

# HOUSING ALLOCATION SCHEME

This document sets out how North Norfolk District Council, in partnership with Registered Providers with properties in the district, will allocate their properties through the Your Choice Your Home Allocations Scheme

Effective Date: XXXXX 2024

Draft

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## 1. Introduction

All local housing authorities are required by law to have a scheme for determining priorities and procedures when allocating social housing.

The Scheme sets out:

- Eligibility and qualification criteria to join the Scheme.
- The extent of choice an Applicant will be offered when an allocation is being made.
- Any reasonable or additional or preference for an allocation an Applicant might be entitled to.
- How priority between any applicant will be determined when an allocation is being made.
- and the arrangements for nominating an Applicant for some homes owned by registered providers who own and/or manage social rented housing in the district.
- How to request a review of a decision.

North Norfolk District Council transferred its housing stock in 2006. We work in partnership with a number of Registered Providers of Social Housing (Housing Associations) across the North Norfolk District who own and manage social rented housing. A list of these Registered Providers can be found at Appendix X

Your Choice Your Homes (“the Housing Register”) is the single register for access to most rented social housing in North Norfolk.

With the level of demand for social housing exceeding supply, the Housing Register exists to enable all households who are in need of re-housing to be included on one register. The scheme seeks to offer choice, while giving reasonable preference to those in the greatest housing need.

By joining the Housing Register, those in housing need can be considered for vacancies, which become available in properties owned and managed by any of the Your Choice Your Home partner Landlords. The aim is to make the task of applying for social housing as simple as possible, requiring only one form to be completed for all social housing opportunities.

On a day-to-day basis, partners advertise their vacant properties on the Your Choice Your Home website and applicants, who would like to live in those properties, register their bids on the website at [www.yourchoicemyhome.org.uk](http://www.yourchoicemyhome.org.uk) Properties are then allocated in accordance with the procedures and priorities set out in the housing allocations scheme.

As well as operating a housing allocation scheme, North Norfolk District Council also provides a housing options service which works to prevent homelessness and provides housing applicants with advice on a range of alternative housing options including:

- Options to remain in the current home.
- Renting in the private rented sector
- Low-cost home ownership

## 2. AIMS AND OBJECTIVES

The objectives of this scheme include:

- To provide applicants with sufficient information to enable them to make informed choices about the housing options available.
- To allocate social housing fairly and transparently, according to the applicant's assessed priority,
- To meet the council's statutory duties with regards to homeless households,
- To provide choice for applicants as far as possible, whilst acknowledging that housing in North Norfolk is in short supply and help manage expectations about the availability of housing stock.
- To support all Your Choice Your Home partners in making the best use of their housing stock. Ensuring that larger homes, specialist housing, and homes adapted for people with disabilities, are made available to those who need them most.
- To support Your Choice Your Home partners in managing their homes effectively, by ensuring properties can be let quickly and that tenants are given the best chances of maintaining their tenancies in the long term.
- To ensure and promote equality of opportunity in accessing social housing via the scheme, both to local people in housing need and to other categories of people that do not satisfy a local connection to North Norfolk including those that have served in the armed forces, care leavers, or those fleeing domestic abuse.

## 3. The Legal Framework

The Council's housing allocations scheme sits within a tight legal framework which is summarised in this section. The legislative framework applies to North Norfolk District Council directly and requires Registered Providers to 'cooperate to such an extent as is reasonable in the circumstances in offering accommodation to people with priority under the authority's scheme'.

The primary legislation governing the allocation of social housing is Part 6 Housing Act 1996 (as amended). Any reference to legislative sections contained within this scheme are sections contained within the 1996 Housing Act. This legislation requires councils to make all allocations and nominations in accordance with a published housing allocation scheme which determines priorities between applicants for housing and sets out the procedure to be followed when allocating housing.

- Part 6 of the Housing Act 1996 requires local authorities to frame their housing allocation schemes to give "reasonable preference" to certain categories of people namely:
- People who are homeless as defined in Part 7 of the Housing Act 1996
- People who are owed a particular statutory duty by any local housing authority under certain provisions of homelessness legislation.
- People occupying insanitary, overcrowded or otherwise unsatisfactory housing.
- People who need to move on medical or welfare grounds, including grounds relating to a disability.
- People who need to move to a particular locality within the district to avoid hardship to themselves or others.

In addition to the primary legislation, North Norfolk District Council's housing allocation scheme takes full account of the associated statutory codes of guidance and statutory instruments. In

developing the scheme, the Council has also had regard to its own Homelessness and Rough Sleeping Strategy and North Norfolk District Council's Corporate Plan 2023 to 2027.

The housing allocation scheme has been developed to be compatible with other relevant legislation, regulations and guidance including, but not restricted to:

- The Equality Act 2010
- The Human Rights Act 1998
- The Data Protection Act 2018
- The Freedom of Information Act 2000
- Children (Leaving Care) Act 2000
- The Localism Act 2011
- Armed Forces Covenant
- Welfare Reform Act 2012
- Public Sector Accessibility Regulations 2018
- Homelessness Reduction Act 2017
- Domestic Abuse Act 2021

A summary of this housing allocation scheme is available free of charge to any person who asks for a copy. It can be downloaded free of charge from <https://www.north-norfolk.gov.uk/>

## 4. Scope of the Scheme

### 4.1 Operation of the Housing Register

The Housing Register is operated and maintained by the council on behalf of the Your Choice Your Home Partnership.

### 4.2 Nomination's agreements

The council has nominations agreements with the Your Choice Your Home Landlords that govern the nominations to its housing stock in the North Norfolk District

Many of the North Norfolk Registered Providers will have their own lettings policies which are separate to this Allocations Scheme and may offer transfers to its own tenants within its own stock as set out in the Nominations Agreements with the Council.

### 4.3 Allocations covered by this scheme.

The housing allocation scheme sets out the arrangements for allocating social housing in North Norfolk by the council and applies to:

- New applicants
- Existing social rented housing tenants of a North Norfolk landlord who have an identified housing need to transfer.

### 4.4 Allocations not covered by this scheme.

The following are examples of allocations not covered by this scheme:

- Succession of tenancy
- Assignment of a tenancy through mutual exchange

- Assignment of a tenancy in pursuance of a relevant court order
- Progression from an introductory to secure tenancy
- Sole to joint tenancy changes and vice versa
- Temporary decants in order to complete repairs.
- Licences, agreements, non-secure, or assured shorthold tenancies granted to homeless households in relation to the Council's homelessness duties under Part 7 of the Housing 1996 Act.

## 5. Statement on choice

The Your Choice Your Home partnership is committed to enabling applicants to play an active role in choosing where they live, whilst continuing to house those in the greatest need in the district. The Housing Allocations system allows applicants to make a choice about the housing which will best meet their needs from the options that are available whilst still meeting the Council's statutory duties to those in greatest housing need.

We will consider preference where possible and practical. However, the amount of choice that the Council is able to offer is limited by the fact that the demand for social housing in North Norfolk far outstrips supply, and the legal responsibilities owed to some groups of applicants in housing need. The choice available to applicants will also be affected by the priority given to applicants under the scheme, the type of property the applicant is eligible for, and the availability of suitable properties.

This is achieved by advertising social and affordable rented housing vacancies, other than direct offers, across North Norfolk and inviting applicants to state which property they would prefer to live in, by registering a 'bid' for the property.

## 6. Housing options – other than our housing register

The number of households on our Housing Register who need a more suitable home is much greater than the number of homes that become available each year.

Households can wait many years on our Housing Register before we can offer them a home. This is especially the case if you need a larger family home, or an accessible home suitable for disabilities or mobility difficulties.

Some households may never be offered a home through our Housing Register. Therefore, it is important to think about the other options and choices you might have to move to a new home, for example:

- Renting a home in the private rented sector
- Making changes or improvements to your current home – for example, if a family member is struggling because of their health conditions, you may be given equipment or adaptations that will help them.
- If you are a housing association tenant, completing a mutual exchange.
- Low-cost home ownership, such as shared ownership

## 7. Joining the Housing Register

### 7.1 Who can apply to join the Housing Register?

Anyone who is aged 18 or over can apply to join the Housing Register as long as they and the members of their household are:

1. Eligible for an allocation of accommodation (see section X)
2. A qualifying person (as defined in section X)

### 7.2 Young people aged 16 or 17.

By law, a landlord cannot grant a tenancy to a person under the age of 18.

Acceptance onto the housing register to a person aged 16 or 17 may be considered when:

- North Norfolk District Council has accepted a statutory homeless duty to the applicant and the applicant is ready for independent living,
- A young person is a care leaver, who has been looked after, fostered or accommodated and has a duty of care accepted under the Childrens Act 1989, and is ready for independent living.

A tenancy will not be granted; however, this can be held in trust until they reach the age of 18 by a trustee. A trustee will be required to sign a tenancy on the applicant's behalf, be deemed as an appropriate person and have the financial resources to afford the costs of the home.

