

Subject: Housing Allocations Scheme

Report to: Housing & Neighbourhoods Committee: 21st March 2018

Report by: Vicky George, Head of Housing

RECOMMENDATIONS

- 1. To approve the revised Housing Allocations Policy subject to consultation with registered providers and stakeholders.**
- 2. To delegate authority to the Head of Housing to make any minor changes to the policy following consultation with the caveat that any major changes would be presented to a future Housing and Neighbourhoods Committee**
- 3. To delegate authority to the Head of Housing to approve allocations as set out in paragraph 3.2**
- 4. To introduce a wider housing register to provide the council with greater depth of information on local housing need**

1. INTRODUCTION

- 1.1 This report summarises proposals to revise the council's current housing allocation policy.
- 1.2 The council's allocation policy outlines who is eligible for council housing. The current scheme was adopted in 2011 and revised in 2014 to take account of changes in legislation such as the Welfare Reform Act (2012). It is timely for the allocations policy to be reviewed to ensure that it takes account of changes in legislation such as the Homelessness Reduction Act (2017) and to ensure the policy still meets the council's priorities in terms of allocating housing.
- 1.3 Officers have identified the following issues which opens up the debate on the policy:
 - There is no wider housing registration process
 - There is little information retained on the housing needs of those outside the 'pool households'
 - There is a lack of transparency in the process used to place applicants in the 'pool'
 - There are delays in allocating 'hard to let' properties because there is low

desirability for these properties amongst people in the lettings pool

2. THE LEGAL FRAMEWORK

2.1. Housing authorities are required by s.166A(1) of the Housing Act (1996) to have an allocation scheme for determining for priorities and for defining the procedures to be followed in allocating housing accommodation and they must allocate in accordance with that scheme. The council must make allocations and nominations in accordance with a published Allocations Policy. The scheme must be framed to give 'reasonable' preference to certain applicants and these are summarised below:

- Homelessness households who are homeless (within the meaning of Part VII of the 1996 Act, i.e. the homelessness legislation); this includes people who are determined by a council as not having a priority need.
- Homelessness households who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the Housing Act.
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- 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 area for example, to be nearer to special training opportunities, or special medical facilities to avoid hardship to themselves or others.

2.2. Section 160ZA of the Housing Act requires local authorities to consider whether applicants are eligible for allocation of accommodation. Certain people from abroad, including some who are subject to immigration control are not eligible to be allocated accommodation. The local authority may only allocate accommodation to people who are defined as qualifying and subject to those people mentioned above and those in the armed forces a local authority may decide who does and does not qualify.

3. ALLOCATION POLICY

3.1. The current policy was adopted in 2011 and revised in 2014. The allocation scheme sets out the policy in terms of who is eligible, the qualifying criteria, how priority is awarded and how allocations are made.

3.2. A review of the policy has been undertaken. This included a member workshop in January 2018. The review concluded that the majority of the existing allocations policy was still fit for purpose. However, it proposes a small number of specific changes to the allocations policy. The key changes proposed are:

- Revision to introduce income and capital limit for applicants

- New criteria for exclusion where an applicant has previously exercised their right to buy or right to acquire a social housing property
- New criteria where an applicant is exempt from the residency criteria
- When a local letting plan is used to allocate to a new scheme priority can be awarded to working families who may not qualify under the substantive scheme
- Reduced priority where an applicant is subject to a duty under the Homelessness Reduction Act but is not cooperating with their plan
- Removing the ability to express a preference on type of property for 3 months after an applicant has been accepted into the allocation pool
- Head of Housing to be given delegated responsibility within the Council's constitution to approve allocations to employees of the council, Members, Board Members of Housing Associations and their relatives

A table containing all the proposed changes to the policy is attached as Appendix 1.

3.3. In addition, members discussed changing the residency criteria from two years to three years but a consensus of opinion was not reached on this. The impact of changing the residency criteria would be that some applicants would no longer qualify until they had fulfilled three years' residency. This extension of the criteria, in the short term, is likely to also reduce the number of people eligible to enter the lettings pool. Research into residency criteria used by other Norfolk authorities revealed the following:

- Breckland: 3 years continuous or 3 out of 5 years
- Broadland and Norwich: 2 years continuous
- North Norfolk & Kings Lynn & West Norfolk: 6 out of 12 months or 3 years out of the previous 5 years (mirrors the homeless legislation)
- South Norfolk: 6 out of 12 months or 3 out of 10 years

3.4. Given the issues outlined in paragraph 3.3, above, officers recommend retaining the two-year residency criteria.

3.5. A copy of the proposed revised allocation policy is attached as Appendix 2. This incorporates all the proposed amendments outlined in Appendix 1.

4. LOW DEMAND PROPERTIES (DIFFICULT TO LET)

4.1 Some properties that become available to let are in less demand than the majority of our stock. This may be due to the type of accommodation, e.g. sheltered properties above ground floor and/or location. The number of low demand properties will vary according to the needs of applicants at a particular time.

4.2 A property will be deemed to be in low demand if a nomination is requested and, following the allocation process, it is established that no suitable prospective tenant is available.

4.3 In these cases the local letting plan is used to create a reserve list where applicants who would not normally qualify for an allocation are placed, subject

to their agreement. Applicants on the reserve list will be awarded level 1 priority only.

- 4.4 The housing service will also consider other options for low demand properties including conducting an options appraisal on retaining the property, de-designation of sheltered stock, use as temporary accommodation etc.

