an active housing register application is needed to apply for properties.

### **8.2 Bidding for properties**

Once an applicant has been assessed and subject to them being eligible for and qualifying to join the housing register, their application will be made active and they will be able to bid via the online portal. Applicants will be able to apply for advertised properties 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 logging in and using the website or by phoning the Council. Bids placed can be withdrawn and used for another property during the bidding cycle.

Not everyone who joins the housing register will be successful in securing a property. Success on the housing register is dependent on several factors, including:

- The priority Band awarded,
- The length of time waited in that Band,
- Having a local connection to Broadland District (applicants with a connection only to South Norfolk Council will not have a high priority for properties in Broadland)
- The local connection held for any Section 106 properties advertised; this may include residency in Broadland, current or former residency in particular parishes or a working connection to a particular parish (depending on the local connection attached to a particular property),
- A recognised need for disabled adapted properties,
- The size and type of property required,
- The size of area that an applicant is willing to consider,
- Whether an applicant can apply for Transfer properties.

### **8.3 Assisted bidding**

Where an applicant is vulnerable or unable to bid for themselves and has no one to help them to place bids they can request assisted bidding. The applicant will provide the Council with information about the property type and area they require, and the Council will place bids if suitable properties arise.

### **8.4 Grouped bids**

In certain circumstances, properties that are advertised may be grouped into one single property advert. This will include adverts 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.

## **8.5 Shortlisting**

When a closing date is reached for a choice based lettings advert, a list of applicants who bid for the property will be generated by the system and will be available to the landlord of the property.

The landlord will work through this shortlist, beginning with the applicant who came top. The landlord should begin the shortlisting of the property within 3 working days.

It is the landlord who will contact successful applicants. If the first applicant refuses the property, the next applicant will be contacted, and the shortlist will be worked through in this way until an offer is made and accepted.

Applicants who have been unsuccessful will not be contacted. The final decision on whether to make an offer of a tenancy is made by the landlord but should be done so in line with all parts of this policy.

The successful applicant will be verified if they are to be offered the property and verification has not been done within the last month or if there has been any change in circumstances. The property must be deemed suitable to the needs of the applicant and there must be agreement by the partner landlord.

If an applicant is in-line for an offer of a property but the landlord does not wish to make the offer, the landlord will inform the applicant of the reasons and will record the reasons on the Home Options system. This is mandatory and ensures the decisions are fair and transparent. This will be preserved on the applicants offer history. Reasons for this may include:

- The applicants' circumstances have changed but they had not updated the Council.
- The applicant is assessed as not being able to afford the property.
- The applicant fails the landlord's tenancy checks conducted before an offer is made.

A landlord may also bypass an applicant where they have been unable to contact the applicant using two different methods and making three attempts.

A decision not to make an offer must be in-line with this policy and it is the landlord who makes this decision. In the first instance, applicants who are unhappy with any such decision should contact the landlord which made the decision.

If a shortlist is exhausted and it is not possible to select an applicant, the property will be advertised again.

## 8.6 Offer of accommodation

Applicants selected for a property will be contacted by the relevant landlord and will be invited to view the property before they make a final decision whether to accept the offer. For most applicants, the process of being made an offer, and accepting or refusing it, is between the applicant and the relevant landlord. Different landlords will have slightly different procedures for making offers.

Where an offer is being made to discharge a statutory homeless duty, the applicant may also receive an 'offer of accommodation' letter from the Council outlining the impact on any homeless duties owed, the consequences of accepting or refusing an offer and any rights to request a review.

Where an applicant is offered and refuses three properties they have bid for, their application may be cancelled. The exception is applicants owed a homeless duty where a refusal of one suitable offer may end the homeless duty and result in the priority that the applicant has being removed. See section 5.2.3 and Limited Offers Policy below.

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

- i. Applicants will usually be contacted soon after the closing date for bidding. If the applicant is top of the shortlist this will likely be quite soon after bidding closes, if applicants at the top of the shortlist are contacted and refuse the property, applicants further down the shortlist will be contacted but this will take longer.
- ii. It is the applicant's responsibility to keep the Council informed of their current contact details.
- iii. Applicants have up to two working days to respond to contact.
- iv. If they fail to contact or to express an interest if they do, the landlord shortlisting for the property will go to the next applicant on the shortlist.
- v. Partner landlords have their own lettings procedures which will usually include an affordability check, a suitability assessment and a needs and risk assessment. They may also undertake referencing.
- vi. 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.
- vii. 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. In the case of false information being provided, non-qualification to the housing register is likely.
- viii. 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.

## 8.7 Limited offers

Broadland District Council has a limited offer policy:

- Homeless single offer - Applicants with priority due to being homeless will be made one suitable offer of accommodation to discharge a homeless duty owed by Broadland District Council. Refusal of a suitable offer of accommodation will likely end the homeless duty and any housing register priority for homelessness will end.
- All other applicants - Three offers only. Refusal of three properties bid for on the housing register may result in an applicant's application being cancelled. Where an offer is agreed as not reasonable it will be withdrawn and will not count as one of the limited offers.