It is at the discretion of the individual Registered Provider to accept applicants under the age of 18 for a tenancy, regardless of having a trustee.

### 7.3 Applications from councillors, members of staff and their relatives

Any application for housing or re-housing that is received from elected Members, Council employees, or their close relatives must be disclosed at the time of application.

Elected members, Council staff and their relatives are treated as any other applicant and will not gain any advantage or any preferential treatment in their application nor shall they be disadvantaged. Their application will be assessed in line with the Allocation Policy.

## 8. Eligibility and Qualification

Any person can approach the Council for advice and assistance regarding housing however, due to the high demand for social and affordable rented housing in North Norfolk, the Council does not maintain an 'open' housing register.

To join the North Norfolk District Council Allocation, scheme an applicant must be both 'eligible' and a 'qualifying person'. When considering applications, the Local Authority will establish if an applicant is eligible for an allocation of accommodation and if they qualify for an allocation of a property. Only if these two criteria are met (subject to certain exceptions) can an applicant join the Your Choice Your Home Allocation Scheme.

## **8.1 Eligibility for an allocation of social rented housing**

Eligibility for an allocation of social rented housing will be made in accordance with housing act 1996, part six, section 160ZA and any associated legislation. Eligibility criteria will be revised in accordance with any subsequent regulations and orders that might be made by the UK Government.

Usually a person is eligible, or has the right, to join our Housing Register and be rehoused to social housing if:

They are a British or Irish citizen.

- They have indefinite leave to remain.
- They have settled status under the EU settlement scheme.
- They have the 'right of abode' as a Commonwealth citizen.
- They have refugee status or humanitarian protection.
- They have a visa that allows you recourse to public fund (for example are able to claim Universal Credit)

For a joint application, all applicants have to qualify and meet the conditions on eligibility. If an applicant is accepted on to the register, but subsequently becomes ineligible, their housing application will be cancelled, and the applicant notified.

## **8.2 Applicants who are not eligible for an allocation of social rented housing.**

Some people are not eligible to join the housing register and be rehoused to social housing if:

- They are subject to immigration control.
- They are a person from abroad excluded by regulations made by the Secretary of State
- They are not habitually resident in the UK, Channel Islands, the Isle of Man or the Republic of Ireland
- They were granted limited leave ('pre settled status') under the EU settlement scheme where their only other right to reside is a non-qualifying right (i.e., as a jobseeker, is within his/her first three months or as a Zambrano carer
- They are required to leave the UK by the Home Office.

It is not practical to define precisely all the circumstances in which the restrictions apply. Anyone unsure of their status should seek detailed advice from the Housing Options Team.

## **8.3 Qualifying persons**

North Norfolk is an area where the demand for social housing far exceeds the supply. For this reason, not everyone can join the Housing Register, even if they are 'eligible' to do so (see X). Only applicants who meet the following criteria will qualify to join the housing register.

### **8.3.1 Local Connection to North Norfolk**

A local connection to North Norfolk will be established by virtue of any permanent member of the household meeting any of the criteria set out in the table below:



## Residency

Current residency in North Norfolk continuously for **3** years; or has lived in the district for at least 3 out of the last 5 years.

- Applicants must be currently resident in North Norfolk at the point of application and at the point of nomination. In addition, their 5-year address history must detail a past residence in North Norfolk totalling at least 3 years.
- This includes those people who currently live in an institution, hospital or are serving a custodial sentence outside of the area but were resident in the area for at least three out of the last five years prior to entering that institution, hospital or custody.
- Households placed into accommodation as a discharge of any homeless duty under Part VII of the Housing Act by a local authority outside of North Norfolk will not qualify to join Your Choice Your Home until all homeless duties have expired (i.e. 3 years if a full homeless duty was discharged through the private rented sector) and they have established an additional 2 years residency. This means such households will require 5 years residency before being accepted to join.

For the purposes of determining a local connection through residency the following living arrangements will not be considered:

- Occupation of a mobile home, caravan, motor caravan, or houseboat which is not placed on a residential site; or
- Occupation of a holiday letting which includes a permanent building, hotel or bed and breakfast accommodation for the purposes of a holiday letting.

The above list is not exhaustive, and North Norfolk retains discretion to determine whether any individual applicants can establish a local connection or not based on each applicant's individual circumstances.

Residency may be verified by way of tenancy references, electoral roll, information held on any local authority or third-party database and will be verified at the point of application and at the point of nomination.

## Employment

Employment in North Norfolk for a minimum of 16 hours per week.

- The main or joint applicant must be working regularly at the point of application and at the point of any nomination. For the purposes of establishing this local connection, regularly means 16 hours per week or more, and either have a permanent contract and be able to demonstrate they have worked for at least 12 months and there is no reason to believe this arrangement is due to cease.
- Applicants who are self-employed, or their profession requires them from time to time to work outside the area, will need to demonstrate that their employment has mainly been based in North Norfolk for a minimum of 12 months prior to application and at the point of any nomination.

- Applicants on leave due to maternity or sickness who remain employed will qualify for this criterion if there is no reason to believe their employment is due to cease.

#### **Immediate family members currently resident in North Norfolk**

Immediate family members include parent, adult sibling or adult child, who has lived in the area for a minimum of five years continuously prior to acceptance onto the housing register.

Residency may be verified by way of tenancy references, electoral roll or information held on any local authority database. Relationship may be verified by Birth/adoption Certificates or information held on any local authority database.

8.3.2 Despite not having a local connection with the council's district, an applicant is a qualifying person in any of the following circumstances.

#### **Applicants owed a homeless duty by North Norfolk District Council**

Applicants owed a homeless duty as specified in the reasonable preference categories outlined in S166A(3)(a) and (b) of the Housing Act 1996 (as amended):

- S190(2) – Priority Need but Intentionally Homeless
- S193(2) – Main Duty
- S195(2) – Threatened with homelessness, and eligible.
- S192(3) – Power to secure for non-priority and not intentionally homeless.
- S189B – Relief Duty

#### **Victims of domestic abuse**

Applicants who are victims of domestic abuse or threats of domestic abuse, or escaping domestic abuse or harm, will be exempt from local connection requirements, as will those who have sought a place of safety in a refuge or other form of temporary accommodation in the Local Authority area.

#### **Social tenants right to move**

Applicant who are social tenants in England who are employed, or who have been offered permanent employment in North Norfolk.

The Council must be satisfied the tenant has a need to move (as opposed to a wish to move) and that failure to meet that need would result in hardship. Factors that would be taken into account when establishing if there is a need to move, would include:

- The distance and/or travel time between work and home
- The availability of transport
- The nature of work and whether similar opportunities were available more locally.
- Any medical conditions or childcare affected if they couldn't move.
- The length of the employment contract
- If failure to move would lessen opportunities to improve their employment circumstances, e.g., promotion.

### **Armed Forces personnel**

Certain members of the Armed Forces community are exempt from any residency / local connection requirements, by virtue of regulations made under section 160ZA (8) which prevent local authorities from applying a local connection test to disqualify such applicants. These are:

- A. Those who are currently serving in the Regular Armed Forces or who were serving in the Regular Forces at any time in the **5 years** preceding their application for an allocation of social housing.
- B. Bereaved spouses or civil partners of those serving in the Regular Forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation following the death of their Service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.
- C. Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
- D. Divorced or separated spouses or civil partners of Service personnel who need to move out of accommodation provided by the Ministry of Defence.

The above definition of Armed Forces personnel also applies to the Priority Banding criteria called 'Armed Forces' detailed in section **XX**. Verification will be required from the Armed Forces

### **Other special circumstances**

In special circumstances, the Council will accept people onto the register who cannot demonstrate a local connection as defined above. These circumstances include:

- Applicants who cannot live in the area in which they have a local connection because of harassment, violence or abuse or the need to move elsewhere for reasons of rehabilitation or personal safety. This includes applicants who are high risk victim-survivors of Domestic Abuse or arrangement under the National Witness Mobility Scheme.
- Those needing to move in order to provide or receive essential care and support in North Norfolk
- Applicants who were resident in the area for two years or more before moving to supported housing / care placements out of area to prevent homelessness.
- Applicants who do not have a clear local connection anywhere.

### **Local Connection to a Section 106 / Village exception site**

Where an Applicant has no housing need but establishes a local connection within a local lettings policy in relation to a Section 106 or village exception site (as defined in relevant legal agreements).

verification of an applicant satisfying this criterion will be required at point of application and at point of nomination. Applicants accepted as qualifying due to this criterion will only qualify to bid on properties within the village development to which they satisfy a local connection.

Preference will be given to applicants who meets the local connection criteria to the rural exception site development, who also falls within a reasonable preference category. If there are no

exception site applicants who also fall within a reasonable preference category, then preference will be given to other exception site applicants in Band E in accordance with their effective date.

#### **8.4 Housing Need**

Applicants who are; eligible to apply (See X ), meet the qualifying local connection criteria (as detailed in X ) and who upon assessment are found to have a housing need (as defined by the criteria laid out within each band of the scheme in section x) will be able to join the Housing Register. They will be awarded a place in one of the bands which most reflects their need, urgency and priority.

