1. **INTRODUCTION**

1.1 The purpose of Broadland District Council’s housing service is to ‘understand each applicants housing problem and help them to solve it.’

1.2 The council, through the housing service’s Housing Options Team, will discuss an applicant’s housing problem with them so that it can be understood.

1.3 In helping the applicant to solve their housing problems the team will assist them to:-

- Remain in their current home if this is suitable and possible.
- Find other suitable housing if it is not.

1.4 Social housing is a scarce resource and may not be the only solution to housing problems. The Housing Options Team will offer advice on a range of housing options tailored to the individual needs of each applicant. These options will, where appropriate, include renting privately, home ownership, shared ownership (Home Buy) and the allocation of a social housing tenancy.

1.5 In most cases if a housing applicant does not have a clear housing need as outlined in section 4 of this policy they will not be added to the Housing List. Special rules apply for applicants interested in local lettings policy developments.

1.6 The Housing List is a list of applicants who have a housing need which they cannot solve themselves but which can be solved through the provision of social housing.

2. **WHAT’S AN ALLOCATION?**

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

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

2.2 In addition, the Localism Act 2011 empowers councils to meet their responsibilities to households threatened with homelessness by providing a route to good quality privately rented homes. (Appendix I discharge of duty, policy and procedure)

3. OVERVIEW OF THE POLICY AND PROCESS

3.1 Broadland Council assesses applications from those who would like to rent affordable homes in order to determine:

• Whether they are eligible for an allocation
• Whether they qualify for an allocation
• The level of their housing need, assessed against three bands.

3.2 The successful applicant will be determined through the process outlined in sections 4.9 and 7.7 of this policy.

4. THE POLICY ON APPLICATIONS AND THE ASSESSMENT OF HOUSING NEED

4.1 Eligibility

Certain people from abroad, including some who are subject to immigration control, are not eligible for an allocation of affordable housing. These regulations are set by Government and updated regularly. The Council follows these regulations and up to date details are available on request.

4.2 Applicants, who are eligible for an allocation, must meet the following criteria to qualify for an allocation and join the Housing List.

• Have a housing need that places them in the High, Medium or Low Needs Bands (see section 4.7), and
• Have a Broadland local connection through one or more of the following:
Currently live in and have lived in the Broadland Council area for the last 2 years.

Be homeless or threatened with homelessness within 12 weeks, assessed as probably having a priority need and have a local connection with Broadland Council as laid down in the Housing Act 1996 (as amended by the Homelessness Act 2002)

Are living in accommodation based support services outside the district to which they were referred by or with the agreement of Broadland Council and they lived in the Broadland Council area for 2 years immediately prior to the placement, or

- Have other very exceptional circumstances which provide a strong connection and need to move to the Broadland Council area.

Members and former members of the Armed Forces who meet one of the descriptions below are not required to satisfy the usual local connection criteria:

- Be a current or former member of the British Armed Forces, having left service within the preceding 5 years, as defined by s.374 of the Armed Forces Act 2006, or
- A bereaved spouse or civil partner of a member of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
- Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service

### 4.3 Non qualification

An applicant will not qualify for an allocation where they:

- Have been housed by a social housing landlord in the Broadland District within the preceding year, unless there has been a significant material change in their circumstances.
• Have been housed through the Council’s RADs (Rent Advance & Deposit scheme) within the preceding year, unless there has been a significant material change in their circumstances.

• 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.

• Or a member of their household, has been evicted from a tenancy and has not had a settled period of a minimum of six months nor met the criteria for reassessment, since the eviction.

• Or a member of their household is/was responsible for paying full rent directly to a landlord and they have rent arrears and/or court costs greater than 14 weeks rent, if the rent is charged weekly or greater than 4 months if the rent is charged monthly and they have not met the criteria for reassessment.

• Or a member of their household is/was responsible for paying a ‘top up’ or service charge in addition to housing benefit payments that are made direct to the landlord and has ‘top up’ or service charge arrears equivalent of greater than 14 weeks top up amount if rent is charged weekly or greater than 4 months of the top up amount if it is charged monthly and they have not met the criteria for reassessment; or

• Or a member of their household has/had their full rent paid by Housing Benefit direct to the landlord and there are rent arrears/court costs of over 14 weeks rent, if the rent is charged weekly or over 4 months if the rent is charged monthly and the arrears are caused by the applicant either not providing the information required to assess a housing benefit claim or making a fraudulent application and they have not met the criteria for reassessment; or

• Or a member of their household has caused damage to a property and been charged for damages and/or court costs of over £1000.

Each application will be assessed individually and mitigating circumstances will be taken into account. Guidance on this is contained in Appendix B.

In order to have their housing circumstances reassessed, applicants will be required to show how they may qualify. This will relate to the reasons for non-qualification and each applicant will be told their criteria for reassessment and possible qualification. Guidance is contained in Appendix C.
Where applicants do not qualify due to debt or anti-social behaviour, when they meet the criteria to be reassessed and then qualify, they will be placed on the low needs (reduced preference) band. The housing options team will reassess the applicant’s circumstances if they reapply at a future point and inform them of the outcome.

4.4 Processes

An application can be made as part of a housing advice interview. Interview appointments can be made at Broadland Council’s offices but the Housing Options Team will also provide immediate advice and assistance in cases of urgent housing need. If a vulnerable customer is unable to attend at the offices, alternative arrangements will be made. Home visits may be carried out subject to a risk assessment and working to the Council’s Lone Worker policy where applicable (Appendix N).

The team will provide housing advice to any Broadland Council resident, people with a local connection to Broadland Council or any person who needs to move to the Broadland Council area. Advice will cover the full range of housing options and will be realistic in terms of the chances of success.

One interview outcome could be that an applicant is placed on the Housing List. All supporting and verification documentation will need to be provided at the interview before an application to the Housing List is assessed. Consent to make enquiries from partner agencies and relevant parties (e.g. current/former landlords) will be required. Where appropriate, a police disclosure may be requested (Appendix L).

The Housing List is subject to a rolling review. As such applicants may be contacted periodically and asked to confirm their circumstances at that point. A change in circumstances may result in re-referral to the Housing Options Team for advice, rebanding or exclusion from the Housing List due to a change in eligibility, qualification or need.

Eligible applicants have the right to ask for any information that will help them understand how their application is likely to be treated, what preference they are likely to be given, what kind of accommodation is likely to be made available, and when it is likely to become available.

4.5 Assessment of housing need

All applicants who are eligible and qualify to join the Housing List will be assessed and placed in the appropriate housing need band that represents their household’s needs.
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) who have not had an offer of private rented accommodation under the Council’s Discharging Statutory Homeless Duty into the Private Sector policy (Appendix I);

(b) people who are owed a duty by any local housing authority under section 190(2), 193(2), or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985, or who are occupying accommodation secured by any such authority under section 192(3);

(c) people occupying unsanitary (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; and

(e) people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or others).

Preference can also be given to other categories of applications to meet local priorities. This will be included within the banding scheme criteria at 4.7.

4.6 Individual assessment

Applications are assessed individually to try and ensure that the scheme is not applied so rigidly as to produce a manifestly unfair outcome in a particular case.

4.7 THE HOUSING NEED BANDS

Each application, including applications from current or former members of the armed forces, will be assessed to determine the level of housing need of the household and placed into one of three bands:

HIGH: Urgent and High Priority

MEDIUM: Medium Priority

LOW: Urgent/High/Medium with reduced preference.

Low and No Priority
In the case of families or couples who are living apart and wish to be rehoused together the circumstances as a whole will be assessed and banding awarded as appropriate.

The criteria for being assessed in each band are:

**HIGH BAND**

- Those required to move by the Police for witness protection reasons
- Applicants who, following a homelessness application to the Council, are owed the full housing duty (s193) and are currently living in temporary accommodation
- Applicants requiring urgent hospital discharge where their current accommodation is totally unsuitable for their needs and cannot be adapted to meet their needs.
- Other circumstances, considered extreme by the Council

It is important to note that High Band could be reduced to Low Band if the applicant(s) meet one or more of the criteria specified in the Low Band (reduced preference) category.