## 9 Decisions, reviews and complaints

### 9.1 Decisions

The administration of the Allocations Scheme requires Broadland District Council to make key decisions in relation to an application to join the Housing Register. These include decisions regarding:

- A. Eligibility to join the housing register.
- B. Whether an applicant qualifies to join the housing register.
- C. What priority (band) an applicant should be awarded (including following changes in circumstances).
- D. The property size entitlement an applicant should be awarded.
- E. Any other decision relating to the application of this allocations scheme policy.

### 9.2 Applicant requested reviews

If an applicant disagrees with a decision in relation to their application, they will have the right to request a review. The review request should be made within 21 days of the applicant being notified of the decision they wish to review.

Applicants should specify which decision or decisions they disagree with and why they feel that the decision is wrong or the how this policy has been incorrectly applied.

A review will look at all aspects of an applicant's case, not just the decision they have asked to be reviewed and the outcome can be an increase in priority, that no change is made, or that priority could be decreased, or a non-qualification decision made for example.

If a review is requested but new information is provided as part of the housing register application, it is likely this will initially be treated as a reassessment and an officer in the Housing Solutions Team will process the reassessment.

If a review is requested of a decision the Council has made on the basis of the information already provided, then the review will be undertaken by a senior officer or manager in the Housing Solutions Team.

The target time for undertaking an applicant requested review is 28 days for the review to be commenced with a further 14 days to provide a response in writing. Please note that while the Council will try to complete reviews in the above timescale but, at times of particularly high demand, reviews could take longer than this to complete. If more time is required because the case is particularly complicated or further information is required which is taking time to gather, then the Council may request an extension to the review with the applicant.

### **9.3 Council initiated reviews**

There can be a considerable passage of time between an application to the housing register being made and the point where a successful applicant may be offered a property. In many cases an applicant's circumstances may change in that time. It is the responsibility of all applicants to ensure the Council is made aware when there are any relevant changes in their circumstances.

In addition to this, to maintain applications on the housing register, ensure that the information we hold is accurate and to avoid any disappointment at the offer stage, all applications should be subject to a review every 2 years. This will include the provision of new evidence for things like income, capital and savings.

Please note that applications in the highest priority bands may be reviewed more frequently. These are critical cases, and it is not intended that applicants should retain the highest level of priority for long periods of time. It is also common that circumstances may change rapidly in these high priority cases.

In order to undertake Council initiated reviews, the Housing Solutions Team will:

- Set the correct review period on initial assessment of the application.
- Our allocations system will highlight the application on its review date.
- The application will be assigned to an officer to review.
- The officer will write to the applicant or contact them by their preferred method to confirm if their circumstances remain the same.
- The applicant has 28 days to respond.
- If they fail to respond their application may be cancelled.
- If they confirm the circumstances remain the same, the review period is reset. Some new evidences may be requested to confirm there has been no relevant change in circumstances
- If their circumstances have changed, the applicant will be asked to provide evidence to allow their application to be reassessed as a change in circumstances. Their new review period will be set following the reassessment.

Spontaneous reviews may also be undertaken. These may arise as a result of being alerted either by an offer being made or because we have been contacted by another agency in relation to the application. They may also be undertaken at random as part of the Council's commitment to ensuring the accuracy of the information held on our housing register.

Where an applicant has been advised that they do not qualify to join the housing register but a time-related reassessment period is given (such as six months adhering to a rent

repayment arrangement or following six months in settled accommodation for example) it will be the responsibility of the applicant to contact the Council and ask for their case to be reassessed.

## **9.4 Complaints**

If an applicant is not satisfied with the service they have received they can make a complaint using the Council's complaint's procedure. If a complaint relates to a policy decision made on a housing register application, in the first instance this will be treated as a review request. However, if a complaint relates to the service an applicant has received, this will be dealt with via our complaint's procedure.

Complaints can be made online at:

<https://www.southnorfolkandbroadland.gov.uk/council/make-complaint-broadland-district-council>

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](http://www.lgo.org.uk)

If an applicant wishes to make a complaint against a partner landlord, they should follow the complaints process for that landlord or can contact:

Housing Ombudsman Service  
Exchange Tower Harbour Exchange Square London  
Tel: 0300 111 3000  
E mail: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

## **9.5 Judicial review**

Where an individual or organisation feels the Council's allocations scheme is unfairly prejudicial or their case has been dealt with in 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 – Home options partner landlords**

This list can be subject to change as more partners offer housing in our area

- Broadland Housing Group
- Clarion Housing Group (Broadland District Council's Stock Transfer Partner)
- Cotman Housing Association with Places for People
- Flagship Housing Group
- Legal and General
- Orbit Housing Association
- Orwell Housing Association
- Saffron Housing Trust
- Sage Housing
- Victory Housing
- V&F Homes

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

- Benjamin Foundation
- Evolve East Anglia
- House of Genesis
- Homegroup
- Sanctuary Housing
- St Martins Housing
- YMCA Norfolk
- Kumba Group

## **Appendix 2 - The legal framework**

A published Allocations scheme is a requirement of Part 6 of the Housing Act 1996. 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