5 DATA ON HOUSING NEED

- 5.1. It is recognised that the council needs a better understanding of housing need within the borough and that the allocation scheme can contribute to this. The current application process will be adapted to record wider housing need. This will capture applicants including those who do not currently qualify but still have a housing need. An example could be someone who is living in unsuitable accommodation but does not qualify because they owe a significant housing related debt, or someone who is adequately housed but is interested in other housing options. Introducing a wider housing register will provide the council with a greater depth of information on local housing need and can be used to better inform policies and decisions.

6 NEXT STEPS

- 6.1. The revised policy is subject to statutory consultation with all registered housing providers that operate in the borough. It is also necessary to conduct public and stakeholder consultation and it would be preferable to do this at the same time. The consultation period is normally four weeks. It is proposed that any minor changes to the policy following consultation are delegated to the Head of Housing to make. However, any major changes would be brought back to Housing and Neighbourhoods Committee for further discussion.
- 6.2. Internal procedures and documentation will require amendment to incorporate the policy changes and staff will also require awareness training to inform them of the changes.

7 SUMMARY

The proposed amendments to the housing allocation policy enable the policy to be revised in line with the council's current priorities. Only minor amendments are proposed although the document has been completely refreshed to clearly set out the allocation process.

8 RECOMMENDATIONS

- 1. To approve the revised Housing Allocations Policy subject to consultation with registered providers and stakeholders.**
- 2. To delegate authority to the Head of Housing to make any minor changes to the policy following consultation with the caveat that any major changes would be presented to a future Housing and**

Neighbourhoods Committee

- 3. To delegate authority to the Head of Housing to approve allocations as set out in paragraph 3.2**
- 4. To introduce a wider housing register to provide the council with greater depth of information on local housing need**

Area for consideration	Comment
Monitoring Officer Consultation:	12 th March 2018
Section 151 Officer Consultation:	Not required
Existing Council Policies:	Current Allocations Policy 2014
Financial Implications:	None
Legal Implications (including human rights):	Fulfilling statutory obligation to have an allocations policy under s.166A(1) of the Housing Act (1996)
Risk Implications:	Included in the report
Equality Issues/EQIA assessment:	Considered – service meets the needs of vulnerable client groups
Crime & Disorder:	N/A
Every Child Matters:	Considered – service meets the needs of a vulnerable client group including children and their families.

PROPOSED CHANGES TO THE HOUSING ALLOCATIONS POLICY

Amend Ref	Reference in Current Policy If applicable)	Section in Proposed Policy	Reference in Proposed Policy	Policy Amendment	Impact	Further Work
1	Paragraph 1	Introduction	Section 1 paragraph 2	Minor amendment to include narrative on supply of social housing	None	None
2	Paragraph 2	Legal & Policy Framework	Section 2.2	Update to incorporate council and housing priorities from the corporate plan and the housing strategy	None	None
3	N/A (New)	Legal & Policy Framework	Section 2.2	Introduces an additional preference to members and ex-members of the armed forces	Meets GYBC commitment to the Armed Forces Covenant. In terms of the scheme, minimal impact as applications are low are usually met within time limits for discharge from forces.	None
4	N/A (new)	Applying for Social Housing	Section 3.1 (j)	Introduce income & capital limit for applicants to be eligible for an allocation. The proposal is to set a limit based on average property prices in the borough. A household will not be eligible if a combination of their income, capital and equity in a property exceed that limit. As an example, the average house price in the borough for 2016 was £162,463. 33% of this figure would be £56,612. A level of income, savings or property equity above this level would exclude a household from the allocation pool.	Some applicants will no longer qualify. The purpose is to ensure that those applicants who have the means to resolve their own housing issue should do so.	None
5	N/A (New)	Applying for Social Housing	Section 3.1 (m)	New criteria for exclusion where an applicant has	Some applicants will no longer qualify. Purpose	None

Amend Ref	Reference in Current Policy If applicable)	Section in Proposed Policy	Reference in Proposed Policy	Policy Amendment	Impact	Further Work
				previously exercised the right to buy or right to acquire.	is to act as a deterrent in those cases where previous tenants dispose of their RTB property and then re-apply for social housing.	
6	Paragraph 3.3 (k)	Applying for Social Housing	Section 3.1 (k)	Amendment to paragraph which now includes those under a duty to prevent or relieve homelessness under the Homelessness Reduction Act 2017.	This balances the new additional preference for applicants owed a duty under the new Act with a provision of one suitable offer. This should enable GYBC to manage applications under the new Act more effectively.	None
7	N/A (New)	Applying for Social Housing	Section 3.1	New paragraph inserted on provision of advice.	Reinforces that advice on additional options should be provided where applicants do not qualify for social housing.	Develop further into an appended section on housing options
8	Paragraph 4.1 (c)	Applying for Social Housing	Section 3.3 (c)	Removes reference to support as this is covered by a local letting plan for low demand properties.	Clarifies for applicants and staff who is eligible for an allocation outside the area.	None
9	Paragraph 4.1	Applying for Social Housing	Section 3.3 (d)	Insertion of new category where an applicant is exempt from the residency criteria.	Incorporates Right to Move legislation into the policy. No applications have been received under this provision since its commencement in 2015	None
10	N/A (new)	Applying for Social Housing	Section 3.5	New section on prevention of fraud – sets out that fraud is a criminal offence and the actions the council will take if evidence of fraud is found.	Clarification for applicants and staff	None
11	N/A (new)	Applying for Social Housing	Section 3.6	New section on applications from and lettings to members of the council, council staff, board	Clarification for applicants and staff in respect of their responsibilities.	Update application form