#### **8.5 Applicants will not qualify to join the housing register if they:**

The following are examples but not an exhaustive list of reasons as to why an applicant would not qualify for social housing, either at the point of application or at any time during their time on the housing register:

- The applicant has no local connection as detailed in X
- The applicant has no assessed housing need as detailed in X
- The applicant or a member of their household owns a freehold or long leasehold interest in a property as detailed in X
- The applicant or a member of their household has sufficient financial resources to secure a suitable property by way of purchase or rental in the private sector as detailed in X
- The applicant or a member of their household has unmanaged outstanding rent or service charge arrears as detailed in X
- The applicant or a member of their household has serious breaches of tenancy or has a history of unacceptable behaviour, which would make them unsuitable to be a tenant as detailed in X
- The applicant or a member of their household has demonstrated unacceptable behaviour towards any officer, official agent or property of the Council or North Norfolk District Council Your Choice Your Home Partner.
- The Applicant has been successfully rehoused through Your Choice Your Home will not be eligible to apply again within 12 months of their tenancy start date unless their circumstances have considerably changed.

#### **8.6 No local connection**

An Applicant or a member of their household who do not have a do not meet the local connection criteria at the date of application.

#### **8.7 No Assessed Housing Need**

Applicant(s) who do not have an assessed housing need as defined under the banding (See section X) criteria for this Allocation Scheme, will not qualify to join the Housing Register.

#### **8.8 Applicants who are homeowners**

Applicants that own or part own a freehold or leasehold property in the UK or abroad will be unable to join the housing register. Discretion to this ruling will be applied where exceptional circumstances apply, these may include:

- Evidence supplied that the property is having a significant detrimental impact on the health of the applicant, it has been verified by a professional that the property cannot be adapted to meet their needs and they have limited financial resources to meet their own housing needs elsewhere.
- The current property is unaffordable, and the applicant does not have the financial resources to meet their rehousing needs. This will be assessed through an application on the grounds of homelessness.

If homeowners are accepted onto the housing register, they will need to evidence they are in the process of selling their home prior to any offer being made.

### **8.9 Applicants with Financial means**

Social and affordable housing provided through Your Choice Your Home is for people who are considered to have insufficient resources to meet their own housing need by either renting privately or buying their own home.

Applicants who are considered to have sufficient financial resources to buy or rent suitable accommodation in North Norfolk will not qualify for the Housing Register.

An applicant is not a qualifying person if their family household's gross taxable income is more than £60,000 per annum. This is because the Council considers this to be a sufficient financial resource to buy a pay market rent in the district.

The capital, savings, and equity available to a household will also be assessed. If it is determined that a household can resolve their own housing need. A savings threshold of £16,000 (consistent with the UK government upper limit for savings set out in the common rules of the DWP Benefit and Pension Rates) will be counted towards income for applicants seeking general needs accommodation.

When considering gross household income, income is derived regardless of source and will include income from earnings, savings and certain welfare benefits. However, the following type of income will be fully disregarded:

- Disability Living Allowance (DLA) or Personal Independence Payments (PIP) or any other replacement benefit for the above
- War pension.
- Savings, investments of any children.
- Any lump sum received by a member of the armed forces as compensation for an injury or disability on active service.

### **8.10 Outstanding housing related debt**

Applicants with outstanding housing related debt within the last 5 years, totalling more than the equivalent of 2 months or more of the rent or service charges liability will not qualify to Join the register.

Housing related debts apply to both the applicant and to any members of their household that are included in the application unless it was an act of omission in good faith and the applicant was unaware of the relevant facts. Housing related debt is defined as:

- Current and former rent arrears (owed to social or private landlords)

- Rechargeable repairs
- Court costs (against social or private tenancies)
- Temporary accommodation/Service Charges owed to the council.
- Homeless Prevention loans or similar, e.g., Rent in Advance loan.

There is not a financial figure attached to this as the amount will vary depending on the amount that the applicant was liable for. Applicants will not be considered for qualification until

- There is a payment plan in place to repay the debt owed and it can be demonstrated that regular payments are being made and the debt is reduced to 4 weeks rent arrears or less.
- It can be demonstrated that the debt has been repaid in full or that regular payments are ongoing at the point of offer
- A statutory homeless duty has been awarded.

#### **8.10.1 Debt Relief Orders**

Housing related debts included in a Debt Relief Order will remain as outstanding until 12 months from the date of issue, at which point the debts are formally written off by creditors and the debtor is discharged.

Households owed a statutory homeless duty will be exempt from the 12-month criteria.

#### **8.11 Serious breaches of tenancy or unacceptable conduct within a tenancy**

An Applicant or a member of their household who have been found to have breached any of the following tenancy conditions, within the past 5 years, regardless of tenure:

- Breach of tenancy agreement
- Nuisance or annoyance to neighbours including anti-social behaviour.
- Persistent / repeated breaches relating to property/garden condition.
- Purposely failing to report repairs.
- Failing to allow contractors to enter the property to carry out maintenance.
- Running a business from the property without permission from the landlord
- Subletting part or the whole of the property without permission
- Having an unspent conviction for using or allowing their property to be used for illegal or immoral purposes.
- Or any other scenario that would give grounds for possession under Housing Act 1985, section 84, Schedule 2, Part 1, Grounds 1-7 and section 84A.

#### **8.12 Demonstrated unacceptable behaviour towards any officer, official agent or property of the Council or North Norfolk District Council Your Choice Your Home Partner**

This includes having received any warning letters from the Council or any Your Choice Your Home partner, and/or criminal or civil action.

Unacceptable behaviour includes verbal and physical abuse, intimidation, violence and/or threats of violence by any form and harassment. Damage, defacing or graffiti upon any property is also included.

North Norfolk District Council does not operate a blanket policy in relation to the above, considerations, but will consider each case on its own merit.

Applicants are invited to provide evidence of a change of behaviour. This could include, for example, evidence of regular payments towards a previous housing debt; evidence from a support agency of undertaking training to develop the skills necessary to manage a tenancy or being ready to move on from supported housing.

### **8.13 Exceptions**

In exceptional circumstances, an applicant who would not ordinarily qualify for the Housing Register but who has an urgent housing need (defined by being awarded Bands A or B under this housing allocation scheme) may be allowed to join. The decision to allow a non-qualifying applicant to join the register, will be determined by the virtual panel. Other professionals, for example, those with social care expertise, may be invited to contribute to the panel and decision making where relevant

Where an Applicant has no housing need but establishes a local connection to a Section 106 or village exception site (as defined in relevant legal agreements) will be permitted to join the housing register but will only qualify to bid on properties where the rural exception development is and providing they satisfy the local connection to that site/development. (See section X)

Property ownership conditions, plus thresholds for Income and savings will not be applied to Applicants who are victims of domestic abuse or threats of domestic abuse or escaping domestic abuse or harm. This will be assessed through an application on the grounds of homelessness.

We acknowledge that a number of social housing properties in the district are for the over 55's, therefore discretion will be applied to this ruling for those applicants over the age of 55 that have expressed a desire for this type of housing, to allow them to access these schemes only.

## **9. Assessment of Housing Need**

### **9.1 Reasonable preference**

The Council is required by law to determine the relative priority that housing applicants are awarded. This is particularly important as the demand for social housing is greater than the availability of homes.

The law, as it applies to local housing authorities, requires that reasonable preference for housing must be given to those in the categories set out in the Housing Act 1996 (as amended). Applicants with reasonable preference must be given a reasonable head-start in terms of accessing housing over those who do not have reasonable preference. Reasonable preference does not mean that applicants will have an absolute priority over all other applicants.

The statutory reasonable preference categories in section 166A (3) (a) to I of the Housing Act 1996 (as amended) are:

- a)** People who are homeless (within the meaning of Part VII of the 1996 Act)
- b)** People who are owed a duty by any 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 housing authority under section 192(3)
- c)** People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- d)** People who need to move on medical or welfare grounds, including grounds relating to a disability.

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

The Council includes other local priorities alongside the statutory reasonable preference categories. Local priorities can be included providing:

- That they do not dominate the housing allocation scheme, and
- Overall, the scheme operates to give reasonable preference to those in the statutory reasonable preference categories over those who are not.

## 9.2 Additional preference

The Council can grant ‘additional preference’ to applicants where the Council is satisfied that applicants who have been assessed as having a reasonable preference also have other exceptional or urgent housing needs.

- Is 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.
- Formerly served in the regular armed forces
- Is 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?
- Is, or had been, serving in the reserve armed forces (this includes the Territorial Army) and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to their service.

We can also choose to give additional preference to other particular descriptions of people who fall within the statutory reasonable preference groups and who have an urgent need to move.

## 10. The Banding Scheme

Anyone who applies to the Housing Register will be assessed and placed into a band in accordance with their housing priority, where the priority card is the highest and band E is the lowest.

