



# **NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

## **ALLOCATIONS AND LETTINGS**

### **POLICY**

December 2023

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# **NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

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## **Introduction**

There is a limited supply of affordable housing in North West Leicestershire and an increasing number of people seeking social housing.

North West Leicestershire District Council aims to allocate the available housing fairly and objectively following the approach described in this Allocation Policy.

The Allocation Policy works within the legal and regulatory framework governing the allocation of social housing. This scheme also takes into account local need and demand as well as local housing conditions.

North West Leicestershire operates a Choice Based Lettings Scheme. This allows applicants to have as much choice as possible in relation to the options they have to meet their housing needs. The Choice Based Lettings approach aims to provide home seekers with information about lettings so they are able to make informed and realistic choices when seeking housing. There are some circumstances where we may have to limit choice to meet our statutory obligations, for example in the case of some homeless households. In these cases, the home seeker will, wherever possible, have first been given an opportunity to resolve their situation through their own housing choices.

North West Leicestershire District Council has in place agreements with private registered providers of social housing in the District which allows a wider range of social housing to be made available via the Council's Choice Based Lettings Scheme.

The Allocations and Lettings Policy ensures that those home seekers who are in urgent housing need are given reasonable preference within the Choice Based Lettings scheme.

This Allocation Scheme is subject to periodic review to ensure that the allocation of properties continues to be fair and objective whilst meeting local need and statutory obligations.

## **Objectives of North West Leicestershire's Choice Based Lettings scheme**

- To meet the legal requirements for the allocation of affordable housing
- To ensure appropriate levels of priority are afforded to home seekers
- To ensure priority status on the scheme for home seekers with an urgent housing need
- To offer as much choice to home seekers as is reasonably possible
- To let properties in a fair and transparent way
- To support and assist vulnerable home seekers so that they are able to actively participate in North West Leicestershire's Choice Based Lettings scheme
- To provide feedback to home seekers about homes let through North West Leicestershire's Choice Based Lettings scheme
- To encourage and support sustainable communities and social inclusion

- To ensure home seekers are treated fairly, individually and in accordance with the commitment to Equality and Diversity.
- To make best use of affordable housing, to meet the needs of the local community.
- To ensure that properties are let as quickly as possible

### **Legislative Context**

This Allocation Scheme is governed by the following legislation and guidance, subject to the issue of any further guidance by the Secretary of State:

- Housing Act 1996 (as amended)
- Housing Act 2004, s223 Allocation of housing accommodation by local authorities
- Localism Act 2011 (Parts 6 and 7)
- The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006
- The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2012
- Homelessness Code of Guidance for Councils (July 2006)
- Draft Homelessness Code of Guidance for Local Authorities (October 2017)
- The Homelessness (Suitability of Accommodation) (England) Order 2012
- Allocation of accommodation: guidance for local housing authorities in England, 2012
- The Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations 2012
- The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012
- Allocation of accommodation: guidance for local housing authorities in England (Oct 2013)
- The Homelessness Reduction Act 2017

### **Reasonable Preference**

- Under section 166A of the Housing Act 1996 the Council is required to give reasonable preference to the following categories of person:
- Homeless people as defined by Part VII of the 1996 Housing Act, including people who are intentionally homeless and those who are not in priority need
- People who are owed a duty 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 s192(3)
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds, including grounds relating to disability
- People who need to move to a particular locality in the housing authority area, where failure to meet that need would cause hardship (to themselves or others)

## **Additional Preference**

Under Section 166A (3) of the Housing Act 1996, the Council can give additional preference to applicants that fall within the reasonable preference categories and have urgent housing needs. This means the Council can decide which applicants within a particular category should be given the greatest priority for housing, and which groups should be prioritised over others.

Additionally, the Council must give additional preference for members of the Armed and Reserve Forces who fall into a reasonable reference category and have urgent housing needs. The preference rule applied can be found in section 7.43.