Amend Ref	Reference in Current Policy If applicable)	Section in Proposed Policy	Reference in Proposed Policy	Policy Amendment	Impact	Further Work
				members of housing associations and their relatives	Protects staff from challenge. Improves transparency as assess to the housing pool and allocation of housing is monitored and determined at a senior level.	
12	N/A (new)	Applying for Social Housing	Section 3.7	New section on notification of not being eligible to join the housing pool, which explains the process.	Clarifies the process for applicants and staff	None
13	N/a (new)	How to Apply to Join the Housing Pool	Section 4	New section that explains how an application should be made, when and how an applicant should notify the council of a change in circumstances and the process for notifying applicants that they are not eligible to join the housing pool.	Clarifies the process for applicants and staff	None
14	Paragraph 7	Assessing & Prioritising Applications	Section 5 & appendix 2	Appendix 2 included to provide clarity over the level of priority awarded dependent upon an applicant's circumstances.	Provides additional transparency to applicants on level of priority awarded.	None
15	Paragraph 7.7 & 7.8	Assessing & Prioritising Applications	Section 5.1(c)	Inserts a new paragraph to award reduced priority where an applicant is subject to a duty under the Homelessness Reduction Act to prevent or relieve their homelessness, however is not cooperating with their plan.	This balances the need to award preference in such cases and reflect member comments on applicant who may not cooperate with our reasonable steps to prevent or relieve their homelessness.	None
16	N/A (new)	How the Council Allocates Homes Available for Letting	Section 6	New section that sets out the process including when a nomination is made, invitation to view and refusal	Clarifies the process for applicants and staff	None
17	Paragraph 9.2	How the Council	Section 6.1	Amendment to remove the ability to	The impact should be that	None

Amend Ref	Reference in Current Policy If applicable)	Section in Proposed Policy	Reference in Proposed Policy	Policy Amendment	Impact	Further Work
		Allocates Home Available for Letting		express a preference on type of property for 3 months after an applicant has been accepted into the allocation pool.	offers of accommodation can be made earlier than they currently are. This reflects the fact that 63% of our voids are flats and maisonettes and is therefore proportionate. The ability to express a preference of geographical area for 3 months has been retained.	
18	N/A (new)	How the Council Allocates Homes Available for Letting	Section 6.2	New paragraph inserted to clarify the number of offers applicants are entitled to under the scheme.	Applicants are more aware of the number of offers they may receive.	None
19	Paragraph 6	Local Lettings Plan	Section 8	Clarifies that Local Letting Plans (LLP) may include providing additional preference to applicants who otherwise may not have sufficient priority for an allocation	This will clarify that when a LLP is used to allocate to a new scheme, a mixed community can be established by awarding priority to e.g. working families who may not qualify under the substantive scheme.	Review and refresh existing LLP that deals with allocating difficult to let properties
20	N/A (new)	Rights of Information, Review of Decisions and Complaints	Section 9.1	New section on applicants rights to request information	Explains rights to applicants	
21	N/A (new)	Rights of Information, Review of Decisions and Complaints	Section 9.3	New section on making a complaint. Incorporates the councils complaints process	None	None
22	N/A (new)	Service Standards	Section 10	New section setting out service standards an applicant can expect from the service. A statement on the councils commitment to equality and diversity	None	None
23	N/A (new)	The Legal Duties of the	Section 11	New section covering confidentiality,	Clarifies the responsibilities of	

Amend Ref	Reference in Current Policy If applicable)	Section in Proposed Policy	Reference in Proposed Policy	Policy Amendment	Impact	Further Work
		Council and Housing Applicants		access to personal information and making false statements or withholding information.	the council and the applicant	
24	N/A (new)	Appendix 2	Appendix 2	Revised to provide clarity over the level of priority awarded dependent upon an applicant's circumstances.	Provides additional transparency to applicants on level of priority awarded.	
25	Appendix 2		None	Housing with care flowchart deleted		

GREAT YARMOUTH BOROUGH COUNCIL HOUSING ALLOCATION SCHEME 2018

1. INTRODUCTION

This document sets out Great Yarmouth Borough Councils (GYBC) policy for assessing applications to the council's housing pool and for allocating homes owned by the council and housing associations within the Borough boundaries to which the Council has nomination rights.

There is a limited supply of social housing within the Borough and with approximately 400 vacancies a year across the stock there is more demand for housing than there is supply. The allocations scheme has therefore been framed to deliver the following objectives:

- To give priority to those in greatest housing need
- To ensure that those who have the greatest housing need have the greatest opportunity to secure suitable housing.
- To help meet local housing needs and prevent homelessness
- To enable applicants to make informed choices about their options
- To develop stable communities by assisting people to find a home of their choice in their areas of choice
- To make best use of social housing stock in Great Yarmouth and reduce the number of void homes
- To promote equality of opportunity to those seeking homes
- Deliver an allocations scheme that is transparent and easy to understand

2. LEGAL AND POLICY FRAMEWORK

2.1 Legal Framework

S166 of the Housing Act 1996 (as amended by the Localism Act 2011) requires local authorities to have a published allocations scheme that clearly sets out how allocations and nominations to housing association properties are made. The allocations scheme takes into account reasonable preference, eligibility and qualification and the council's equalities duties.

Under part 6 of the Housing Act 1996 the Council's allocation scheme is framed to ensure reasonable preference is given to certain categories of applicants. These are:

- a) Homelessness Households who are homeless (within the meaning of Part VII of the 1996 Act, i.e. the Homelessness Legislation); this includes people who are determined by a Council as not having a priority need.
- b) Homelessness Households who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Housing Act.
- c) People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- d) People who need to move on medical or welfare grounds (including grounds relating to a disability).
- e) People who need to move to a particular locality within the area for example, to be nearer to special training opportunities, or special medical facilities to avoid hardship to themselves or others.