### 10.1 Priority card - Emergency Need

Very few applicants will qualify for this level of priority. This is an emergency band and represents those with only the most critical and immediate need to move.

<b>Criteria and additional details</b>
To qualify for the Priority Band, an applicant must have an immediate, emergency or critical housing need. Qualification will be determined by the Virtual Review Group. Appendix X details the process for awarding a Priority Band and examples of when a Priority Band may be agreed. The Priority Band will last for three months. Extensions for further periods of six weeks may only be agreed by the Virtual Review Group if there have been no vacancies of suitable properties for which the applicant is eligible or the applicant has not been successful with their bids in the previous period.



## 10.2 Band A – Urgent Need

The Council will place an application in this band if the applicant's circumstances fall into one or more of the following circumstances:

Criteria and additional details
<p><b>S193(2) Main Homeless Duty</b> The applicant is homeless and owed a S193(2) Main Homeless Duty because they are assessed as being in a priority need, unintentionally homeless and establish a local connection as outlined in Part VII of the Housing Act 1996.</p>
<p><b>Hospital Discharge</b> The Applicant or a member of the household cannot be discharged from hospital because they have no accommodation, or their current accommodation has been deemed hazardous to their health and the situation cannot be rectified to enable them to continue to live there, and they have been accepted by the Local Authority as being able to sustain their own independent accommodation</p>
<p><b>Severe Medical Need</b> The applicant or a member of the household must have an urgent medical need and the condition is expected to be terminal or life threatening and re-housing is required due to the detrimental effects caused by present accommodation.</p> <p>It will only apply where the current property cannot be made suitable or adapted within 3 months. It is expected that this criterion applies to those few exceptional cases only specifically where:</p> <ul style="list-style-type: none"><li>• A household member is receiving palliative care.</li><li>• A household member is unable to escape their current property in an emergency due to being permanently housebound.</li></ul> <p>Households will only be considered for properties which meet all their housing needs and improve their condition / quality of life.</p>
<p><b>Domestic Abuse</b> The applicant is a Victim of domestic abuse, including those who have been provided temporary protection in a refuge or other form of temporary accommodation, who are homeless or owed any homelessness duty and/or have been identified as high-risk.</p> <p>Domestic abuse defined as any incident or pattern of incidence of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender. The abuse can encompass, but is not limited to, psychological, physical, sexual, financial and emotional abuse.</p>
<p><b>Risk of harm</b></p>

The applicant or a member of the household is at serious risk of harm resulting from violence or threats of violence, or other abuse or serious trauma and needs to relocate to ensure their safety. This will be verified by the Police and/or other agencies as necessary.

This may include.

- Victims of racial harassment amounting to violence or threats of violence and are at significant harassment and the risk of harm.
- Victims of hate crime amounting to violence or threats of violence and are at significant threat and risk of harm due to their age disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation.
- Witnesses of crime, or victims of crime, who would be at high risk of intimidation amounting to violence or significant harassment and risk of harm if they remained in their current homes (National Witness Mobility Scheme).

**Any offer of accommodation from this criterion will have restrictions attached in terms of eligible areas to minimise any risk as far as is reasonably practical.**

### **Young Person Leaving Care**

The applicant is a child/young person between the ages of 16-25 who has been looked after by social services (for the purposes of s.22 of the Children Act 1989) and has left care or is likely to leave care within the next 6 months; and has had no settled accommodation since leaving care or has applied for an allocation within 6 months of leaving care.

Young People leaving care will be assessed to determine whether they have the skills to live independently. Childrens Social services will need to provide a letter to detailing how they believe that the child is ready for independent living and any future support that will be available to them. This letter will be required before an offer of accommodation can be made.

If the applicant is successful for an allocation prior to their 18th birthday, a nominated trustee will be required to sign a tenancy on the applicant's behalf and be deemed as an appropriate person and have the financial resources to afford the costs of the home.

### **Armed Forces**

The applicant or a member of the household has a reasonable preference as a member of the armed forces and an urgent housing need. The definition of an urgent housing need for the purpose of this criteria is:

Serving and Former members of the Regular Armed or Reserve Forces, who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.

Bereaved spouses or civil partners of those serving in the Regular Forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation following the death of their Service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.

### **Property Condition - Category 1 Hazard**

The applicant is a private sector or owner occupier and North Norfolk District Council has determined that their current accommodation poses a Category 1 Hazard (excluding overcrowding) under the Housing Health and Safety Rating Scheme, the problem cannot be rectified within a reasonable period of time i.e. six months and by continuing to live there poses a significant risk to health.

**Demolition**

The applicant needs to move because their home is about to be demolished or redeveloped. This only applies when the demolition or redevelopment is beyond the applicant's control.

**Major Repairs**

The applicant is a tenant of a social or affordable rented property living in North Norfolk who needs to move because their accommodation needs major renovation or extensive repairs. This does not include temporary decants.

**Natural Disaster**

The applicant's home is uninhabitable due to flood, fire or natural disaster through no fault of the applicant and there is no prospect of the problems being remedied within a reasonable period of time i.e., six months

**Under Occupying Tenants with Medical Need**

The applicant is under occupying social or affordable rented accommodation in North Norfolk, but also has an urgent medical need as defined within the criteria for Band B. Households awarded this band will only be considered for properties that offer fewer bedrooms than their current accommodation

**Releasing Adapted Property**

An Applicant releasing an adapted social or affordable rented property in North Norfolk where the adaptations are no longer required by either the Applicant or a member of the household, and the Applicant is willing to move to non-adapted accommodation. The adapted property to be released will be fully wheelchair accessible and offers level access. This band will not apply where the adaptation does not offer a realistic solution to others. i.e., a level access shower in a first floor flat.

**Releasing Large Property**

The applicant is a social or affordable rented tenant under occupying a property in North Norfolk that offers four or more bedrooms and is willing to transfer to suitable smaller accommodation. Households awarded this band will only be considered for properties that offer fewer bedrooms than their current accommodation.

### 10.3 Band B – High Need

The Council will place an application in this band if the applicant's circumstances fall into one or more of the following criteria:

Criteria and additional detail
<p><b>S195 Homeless Prevention Duty</b></p> <p>The applicant is threatened with homelessness and owed a S195 Homeless Prevention Duty. The applicant is believed to be in a priority need, deemed not to have worsened their housing circumstances and establishes a local connection as outlined in Part VII of the Housing Act 1996.</p>
<p><b>S189B Relief Duty</b></p> <p>The applicant is homeless and owed a S189B Relief Duty. The applicant is believed to be in a priority need, deemed not to have worsened their housing circumstances and establishes a local connection as outlined in Part VII of the Housing Act 1996.</p>
<p><b>Overcrowding</b></p> <p>The applicant's household has been assessed as being overcrowded which is defined as requiring at least one additional bedroom based on the Government's bedroom standard. The bedroom standard (see <b>section X</b>) states that a separate bedroom shall be required for the following persons:</p> <ul style="list-style-type: none"><li>• A single person (sole applicant)</li><li>• A married or co-habiting couple</li><li>• Two children aged under 10 years regardless of gender Two children of the same gender regardless of age (unless there is a 10-year age gap).</li></ul>
<p><b>Urgent Medical Need</b></p> <p>The applicant or a member of the household has a permanent medical condition or disability which is seriously adversely affected by their current accommodation. This band will apply in the following circumstances for example:</p> <ul style="list-style-type: none"><li>• A household member requires ground floor accommodation (or a stairlift) AND requires alternative bathing facilities to that in their current accommodation.</li><li>• A household member is a permanent wheelchair user, and their current property is ground floor with suitable bathing facilities, however, it does not have suitable floor space, widened door frames or ramp access and the property cannot be made suitable or adapted.</li><li>• A household member requires medical equipment supplied by a health authority/hospital and the current property/living conditions cannot be altered to make sufficient space (this does not include mobility scooter storage)</li></ul> <p>Households will only be considered for properties which meet all their housing needs and improve their conditions/quality of life.</p>

**Essential Care and Support**

The applicant or a member of their household needs to give or receive essential care and support that is substantial and ongoing and that cannot be provided from or in their current accommodation. Applicants must either be in receipt of Carers Allowance or have a carer who is in receipt of Carers Allowance or have had an assessment by social services or similar support agency, so it can be established that care and/or support is substantial / essential.

**Move On**

The applicant is ready to move on from supported housing including North Norfolk District Council Next Steps and Rough Sleepers accommodation.

The applicant must have been accepted as ready for independent living by a relevant support provider/North Norfolk District Council Officer. This band will not apply to those applicants who do not have sufficient awareness and/or mental capacity to be able to accept and manage a tenancy and live in a reasonably independent way.

**Under Occupying**

The applicant is under occupying a social or affordable rented property in North Norfolk and is willing to transfer to suitable smaller accommodation. Households awarded this band will only be considered for properties that offer fewer bedrooms than their current accommodation.