Urgent housing needs are considered to include: those who need to move urgently because of a life threatening illness or sudden disability; families in severe overcrowding which poses a serious health hazard ; those who are homeless and require urgent re-housing as a result of violence or threats of violence, including intimidated witnesses, and those escaping serious anti-social behaviour or domestic violence

## **Equal Opportunities**

North West Leicestershire's Choice Based Lettings scheme promotes equal opportunities in the services it provides. Our aim is to implement and maintain services which ensure that no potential, or current home seeker is treated less favourably on the grounds of gender, marital status, race, nationality, ethnic or national origin, colour, disability, age or sexual orientation nor is disadvantaged by the application of a rule, condition, or requirement, which has a discriminatory effect which cannot be justified by law.

Help and assistance is available to ensure that all households are able to access North West Leicestershire's Choice Based Lettings scheme. Information can be translated or made available in large print, or other formats. North West Leicestershire's Choice Based Lettings scheme seeks to ensure that it is accessible to all home seekers by ensuring that individuals who may have difficulty in participating in the scheme receive the help and assistance they require. The Housing Choices Team will assist those who do not have a family member, friend, or advocate who can do this on their behalf.

North West Leicestershire's Choice Based Lettings scheme operates in accordance with the Council's Equality and Diversity Policy.

## **Data Protection**

Home seekers have the right to information on all decisions made about the facts of their application. Applicants have the right to see the information held about them, and receive a copy of information held on computer, or on paper file. This is a "subject access request" for which the Council charges a reasonable administration fee.

Information held by North West Leicestershire's Housing Advice Team about home seekers will only be used in connection with their application for housing. Information

will be held and used in accordance with the Data Protection Act 2018 and any subsequent legislation. In normal circumstances, this information is only to be disclosed to partner Registered Providers or other landlords who may be able to offer accommodation. This means that the information and the fact that a home seeker has applied for housing, will not normally be passed onto any third parties without the home seeker's prior consent, or in exceptional circumstances where disclosure without consent is warranted. These circumstances are defined below:

- Where there are over-riding legal, social, or public interest considerations, e.g. there is a risk of serious harm to the person themselves or others if the information is not disclosed.
- Where information is required by the police as part of a criminal investigation.
- Where information is required by an authority for the assessment or collection of any tax or duty of a similar nature
- Where, because the Council is under a duty to protect the public funds it handles, it may need to use the information provided by home seekers, to prevent and detect fraud. (The information may also be shared for the same purposes with other organisations that handle public funds).
- The information may also be used for statistical purposes, which means we may pass anonymised information, in confidence, to the relevant government department.

There may be circumstances that require a third party to be contacted for information in order to verify the circumstances of an applicant for registration or banding purposes. Home Seekers will be asked for permission for this contact to be made however they should be aware that not granting permission may mean the Council is unable to complete assessment of their housing application. In these circumstances the relevant third party will by default be aware that a housing application has been submitted.

## **1. The Housing Register**

- 1.1 North West Leicestershire District Council maintains a register of home seekers who wish to be accommodated by the Council and/or Registered Providers operating in the North West Leicestershire District. This register is not "open," and this policy sets out the criteria for admission onto the register as well as how priority will be granted between applicants.
- 1.2 Properties that become available to let will normally only be allocated to home seekers on the housing register.

### **Joining the housing register**

- 1.3 Subject to the eligibility and qualification rules set in Section 2, any person over the age of 16 can apply to join the housing register. There are special provisions for 16 and 17 year olds which are detailed in Section 3 of this policy.
- 1.4 Every home seeker must complete an on-line registration form. The information given on the form must be correct. North West Leicestershire District Council

reserve the right to disqualify any home seeker from joining the register, withdraw any offer of a tenancy or assist the landlord to recover possession of an existing tenancy if they have knowingly given false information.