**MEDIUM BAND**

- Applicants threatened with homelessness who are likely to lose their accommodation through no fault of their own, for which there is no legal redress, in the next 12 weeks, who are assessed as probably having a priority need and who are actively engaging with housing advice to prevent their homelessness.
- A high medical need which results in an urgent need to move because current accommodation is not suitable and cannot be made suitable. If there is an imminent risk of health deteriorating as a result of the unsuitability of the applicants accommodation if they remain or the unsuitability is such that daily living is severely affected and a change of accommodation could be reasonably expected to alleviate the problem. There is a clear expectation, supported by relevant health professionals where appropriate, that a change in their accommodation will have a significant impact on their health or wellbeing. While taking into account information from other organisations and professionals, the assessment of housing need in relation to the scheme’s bandings is made by the Housing Options Team.
• A high welfare need where there is an urgent need to move and where a change of accommodation could be reasonably expected to alleviate the problem.

• The current home is in disrepair and/or is considered to be unsafe by the Council’s Private Sector Housing Team and this cannot be remedied by the applicant or the landlord within a reasonable timescale.

• Applicant(s) lack one or more bedrooms. The impact of the household’s living situation and ability to manage may be taken into account 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 adult or couple occupy one bedroom.
  • Two children of the same sex are expected to share a bedroom up to the age of 16. When the oldest child is 16 years old, the family is classed as lacking one bedroom.
  • Two children of different sex would be expected to share a bedroom until the oldest child is 10. When the child is 10, the family is classed as lacking one bedroom.
  • Where a person aged 16 or over is sharing a room, but not living as a couple, they will be classed as lacking one bedroom.
  • This will be discussed with applicants at interview stage and each household’s specific circumstances considered before a final decision is reached.
  • 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.

• Tenants of a social landlord, living within the Broadland Council area, with one, two or more spare bedrooms or occupying a substantially adapted property that they no longer require.

• Applicants in accommodation based support services (see Appendix D for a list) who are assessed as ready to move on, following an interview and assessment with a housing advisor and the required evidence and risk assessment being submitted from a supported housing provider. If it is deemed necessary by the Council’s housing options advisor, a suitable support package must be arranged and there must also be reasonable expectation that
any tenancy will be sustained. Other housing options, including private rented tenancies, will also be expected to be explored. Applicants must usually have a clear rent account with the supported housing provider.

- Young people in local authority care who are referred for a housing advice interview as part of their pathway plan for leaving care, normally expected to be at least 6 months prior to their 18th birthday, and who are assessed as ready to move into independent accommodation, following an interview and assessment with a housing options advisor. The housing options advisor must be satisfied that, if deemed necessary, there is a suitable support package in place and that it is reasonably expected that any tenancy will be sustained. Other housing options, including private rented tenancies, will also be expected to be considered.

- Owner-occupiers who wish to move into sheltered accommodation and agree to let their current home through Broadland District Councils Tenant Finder Service. This will be considered on a case by case basis, giving consideration to the suitability of the property.

It is important to note that Medium Band could be reduced to Low Needs Band if the applicant(s) meet one or more of the criteria specified in the Low Needs Band (reduced preference) category.

LOW NEEDS BAND

- Applicants who are homeless and have lost their accommodation through no fault of their own or are threatened with homelessness and are likely to lose their accommodation through no fault of their own, for which there is no legal redress, in the next 12 weeks, who are assessed by the Council as not likely to be in priority need and who are actively engaging with housing advice to prevent their homelessness

- The applicant, following a homelessness application, has been found to be intentionally homeless.

- The applicant, following a homelessness application, has been found to be owed the full housing duty but are not considered to be ready or able to live without support.

- The applicant is currently living in temporary accommodation whilst a homelessness application is being assessed
• All other eligible and qualifying applicants including applicants who are in supported housing/hostels and are either not yet ready to move on or are not engaging fully with the support programme and residents expressing a wish to be considered for LLP properties.

Reduced Preference

• The applicant or a member of their household is/was responsible for paying full rent directly to a landlord and they have rent arrears and/or court costs equivalent to between (and including) 8 and 14 weeks rent, if the rent is charged weekly or between (and including) 2 and 4 months if the rent is charged monthly.

• The applicant or a member of their household is/was responsible for paying a ‘top up’ or service charge in addition to housing benefit payments that are made direct to the landlord and has ‘top up’ or service charge arrears equivalent of between (and including) 8 and 14 weeks top up amount if rent is charged weekly or between (and including) 2 and 4 months of top up amount if it is charged monthly.

• The applicant or a member of their household has/had their full rent paid by Housing Benefit direct to the landlord and there are rent arrears and/or court costs equivalent to between (and including) 8 and 14 weeks rent, if the rent is charged weekly or between (and including) 2 and 4 months if the rent is charged monthly and the arrears are caused by the applicant either not providing the information required to assess a housing benefit claim or making a fraudulent application.

• The applicant or a member of their household has caused damage to a property or failed to maintain a property and been charged for damages and/or court costs of between £500 or £1000 inclusive, or less where the damage was deemed wilful and malicious

• The applicant or a member of their household has committed acts causing, or likely to cause, nuisance or annoyance to their neighbours or others in the locality of where they live or have previously lived.

• The applicant or a member of their household did or failed to do something which, in consequence, led to their housing circumstances becoming worse.

• The applicant or a member of their household has significant financial resources and would be able to secure alternative accommodation at market rent or purchase a home. Financial resources include equity in a property, savings and income. Any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service
will not be taken into account. The levels of these that trigger an assessment of ability to purchase or rent a property privately are set and reviewed by the Council according to the current housing market.

- Are under 18 (unless they are pregnant or have primary responsibility for a child or are financially supported by Children’s Services and a guarantor and support package are in place).

- The applicant was previously assessed as not qualifying for an allocation due to debt or anti-social behaviour and has been re-assessed as able to qualify.

- The applicants banding has been reduced because they are believed to have unreasonably refused an offer of accommodation.

This is not a blanket policy. In exceptional circumstances, applicants may not have their preference reduced despite meeting one of the criteria outlined above. See Appendix B for guidance.

A reduction of preference will not be applied where a tenant agreed a ‘safe surrender’ of their tenancy with their landlord and the Council if they were not able to manage their tenancy effectively at the time. At the point of the applicant being ready for their own tenancy again priority will be assessed according to current need and circumstances. See Appendix E for guidance.

4.8 Determination of band effective date

Where two or more people from the same band are considered for the same property the date that will be used to determine priority within that band is called the band effective date. This date is determined as follows:

- Statutorily homeless applicants to whom the Council has accepted the full housing duty – the date the homelessness application was made.

- All other applicants - the date their application was assessed and added to the Housing List or, where applicable, the date at which they met the requirements to have their reduced preference overturned. This will not be until all necessary supporting evidence has been provided (this will also, usually, be their application date)
Following a change of circumstances or reassessment, if the applicant moves into a higher band then their band effective date will be considered as the date that the Council was notified of their change of circumstances and (where appropriate) supporting evidence provided. Alternatively, if an applicant moves into a lower band then the effective date will be the original date they applied (except where reduced preference applies when it will be the date they met the criteria to overturn their reduced preference).

4.9 Property size and type eligibility

Each applicant will be assessed to determine what size and type of property they are eligible for. The table at Appendix F shows how this will be assessed.

Where an applicant or member of their household is pregnant, proof of pregnancy will be required. This will usually be at 24 weeks when the MATB1 is provided by the health service. The unborn child will be classed as a child for the purposes of property size eligibility at this point. Where a household already has another child (other children), the unborn child will be classed as the same gender as the youngest child until its gender is confirmed.