GYBC also has some groups of applicants to which it will give **additional preference**. Additional preference may be awarded by backdating the date of the application by 12 months to applicant who:

- a) Can demonstrate that they are in paid work for at least 24 hours per week. Where the application is by a couple, the 24 hours may be met by either partner or a combination of hours worked by each partner.

- b) Are a member of the Armed Forces or former Service personnel, where their application is made within five years of discharge
- c) Are a bereaved spouse or civil partner of a member of the Armed Forces leaving Service Family Accommodation following the death of their spouse or partner
- d) Are a serving member or former member of the Reserve Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of their service

In addition an allocation can be made, regardless of other priorities, to an applicant who has an established connection with the property and who qualifies under the scheme. This may include when a joint tenant serves a Notice to terminate a tenancy and the remaining tenant makes an application to remain.

2.2 The Policy Framework

The content of the allocations scheme reflects the council's current corporate priorities as set out in the Corporate Plan and the housing priorities as set out in the Housing Strategy. These are: Council's Corporate Priorities

- Economic Growth
- Housing
- Neighbourhoods, Communities and the Environment
- Tourism, Culture and Heritage
- Great Yarmouth's Town Centre
- Transport and Infrastructure

Housing Priorities

- New homes: ensuring there are enough good quality new homes
- Our homes: improving the quality and use of the council's housing stock
- Decent homes: providing a good mix of decent homes across all tenures
- Healthy homes: meeting the needs of vulnerable households

The Council's allocation scheme will also have regard to:

- GYBC Tenancy Strategy
- GYBC Housing Strategy
- GYBC Homelessness Prevention & Rough Sleeping Strategy
- Statutory guidance on allocation schemes issued by the Ministry for Housing, Communities and Local Government (MHCLG)

3. APPLYING FOR SOCIAL HOUSING

Anyone aged 18 or over who is eligible and qualifies can join the housing pool. The following sections set out who is eligible or ineligible to apply and the criteria that disqualify an applicant.

Where an applicant does not satisfy the eligibility criteria or is disqualified because of any one of the criteria set out in section 3.1 they **will not** be able to join the housing pool.

3.1. Eligibility

Under s160ZA of the 1996 Housing Act as amended by the 2011 Localism Act, local authorities must consider whether applicants are eligible for an allocation of accommodation. This relates to some people who may have been living abroad or who do not have permanent permission to remain in the UK. It does not apply to existing tenants of Great Yarmouth Community Housing (GYCH) or other Registered Providers (RP's).

A Local authority (LA) may only allocate accommodation to people who are defined as qualifying. Subject to the requirement not to allocate to persons from abroad who are ineligible and ensuring compliance with exceptions for the armed forces, it may decide who does and does not qualify.

Applicants do not qualify if they (or, where appropriate, members of their household or visitors):

- a) Owe significant housing related debt to a Council, Registered Landlord or Private Landlord. (*Significant housing debt is rent arrears/use and occupation charges, including housing benefit and court costs, equivalent to 8 weeks and above chargeable rent/monies for the property, rechargeable repairs and repayable rent deposits*)
- b) Have been convicted of illegal or immoral use of their home
- c) Have committed social housing fraud
- d) Have been a nuisance and annoyance to neighbours or others in the locality, sufficient to have warranted action by the police, Council or landlord
- e) Have been subject to an Anti -social Behaviour Order, an Anti-Social Behaviour Contract, Anti-Social Behaviour Injunction, demotion of tenancy or any similar penalty introduced under future anti-social behaviour legislation
- f) Allowed the condition of their property to deteriorate beyond reasonable wear and tear
- g) Have been a perpetrator of domestic abuse
- h) A decision has been made by a LA that they are intentionally homeless
- i) Have placed themselves in housing need or a greater housing need through an act or failure to act e.g. moving to a smaller property to create an overcrowded situation.
- j) Are able to meet their own need, after considering their individual circumstances. This may include circumstances where the household has an annual earned income, savings and equity in any property total more than one third of the average suitable property price in the borough of Great Yarmouth unless there is an overwhelming welfare need. *For example if a property is worth £150,000 then a household would not qualify if they had a combination of an annual income, savings and equity above £50,000.*
- k) Are owed a statutory re-housing duty under the Housing Act 1996 or a duty to prevent or relieve homelessness under the Homelessness Reduction Act 2017 and have refused one suitable offer of accommodation.
- l) Are not owed a statutory homelessness duty and have refused two suitable offers of accommodation. Applicants in this category will be able to re-apply after a period of 12 months
- m) Have previously exercised the Right to Buy or Right to Acquire of any property previously owned by any registered provider.
- n) Do not meet the residence or local connection condition set out in section 3.3
- o) Are under eighteen, unless they come within the exceptional circumstances set out in section 3.4

Applicants will be assessed as to whether or not they qualify at the time of application and, if applicable, again at the time an allocation is due. All applicants will be considered on the individual merits of their situation. If they do not qualify, they will be given reasons and have the right to a review of the decision (see section 9.2).

Where an applicant does not qualify for an allocation, advice will be offered on alternative housing options available to them other than social housing.

GYBC will offer a safe surrender scheme where applicants in certain circumstances will be able to surrender their tenancy and not be subject to non-qualification or reduced preference. The details of the safe surrender scheme are at Appendix 1.