### **Appendix 3 – Lettings outside of the allocations scheme**

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

- Introductory or probationary tenancies: Where an introductory or probationary tenancy becomes a secure or assured tenancy.
- 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.
- 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). - Where a current tenancy exists we encourage landlords to explore all options within succession legislation to consider whether the current family home can be utilised
- Non-Secure tenancies or temporary accommodation: Any accommodation that is provided to meet an interim duty under Part VII of the Housing Act 1996.
- 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.
- Demoted tenancies: Following a successful application for a demotion order under sections 14 and 15 of the Anti-Social Behaviour Act 2003.
- 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. Transfers of secure or assured tenancies by a court order: Made under certain provisions contained within matrimonial, family, children, and partnership legislation.
- j. Land Compensation Act: Allocation to a person entitled to rehousing under section 39 of the Land Compensation Act 1973.
- k. Re-purchased Homes: Allocation to a person whose home is repurchased under sections 554 or 555 of the Housing Act 1985 (defective dwellings).
- l. Management Transfers: Within the same partner landlord (registered provider) stock where both properties are within the Broadland District, where the unit has not been made available to the Councils under current partner arrangements.

### **Management transfers**

Broadland District Council is committed to supporting our partner landlords to make the best use of their stock and recognise that they will have tenants who need to move. A management transfer may be agreed between the relevant landlord, a tenant and Broadland District Council and the tenant need not have an active housing register application.

The Council will be less likely to support a management transfer taking place where:

- A tenant is moving from outside of Broadland into the district and would not likely qualify to join our housing register (reciprocal arrangements with the tenant's current local authority may be considered but only if agreed to by Broadland District Council).
- The management transfer would be disproportionately unfair to Broadland District Council housing register applicants.
- The property proposed is of a rare or particularly in-demand type which the Council feels should be available for all qualifying applicants to bid for.
- The property proposed is of a size or type the tenant would not be able to apply for if they were on the housing register.

All cases will be considered on an individual basis and account will be taken of exceptional situations.

Where a management move is requested and the property identified has been advertised for bidding on the housing register, the Council will not agree to the move unless the bidding has closed and the shortlist for the property has been worked through without a successful let.

#### Appendix 4 - Causes of non-qualification and examples of the evidence which may be required for reassessment

CAUSE OF NON-QUALIFICATION	EVIDENCE TO REASSESS DECISION
They, or a member of their household, have been evicted from a tenancy, mortgaged property or other settled accommodation and has neither had a settled period of accommodation for a minimum of six months nor met the criteria for reassessment since the eviction	Minimum six month settled accommodation with up to date rent account. Where rent arrears were the reason for eviction, a repayment plan is in place and has been adhered to for a minimum of six months. Where a debt is written off, paid by a third party or forms part of an Insolvency, Debt Relief Order (DRO) or Individual Voluntary Agreement (IVA) an assessment will be made as to whether there is evidence of a change in behaviour by the applicant in deciding whether non-qualification should continue. Debts being addressed by Insolvency, DRO or IVA will be considered as still existing until the agreement is discharged.
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. Where a debt is written off, paid by a third party or forms part of an Insolvency, Debt Relief Order (DRO) or Individual Voluntary Agreement (IVA) an assessment will be made as to whether there is evidence of a change in behaviour by the applicant in deciding whether non-qualification should continue. Debts being addressed by Insolvency, DRO or IVA will be considered as still existing until the agreement is discharged.
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.	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. Where a debt is written off, paid by a third party or forms part of an Insolvency, Debt Relief Order (DRO) or Individual Voluntary Agreement (IVA) an assessment will be made as to whether there is evidence of a change in behaviour by the applicant in deciding

	whether non-qualification should continue. Debts being addressed by Insolvency, DRO or IVA will be considered as still existing until the agreement is discharged.
They have made a fraudulent claim for housing and/or housing benefit or have provided false information to the Council.	This will depend on the severity of the fraud committed, as a minimum twelve-month non-qualification but the Council reserves the right to extend this non-qualification significantly for severe fraud and will be decided on an individual basis.
They, or a member of their household, has caused damage to a property and have been or are likely to be charged for damages and/or recharges and/or court costs totalling over £1000.	Minimum six month settled accommodation which has been well managed with a repayment plan is in place which has been adhered to for a minimum of six months. Where a debt is written off, paid by a third party or forms part of an Insolvency, Debt Relief Order (DRO) or Individual Voluntary Agreement (IVA) an assessment will be made as to whether there is evidence of a change in behaviour by the applicant in deciding whether non-qualification should continue. Debts being addressed by Insolvency, DRO or IVA will be considered as still existing until the agreement is discharged
They, or a member of their household, has been evicted for, or is at risk of eviction for, anti-social behaviour or unacceptable behaviour and there has been no demonstrable evidence of behaviour change in settled accommodation.	Minimum six month settled accommodation which has been well managed with no further reports of Anti-social Behaviour. Longer non qualification periods may be considered for the most serious acts of anti-social behaviour.
They have not placed a bid on Home Options for a period of 12 months	Where an application is cancelled for failure to bid for a period of 12 months a new application will not be considered for 12 months after cancellation.