Please note:

- Assessment will be based on the suitability of the property for the size of the household.
- Only children who live with the applicant for four or more nights a week will be considered as part of the household. We need proof of this.
- A child aged 16 or under would be expected to share with one other child of the same gender; and
- A child aged under 10 would be expected to share with one other child aged under 10, regardless of gender.
- Some upper floor properties will be restricted for households without children and some will be open to all applicants who meet the criteria for the property size.
- A person can only be on one housing application with the council
- Some disabled applicants may require a larger property than their eligibility criteria would otherwise imply in order to meet their needs. Guidance can be found at Appendix H.

- A bedroom for a non-resident carer will also be taken into account in determining the relevant size criteria where they provide overnight care for the applicant or their partner.
• In exceptional circumstances Local Authority approved foster carers may be eligible for a property larger than their current needs in order for them to be able to have children placed in their care. Part of the assessment for this will be their ability to afford the property at points where no children are placed with them.

• This criteria will be applied flexibly where it results in the best use of the property

4.10 Cancellation of applications

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

• The applicant requests cancellation
• The applicant's circumstances change and they are no longer eligible or no longer qualify
• The applicant is found to have made a false or deliberately misleading statement, or to have withheld information in connection with their application
• The applicant has not responded to contact from the Council within 14 days
• The applicant, in the Council’s opinion, unreasonably refuses a number of offers.

4.11 Informing customers of their assessed housing need (Band) and other information

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

• Whether they qualify
• The band in which they have been assessed
• The size and type of property they qualify for
• How to access the Allocations Policy
• Their right of review of their band and property size/type eligibility

Applicants assessed as Low Needs Band (reduced preference) will be notified by the Council of how their application can be reassessed. Guidance can be found at Appendix C. Each case will be treated individually. Applicants may request this information in writing.

4.12 Change in circumstances
It is the applicant’s responsibility to notify the Council of any change in circumstances immediately together with supporting evidence where necessary.

Failure to do this could result in an applicant not being considered for a property or an offer of a property being withdrawn. This is because priority is based on the applicant’s current situation. A change in circumstances will mean that the application has to be reassessed.

4.13 **Assessments for applicants who are, or have been, members of staff, elected members or who have a personal relationship or connection to a member of the Housing Options Team**

Applications from elected Members and former elected Members or their close relatives will be dealt with by the Housing Manager. The award of a housing need band (priority) will need to be authorised by the Council’s Chief Executive.

Applications from employees or former employees of the council or partner landlords or their close relatives will be dealt with by the Housing Manager. The award of a housing need band (priority) under the scheme will be authorised by the Council’s Chief Executive.

Applications where a potential conflict of interests occurs due to the pre-existence of a relationship between a member of the Housing Options Team and an applicant will be dealt with by the Housing Manager. A staff conflict of interests statement should be completed by all members of Housing Options Team staff (Appendix J).

In cases where the Housing Manager has a personal connection to an applicant the Head of Service will deal with the application. The award of a housing need (priority) under the scheme will be authorised by the Council’s Chief Executive.

5. **DECISIONS AND REVIEWS**

5.1 Where the Council decides that an applicant is ineligible or does not qualify to join the Housing List or for an allocation, it will notify the applicant of that decision and the grounds for it verbally, following this up in writing if requested by the applicant. Where the Council believes the applicant may have difficulty understanding the implications of the decision they will be informed appropriately, making use of relevant assistance services such as interpreters.

5.2 Eligible applicants have the right to ask the Council to inform them of any decision about matters to be taken into account in processing their application.
5.3 An applicant can ask for a review of certain decisions made regarding their application for an allocation. These are:

- If the applicant has been informed that they will not be placed on the housing list.
- If the applicant has not been given preference or
- Any decision about the facts of the applicant’s case which has been taken into account in considering whether to make an allocation to them (this would include the banding given to an applicant and the type of property that they qualify for) or
- The applicants banding has been reduced because they are believed to have unreasonably refused an offer of accommodation.

5.4 A request for a review of a decision should preferably be made in writing and can be made by an applicant or a representative on behalf of the applicant. The request should be made within 14 days of the decision being communicated to the applicant and should include information that the applicant believes has not been taken into account already or which further supports the original application or new information.

5.5 The review will be carried out by senior officers from the Council’s Housing Options Team who were not involved in the original banding decision. Reviews will be carried out within 28 days of the request being received and the applicant will receive a written review decision within a further 14 days.

5.6 An applicant does not have the right to ask for a review of a decision reached by an earlier review. If an applicant is still unhappy following the review of a decision, they can make a complaint through the Council’s complaints procedures. If they are still unhappy and have exhausted this process they contact the local government ombudsman, or seek further advice from an organisation such as Shelter or the Citizens Advice Bureau.

6 FALSE INFORMATION

6.1 If an applicant knowingly gives false information, or withholds information, in order to secure a home it is likely that they will lose that home (section 214, Housing Act 1996). It is also likely that they will be prosecuted and if found guilty could be liable to a fine and/or imprisonment.
7. **Allocations and lettings**

7.1 Affordable properties for rent are allocated from the Housing List from one of three categories. These are:

1. **General Needs**

   For those applicants who are not already living in social housing.

2. **Transfer**

   This is the category for those applicants who are currently living in social housing which is unsuitable for them.

3. **Sheltered**

   For applicants over 55 years of age who have a support need which can be met in this type of accommodation. Applicants in this group may be in their own homes or in social housing.

7.2 In addition to those categories above there are two other categories of lists. These are:-

   **Housing With Care**

   For older applicants who have high support needs, are allocated in a different way from those above.

   **Shared Ownership (Homebuy)**

   This is for applicants who wish accommodation which they can both own and rent. For further information please see the Bedfordshire Pilgrims Housing Association website at:-
   
   [www.bpha.org.uk](http://www.bpha.org.uk)

   Or
   
   [www.helptobuyeastandsoutheast.uk.com](http://www.helptobuyeastandsoutheast.uk.com)

7.3 **Allocations to transfer applicants**

   Up to 20% of properties allocated will be offered to applicants already in social housing. The remainder will be offered to applicants who do not live in social housing. A balance of allocations will be maintained.
within the different property types with no more than 20% of each property type (e.g. 1 bedroom flats, 3 bedroom houses) being offered to transfer applicants.

The Council will have reference to the prevailing circumstances in the district and reserves the right to vary this figure to make best use of the housing stock after consultation with its partner agencies.

7.4 Housing for over 55s

Some accommodation is designed specifically for this age group. In exceptional circumstances, younger people may be considered if they can benefit from it and other types of accommodation are not suitable.

7.5 Sensitive Lets

Sometimes landlords will request that a vacant property is treated as a sensitive let. An example of this would be where the previous tenant has caused anti-social behaviour as it is important to create a balance in the community. The landlord and the local authority may agree that the applicant at the top of the shortlist is not suitable to be offered the property and agree to offer it to a more suitable applicant.

7.6 Local Lettings

Rural exceptions sites, where local housing need has justified development which would not usually have been allowed, are subject to local lettings policies (LLP). Applicants with a connection to the parish in which a rural exception site has been developed will be prioritised according to the connection cascade specified in the LLP. Where a successful local applicant transfers into one of these properties from social housing in the same parish as the new development, the same local connection cascade will apply on relet of the property they have vacated. The purpose of this being to ensure there is a net gain in accommodation let to households with a connection specified in the LLP. This arrangement applies to qualifying transfers occurring as a result of first let of the new development only.

A copy of the LLP cascade can be found at Appendix Q.