3.3. Residence/Local Connection

Applicants must be able to prove they meet at least one of the following conditions below and that any residence was 'by choice'.

- a) Applicants are resident in the GYBC Borough at the time of application and were resident for the past 2 years continuously.
- b) Applicant has been accepted as owed a statutory re-housing duty under the Housing Act 1996 as amended.
- c) Applicant can demonstrate that they need to move to the Borough in order to receive specialist care and the nearest or most appropriate care that is available is in the borough of Great Yarmouth.
- d) Is subject to the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967) where existing social housing tenants need to move to take up the offer of, or be nearer employment.

(Applicants placed in Great Yarmouth by another organisation e.g., into supported housing, in care or placed in the private sector by another local authority discharging its homelessness duty is not considered 'by choice' and will not qualify for local residence. However when the duty has expired, residence connection will begin to accrue from this date)

The residency/local connection criteria will not apply if:

- a) The applicant is a member of the Armed Forces and former Service personnel, where their application is made within five years of discharge
- b) The applicant is a bereaved spouse or civil partner of a member of the Armed Forces leaving Service Family Accommodation following the death of their spouse or partner
- c) The applicant is a serving member or former member of the Reserve Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of their service

3.4. Other Qualification Categories

There are additional circumstances where a LA may consider whether an applicant qualifies for an allocation.

A person is unable to hold a tenancy in law if they are under 18 years of age but it is possible for a tenancy to be held in trust on behalf of an underage person by an adult or Social Services. Applicants under the age of 18 will only be admitted to the scheme in exceptional circumstances and will only be offered an allocation if a suitable trustee has been appointed.

3.5. Prevention of Fraud

It is a criminal offence for housing applicants and/or anyone providing supporting information to knowingly or recklessly make false statements or withhold reasonably requested information relevant to their application. (Section 71 Housing Act 1996 or sections 2 and 3 of the Fraud Act 2006) If there is evidence that a criminal offence has been committed the council may take proceedings that that could result in a criminal record, a fine or imprisonment. The council will seek possession of any home obtained as a result of fraud.

3.5.1. Housing Applications from; and Lettings to Members of the Council, Staff Members, Board Members of Housing Associations and their Relatives.

3.6.1 Applications

Any housing applicant, including existing council tenants must tell the council when applying to the housing register if they are:

- An elected member of the Council; or
- A council member of staff; or
- A board member of a partner housing association; or
- Related to any of the above

All applications in any group set out above will be identified on the systems to show their status under this section of the allocations policy.

Where an applicant fails to disclose the above information and it subsequently comes to the councils attention the application will be closed.

3.6.2 Lettings

The approval of the Head of Housing is needed for any lettings made to these applicants under the Housing Allocations Scheme.

Any member of staff dealing with an application for housing from a person to whom they are related must:

- Declare this immediately to their line manager and

- Have no involvement in the determining the application or making an allocation.

4. HOW TO APPLY TO JOIN THE HOUSING POOL

Applications should be made in person to the Housing Options Team at Greyfriars House Great Yarmouth.

It is possible to request a home visit in circumstances where an applicant cannot reasonably attend Greyfriars House to make their application in person.

Applicants will need to provide any supporting evidence that is required to determine the application.

4.1 Changes in Circumstances and Contact Details

All applicants must let the council know immediately of any change in their circumstances which may affect their priority for housing.

A change in circumstances includes:

- A change of address for the applicant or any person on their application
- Any additions to the household or any other person the applicant would like included in their application, for example the birth of a baby. The council will decide whether the additional person can be included in the application
- Any member included in the housing application who has moved out of the applicants current home
- Any change in income, savings or assets where these are above the thresholds set out in section 3.1 (j)
- A change in medical condition

When the council is informed of an applicant's change in circumstances, their housing application is reassessed to take account of the new information. The council will confirm in writing to the applicant whether they are still eligible and whether there is a change to their priority for housing.

Where the council becomes aware that an applicant's circumstances have changed for example when verification is being done before the offer of a viewing of a home the application will be suspended until the change of circumstances has been processed.

4.2 Notification of not being able to join the Housing Pool

Applicants found to be ineligible and or disqualified by any of the criteria in section 3.1 will receive a letter setting out:

- The council's decision
- The applicants right to request a review of that decision (see section 9.2) and
- Advice and information on alternative housing options.

Where an applicant is eligible and qualifies to join the housing pool but the council is satisfied subsequently that the applicant has become ineligible or disqualified; their housing application will be cancelled and the applicant will receive written confirmation from the council.

Any applicant deemed to be ineligible or not qualifying can apply to join the housing pool again in the future if they can demonstrate they meet the eligibility and qualification criteria.

5. ASSESSING AND PRIORITISING APPLICATIONS

The allocation scheme must be able to distinguish between applicants on the basis of priority and state how a property will be allocated where there are two or more applicants of equal priority. The scheme must allow a reasonable preference to those eligible and qualifying falling within the groups

listed at section 3.1 above. There is no obligation to award additional priority to an applicant who fits in more than one reasonable preference category.

The scheme awards priority based upon;

- a) The applicant has a housing need due to homelessness, housing conditions, overcrowding, medical need, social welfare grounds and under-occupation.
- b) The applicant is an existing tenant that would result in a particular property being made available, e.g. an adapted or large property.
- c) The applicant is awarded priority due to financial circumstances.