**Employment Hardship / Right to Move**

The applicant or a member of the household needs to move in order to take up or continue permanent employment in North Norfolk for 16 hours a week or more, and to avoid hardship. Hardship as a result of employment includes commuting distance, the availability and affordability of transport and other factors such as medical conditions or childcare. A commute between home and work of 60 minutes each way is considered reasonable. The applicant's circumstances must be able to be improved to qualify under this criterion.

**10.4 Band C**

The Council will place an application in this band if the applicant's circumstances fall into one of the following criteria:

<b>Criteria and additional details</b>
<p><b>S195 Homeless Prevention Duty</b></p> <p>The applicant is threatened with homelessness and owed a S195 Homeless Prevention Duty. The applicant is believed to have no priority need, deemed not to have worsened their housing circumstances and establish a local connection as outlined in Part VII of the Housing Act 1996.</p>
<p><b>S189B Relief Duty</b></p> <p>The applicant is homeless and owed a S189B Relief Duty. The applicant is believed to have no priority need, deemed not to have worsened their housing circumstances establish a local connection as outlined in Part VII of the Housing Act 1996.</p>
<p><b>No Priority Need</b></p> <p>The applicant has received a S184 decision finding them to be homeless but have no priority need as outlines in Part VII of the Housing Act 1996</p>

**Low Level Overcrowding**

The applicant's household has been assessed as having a low level of overcrowding defined as:

- Requiring an additional bedspace within a bedroom
- Having two children of the same gender sharing a bedroom and there is at least a 10-year age gap between the children.

For the purposes of assessing overcrowding, single parents are regarded as requiring 1. bedspace and can utilise a single bedroom.

**Sharing with Others (with Dependents)**

The applicant's household has at least one dependent child or a pregnant woman with a confirmed due date, sharing accommodation with their family or another household and is otherwise adequately housed.

**Non-Urgent Medical Need**

- A household member requires either ground floor accommodation (or a stairlift) OR requires alternative bathing facilities to that available in their current accommodation.
- A household member is currently receiving ongoing treatment from primary and secondary mental health services for a diagnosed mental health condition which is made worse by their current accommodation and would be resolved by moving to alternative accommodation.

Households will only be considered for properties which meet all their housing needs and improve their conditions/quality of life. See section X for more details regarding medical needs.

**Ongoing Care and Support**

The applicant or a member of their household needs to give or receive care and support that is ongoing and that cannot be provided from or in their current accommodation.

Ongoing care and/or support does not have to be substantial in that applicants may not be in receipt of qualifying care benefits or have social services involvement. It may include practical and/or emotional support that is essential to the physical or mental wellbeing of the person. receiving the care/support

**10.5 Band D**

The Council will place an application in band D if the applicant's circumstances fall into one of the following criteria:

Criteria and additional details
<p><b>S195 Homeless Prevention Duty</b></p> <p>The applicant is threatened with homelessness and owed a S195 Homeless Prevention Duty but deemed to have worsened their housing circumstances and/or do not establish a local connection to North Norfolk as outlined in Part VII of the Housing Act 1996.</p>

**S189B Relief Duty**

The applicant is homeless and owed a S195 Homeless Relief Duty but deemed to have worsened their housing circumstances and/or do not establish a local connection to North Norfolk as outlined in Part VII of the Housing Act 1996.

**Sharing with Others (without Dependents)**

The applicant (or a couple) has no dependents and is sharing accommodation with their family or another household and is otherwise adequately housed. This will also apply when applicants have experienced a relationship breakdown where a move would prevent the homelessness of any dependent children.

**Intentionally Homeless**

The applicant has received a S184 decision finding them to be homeless but intentionally so within the definition of the Housing Act 1996, Part 7 as amended 2002.

**10.6 Band E**

The Council will place an application in band E if the applicant's circumstances fall into one of the following criteria:

<b>Criteria and additional details</b>
<p><b>Seeking Sheltered/Housing with Care</b></p> <p>The applicant and any other members of their household have housing need but are eligible to be considered for, and are seeking, sheltered, supported, Housing with care or assisted living accommodation. The applicant's current housing tenure will determine which property type they are eligible for.</p>
<p><b>Local Connection to a S106/Village Exception Site</b></p> <p>The applicant has no housing need but establishes a local connection to a S106 or village exception site whether the connection is to the specific village where the development is located, or a surrounding co-terminus village. Local connection to such sites will be verified at the point of application and at the point of nomination.</p>

**10.7 Exceptional Circumstances**

it is not possible for the banding scheme to adequately reflect every possible combination of housing needs.

Applications with exceptional circumstances, which are not met within the banding scheme, will be considered on a case-by-case basis to decide the appropriate degree of priority to be given.

**10.8 Effective date**

The 'effective date' is used to prioritise between applicants within the same band. The 'effective date' of an application is normally the date that a complete application is accepted onto Your Choice Your Home. If there is a change in circumstances after initial registration, then the application will be reassessed, and the applicant may:

Change in circumstances	Effective date
Gain greater priority and be placed in a higher priority band	The date at which the higher band applies will be used.
Be assessed as being in the same band.	The original effective date will be used.
Lose priority due to their circumstances and be placed in a lower priority band	The original effective date will be used.
Become ineligible or may no longer qualify for an allocation.	The application will be removed from the Housing Register. Applicant may reapply at a later date if circumstances change and new effective date will then apply.

## 11. Registration

### 11.1 How to apply

Applicants can apply for an allocation by completing a housing application form online at [www.yourchoiceyourhome.org.uk](http://www.yourchoiceyourhome.org.uk). Should applicants require assistance in completing the form or require the form to be made available in other formats this can be requested by telephone or by prior arrangement at the Council offices. Following receipt of an application, applicants will be required to provide supporting documentation.

Once a fully completed application form has been received along with any required supporting documentation, the form will be assessed to determine if applicants are eligible and qualify for an allocation (see [section X](#)), followed by an assessment of their housing need (see [section X](#)), and a determination of property eligibility (see [section X](#)).

### 11.2 Information required to register

An application shall not be progressed until applicants provide the necessary information. If the information is not supplied within the specified timescales (typically X days) then the application shall usually be cancelled, and the applicants advised to reapply at a later stage when they are able to provide the necessary details in the required format.

In all circumstances, the council will require the main and joint applicant to upload proof of their:

- identity,
- current circumstances,
- children's details such as identity and child benefit entitlement,
- National insurance number,
- current address,
- eligibility,

There may also be other documents which are requested which must be provided prior to any offer of social housing.



### **11.3 Assistance for vulnerable applicants**

North Norfolk District Council will freely help Applicants who are likely to have difficulty in making an application (e.g., due to mental or physical impairment, or because of any other special characteristic) to join the Scheme. This assistance will include (this list is not intended to be exhaustive)

- Completing any form that might exist.
- Explaining what evidence might be required for the Local Authority to determine any eligibility and qualification criterion that might be in force and help collect this evidence for assessment.
- Explaining what evidence might be required to determine the degree of priority for when allocations are made and help collect this evidence for assessment.
- Explain what evidence might be required to help determine the type of property that should be allocated and help collect this evidence for assessment.
- Express a preference of the location of the social rented housing they might be allocated.

### **11.4 Who can be included on an application?**

The applicant should include on their housing application other persons who normally reside with them or who would reasonably be expected to reside with them as a member of their household. All household members who will be living in the new tenancy must be included on the application in order that qualification checks can be conducted.

Applicants and household members can only be on one Your Choice Your Home application.

The following can be included on an application if they normally live with the applicant(s) or could reasonably be expected to do so:

- Partner or spouse,
- Children dependent on the applicant / joint applicant
- Other adults and non-dependent children who are dependent on the applicant / joint applicant.

Other people will only be considered if there are demonstrable extenuating circumstances that require them to live with applicants; for example, to provide or receive ongoing and substantial care which can be evidenced.

Where the household includes people aged 18 years or over that are capable of living independently, the Council will assess the needs of the whole household and may refuse to allow them to be included on an application, for example if it is unable to meet the need through existing social housing in the North Norfolk

In all circumstances, the Council may decide whether a person is normally resident as a member of the applicant's family and whether they will be considered for rehousing as a member of the applicant's household. The Council will consider each applicant's individual circumstances when deciding whether to allow persons to be included on the application.

### **11.4.1 Dependent children**

A dependent child is defined as being aged 0-15 years, or 16-18 years and attending or enrolled in full-time approved non-advanced education or training. The Council will usually expect that an applicant receives Child Benefit in respect of dependent children.

In determining whether a dependent child can be considered as part of the household where there is shared parental responsibility, the Council will consider whether there is a sufficient degree of permanence or regularity to constitute normal residence as a member of the family.

Factors that the Council will consider include, but are not limited to:

- Who has the main parental responsibility of the child / children?
- What is the child's main and principal home?
- What address is registered with GP/School/Nursery?
- Who predominantly cares for the child?
- What is the frequency and length of residence at the applicant's property?
- Does the child have other accommodation available to them which it is reasonable for them to occupy?
- Is there an order of the court pertaining to the child's residency?