7.7 Selection of the successful applicant

The successful applicant will be the most suitable one of three who meets the stated qualifying criteria and is one of the top three
applicants with the highest assessed housing need as outlined in the criteria in sections 4.9 and 7.7 of this policy. If there are more than three applicants in the highest band with the same application dates then those with the earliest dates (this is known as the band effective date) will be considered first. In doing so the Housing Options Team will also need to determine that:

- The property is part of the allocations scheme.
- The property is of a suitable size and type for the applicants household (see section 4.9 and Appendix F)
- It is in an area where the applicant wishes to live
- The applicant will be safe living in that area.
- If the applicant has been given reduced preference they have met the criteria set out by their assessment (see Appendix C).
- If a local lettings policy applies (see section 7.6) the applicant meets the criteria set out in the local lettings policy.
- If the property needs to be let sensitively (see section 7.5) the applicant is suitable for the property.
- The property is affordable to the applicant

The Housing Options Team will aim to make the best property match for the applicant and their family based on their housing needs and property availability in order to ‘understand each applicants housing problem and help them to solve it.’

Applicants who have been made an offer of a property but have not yet moved in will not ordinarily be considered for subsequent properties which become available in the intervening period. Where an applicant, or a member of their family, are unsuitable for a particular property they may be skipped. An example of this may be where a risk assessment identifies the match as unsuitable.

The Council reserves the right to make an allocation outside of usual practice where this results in either best use of the housing stock or resolving an exceptional situation. Examples of this may be where favouring a transfer applicant results in a high-demand property becoming available or where an applicant’s circumstances are so severe an immediate offer is required.
7.8 If an applicant refuses a suitable offer of accommodation their application for housing will be reviewed. Their banding may be reduced if it is believed the accommodation offered was unreasonably refused. Where an applicant, following an offer, decides they no longer wish to be considered for sheltered accommodation a Team Leader will assess where they are eligible and qualify to join the Housing List for general needs accommodation, and whether their banding remains appropriate.

7.9 Some properties have had adaptations made to them to make it easier for someone with a disability to live in them. Others have been specially built for applicants with disabilities. These properties have an accessibility rating and applicants with a need for adapted properties may be given priority over other applicants even if they have a lower band. This is in order to make the best use of the property and its adaptations.

7.10 Some properties are built to either meet the housing needs of a particular parish in Broadland and/or have lettings criteria stipulated in planning agreements which give priority to applicants who have a connection to specific parishes or sometimes the district. Applicants who meet these criteria will be given priority over other applicants even if they have a lower band. In the case of gypsies (as defined in the Caravan Sites Act 1968) and travelling communities, ‘residents’ includes persons who have habitually resided in that particular parish.

7.11 **Making the offer**

The successful applicant will initially be contacted by the Housing Options Team to discuss the property. The applicant will then be contacted by the landlord to arrange an accompanied viewing. They will then be offered the property by the landlord, if it is considered suitable and affordable and when the customer’s application criteria have been verified. The landlord may request photographic identification from the applicant.

If an applicant cannot be contacted following multiple attempts the next person on the shortlist will be contacted. It is the applicant’s responsibility to keep the Council aware of changes to their contact details.

Applicants have at least 24 hours to decide whether to accept an offer of accommodation. If no response has been received by the landlord within their set time limit, the next person on the shortlist will normally be considered for the property.
If an applicant refuses the offer, the property will normally be offered to the next on the shortlist, and so on until the property is let.

Offers of accommodation may be withdrawn if it is found that the information supplied by the applicant was incorrect or if the customer has not informed the Council of any changes and their current situation is not accurately reflected in their Band.

If an applicant unreasonably refuses a number of properties their application may be cancelled.

7.12 Properties not included in the scheme

Certain properties and housing schemes are not allocated in the same way, for example, the allocation of Housing with Care Schemes for the elderly will involve both the landlord and Adult Social Services.

However, the vast majority of vacant social housing properties in the Broadland Council area are let through the allocations policy.

8. EQUALITY

8.1 In drawing up this scheme the Council has had due regard to issues of equality and in particular to the Equality Act 2010.

8.2 The Council and landlords are committed to equality of opportunity and are opposed to all forms of direct or indirect unlawful discrimination. We aim to foster good relations between people who share a protected characteristic and those who do not.

8.3 Specifically, but not exclusively, to meet these aims through this scheme we will:

- Make reasonable adjustments, for example the use of INTRAN, carrying out home visits, and providing extra support in accessing the scheme.

- Allow some disabled applicants to be considered for larger properties, where this can be demonstrated as affordable to them.

- Make all literature available in a large font and written in plain English, braille or language of the applicant’s choice.

- Recruit staff with a good awareness of equality issues and a non judgemental attitude.

- Ensure all relevant staff are well trained so they can assist vulnerable clients to access and use the scheme.
• Carry out individualised assessments that focus on the needs within the household

• Record identified vulnerabilities on the IT system so that staff are aware of them and know how to respond appropriately to them.

• Work closely with support agencies and advocates and take their views into account

• Recognise that a protected factor or other vulnerability might be a mitigating factor relevant in the consideration of a penalty

• Be clear in our decision making and aim to dispel myths where we can

• Collect feedback on the scheme specifically relating to equality issues

• Revise the scheme when needed to meet our Equality Duty.

9. COMPLAINTS PROCEDURE

9.1 If an applicant is dissatisfied with any aspect of the management of their application, other than where a review can be made, they should follow the Council’s published complaints procedure, available on the Council’s website at www.broadland.gov.uk or, on request, a paper copy of the procedure can also be made available.

10. THE LOCAL GOVERNMENT OMBUDSMAN

10.1 The Local Government Ombudsman investigates complaints of injustice arising from maladministration by local authorities and others. They can be asked to investigate complaints about most council matters including housing.

10.2 If a complainant is not satisfied with the action the Council takes, he or she can send a written complaint to the Ombudsman. A complainant must give the organisation an opportunity to deal with a complaint first, using its published complaints procedure.

The Local Government Ombudsman can be contacted at:
Local Government Ombudsman
PO Box 4771
Coventry CV4 0EH
Tel: 0300 061 0614
Website: www.lgo.org.uk
10.3 If an applicant wishes to make a complaint against a social housing landlord they should contact:

Housing Ombudsman Service
81 Aldwych
London
WC2B 4HN
Tel: 0300 11 3000
E mail: info@housing-ombudsman.org.uk

11. **CHANGES TO THE SCHEME**

11.1 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. This Policy will be reviewed annually. Any major changes to the scheme will be consulted on with scheme landlords and agreed by the Council’s Cabinet.

11.2 The Council will ensure the changed scheme is then made available to the public through its website at www.broadland.gov.uk

12. **MONITORING**

12.1 The Council holds regular meetings with partners and stakeholders who represent vulnerable applicants. The aims of this meeting are to:

- monitor the overall effectiveness of the scheme;
- address operational issues and agree operational changes;
- consider policy development.
Appendix A

**Broadland Council Allocations Scheme Landlords**

The scheme landlords are, at April 2015:

- Broadland Housing Association
- Cotman Housing Association
- Josiah and Mary Brewster Trust
- Orbit Housing Association
- Peddars Way Housing Association
- Saffron Housing Trust
- Victory Housing Trust
- Wherry Housing Association
Appendix B

Guidance on the Application of Mitigating Circumstances

Where applicants are not deemed to qualify to join the Housing List or where they have had their preference on the Housing List reduced, the following are factors to be taken into account in determining non qualification or reduction of preference.

- Physical disability
- Mental illness
- Physical illness or frailty
- Financial problems
- Support/floating support needs
- Rooflessness/homelessness
- Inability to find alternative accommodation
- Low income/benefit recipient
- Size of family (including young children)
- Special educational needs
- Learning disabilities
- Domestic/neighbour/other forms of violence which are known to have occurred
- Severe depression
- Substantial problems of debt

This is not an exhaustive list and could apply to an applicant or a member of the family. The effect could be:-

- To lead to a non-qualification or reduction of preference on the register being completely overturned
- To lead to a non-qualification being changed to a reduction of preference.
Appendix C

Reassessment of applications where the applicant has been assessed as not qualifying for an allocation

Where the result of an assessment is that an applicant does not qualify for an allocation the applicant will be expected to provide evidence in order to be reassessed. This will relate to the reason for non-qualification and the following guidelines apply:

**Cause:** Eviction from a tenancy for rent arrears

**Evidence:** Minimum six month settled accommodation with up to date rent account. Repayment plan in place and adhered to for a minimum of six months.