- 1.5 Home seekers must provide proof to support their application; for example, they will be asked to provide proof of identity, income, benefits, access rights to children and levels of capital. The application form will clearly set out what proofs are required
- 1.6 North West Leicestershire's Housing Choices Team will make any other enquiries as they deem necessary in order to assess the application. This may involve contacting previous landlords, health or medical advisors, police, or other relevant agencies.
- 1.7 Home seekers must provide a mailing address to which correspondence can be sent. The address can be the home seeker's home address or an alternative such as that of a family member or friend.

### **Applicants Responsibilities**

#### 1.8 Supplying Information

- Applicants are responsible for giving full and accurate details on all forms and correspondence and in all other communications about their application for housing.
- Applicants must inform the Council of any change in circumstances straight away, especially those which may affect their needs for re-housing
- Applicants should reply to any correspondence/requests from the Council or Registered Provider which needs a reply, within the specified timescales
- Applicants who are made an offer should let the Council or Registered Provider know their decision about whether to accept it within the timescale specified
- If information is not supplied, the Council or Registered Provider may cancel an application, defer it until the information is provided, or withdraw an offer of housing

#### 1.9 Deliberately Worsening Circumstances

Home seekers have a responsibility not to deliberately worsen their circumstances in order to progress to a higher band by an action or inaction. They have the responsibility to make best use of the accommodation they have available to them and will be assessed as if this is the case.

- 1.10 Home seekers should not deliberately deprive themselves of capital or assets in order to gain access to the housing register. This will be treated as a deliberate worsening of circumstances.
- 1.11 Should the home seeker be found to have deliberately worsened their circumstances then they will be placed in the low band for a period of 12 months as per the criteria set out in section 7.23



## **Review of the housing register**

- 1.12 North West Leicestershire District Council will aim to undertake a 12-month rolling review of the housing register. Home seekers will be contacted and asked to confirm whether they wish to remain on the register and whether their circumstances have changed.
- 1.13 Home seekers who do not respond to the review as requested will have their application cancelled. Under normal circumstances an application can be reinstated if the applicant makes contact within three months of the cancellation date.
- 1.14 The decision to reinstate an application more than three months after it is cancelled will be at the Council's discretion. Where an application is not reinstated the applicant may submit a fresh application and this will generate a new application date.

## **2. Eligibility and qualification**

- 2.1 In considering housing register applications, North West Leicestershire District Council will assess:
- Eligibility - whether a home seeker is eligible for an allocation of accommodation because they meet national, legal eligibility criteria, and
  - Qualification – whether a home seeker meets the local criteria for accessing social housing, as described in this policy in sections 2.4 -2.14
- 2.2 Only applicants who are eligible for housing and who qualify for an allocation of housing will be included on the Council's housing register and considered for offers of accommodation. Applicants who are not eligible or do not qualify for housing will not be included on the housing register.
- 2.3 If an applicant has already been included on the housing register and is found to no longer be eligible for housing, or to no longer qualify for housing, they will be removed from the housing register and notified. Home seekers will have the opportunity to use the review procedure if they feel this decision is incorrect (see section 4).

### **Eligibility**

- 2.4 Eligibility will be assessed in accordance with the regulations. Namely, whether a home seeker is eligible to join the housing register or, may not be allocated accommodation under Part 6 of the Housing Act 1996 S.160ZA because they are persons from abroad who are subject to immigration control or they are a person from abroad, who although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation. Reference will be made to the regulations setting out which classes of persons from abroad are eligible

or ineligible for an allocation of accommodation which are currently contained in the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI2006 No. 1294) and amendment regulations in respect of regulations 4 and 6. However if these regulations are subsequently superseded this policy will by default apply those currently in force.

- 2.5 North West Leicestershire District Council reserves the right to seek independent advice and assistance to resolve the issue of eligibility.

### **Qualification**

- 2.6 The following circumstances will exclude an applicant from the housing register.