Within these particular groups, differing levels of priority can be awarded dependent upon the level of e.g. medical need or financial hardship

Where there are two or more applicants of equal priority, the property is offered to an applicant who has an exceptional need for the geographical area or property type available. Otherwise, priority is awarded to the applicant with the earliest application date, defined as the first date of contact. (The scheme of awarding priority is attached at Appendix 2).

The council will consider whether a household is under or over occupying a property with regard to the size criteria used when assessing housing benefit. i.e.

- Children under 16 of the same gender will be expected to share a bedroom
- Children under 10 will be expected to share a bedroom regardless of gender
- A tenant or partner with disabilities requiring a non-resident overnight carer will be allowed an extra bedroom.

The same criteria will apply in deciding how many bedrooms an applicant requires in any property allocated to them. Consideration will be given for any medical or social need (including children with disabilities) that leads to a family requiring more bedrooms than allowed under these criteria. Medical & Social needs will be considered by a senior council officer who may request evidence from other agencies.

5.1. Reduced Priority

Legislation permits that some applicants who are eligible and qualify for an allocation can have their priority reduced. In most cases, applicants will not qualify for an allocation under section 3.1 and will have to re-apply when the behaviour has been mitigated.

There will be cases where the applicant's behaviour is such that an allocation is not appropriate but they have not reached the threshold to not qualify. Examples of when reduced priority may apply include:

- a) Where an applicant is in rent arrears but not to the 8 week level. In such cases priority can be reduced until the applicant has taken steps to improve the behaviour. This may be by maintaining a payment arrangement for an acceptable period, paying an acceptable lump sum or clearing the arrears.
- b) Where an applicant has a housing need but a sustainable tenancy would only be possible if a support package was in place. Reduced priority would be awarded until the support package was available and the applicant had agreed to accept the support. This would ensure that an offer is not made before an applicant is ready to take on a tenancy. Care leavers would fall into this category.
- c) Where an applicant is owed a duty to prevent or relieve their homelessness under the Homelessness Reduction Act 2017, however, in the opinion of GYBC, is not cooperating by taking reasonable steps in order to assist the Council meet those duties.

5.2. Transfers and Management moves

Existing tenants who wish to transfer but do not have a reasonable preference under the scheme do not fall under part 6 of the Housing Act. Landlords are still able to nominate such tenants for a

transfer. GYBC have found that operating one combined pool of applicants has been the most efficient way of granting existing tenants a transfer.

Where an existing tenant is nominated for a management move under the scheme, they will be made one suitable offer of accommodation.

6. HOW THE COUNCIL ALLOCATES HOMES AVAILABLE FOR LETTING

A new tenant will be nominated for a vacant property at the point where the existing tenant has provided formal notice to end their tenancy or where notified by a registered provider that a property is available. Where an applicant is identified as a match to a vacant property, their application will be verified to ensure that the circumstances have not changed and that they remain eligible for an allocation.

The nominated applicant will be invited by telephone or text to view the prospective property at the earliest time when it is safe to do so. An unreasonable failure to respond to a request to view a property within 24 hours may mean that the applicant is bypassed and the nomination will be made to another applicant.

It may be necessary for a viewing to take place with an occupational therapist and/or other medical professionals to assess whether the property is suitable. An applicant should accept the property within 24 hours of viewing. Failure to do so will be considered a refusal of the offer.

If an applicant refuses a nomination it will count towards the number of offers permitted in their circumstances unless the property is not suitable when considering their housing need. Applicants should be aware that a property will not be considered unsuitable simply due to being a flat or maisonette, nor due to location unless a specific requirement exists.

6.1. Choice

GYBC is committed to offering applicants a choice of accommodation and allowing them to express reasonable preferences. However it may not be able to meet all requests due to the level of demand or availability of accommodation. The council therefore limits the length of time that applicants may express a preference in terms of geographical area. Applicants will be given advice and information by the Council's Housing Options Advisers to help them understand their options and make informed choices.

Applicants will be permitted to make a preference of the geographical area of property that they wish to be considered for, for a period of three months. If applicants have not been allocated a property within the three month period, housing options will reserve the right to offer properties outside the applicants' preferences.

Applicants who are owed a statutory housing duty under the Housing Act 1996 as amended will be made one offer of suitable accommodation. Refusal of that offer will result in a discharge of the homelessness duty and being removed from the allocation pool.

Other applicants will be allowed two offers of suitable accommodation. Refusal of two suitable offers will result in the applicant being removed from the allocation pool. Applicants will be able to re-apply after a period of 12 months.

6.2. Number of Offers

Applicants will be made a limited number of offers of suitable accommodation depending on their circumstances, as follows.

- Where an applicant is owed a statutory re-housing duty under the Housing Act 1996 or a duty to prevent or relieve homelessness under the Homelessness Reduction Act 2017 - one suitable offer of accommodation.
- Where an applicant has been granted a management move under paragraph 10 of the scheme - one suitable offer of accommodation.
- Where an applicant has been placed in the reserve pool for applicants under the Local Letting Plan (LLP) for low demand properties - one suitable offer of accommodation.
- All other applicants – two suitable offers of accommodation

Where an applicant has received the limited number of offers defined above and has refused to accept the properties offered they shall cease to be eligible for an allocation for one year.

7. HOUSING WITH CARE

In the Borough of Great Yarmouth, there are two housing with care schemes located at:

- St. Augustines Place in Gorleston
- The Lawns in Great Yarmouth

Housing with Care is allocated by the council in conjunction with adult social care. For an applicant to be eligible for housing with care, the applicant has to be 60 or over and have both a housing need and a care need.