**Cause:** Responsible for paying full rent directly to a landlord and they have rent arrears and/or court costs greater than 14 weeks rent, if the rent is charged weekly or greater than 4 months if the rent is charged monthly

**Evidence:** Up to date rent account (where relevant) and repayment plan in place and adhered to for a minimum of six months or the debt has been cleared by regular payments, whichever is sooner.

**Cause:** Responsible for paying a ‘top up’ or service charge in addition to housing benefit payments that are made direct to the landlord and has ‘top up’ or service charge arrears equivalent of greater than 14 weeks top up amount if rent is charged weekly or greater than 4 months of the top up amount if it is charged monthly

**Evidence:** Up to date rent account (where relevant) and repayment plan in place and adhered to for a minimum of six months or the debt has been cleared by regular payments whichever is sooner.

**Cause:** Full rent paid by Housing Benefit direct to the landlord and there are rent arrears/court costs of over 14 weeks rent, if the rent is charged weekly or over 4 months if the rent is charged monthly and the arrears are caused by
the applicant either not providing the information required to assess a housing
benefit claim or making a fraudulent application.

**Evidence:** Up to date rent account (where relevant) and repayment plan in
place and adhered to for a minimum of six months or the debt has been
cleared by regular payments whichever is sooner.

**Cause:** Damage to a property and been charged for damages and/or court
costs of over £1000.

**Evidence:** 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.

**Cause:** Eviction from a tenancy for anti-social behaviour

**Evidence:** Minimum six month settled accommodation with no complaints
relating to behaviour and engagement with statutory/support services as
deemed appropriate.

Where the Council assesses that, in the cases above, that an applicant
qualifies for an allocation, they will be assessed as Low Needs Band, reduced
preference. They will need to provide the same evidence again for a further
six month adherence before they can be reassessed.
Appendix D

**Accommodation based support services**

Residents of the following services qualify to be considered for Medium Band assessment when they are ready to move on to independent accommodation.

**Benjamin Foundation**
Forward Court, Aylsham

**Genesis**
Cromer Road, Hellesdon
Reepham Road, Hellesdon.

**House of Genesis**
Laundry Close, Thorpe St Andrew.

**YMCA**
Supported Lodgings scheme placements

**Other supported accommodation providers**
Any such accommodation outside the district, to which the applicant was referred by or with the agreement of Broadland Council where they lived in Broadland Council for 2 years immediately prior to the placement.
Appendix E

Safe Surrender

Where possible support will be arranged to enable the tenant to remain in a property however, where this fails a Safe Surrender may be agreed between a tenant of one of the scheme landlords in Broadland Council, the scheme landlord and the Council.

The safe surrender needs to be agreed before the tenancy is ended.

The tenant will need to give notice in the usual way. A shorter notice period may be agreed at the landlord’s discretion.

The tenant must be unable to manage the tenancy satisfactorily due to illness, support or other needs which can not be met at that time.

A safe surrender agreement can be reached:

where the property is in danger of deterioration but substantial deterioration (under £500) has not yet occurred and does not occur before vacant possession is given.

and/or the tenant is struggling to pay the rent, but the rent account is not yet more than 8 weeks in arrears (net) and does not become so before vacant possession is given.

and/or the tenant is in breach of other terms of the tenancy but this has not yet reached the level where a reduction of preference would usually be applied and does not become so before vacant possession is given.
and/or other similar circumstances as agreed between the scheme landlord and the Council.

Where a Safe Surrender is agreed, if the tenant subsequently applies to the Broadland Council housing list their priority will not be reduced for matters relating to that tenancy, unless 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 taken into account. However the Council cannot fetter a possible future homelessness decision.
Appendix F

Property size and type eligibility

Please note:

- Assessment will be based on the suitability of the property for the size of the household.
- Only children who live with the applicant for four or more nights a week will be considered as part of the household. We need proof of this.
- A child aged 16 or under would be expected to share with one other child of the same gender; and
- A child aged under 10 would be expected to share with one other child aged under 10, regardless of gender.
- Some upper floor properties will be restricted for households without children and some will be open to all applicants who meet the criteria for the property size.
- A bedroom for a non-resident carer will also be taken into account in determining the relevant size criteria where they provide overnight care for the applicant or their partner.
- Some disabled applicants may require a larger property than their eligibility criteria would otherwise imply in order to meet their needs (See Appendix H).
- There may be extreme circumstances where an allocation is made outside of these criteria, where this is the most appropriate solution to the households needs
- Properties may be let outside these criteria where there is a good case to do so; ie where this would allow the placement of a foster child or an adoption to proceed
- This criteria will be applied flexibly where it results in the best use of the property
<table>
<thead>
<tr>
<th>SIZE OF HOUSEHOLD</th>
<th>SIZE OF PROPERTY</th>
<th>TYPE OF PROPERTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Person</td>
<td>Bedsit or 1 bedroom</td>
<td>Flat, bungalow or house</td>
</tr>
<tr>
<td>Couple without children</td>
<td>1 bedroom</td>
<td>Flat, bungalow or house</td>
</tr>
<tr>
<td>Two adults sharing (for example 2 brothers)</td>
<td>1 or 2 bedrooms</td>
<td>Flat, bungalow or house</td>
</tr>
<tr>
<td>Couple expecting a child (where the pregnancy is over 6 months)</td>
<td>2 bedrooms</td>
<td>Flat, Bungalow or house</td>
</tr>
<tr>
<td>Couple with 1 child</td>
<td>2 bedrooms</td>
<td>Flat, Bungalow or house</td>
</tr>
<tr>
<td>Couple with 2 children of the same sex under 16.</td>
<td>2 bedrooms</td>
<td>Flat, Bungalow or house</td>
</tr>
<tr>
<td>Couple with 2 children of the opposite sex where one child is 10 years old or over.</td>
<td>3 bedrooms</td>
<td>Bungalow or house</td>
</tr>
<tr>
<td>A couple with 3 children</td>
<td>3 bedrooms</td>
<td>Bungalow or house</td>
</tr>
<tr>
<td>A couple with 4 children</td>
<td>3 or 4 bedrooms</td>
<td>Bungalow, house or parlour house</td>
</tr>
<tr>
<td>A couple with 4 or more children.</td>
<td>4 or more bedrooms</td>
<td>House or parlour house</td>
</tr>
</tbody>
</table>
Reassessment of applications where the applicant has been assessed as Low Needs Band

Where an applicant has been assessed as Low Needs Band (reduced preference) the evidence must be provided by the applicant in order to be reassessed. This will relate to the reason for reduced preference and the following guidelines apply:

**Cause:** Responsible for paying full rent directly to a landlord and they have rent arrears and/or court costs equivalent to between (and including) 8 and 14 weeks rent, if the rent is charged weekly or between (and including) 2 and 4 months if the rent is charged monthly

**Evidence:** Up to date rent account (where relevant) and repayment plan in place and adhered to for a minimum of six months or the debt has been cleared by regular payments, whichever is sooner.

**Cause:** Responsible for paying a ‘top up’ or service charge in addition to housing benefit payments that are made direct to the landlord and has ‘top up’ or service charge arrears equivalent of between (and including) 8 and 14 weeks top up amount if rent is charged weekly or between (and including) 2 and 4 months of top up amount if it is charged monthly

**Evidence:** Up to date rent account (where relevant) and repayment plan in place and adhered to for a minimum of six months or the debt has been cleared by regular payments, whichever is sooner.

**Cause:** Caused damage to a property or failed to maintain a property and been charged for damages and/or court costs of between £500 or £1000 inclusive.