- 2.7 **Home seekers with no local connection to North West Leicestershire as set out in section 18**– other than in exceptional circumstances, home seekers from outside the district who have no local connection to the district, will not qualify for social housing. The Council may from time to time allow access to the housing register to applicants without a local connection on the basis that they are only entitled to receive offers on hard to let properties. This is entirely at the Council's discretion.

- 2.8 **Home seekers with the financial means to meet their own housing need** – these home seekers will not qualify for social housing unless they can demonstrate that they have a need for specialist supported, sheltered or extra care housing which they cannot purchase or rent on the open market, or, where the home seeker has a need for wheelchair adapted or other specialist accommodation and they do not have the financial means available (through savings, grants or Equity Loan) to adapt their existing property or the property is not suitable for adaptation and they do not have sufficient resources to secure alternative accommodation that meets their needs (in these circumstances the applicant will usually be restricted to bidding on properties that meet these identified needs).

Exemptions may be applied where the home seeker only wishes to be considered for hard to let properties.

The tests applied to assess financial means can be found in Appendix Two. These will be reviewed annually and amendments if required applied on the 1 January each year

- 2.9 Being a Home Owner is not a barrier to joining the housing register, however, any offers of accommodation made to a homeowner would be subject to the applicant demonstrating that the property is affordable and that they would satisfy the requirement of occupying the home they were allocated as their main/principal home.

- 2.10 **Home seekers who lack the capacity to enter into and sustain a tenancy agreement** – home seekers will not qualify for social housing if it is considered

that they lack the mental capacity to enter into a tenancy agreement and the obligations and conditions attached to that tenancy. Before making a decision on capacity the Council will seek representations from professional and other appropriate agencies. Where a home seeker is considered not to have the capacity to hold a tenancy, the Council will work with the appropriate agencies to identify alternative approaches to securing accommodation.

- 2.11 Home seekers considered to be guilty of unacceptable behaviour serious enough to make them unsuitable as a tenant** - Home seekers will not qualify for social housing if they are considered to be unsuitable to be a tenant. This must be evidenced and proportionate and take account of the seriousness of the behaviour, the length of time since occurrence, the situation of the home seeker at the time of the event(s) and what steps have been taken to prevent future incidents. Where a home seeker has been found to be intentionally homeless and they are the perpetrator of unacceptable behaviour they will not be eligible to join the housing register.

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

- a) Behaviour that would give grounds for mandatory possession. For example anti-social behaviour such as causing nuisance and annoyance to neighbours
- b) Behaviour of the home seeker or a member of the home seeker's household which would entitle the landlord to gain an outright possession order
- c) Owing a housing related debt greater than £500 to a Council, registered provider or private landlord and there is no evidence of willingness to reduce/repay the debt. Housing debts could include rent arrears, court costs, temporary accommodation charges, sundry debts such as clearance, damage, council tax or repayment of rent deposit (this is not an exhaustive list).
  - i. A willingness to pay will usually be considered as regular payments made over a 12-week period to reduce the debt as part of an agreement with the organisation the debt is owed to. Except in exceptional circumstances all agreed payments over this time period should be made without fail. To remain on the register the home seeker will be expected to maintain these payments until the debt is clear.
  - ii. In cases of overriding housing need home seekers may be accepted on to the housing register but placed in low band until such time as they are able to demonstrate willingness to pay.

In some circumstances where repayment could lead to further financial hardship a repayment period may be waived. Each case will be considered on its merits and the Council may take into account what other measures a homeseeker is taking to address their financial situation.

- d) Committing certain criminal offences in or near the home and posing a threat to neighbours, the community, staff from the Council, the Council's contractors or Registered Provider or their contractors
- e) Having been convicted of violence towards a partner or members of the family
- f) Obtaining a tenancy by deception, for example giving false information.