### **11.4.2 Family members not resident in the UK**

If applicants are applying to include family members who are not living in the UK, the application may be registered but applicants cannot be allocated together until the family has been reunited in the UK.

### **11.4.3 Children in care**

Children in compulsory or voluntary care can be included on an application subject to written confirmation from social services that the children are to live on a permanent basis with the applicant(s).

Households currently undertaking fostering may be able to include foster children as part of their application. Written confirmation from social services of the fostering arrangement will be required and considered to inform the decision.

### **11.4.4 Provision / receipt of care**

Applicants or applicant household members, who require a full-time residential carer which is evidenced by social services or a primary health care professional, may include the carer on their application.

People who provide substantial long-term care to another person which requires that person to live with an applicant in order to receive the care, may include that person on their application. Care needs which cannot be provided by visiting carers must be verified by social services. The care needs must be substantial, i.e., a need for personal care with basic daily activities (dressing, feeding, bathing, toileting), or an inability to live independently certified by a medical professional.

#### **11.4.5 Split and non-traditional households**

The Council will consider applications from households where the main and joint applicants do not currently reside at the same address, or applications from non-traditional households, e.g., friends sharing.

In reaching a decision whether to accept applications from non-traditional households, both applicants will need to meet the eligibility and qualifying criteria and the priority awarded to the application will be based on the housing circumstances of the applicant in the highest priority band.

#### **11.4.6 Disability, mobility and medical needs**

If an applicant or joint applicant, or other member of the household identified on the housing application have any of the following then it is the applicant's responsibility to provide any medical evidence that they would like to be considered in assessing their application:

- A permanent physical disability,
- A mobility problem,
- A medical condition, or,
- A mental health condition.

The Council may need to contact the applicant for further information regarding the condition to help the Council to assess and establish in which band to place the application and what type of property is suitable. In some circumstances the Council may need to seek independent medical advice to help inform this decision and specifically to explore:

- Whether the applicant's current home is having a detrimental impact on the health or mobility of anyone in the household, and the extent of the detrimental impact.
- What type of accommodation would suit the needs of the households or if a move is necessary?
- What adaptations the household may require. If, after the Council's enquiries it is established that the applicant requires specific adaptations to a property, the application will be amended to reflect this. Households that require specific adaptations will only be nominated to accommodation that is suitable for their needs.

It is recognised that applicant's circumstances are individual and that the medical banding criteria cannot specify every circumstance that might apply. Exceptional banding decisions pertaining to medical issues that sit outside of the normal banding criteria will be made by the Virtual panel.

#### **11.5 Consent and Declaration.**

All applicants will be required to sign a declaration, or to give informed consent, to confirm their understanding that:

- The information that they have provided is accurate.
- That they will notify the Council of any change in their circumstances.
- They consent to their personal information being provided to a Housing Association to which they have been nominated for accommodation under the allocations scheme.
- They consent to the Council making inquiries with any relevant person to assess their application.
- They consent to credit checking and to the use of referencing companies to confirm that the information they have given on the application form is correct.

## 11.6 Verification Checks

In order to assess and verify housing applications, the Council may make additional enquiries with current and former landlords and other relevant agencies. Council officers may also need to arrange a face-to-face meeting. Where this is necessary, a council officer will contact the applicant to arrange a convenient appointment. If, after a 28-day period, applicants have not provided information that has been requested, the Council will cancel the application.

Verification includes checks on an applicant's full circumstances including their eligibility, qualifying criteria, housing need, property eligibility.

## 12. How applications are processed

Applicants on the Housing Register will have their individual housing needs assessed and will be placed into the most appropriate band as defined in section X

### 12.1 Notification of your assessment

We aim to assess applications within 14 days, once all necessary enquiries have been made and the Your Choice Your Home application has been processed, applicants will have notified:

- If the applicant does not qualify to join the Your Choice Your Home, the reasons for this and their right to a review of the decision or.
- That we have accepted the application, and the applicant can start to place bids for properties advertised on Your Choice Your Home
- The applicant's unique housing reference and log in details
- The Your Choice Your Home band in which we have placed the application.
- The date on which the application was placed into the band – the effective date.

### 12.2 Change of circumstances

Applicants must inform the Council if the circumstances of any person included in the Your Choice Your Home application changes as this may affect their eligibility or qualification status, priority band or property eligibility.

Changes in circumstances include but are not limited to:

- A change in eligibility status
- A change in assets or savings including home ownership / beneficiary of a property.
- The accrual of new housing related debt
- New criminal convictions
- A change of address
- A change of contact details
- People leaving the household or new household members.
- A change in a household member's health or wellbeing

If the Council later discovers a change in circumstances that has not been disclosed to the Council, this may result in a housing application being cancelled, or an offer of accommodation being withdrawn.

### **12.3 Deliberately worsening circumstances**

Where there is evidence that an applicant has deliberately worsened their circumstances in order to qualify for a higher priority band, the council may reduce priority or in some circumstances this may be considered as unacceptable behaviour, and the applicant may be disqualified from the scheme.

The applicant's band may be reduced by one band if they have:

- Abandoned or terminated previous accommodation without securing suitable alternative accommodation first.
- Sold a property or given notice on a tenancy without securing alternative accommodation first.
- Accepted a property owned by a Your Choice Your Home partner which the applicant now claims are unsuitable despite there being no change to their circumstances.
- Moved into accommodation which is unaffordable when being aware of the associated financial implications.
- Previously had their application cancelled for failing to bid.
- Been found to have deliberately disposed of assets or capital that would have enabled them to secure suitable accommodation.
- Ending of any homeless duty due to a deliberate and unreasonable refusal to co-operate

### **12.4 False information**

We will robustly investigate any circumstances that we believe to be fraudulent. It is an offence to obtain, or attempt to obtain, a tenancy by deception. S.171 of the Housing Act 1996 makes it an offence to knowingly or recklessly provide or withhold information when applying for housing and subsequently if your circumstances should change.

If we discover that you or someone acting on your behalf has supplied false information or have failed to provide us with information that is relevant to your application in order to gain a priority or accommodation, we will immediately cancel your application.

If you have obtained accommodation through the Housing Register and it is discovered that you or someone acting on your behalf has supplied false information or failed to provide us with information that would have been relevant to your ability to secure that accommodation, we will work with your landlord to end your tenancy.

Anyone suspected of giving false information or withholding relevant information is also liable to be prosecuted and may be fined.

### **12.5 Renewal of housing applications**

All applicants are required to renew their application annually. The applicant will be sent a reminder to confirm that they still wish to be registered and that their circumstances have not changed.

Should their circumstances have changed, the applicant should notify the Council of the change of circumstances.

The applicant will have 28 days to renew their application from the date the request is sent.

If an applicant has not responded after 28 days, the application will be cancelled and removed from the Housing Register. No further correspondence will be sent.

Any subsequent application to the Housing Register will be treated as a new application and will not be back dated to the date of the cancelled application,

### **12.6 Suspension of an Application**

An application will be suspended if:

- An applicant has been asked for information to support an application and a reply has not been received within an agreed timescale.
- An applicant has changed address and not provided a change of circumstances form.
- An applicant has refused three properties and/or has failed to attend the viewing appointment. The applicant will be suspended from bidding for a period of 12 months.
- An applicant accepted onto the housing register on the grounds that the authority has accepted a homelessness duty has refused a final offer of accommodation. The applicant will be suspended from bidding until the housing register application has been re-assessed.
- An application will be suspended whilst a re-assessment of housing need takes place.
- An applicant has omitted to include information relevant to their application or information provided by the applicant has been found to be false or misleading. The application will be suspended from bidding for a period of 12 months.
- An applicant has not bid on a property for 12 months and there is no reasonable cause for them not bidding.

### **12.7 Cancellation of an Application.**

An application will be cancelled if:

- The applicant has requested that their application be cancelled.
- The applicant has been housed as a result of a successful bid under the Your Choice Your Home or a direct let of a property.
- The applicant no longer qualifies for inclusion on the Housing Register.
- The applicant has been housed into the private rented sector under the Council's homelessness duties.
- The applicant fails to renew their housing application.
- The applicant has not provided the information requested to make an assessment on their application.
- The applicant has not responded to an offer of housing within an agreed timescale.
- The applicant has moved and not provided their new address.
- The applicant has given false or misleading information.
- The applicant has died.

Where an applicant, is considered to be potentially vulnerable, North Norfolk District Council will contact the applicant, or, if appropriate, an agency that they are working with, to check their circumstances before cancelling the application.

Any applicant whose application has been cancelled has the right to ask for a review of the decision.

## 13. Allocations

North Norfolk District Council offers a blended approach to the allocation of Social Rented Accommodation, this means we let available homes in the following ways.

### 13.1 Choice based lettings.

The majority of available properties will be let through choice-based lettings where the property is advertised to allow applicants to bid on them.

Applicants are able to register a bid for properties that are deemed suitable for their needs. There are some circumstances in which this will not apply, and the Council will restrict access to bidding, make bids on behalf of an applicant, or make direct offers.