**Evidence:** 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.
**Cause:** Committed acts causing, or likely to cause, nuisance or annoyance to their neighbours or others in the locality of where they live or have previously lived

**Evidence:** Minimum six month settled accommodation with no complaints relating to behaviour.
Appendix H

Guidance on property size and type eligibility to meet Disability Need

It is acknowledged that there is a shortage of 3 bed accommodation suitable for those that need single level access in the Broadland Council area.

Where such an applicant is identified, discretion can be used to increase their eligibility by one bedroom to enable them to be considered for a larger property that would meet their disability needs. For example a 3 bed 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 it should be explained to the applicant and confirmed in writing.

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.
Appendix I

Discharge of duty policy

Discharging statutory homelessness duty into the private sector policy

Background:

The Localism Act 2011 introduced significant changes to the way local authorities may choose to exercise their functions relating to applications made under part 6 and part 7 of the Housing act 1996. The Localism Act allows local authorities to discharge the full housing duty owed to homeless households in the private sector by way of an offer of an assured shorthold tenancy with a fixed term of at least 12 months. Households receiving such an offer will not be entitled to reasonable preference on the waiting list due to homelessness.

Due to the high demand for social housing and low turn over of properties in Broadland, applicants found to be eligible, unintentionally homeless, in priority need and with a local connection to Broadland before the Localism Act changes could expect to receive an offer of social housing after a significant wait in temporary accommodation, unless they chose to seek their own solution via the private rented sector.

Following the systems thinking review of the housing service, Broadland has adopted a new allocations policy. The aim of the service is to ‘understand (the clients’) housing problem and help them to solve it’. We recognise that due to the limited supply of social housing only those most in need are likely to realise an offer from the waiting list. Residents in housing need will be offered the opportunity to discuss the full range of options available to them before a decision is made whether joining the waiting list is appropriate.

This policy is consistent in line with the Council’s Allocations policy. The policy complies with The Housing Act 1996 as amended by the Homelessness Act 2002, the Localism Act 2011, the Equality Act 2010, the Homelessness Code of Guidance 2006 and the Suitability of Accommodation Order 2012.
The Suitability of Accommodation Order 2012 states that an offer of private rented accommodation made under this policy should fulfil the following criteria to be considered suitable:

- reasonable physical condition
- gas safety record
- electrical regulations are met
- fire safety regulations are met
- carbon monoxide alarm
- the landlord should be a ‘fit and proper person’
- meet Houses in Multiple Occupation licensing requirements, where relevant
- Energy Performance certificate
- 12 month fixed term tenancy agreement as a minimum

**Overview, aims and objectives:**

This document relates to the policy and procedures for discharging statutory homeless duties into the private sector. This document will be referred to as "the policy".

Each case will be considered on its own merits. The policy seeks to ensure that both a comprehensive and consistent needs assessment and risk assessment are carried out for each household. This approach will ensure that each household’s needs are appropriately met.

This policy and associated procedure will seek to ensure that there is no unfair treatment of groups with protected characteristics on the grounds of those characteristics. These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

**Household assessment:**

**Needs and risks:**

All households accepted as being owed the full statutory housing duty by Broadland will be assessed under this policy to determine whether they are suitable for an offer of accommodation in the private sector.
The assessment of each household will include consideration of:

- local housing allowance bedroom eligibility criteria
- affordability
- financial circumstances and ability to manage finances
- ability to sustain a tenancy
- ability to manage personal health and hygiene
- mobility and physical health, including any requirement for adaptations
- mental health
- risk to self
- access to support
- safety
- housing history
- access to cultural and faith resources
- area of choice
- homeless application status
- any relevant issue raised by the household or their advocate

The outcome of this assessment will inform the decision whether an individual household is suitable for an offer of accommodation in the private sector under this policy. Where a household is not considered to be suitable for an offer of private rented accommodation under this policy they will be awarded priority for social housing.

**Size criteria:**

Each household will be assessed individually and there may be circumstances where it is appropriate to deviate from the guide below, provided the resulting tenancy remains suitable and affordable to the household and the household agrees that the property is appropriate (for example, where the household has a preference for an additional bedroom for a visiting child and can afford the additional cost).

**Single person households:**

- Under the age of 35, **not exempt from shared accommodation rate:** shared accommodation only
- Under 35, exempt from shared accommodation rate: may be considered for shared accommodation, studio flats, bedsits and one bedroom properties
- Age 35 or older: may be considered for bedsits, studio flats or one bedroom properties
**Couples:**
- Considered for one bedroom properties

**Families, including expectant mothers:**
- Considered for properties in line with LHA size assessment

In all cases, the tenant will be over 18, accepted for the full housing duty by Broadland and assessed as suitable for an offer of accommodation under the policy.

**Matching:**

The Council will seek to ‘match’ a household to an available private rented property which best meets their needs and preferences. It is likely where an applicant has a strong preference to remain in a particular area or move to a particular area that this will be easier and quicker to achieve in the private market than from social stock. Broadland has a predominantly owner occupied housing market with relatively few properties available to rent, either in the private market or from social stock. Ultimately the private landlord will have to agree to accept a particular tenant under this policy.

**Making the offer:**

Households accepted as homeless are entitled to one offer of suitable accommodation.

The Council may consider its duty to a statutorily homeless household discharged if a suitable offer is refused.

The private rented tenancy must be available with a fixed term of at least 12 months.

Where a household is considered suitable for an offer of private rented accommodation under this policy, and a suitable property is available they will be made this offer without delay.

This will be considered the household’s one offer of suitable accommodation and whether the household accept or refuse this offer, it will discharge the Council’s statutory homeless duty.

The household’s homeless application will be closed once duty is discharged. If the household was on the waiting list they will be removed as no longer in housing need. Should the household’s circumstances change in the future and the household re-approach the Council, advice will be offered to try to
resolve the housing issue and if appropriate they may be added to the waiting list for social housing again.

If a statutory homeless household successfully housed under this policy becomes unintentionally homeless from the accommodation within two years of the tenancy commencement, the full homelessness duty is revived (regardless of priority need). This reinstatement of the homelessness duty can only happen once. When the household applies to a different local authority in these circumstances they may be referred back to the local authority which made the offer of accommodation under this policy, unless to do so would place the household at risk of harm. The revived duty may be discharged into the private sector again in accordance with this policy.

**Refusal/failure to respond:**

If a statutory homeless household refuses or fails to respond to an offer of suitable accommodation under this policy, the Council’s duty to provide accommodation, including temporary accommodation, may end.

The household has a right to request a review of the suitability of the accommodation offer. (Further down)

Failure to respond or refusal of an offer of accommodation under this policy will result in the household’s waiting list application being reviewed.

**Suitability review:**

With an offer of accommodation under this policy, households will be advised of their right to request a review of the suitability of the accommodation. Agencies such as the Citizens Advice Bureau or Shelter will be signposted to if appropriate.

An applicant can request a review of the decision that a property is suitable and that the duty owed to them under the homelessness legislation is discharged within 21 days of being notified of the decision. Review requests received later than this will only be accepted in exceptional circumstances.

Review requests may be made verbally or in writing to the Council.

Once a review request has been received the Council will write to the applicant to acknowledge receipt of the request and to provide details of the review procedure.

The review will normally be completed within 56 days of the review being requested, unless a longer time period has been agreed.
The review will be carried out by a senior officer who was not involved in the original decision.

The review may be unsuccessful (original decision upheld) or successful (original decision amended). Once the review has been decided the Council will write to the applicant informing them of their decision.

This letter will be sent to the applicant’s home address, or where this is no longer known, a copy will be available for collection from the Council’s offices.

The decision letter will give reasons for any findings that are made against the applicant. It will also set out the limited right of appeal to the County Court (see below).

**Accommodation pending outcome of review:**

The Council is not obliged to provide temporary accommodation during the review process and would only do so in exceptional circumstances. A review can be completed after the disputed offer has been accepted provided this is within the timescales above. Applicants will be advised to accept the disputed offer even if they wish to request a review to ensure that, if unsuccessful, they are not left without accommodation.