Adult social care carry out an assessment of an applicant's personal care needs and confirm that the applicant is suitable for housing with care. This will include a financial assessment to ensure that the applicant is fully aware of the costs of living in housing with care.

Once it is established that the applicant has both housing and care needs that can be met by living in housing with care, their application will be placed on the housing with care list.

When a vacancy occurs, all eligible applicants will be visited and the council will score each applicant. When carrying out an allocation, the council will normally allocate to the applicant who receives the highest priority. However there may occasions when an applicant with a lower priority is allocated the vacancy to ensure a balanced community within the scheme.

8. LOCAL LETTINGS PLANS

The council, or its partner registered providers, may operate Local Lettings Plans in order to achieve a clearly defined objective in relation to accommodation of a specific type and/or in a geographic location. Local Lettings Plans may be used to meet the following objectives:

- a) To create mixed, balanced and settled communities and/or
- b) To encourage the development of sustainable tenancies and communities within particular developments or geographic areas, and/or
- c) To make the best use of accommodation benefitting from attributes that make it particularly appropriate for applicants of a particular description, and/or
- d) To address concentrations of deprivation or anti-social behaviour

Local Letting Plans may include providing additional preference to applicants who otherwise may not have sufficient priority for an allocation.

The above list is for illustrative purposes and is not exhaustive.

The local lettings plans can be viewed on the councils website. www.great-yarmouth.gov.uk

9. RIGHTS OF INFORMATION, REVIEW OF DECISIONS AND COMPLAINTS

9.1. Rights of Information

Applicants have the right to request such general information as will enable them to assess how their application is to be treated (including what preference they will be given) and if and when accommodation appropriate to their needs will be available.

Applicants have the right to be informed of any decision about their case, which is likely to be, or has been, taken into account in considering an allocation to them.

9.2. Review of Decisions

It is important that applicants are able to request a review of an allocation decision in a clear, fair and efficient process. Applicants may request a review of a decision of the awarding of priority under section 5 or a decision that they are ineligible or do not qualify section 3. Reviews should take place as soon as possible in order not to disadvantage an applicant. (Decisions on homelessness applications have their own statutory review process).

The review process under the allocation scheme is as follows:

- a) A review request must be made by the applicant within 21 days of the decision regarding their application. But we may extend the time limit in exceptional circumstances.
- b) The review must be conducted by another council officer who was not involved in the original decision and is senior to the officer who made the original decision.
- c) The review process will normally be based on written representations.
- d) The review officer may make further inquiries and interview applicants and other interested parties but there will be no requirement to hold a full oral hearing.
- e) The review should be concluded within 8 weeks of the review request or as soon as reasonably practicable afterwards.
- f) The decision on review will be and communicated in writing to the applicant and give reasons if the review outcome is against the applicant.

9.3 Making a Complaint

Complaints about the service or the procedures it operates should be made using councils complaints procedure.

The council's complaints procedure is a two stage process. At stage one the complaint is investigated by the Head of Service and a written response is provided, if the complainant is not satisfied with the outcome of the stage one investigation the complaint moves onto stage two where it is reviewed by a Strategic Director.

If the complainant remains dissatisfied after going through the council's complaints process they can take their complaint to the Local Government Ombudsman.

10. SERVICE STANDARDS

In implementing the Allocations Scheme the council will:

- Provide advice and information about the right to apply for housing
- Provide assistance to applicants to make an housing application
- Ensure that the information provided to applicants is easy to understand
- Provide information to housing applicants about the types of homes available
- Provide information to housing applicants about the likelihood of being housed and how long it may take
- Ensure all allocation of council homes and nominations to housing associations are carried out in accordance with the allocation scheme
- Make available the Allocations Scheme for download from the Council's website.
- Comply fully with the Data Protection legislation and ensure all information housing applicants provide is treated in strictest confidence

10.2 Equality & Diversity

The Housing Allocations Scheme meets the requirements of the Equality Act 2010.

The council:

- Treats each housing applicant equally in accordance with their need and where possible their preferences for housing regardless of age, disability, sex, race, religion or belief, sexual orientation, marriage and civil partnership or gender reassignment.
- Monitors the protected characteristics of applicants who apply to join the housing pool and those who are subsequently eligible and made an offer of a home.

11. THE LEGAL DUTIES OF THE COUNCIL AND HOUSING APPLICANTS

11.1 Confidentiality

All personal information provided to the council by housing applicants, their advocates or professional advisors is treated with utmost confidentiality.

By signing the housing application form (including electronic signatures where appropriate) applicants give their consent for the council to disclose information about them which is necessary for nominating them to a home that may be available for letting by a housing association or other registered provider.

Information about the housing applicant is only disclosed without an applicant's consent in the following defined circumstances:

- In accordance with s115 of the Crime & Disorder Act 1998 as part of a criminal investigation
- Where there is a serious threat to the applicant themselves or to another party's staff or contractors if the information is not disclosed.
- Where information is relevant to the management or support duties of a proposed landlord or support organisation to ensure that the health and safety of the applicant, a member of his or her household or a member of staff.

11.2 Access to Personal Information

In accordance with the Data Protection Act 1998, all housing applicants have the right to see information held about them and their household in connection with their application for housing.

Requests to access records must be made in writing to the Council's information officer. A fee may be charged for this service.

11.3 False Statements or Withholding Information

It is a criminal offence for housing applicants and or anyone providing supporting information to knowingly or recklessly make false statements or withhold reasonably requested information relevant to their application (s171 Housing Act 1996 or s2 and s3 Fraud Act 2006). This includes but is not limited to information requested:

- On the housing application form;
- In response to correspondence
- In change of circumstances or provision of medical information
- Relating to a review if the application.