2.12 When making this decision North West Leicestershire District Council will consider:-

- a) *What action a landlord would have taken against the perpetrator of the unacceptable behaviour.*

The behaviour must be serious enough that a Landlord would have been entitled to an outright possession order under schedule 2 of the Housing Act 1985 or Schedule 2 of the Housing Act 1988. As an example, cases relating to noise problems, domestic violence, racial harassment, intimidation and drug dealing would probably lead to a possession order. (This is not an exhaustive list)

- b) *Whether the behaviour is serious enough to make the home seeker unsuitable as a tenant.*

As an example, accrual of rent arrears that have resulted from factors outside of the home seeker's control, e.g. delays in housing benefit payments or liability for a partner's debts may not be serious enough to make the home seeker unsuitable as a tenant.

- c) *When the unacceptable behaviour took place.*

Consideration will be given to the length of time that has elapsed, whether there has been any change in circumstances and behaviour, and whether there are any mitigating circumstances to consider. Evidence of the home seeker working with agencies to mitigate the likelihood of the behaviour occurring in the future will be taken into consideration.

2.13 All three elements of 2.12 above shall be taken into consideration. When making this decision the Council will consider whether the decision is reasonable taking into account all relevant factors impacting on the home seeker and their household.

2.14 If a home seeker has previously been disqualified for social housing because of unacceptable behaviour but now considers that their circumstances have changed sufficiently they should complete a new housing application. The home seeker will need to demonstrate that their circumstances have changed sufficiently that the above no longer applies, for example, that there has been a sufficient lapse of time since the previous application was submitted and there is evidence of sustained behavioural change.

- 2.15 The decision to exclude anyone from the register on the basis that they do not qualify for social housing rests with the Housing choices Team Leader , and home seekers will be informed in writing of the reason why their application has been rejected. They will have the opportunity to appeal against this decision if they feel it is incorrect (see Section 4).
- 2.16 Home seekers who reapply within a year of securing new social housing- Home seekers will not normally be allowed onto the housing register if they are an introductory or starter tenant within the first year of a social tenancy unless this has been agreed when granting the tenancy or where there has been a significant change in circumstances that was not foreseeable at the time the tenancy was granted.
- 2.17 Where an applicant has demonstrated behaviours that make them unsuitable to be a tenant but would qualify for specialist accommodation or accommodation with specialist support an applicant may be accepted onto the register subject to restrictions as to the accommodation they can be offered. In such circumstances an applicant will be subject to limitations on their availability to bid through choice based lettings and limited to nominations/allocations through alternative arrangements. The applicant will be clearly informed of this at the time of their acceptance onto the register.
- 2.18 All cases will be considered on their merits.

### **3. Home Seekers under the age of 18**

- 3.1 Home seekers must be aged 16 years or over to apply to join the housing register but those home seekers under the age of 18 may be subject to locally agreed protocols which will determine the type of property and support services required for them to be considered for accommodation.
- 3.2 Home seekers aged 16 and 17 looking for social housing in North West Leicestershire must provide details of a guarantor and/or a person to hold the tenancy in trust to be allowed onto and remain on the register. The guarantor/trustee must be a responsible person such as a parent or other close family member, or a representative from a support agency, such as Social Services.
- 3.3 Subject to 3.4 home seekers aged 16 and 17 will be assessed in the same way as all other home seekers joining the housing register.
- 3.4 When an application is received from a homeless home seeker aged 16 or 17, North West Leicestershire District Council will in the first instance, seek to establish if accommodation should be provided under Section 20 of the Children Act 1989 and will request that Children and Young People's Services undertake a "child in need" assessment. If it is established that the child is not a "child in need" and other suitable accommodation cannot be secured through the Council's Homelessness Duties, the application will be assessed in the same way as all other home seekers joining the housing register
- 3.5 When an application is received from a lone parent under the age of 18, North West Leicestershire District Council will seek to carry out a joint assessment of needs and support with Social Services. The assessment will only be undertaken after the home seeker has given their consent.
- 3.6 Although under 18s are allowed on the housing register it is at each landlord's discretion if, and under which circumstances, they will rehouse home seekers under 18.
- 3.7 Six months before a young person's 18<sup>th</sup> birthday the Council will consider an application for accommodation from someone without a guarantor/trustee as per 3.2 but they may be overlooked for accommodation until their 18<sup>th</sup> birthday. All other qualification criteria will still apply.