**County Court appeals:**

An appeal to the County Court must be made within 21 days of being notified of the review decision.

Applicants considering an appeal are advised to seek independent legal advice from a solicitor, the Citizens Advice Bureau or Shelter. Details will be provided on request.

The Council is not obliged to provide temporary accommodation during the appeals process and would only do so in exceptional circumstances.

An appeal to the County Court may only be made on a point of law. In other words, there must be a concern about the basis on which the Council reached its decision. Applicants cannot appeal to the County Court just because they are disappointed by or disagree with the decision.

**Complaining to the Local Government Ombudsman:**

An applicant may complain to the ombudsman. But, as a general rule, the ombudsman will not become involved where legal remedies can be pursued. And, even if the situation may be one of maladministration, it will normally be necessary for the applicant to exhaust the council’s internal complaints procedure first.
The Local Government Omsudsman may be contacted at:

The Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

T. 07624803014
W. www.lgo.uk

Reviewing the policy:

This policy will be reviewed every two years, or on the release of significant new caselaw or guidance if sooner
Appendix J Conflict of Interests

A Conflict of interest; where you encounter someone in your professional role with whom you have a personal or business relationship, which could influence, or lead to an allegation that your relationship influenced, the course or outcome of either that case or others should be avoided.

An Allegation of improprietous behaviour by an employee is a serious matter, and may result in disciplinary action.

Conflicts of interest should therefore be reported to your manager so that action can be taken to ensure that conflict does not affect the course of the case, therefore protecting the staff and the service.

Declaration of Interest

As an employee of Broadland District Council I am aware I must notify my manager in writing without delay where such conflict exists, or may exist, so that necessary steps can be taken to ensure the conflict of interests does not impact upon the case or the service.

I am aware I should not access, update or amend customers records (electronic or otherwise) where I believe there may be a conflict of interest.

Signed by employee :         Date :
...........................................................................................................
...........................................................................................................

Employee name:
...........................................................................................................

Job Title:
...........................................................................................................
## Appendix K

### Housing advice decision and sign off for housing list cases

<table>
<thead>
<tr>
<th>Housing Advice number</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Enquiry date</td>
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</tbody>
</table>

**Decision summary and reasons why social housing is the chosen option**

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<thead>
<tr>
<th>Decision/Band</th>
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<tbody>
<tr>
<td>Band Date</td>
<td></td>
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</tbody>
</table>

**Signed – Senior Homelessness and Prevention Officer**

<table>
<thead>
<tr>
<th>Date</th>
<th></th>
</tr>
</thead>
</table>

**Added to housing list**

**Added to Academy data base**
Appendix L Police Disclosures

These must be made on the appropriate form (police info-HH1-Request Form) a copy of which can be found on Academy instant letters (example below).

To: Housing Act Disclosure Assistant
Data Protection Office
Norfolk Constabulary
Operations & Communications Centre
Falconers Chase
Wymondham
NR18 0WW

<table>
<thead>
<tr>
<th>Name and address of Housing Association or Local Authority</th>
<th>Secure email.</th>
<th>Your Ref:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone No.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Request for Disclosure of Personal Data

The above is considering an application for housing under Section 10c of the Homelessness Act 2002. Please supply relevant information about the person named below in accordance with the Housing and Homelessness Acts Information Disclosure Protocol.

<table>
<thead>
<tr>
<th>★ Essential Information</th>
<th>★ Desirable Information</th>
<th>One Form Per Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>★ Surname</td>
<td>★ Date of Birth</td>
<td></td>
</tr>
<tr>
<td>★ Forenames</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The person named above is applying for housing on the basis that they have been forced to leave their existing accommodation due to threats or actual incidents of violence either against or by the person named above. Please provide details of relevant incident records involving the person named above occurring at the above address and any previous convictions of the person named above relating to these incidents during the period (provide dates from and to)

Declaration:

I act on behalf of the above organisation and confirm that the information requested is necessary for the purpose of considering an application for housing and this request is made in accordance with the requirements of the Housing and Homelessness Acts Information Disclosure Protocol (v3).

| Name | Date | Signature |
Appendix M Habitual Residence Guidance

What are the two parts of the Habitual Residence Test?

- **Right to reside** – in the Common Travel Area (UK, Ireland, the Channel Islands and the Isle of Man)
- **Habitually resident in fact**

**Right to reside**

The main group of people affected by right to reside rules are EEA Nationals.

Non EEA nationals will be subject to immigration rules and their right to benefits will be defined by their immigration status. Those with ‘leave to enter’, or ‘leave to remain’, have a right to reside during that period of leave. Most with ‘limited leave to remain’ will have their recourse to public funds restricted.

British citizens will always have a right to reside.

**EEA nationals**

All EEA Nationals and their family members have the right to reside in any other member state for a period of three months.

To have a right to reside after three months, applicants must:

- Be a 'qualified person', or
- Have the right of permanent residence, or
- Have a derivative right to reside.

To be a 'qualified person' applicants must be one of the following:

- Jobseeker (for up to 6 months - a limited extension may be granted if they pass a Genuine Prospect of Work Assessment)
- Worker (must earn over £153 a week - the level at which national insurance starts being paid)
- Self-employed person
- Self-sufficient person
• Student.

Applicants normally acquire a permanent right of residence by:

• living in the UK as a qualified person for five years; or

• in some cases, people who have worked or been self-employed in the UK and have retired may also acquire a right of permanent residence.

To have a 'derivative right to reside':

• An applicant must be the primary carer of a child under the age of 18 who is in education, and

• Must have previously been a worker while the child was in the UK, and

• The child would not be able to continue their education if the applicant had to leave the UK.

People who have a right to reside only because of the initial three month rule will not satisfy the 'right to reside' aspect of the habitual residence test for:

• Income Support

• income-related ESA

• Pension Credit

• Housing Benefit

• Council Tax Support

All EEA nationals/family members within the initial three month right of residence period could previously claim Child Benefit and Child Tax Credit. However, since 1 July 2014 a new residency rule applies to jobseekers who wish to claim these benefits, like that in place for Jobseeker's Allowance (see below).

**New three month residency rule for EEA job seekers**

An EEA national who is a jobseeker used to be able to claim income-based JSA within the initial three month right of residence period and as a result would be able to claim Housing Benefit and Council Tax Support as well.
From 1 January 2014 this is no longer the case. A three month residency rule has been introduced so when EEA job seekers (and British nationals returning from abroad) make a JSA claim they will have to provide evidence of how long they have been living in the UK (or the Common Travel Area), for example, a travel document, utility bill or tenancy agreement, to show they have been living here for at least three months.

If it is decided that there is not sufficient evidence that they have been living in the UK or the Common Travel Area for three months they will not pass the Habitual Residence test so won't be able to get JSA.

This rule has now been extended to Child Benefit and Child Tax Credit as well.

**Croatian nationals**

Although members of the EEA, it is more difficult for a Croatian national to be considered a ‘qualified person’ as they do not gain right to reside from being a jobseeker and only gain right to reside as a worker if they have an accession worker registration document.

Croatia became an EEA member in July 2013 and restrictions on benefit entitlement can be imposed for up to five years so for Croatian nationals these restrictions are expected to remain in place until 2018.

**'Habitual residence in fact’**

Proving someone is ‘habitually resident in fact’ relies on case law as there is no definition in the Regulations of ‘habitual residence’.

Some key points:

- The applicant must be resident (and in some cases have been so for at least 3 months)

- The applicant must show intention to settle (not necessarily permanently) for example by having accessed accommodation or employment on return and having maintained links to the UK showing an intention to return after a temporary absence abroad.

British citizens who have lived abroad and are returning to the UK will still have to show that they are ‘habitually resident in fact’.
Appendix N - LONE WORKING POLICY

1. Introduction
Employers are required by the Health and Safety at Work etc. Act 1974 to do what is reasonably practicable to ensure the health and safety of employees and others who may be affected by Council activities. This includes taking steps to reduce the risk to staff and contractors who are identified as lone workers.