### 13.2 Direct lets

Not all properties that become available will be advertised and offered through the choice-based lettings system (CBL).

North Norfolk District Council will allocate up to X% by direct let. this would be where there are urgent operational or financial reasons to depart from the CBL system of lettings. To ensure transparency, the Council will report on properties that have been as allocated through direct matches.

Partner landlords retain the right to allocate 20% of their vacant properties outside of Housing Allocations.

### 13.3 Local Letting Provision

Sometime areas or property types are subject to local lettings arrangements; agreed with the Council at the time the property was built or subsequently once they are in management. These include:

#### Local Lettings Plans

Section 167(2E) of the 1996 Housing Act enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they have a priority need. Specific allocations may be considered when made to a particular estate or community. They are used to achieve a wide variety of housing management and other housing policy objectives and are usually developed where there is a wish to alter the balance of the community or ensure a balanced community.

#### Rural Letting Schemes

In areas which are officially defined as either villages or rural parish the rural lettings scheme may apply.

#### Section 106 Agreement

Other than developments on exception sites local lettings criteria will be determined having regard to the general housing needs of the district. Where a property has local area connection criteria attached to it through a local allocations plan or s.106 agreement, then these properties will be let in line with the criteria.

This may differ from the connection to the local area criteria contained within this allocations policy and this This criterion will be highlighted in the property advert.

### **13.4 Bedroom eligibility**

The number of bedrooms an applicant can be considered for is decided by looking at the size and structure of the household.

In making its assessment and deciding what size of property an applicant is entitled to, the Council will use the Government's Bedroom Standard, this states that a bedroom is allocated for each of the following:

- A couple
- A single person aged 21 or over.
- Two children under 10 regardless of sex
- Two adolescents aged 10-20 of the same sex.

An extra bedroom may be permissible for each of the following circumstances:

- A member of your household who requires overnight care from a non-resident carer or group of carers on a regular basis.
- An adult couple who are unable to share a room because of a disability or a disabled child who would be expected to share a bedroom but cannot share because of a disability.
- Approved foster carers between placements if they have fostered a child, or became a foster parent, within the last 12 months.
- Households with an adult child in the armed forces who is away from home.

When considering your entitlement under the Bedroom Allocation Criteria we will take into account situations where:

- You are adopting a child.
- You or a member of your household are expecting a child.
- A child in your household identifies as non-binary or trans-gender.

We will ask applicants to provide us with supporting information from relevant agencies to confirm this such as GP or Social Services.

In situations where a child's parents no longer reside with each other we will consider the primary carer to be the parent that is in receipt of child benefit. The primary carer's bedroom entitlement will take the child or children into account.

### **13.5 Property advert details**

To help applicants choose the properties that would best suit their needs, properties advertised on Your Choice Your Home will have information on size, location and property features. The adverts will also include:

- At least one image of the front of the property
- Which partner landlord owns the property?
- Weekly rent and any other applicable charges
- If known, an estimated date that the property will be available to move in to
- The closing date for applicants to express an interest.



### **13.6 Targeted property adverts**

When we advertise an available home on our choice-based lettings website, Your Choice Your Home, we might target or 'preference' the advert to a type of housing need and which households can apply. For example, some adverts may be targeted to state that preference will be given to people of a certain age, for example, if the property is categorised as over 55s or that preference will be given to those with a disability, for example, if the property is adapted or suitable for adaptations. This may mean when we shortlist, that someone from a lower band may be selected for an offer because they meet the criteria.

Applicants should check the information contained in the property adverts to see if they qualify to be considered for the property.

### **13.7 Advertising Cycle**

Available properties are advertised through the allocations scheme. The advertising will be carried out when properties become available and for specific periods of time, known as advertising cycles.

### **13.8 Number of Bids**

As property adverts run concurrently, live applicants are able to bid on multiple properties per week, however they will only be considered for properties which meet their needs and where applicants are successful on more than one property shortlist, the applicant must decide which property they wish to be considered for. In some situations, the council reserves the right to determine which property is offered to the applicant.

Applicants should only bid on properties after reading all the details in the advert. Bids on suitable properties which are later refused may result in your banding decreasing or your application cancelled (see section X) If applicants do not express an interest in a property or express an interest in a property that is not suitable or that is targeted to a specific group, will not be considered for the allocation of that property

### **13.8 Auto bidding**

Where someone who is vulnerable or unable to bid for themselves and has no one to do it for them and would like their bidding to be done automatically we will allow them to register for auto bidding. The system is given instructions on the properties/areas that will match the applicants housing need and then it bids on their behalf.

Applicants who are owed a statutory homeless duty may also be subject to an Auto bid process whereby bids will be made automatically on their behalf.

Any successful bid will be classed as a formal offer of accommodation and the refusal sanctions set out in section X will apply.

### **13.9 Withdrawal of an advert or nomination.**

There may be exceptional circumstances in which a housing association that has advertised a property or made an offer of a tenancy to an applicant needs to withdraw this property from Your Choice Your Home. This could be for the following reasons:

- An error has been made in the advertising criteria.
- The property has been advertised, but the existing tenant has rescinded their notice.
- There is a right of succession to the property.

- The property has been advertised but further inspections have established that the property needs major works which will take several months.
- The property has been advertised but needs to be withdrawn for an urgent case as a direct let.
- The Housing Association needs the property for an urgent management move.
- The nominee does not qualify under the Housing Association's own Housing Allocations Policy

### **13.10 Failure to Bid**

Applicants are expected to place bids regularly. Applicants who are not making bids will be contacted to determine if this is due to them having difficulties. Particular attention will be paid to those in Band A and B, If bids are not placed with a twelve-month period and suitable properties have been advertised during this time, the Applicants will be contacted to assess the reason. Applicants who fail to respond may be removed from the Scheme or have their application reassessed and assigned a lower priority may be awarded.

Priority card applicants and applicants accepted as homeless, including those applicants living in temporary accommodation and North Norfolk District Council has a statutory duty to them under homelessness legislation, need to secure housing urgently. It is therefore expected that Applicants to be actively bidding on suitable advertised properties. If an Applicant is not bidding and their housing officer consider that there have been suitable properties advertised, bids may be placed on the applicant's behalf and any successful bid will be classed as a formal offer of accommodation and the refusal sanctions set out in section X will apply

## 14. Lettings

### **14.1 Shortlisting**

When applicants bid on a property they will be placed on a shortlist. Any applicant who bids on a property where they do not satisfy the advertised criteria will not be included on the shortlist.

After the end of an advertising cycle a shortlist of applicants bidding for the property and meeting the property criteria will be produced. Applicants will be ranked in order of their priority band. Where more than one applicant in the same priority band appears on the shortlist, they will be ranked in date order as determined by their date in band.

Where there is more than one applicant in the same band with the same date in band, the applicant with the earliest registration date will appear higher on the shortlist. If there is more than one applicant with the same band, date in band and registration date an officer will make an allocation decision based on the best use of the housing stock and specific needs or circumstances of the applicants.

Prioritisation of shortlisted applicants will take into consideration any additional criteria stipulated by the registered provider for the occupation of the property, when a shortlist is completed the landlord of the available property may offer an accompanied viewing of the property to multiple applicants with the highest priority. This is to ensure that if the applicant who tops the shortlist decides not to take the tenancy, the property can be quickly offered to the next person on the shortlist.

After viewing the property, the applicant at the top of the shortlist will normally be given 24 hours to accept or refuse the offer. The time limit for responding to offers may differ between landlords. If the

applicant does not contact the landlord or the Housing Options Team within the timescale given, the landlord will take this as a refusal of the offer. If the offer is refused the next person on the shortlist will be offered the property. The landlord will work down the shortlist in order.

Applicants will not be contacted if their bid is not shortlisted.

#### **14.2 Formal offer of accommodation**

Prior to any formal offer of accommodation, Your Choice Your Home partners will also carry out checks to verify an applicant's circumstances. This will include an affordability assessment. Applicants that fail the verification checks and/or affordability assessments will not be offered the accommodation for which they have been nominated. An offer of accommodation must be deemed suitable. This will take into consideration:

- Household type and size
- Rent and service charges.
- Property type, size and condition
- Medical need
- Area in relation to employment and education
- Affordability checks

Once the applicant has confirmed their acceptance of the property the landlord will write to confirm the formal offer (often sent by email) of the tenancy.

Once the property is ready to let the landlord of the property will complete the tenancy sign up

#### **14.3 Landlord rejection/withdrawal of offer**

Social landlords have their own rules on suitability. This means that even if you are shortlisted the landlord for that home may say no, for example:

- Where there has been a change in the applicants' circumstances
- Where the successful applicant has rent arrears or other housing related debts that had previously not come to light
- Following verification, the applicant is not eligible for the property.
- Where an error has been made in the advertising criteria
- Where an offer of accommodation could put a vulnerable person at risk of any harm

The landlord must notify the applicant/North Norfolk District Council of their reasons for rejecting the applicant for the property, If the council is satisfied that the reasons are acceptable in accordance with the Housing Allocation Scheme the decision will stand, and the applicant will be notified of the outcome. If we believe the registered provider has been unreasonable, we will ask them to review their decision.