An offence is committed if a third party provide false information whether or not instigated by the applicant. This applies at any stage of the application.

Where it is suspected or alleged that a person has either provided false information or deliberately withheld information, the housing application will be classified as 'application is pending' while an investigation takes place. The applicant cannot be considered for offers of accommodation until a satisfactory outcome of the investigation is reached.

Where the outcome of the investigation is that false information was not provided or information was not withheld the application will be reinstated from the date of the original registration.

Where the outcome of the investigation is that false information was provided or information was deliberately withheld the applicant may be removed from the Housing Pool or deemed ineligible to join it.

Where a council tenancy has been granted to a housing applicant as a result of a false statement, by either the applicant or a person acting at their instigation, the council will seek possession of the home using Ground 5 in Schedule 2 of the Housing Act 1985 (as amended by the 1996 Act, s146)

If there is evidence that a criminal offence has been committed the council may take proceedings that could result in a criminal record, fine or imprisonment.

Safe Surrender

A Safe Surrender may be agreed between a tenant of one of the registered providers in Great Yarmouth that allocate from the common register and the Council.

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

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

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

Where possible support will be arranged to enable the tenant to remain.

A safe surrender agreement can be reached:

- I. Where the property is in danger of deterioration but substantial deterioration (under £500) has not yet occurred and does not occur before vacant possession is given.
- II. **and/or** the tenant is struggling to pay the rent, but the rent account is not yet more than 8 weeks in arrears (net) and does not become so before vacant possession is given.
- III. **and/or** the tenant is in breach of other terms of the tenancy but this has not yet reached the level where a reduction of preference would usually be applied and does not become so before vacant possession is given.
- IV. **And/or** other similar circumstances as agreed between the scheme landlord and the Council.

Where a Safe Surrender is agreed, if the tenant subsequently applies to the Great Yarmouth housing register their priority will not be reduced for matters relating to that tenancy, unless there were issues that have subsequently become known.

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

If a subsequent homelessness application is made, the fact that a safe surrender was agreed together with all the circumstances at that time would be taken into account. However the Council cannot fetter a possible future homelessness decision

Prioritising Housing Applications

When we are notified of a vacancy, we will allocate the property to the applicant in highest housing need, who requires the particular property. Each applicant will be awarded a level of housing need dependent upon their circumstances. Where applicants meet more than one classification of housing need, they shall be awarded the highest level of need. There shall not be a composite assessment of need based on two or more classifications.

The awarding of a priority does not guarantee that an offer of suitable social housing will be made. This may be due to a low supply of suitable housing e.g. properties with three or more bedrooms with ground floor facilities or any property with four or more bedrooms.

Level 1

- a. Applicants who do not have a housing need however, will be considered for properties under the local letting plan for low demand properties.

Level 2

- a. People occupying unsanitary or otherwise living in unsatisfactory housing conditions which have been verified by GYBC Environmental Health.
- b. Households who need to move with an assessed low medical need
- c. People who need to move on social welfare grounds.
- d. Households in social housing who are under occupying a property by one bedroom.
- e. Households where their current property is unaffordable following a financial assessment carried out by GYBC.
- f. Households living in overcrowded housing conditions where they require one additional bedroom
- g. Households where a move would release an adapted property within Social Housing in the borough of Great Yarmouth or a property of value released to initiate chain of transfers.
- h. All homeless people as defined in Part VII of the Housing Act 1996 (whether or not the applicant is owed a statutory duty)

Level 3

- a. Households who need to move with an assessed high medical need
- b. Households in social housing who are under occupying a property by two bedrooms.
- c. Households living in overcrowded housing conditions where they require two additional bedrooms
- d. People who need to move on social welfare grounds with an urgent need to move

Level 4

- a. Homeless applicants where a full housing duty has been taken under Section 193 of the Housing Act 1996.
- b. Households who are subject to a duty from GYBC to prevent or relieve homelessness under the Homelessness Reduction Act 2017 and who have cooperated with GYBC in meeting their personalised housing *plans*.

- c. Households living in overcrowded housing conditions where they require three or more additional bedrooms
- d. People who need to move on social welfare grounds with an exceptional need to move
- e. Household where a move would release an adapted property within Social Housing in the borough of Great Yarmouth that has significant demand within the allocation pool.
- f. Care Leavers

Level 5

- a. Social Housing tenants granted a management move by their landlord. This will include a need to decant a household for a short period.
- b. Exceptional priority awarded to facilitate a move in urgent circumstances not covered by levels 1 - 4 above, e.g. severe life threatening medical condition.

Medical Need Assessment

An assessment of medical need will be carried out by GYBC who may refer complex cases for external advice. Examples of medical need and the level of priority include;

Low medical priority

The current accommodation is not suitable due to,

- Some impact on mental health
- Unable to access a toilet at night
- Age related reduced function e.g. use of stairs

Medium medical priority

The current accommodation is not suitable due to,

- Degree of difficulty in using stairs and only available toilet is upstairs
- Degree of difficulty in using external stairs
- Required adaptations recommended by an occupational therapist are not feasible
- Condition of property is contra to medical condition

High Medical Priority

The current accommodation is not suitable due to,

- A member of the household has a terminal condition with a prognosis of less than 12 months
- No access to essential facilities in the property
- The condition of the property is not resolvable and contra to medical conditions
- Safe hospital or care discharge to home
- Severe mental health needs impacted by current home

The above examples of medical need are for illustrative purpose and are not an exhaustive list.