The objectives of this policy will be achieved by carrying out suitable and sufficient risk assessments, introducing control measures and providing information and training for all lone workers.

2. Aims
The aims of this document are to:-

- Increase staff and management awareness of safety issues relating to lone working
- Ensure that the risk of lone working is assessed in a systematic and ongoing manner, and that safe systems and methods of work are put in place to eliminate risks to staff working alone or to reduce those risks to the lowest practicable level.
- Ensure that appropriate training is available to staff in all areas, that equips them to recognise risk and provide practical advice on safety when working alone.
- Ensure appropriate support is available for staff who have to work alone.
- Encourage full reporting and recording of all accidents/incidents relating to lone working.

3. Definition of Lone Workers:
The Council defines a lone worker as anyone who in the process of carrying out their duties, may find themselves working alone or in an area isolated from colleagues.

Local authority work is extremely varied and there are many different situations when staff are required to work alone. It would be impractical to address each situation individually in a policy statement. The policy has been designed to be as wide-ranging as possible, but still assist managers and staff to minimise the risks of lone working.

4. Organisation and arrangements
It is recognised that individual Services will have specific concerns regarding the activities of particular groups of employees in the provision of services. Line Managers should therefore produce more specific and detailed practices and procedures to suit their own
particular requirements in accordance with the following guidelines and
the need for control measures identified by a risk assessment of
service activities.

Managers should:

- Consider the risk of lone working in all general risk
  assessments.
- Carry out specific lone working risk assessments if and when
  required.
- Require that suitable arrangements are in place so that lone
  working employees maintain appropriate contact when working
  alone.
- Share the findings of the risk assessment with employees.
- Where control measure are identified, where reasonably
  practicable, implement the measures.
- By way of assessment or appraisal identify any necessary
  training for staff who undertake lone working.
- Encourage staff to communicate any additional information or
  concerns with regard to lone working.
- Check that lone workers have no medical conditions which make
  them unsuitable for working alone, seek medical advice if
  necessary.
- Ensure any accidents or incidents related to lone working are
  reported in the appropriate way.

The Lone Worker must:

- Utilise the controls identified in the risk assessment
- Ensure they adhere to safe working practices at all times
  including checking the Personal Safety Register.
- Ensure contact arrangements with Line Manager are adhered to.
- Be mindful of avoiding situations that may increase their own
  risk; this includes keeping updated on local activities and/or local
  areas of concern.
- Report any accidents/incidents in which they are personally
  involved. This is to include any verbal or physical abuse, near
  misses or dangerous occurrences.
- Inform their Line Manager of any repairs or safety checks
  required by council owned equipment used for lone working
  purposes.
- Ensure they are fit to carry out the duties required and do not
  suffer from a medical condition that may be affected by lone
  working.
- Identify any relevant training requirement to their Manager.
Contractors:

- Must ensure they have appropriate processes in place to manage the risk of lone working in which they are involved when engaged in work for the Council. This includes any third party sub contractors hired to carry out work on behalf of the Council.

5. Risk Assessment and Control Measures – Good Practise Guidance

When assessing risk, the following questions should be addressed:

1. Does the work location present a risk to the lone worker?
2. Are there satisfactory procedures for dealing with illness, accidents and emergencies involving the lone worker?
3. Is there safe access and exit for one person? Can one person safely handle any temporary access equipment which is necessary such as portable ladders?
4. Can all plant, substances and goods involved in the work be safely handled by one person? Does the work involve lifting objects too large/heavy for one person etc? (Reference should be made to relevant manual handling assessments)
5. Can the safe systems of work be managed by one person?
6. Is there risk of violence?
7. Is the person physically fit and suitable to work alone?
8. Has the lone worker received sufficient information, instruction and training to enable them to understand the risks involved in work, the precautions necessary and when to stop work and seek help and advice?
9. What arrangements exist for supervising the lone worker? The extent of any supervision will depend on the risks involved and the proficiency and experience of the employee to identify and handle safety issues. New employees undergoing training or dealing with special risks or new situations may need to be accompanied at first. Management must decide on the extent of supervision, not the employee.

In case of employees engaged in manual duties, safety supervision can generally be carried out when visits are made to check on the progress and quality of the work. A routine check should be made on each member of staff at least once a day.

10. Is it likely that other members of the public will be on hand to give assistance?
Control measures required may include:

- Having reporting systems to ensure that the whereabouts of staff are known – these could be whiteboards, books, Outlook Out and About or the Answering Service.
- Considering working patterns and out of hours work which at certain times of day or night could reduce risks.
- Joint working with others for high-risk activities.
- Improvements to security arrangements in buildings.
- Communication systems for sharing information on risk with colleagues in other disciplines and agencies.
- Training to increase staff awareness of risk and the precautions to be taken.
- Supervision and auditing of working practices.
- Using personal protective equipment; mobile phones or personal alarms.
Appendix O – Redmayne View Housing with Care Nomination Protocol

Prioritising Applications

The priority for allocations will be based on the following policy and in accordance with the Councils adopted allocation scheme [which may be subject to review and change]

**High Band** – Applicant[s] who are resident in the Broadland Council district.

**Medium Band** – Applicant[s] living outside of the Broadland District Council who have a proven need to move to the Broadland Council district to receive support from a close family member [son/daughter/brother/sister] who is resident in the Broadland Council district.

**Low Band** – Applicant[s] living outside of the Broadland Council district.

No applicant[s] will be added to the housing list until an eligibility assessment has been carried out by Social Services.
Appendix P – Green Lane View Housing with Care Nomination Protocol

Prioritising Applications

The priority for allocations will be based on the following policy and in accordance with the Councils adopted allocation scheme [which may be subject to review and change]

Band 1. Applicant[s] who are resident in Aylsham.

Band 2. Applicant[s] with a need to move to Aylsham to receive support. Evidence will be required to prove that close family members live in or close to Aylsham and the support that will be provided. Family members must have lived in Aylsham for a minimum of two years.

Band 3. Priority will then be given to applicant[s] living in:

- Blickling
- Oulton
- Cawston
- Marsham
- Brampton
- Burgh
- Tuttington

Band 4. Priority will then be given to applicant[s] living in:

- Buxton
- Lammas
- Stratton Strawless
Hevingham
Haveringland
Booton
Salle
Reepham
Heydon
Wood Dalling

**Band 5.** Priority will be given to applicant[s] living in any remaining parish within the Broadland Council District.

**Band 6.** Priority will then be given to applicant[s] living in any area outside of the Broadland Council district.

**No applicant[s] will be added to the housing list until an eligibility assessment has been carried out by Social Services.**
Appendix Q - Local Lettings Policy: Local Connection Eligibility Criteria

1 Unless otherwise agreed in writing up to one third of the Affordable Rented Dwellings (as chosen by the Council) shall be let on first occupation in accordance with the local lettings policy set out below:

1.1 first allocations shall be made to people living in the Parish of X [e.g. where the homes are being built].

1.2 if there is no suitable person in paragraph 1.1 allocations will be made to people who work in the Parish of X.; and

1.3 if there are no suitable persons in paragraphs 1.1 and 1.2 allocations will be made to people who need to move to the Parish of X to give/receive support to/from close family.

1.4 If there are no suitable persons in paragraph 1.1 and/or 1.2 and/or 1.3 above, allocations will be made to households living in the Broadland District in accordance with the Council’s policies relating to housing allocation or where no such persons are available to an Eligible Household as approved by the Council

Administrative Procedure for Nominations

To grant to the Council nomination rights to 100% of the Affordable Housing Rental Units unless otherwise agreed in writing.

The administrative procedure for nominations shall be in accordance with the Council’s housing allocations policy as amended from time to time or in accordance with alternative procedures as the Council and the Owner shall agree between them.