Applicants will be required to pay rent in advance prior to moving into a property. This requirement is a condition of the tenancy agreement and includes applicants who are in receipt of full benefits. Applicants will be notified of this during the application process so they can take steps to achieve this.

The final decision on whether to offer a tenancy, rests with the Registered Provider, if you do not agree with the final decisions made by a registered provider you should request a review directly with the registered provider and in accordance with their policies.

## 14.4 Refusals

North Norfolk District Council understands that in some cases when an applicant goes through the bidding process and is offered a property the applicant may want to refuse this offer.

Applicants must only bid on properties for which they intend to accept based on the information provided. An applicant can withdraw a bid from a property during that bidding cycle if upon reflection and research they deem this property as unsuitable.

It is also important that applicants who have an urgent or critical housing need are adequately housed as quickly as possible to ensure their current housing need is met.

To ensure we can house people as soon as properties become available, the council will enforce criteria around how many refusals are allowed when a property is offered. We do recognise that there will be instances where a refusal is reasonable.

The information below outlines the number of refusals allowed:

- **Priority card**

Where an applicant (other than a person owed the main homelessness duty) has been awarded a priority card, and refuses a reasonable offer of accommodation, a Housing officer will review the reasons for the refusal and the applicant may lose their priority card, dependent on the reasons for the offer refusal.

- **Band A and B**

Any person that refuses two offers of accommodation that meets their expressed choices will be entitled to remain on the Housing Register but will have their priority reduced. Their degree of preference (banding) will continue to be determined by their housing need assessment, but their date of registration will be amended to be the date of refusal of the second offer, thus reducing their priority within the band.

If an applicant is homeless the refusal of a suitable offer of accommodation is highly likely to result in cessation of the homeless duty, the potential loss of any temporary accommodation, and a change to their entry under this Housing Allocation Scheme.

Any applicant who refused a final offer of accommodation has the right to request a review of the suitability of the offer of accommodation.

Applicants can still ask for a review even if the offer has been accepted. This means that if they lose their review (we believe the home is suitable) they will still have somewhere to live. If they win their review (we agree that the home is not suitable) they will keep their original priority and can continue to look for another home.

Please see section 15 for More information about the applicants right to review.

- **Band C and D**

Applicants who have been awarded a band C or D but have not made any bids for accommodation within a 12-month period since receiving this priority will be contracted and requested to provide confirmation of their current circumstances and their reasons for not making any applications for housing.

Applicants will not be considered for an allocation of accommodation until the necessary information has been received and assessed. Where it is considered appropriate to do so, the Council may consider cancelling the application.

#### **14.5 Lettings Information**

We acknowledge that due to high demand for certain types of properties in the district it is not possible to re-house every potential applicant through the scheme. North Norfolk District Council will publish information on accepted offers of accommodation from previous bidding cycles.

The following information will be published.

- Property address
- Property type
- The band of the successful bidder
- The date they were placed in that band
- The number of bids received

### 15. The Applicants Right to Review

The Council is committed to making the correct decisions on all applications. The Council will notify the applicant in writing of the decision made and give full details of how that the decision was made.

Under section 166A (9) of the Housing Act 1996 an applicant has a legal right to request a review of any of the following decisions reached by the Council on their housing application:

- A decision that an applicant is not eligible.
- A decision that an applicant is not a qualifying person to join the housing register.
- A decision regarding the band an applicant has been awarded.
- The effective date awarded of going into a band.
- A decision to remove an applicant from the housing register.
- Any decision about the facts of the case that has been used to assess their application.
- Where an applicant considers that a decision has been based on incorrect information.
- Appeal against suitability of accommodation as a final offer (accepted main homelessness duty only).

Requests for a review must be submitted in writing or e-mail, to the Council within 21 days of the date when the notification was received.

The applicant will receive a notification that the review has been received and the review should be concluded within 56 days. An appropriate senior officer within the Housing Options team will oversee the reviews and will make a 'review decision' which might agree with our original decision, might agree with the applicant that we made the wrong original decision, or might reach a new decision.

**Review requests will only be considered where it can be demonstrated that the policy has been incorrectly applied and taking into account any further information the applicant thinks is relevant.**

## 16. Complaints

Complaints are separate to the circumstances where an applicant wishes to seek a review of a decision made on their application. A request for a review should be made under the review procedure set out above and not through the Council's complaints procedure.

Where an applicant is dissatisfied with any aspect of the way in which their application for housing has been conducted and wishes to make a complaint, this should be made using the Council's complaints procedure.

A copy of the current complaints procedure is available on the North Norfolk District Council website and can be accessed here: <https://www.north-norfolk.gov.uk/media/7843/customer-complaints-and-compliments-procedure.pdf>

Where a complaint relates to how an applicant has been dealt with under this policy an applicant who remains dissatisfied after following the internal complaints process has the right to continue with their complaint to the Local Government Ombudsman Service if they are unhappy with the response to their complaint.

The Local Government Ombudsman is an independent service run by Central Government to make sure that Councils provide the required standard of service to their customers. The Ombudsman can investigate complaints about how the Council has done something, but they cannot question what has been done simply because someone did not agree with it. For further details contact: [www.lgo.org.uk](http://www.lgo.org.uk)

## 17. GDPR and Freedom of Information

Any personal information that the council holds about applicants will be made available to applicants to view upon request. We will use the information provided by the applicant to enable us to assess applications. We may also use the information for issues of child protection, public protection and for preventing and detecting fraud and other criminal offences. This includes information we hold as paper and electronic records. If you would like to access your file, please contact the council.

A copy of our privacy notice which can be found here: (needs to be updated)

## 18. Equality, diversity and accessibility

We are committed to ensuring this policy is non-discriminatory and that all applicants are able to access the service, especially taking account of any vulnerability or other specific needs, and also the needs of different groups protected by the Equality Act 2010; the Human Rights Act 1998; the safeguarding and welfare of Children, Section 11 of the Children Act 2004, and the welfare of Adults, care act 2014.

To identify the needs of our applicants the application form contains specific questions relating to vulnerability, ethnic origin, sexual orientation, disability and other relevant criteria. The information

obtained will be used to monitor the impact of the policy on minority and specific needs groups and to evidence the need for amendments, as may be required.

Under the Equality Act 2010 and in particular section 149 of the Public Sector Equality Duty, we are required to give due regard to eliminating discrimination, advancing equality of opportunity and fostering good relations between those who share a protected characteristic and those who do not, when exercising a public function such as a 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 complies with the Council's Equality Policy which is located online at: XXX

## 19. Force Majeure

The allocation scheme cannot cover every eventuality, we will not be liable for any delay in performing our obligations under this policy if the delay is caused by a Force Majeure (chance occurrence or unavoidable accident for example), provided that reasonable action and notification to our customers is taken by the council.

More fully, this means, circumstances beyond reasonable control of that party, including without limitation, strikes, lock outs, acts of God, cyber-attack, the act or omission of any governmental or other competent authority, war or national emergency.

## 20. Monitoring

This housing allocation scheme will be monitored and reviewed, when necessary (at least annually), to ensure that it continues to meet local needs, responds to changes in the local housing market, meets strategic objectives and remains legally compliant.

We may decide that changes are needed – for example, because it is not meeting the needs of our customers/applicants in the way we hoped it would, because of financial or other pressures the Council has to manage, or because of changes in legislation, regulations or guidance. If a small change to our Housing Allocation Scheme is needed, a senior officer in the Council can make this change in consultation with the Portfolio Holder for housing.

If a significant change is needed, the Council will engage with our members and will run a public consultation on those changes.

## Appendices (under development)

### Appendix 1

Registered Provider details to be include

### Appendix 2

Virtual Review Group – Terms of Reference

### Appendix 3

Bedroom Standard

Appendix 4 – Draft

#### **Local Allocation Agreement**

##### **Band 1**

Currently living in the parish or adjoining parishes for 5 consecutive years at the point of allocation or

- Has permanent employment of 16 hours or more in the parish or adjoining parishes for 5 consecutive years at the point of allocation or
- Has lived in the parish or adjoining parishes in the past for 5 consecutive years out of 10 years at the point of allocation or
- Has an immediate family member who has lived in the parish or adjoining parish for 5 consecutive years at the point of allocation.

##### **Band 2**

Currently living in the parish or adjoining parishes for 2 consecutive years at the point of allocation or

- Has permanent employment of 16 hours or more in the parish or adjoining parishes for 2 consecutive years at the point of allocation or
- Has lived in the parish or adjoining parishes in the past for 2 consecutive years out of 5 years at the point of allocation or
- Has an immediate family member who has lived in the parish or adjoining parishes for 2 consecutive years at the point of allocation.

##### **Band 3**

If there no applicants who fall within the Local Allocations Agreement , the property will allocated in line with the district wide Housing Allocations Scheme.