#### **4. Right to Review**

- 4.1 Section 166A(9) of the 1996 Act includes a requirement for an allocation scheme to give home seekers a right to review a decision on qualification in s.160AZ(9), and to be informed of the decision on the review and the grounds for it. This is in addition to the existing right to review a decision on eligibility.
- 4.2 By virtue of s.160ZA (9) and (10) the Council must notify a home seeker in writing of any decision that he or she:
- is ineligible for an allocation of accommodation under s.160ZA (2) or (4), or
  - is not a qualifying person under s.160ZA (7)
- 4.3 The notification will give clear grounds for the decision based on the relevant facts of the case. Section 160ZA(10) provides that, where a notification is not received by the home seeker, it can be treated as having been given to him or her, if it is made available at the Council's office for a reasonable period.
- 4.4 If the Council considers that a home seeker may have difficulty in understanding the implications of a decision on ineligibility or disqualification, the Housing Choices Team will arrange for the information to be explained verbally in addition to providing a written notice.
- 4.5 Home seekers also have the right, on request, to be informed of any decision about the facts of their case which has been, or is likely to be, taken into account in considering whether to make an allocation to them (s.166A(9)(b)).
- 4.6 If a home seeker is successfully matched for a property but is refused the offer of accommodation by the Council or one of the Registered Provider partners, they should ask for a review of the decision. The Council and each partner Registered Provider operate their own appeals process. A member of the North West Leicestershire Housing Choices Team will be able to provide the home seeker with a copy of the relevant review procedure.
- 4.7 Under s.166A(9)(c) home seekers have the right to request a review of any of the decisions mentioned in paragraphs 4.2, 4.5 and 4.6 above and to be informed of the decision of the review and the grounds for it. Home seekers wanting to exercise a right to review, or someone appointed by them to act on their behalf, should submit a request, preferably in writing within 21 days of the original decision letter to:

Housing Choices Team Leader  
North West Leicestershire District Council  
PO Box 11051  
Coalville  
LE67 0FW

Requests should indicate the reasons why a request for a review is being submitted and any points that the authority is requested to take into account, and the details of any representative they have appointed. Where a home seeker is unable to provide a written submission, verbal representations will also be accepted.

- 4.8 The officer considering the review will not have been involved in the original decision. The review will take account of the allocation scheme, the relevant legislation and guidance, any information provided by the home seeker or his/her representative and any other relevant circumstances.

Reviews will be completed within 15 working days of the application being received.

- 4.9 If the home seeker is not satisfied with the outcome of the review they can ask for their case to be considered by a more senior officer. A request for a second tier review should be made within 15 working days of the date on the review decision letter.

- 4.10 Any reviewing officer will not have been involved previously in the case and will normally carry out the further review within 40 working days of the request. A written notification of the decision, including grounds for the decision, will be sent to the home seeker.

- 4.11 If the home seeker is not satisfied with the outcome of the second tier review, he/she may challenge the decision in the High Court on a point of law. The home seeker has three months from the date of the decision letter to apply.

- 4.12 All correspondence will be sent to the mailing or email address on the home seeker's application as per their correspondence preference.



## **5. Home Seekers with Mobility Needs**

- 5.1 If a home seeker indicates on their registration form that they have a mobility need, then they will be asked to complete a set of questions to determine the, the type of property that would be suitable and any adaptation that would be required to the property.
- 5.2 The mobility needs assessment will be used to assess what the home seekers housing needs are and what property types they will have access to and preference for. Where necessary professional help will be sought in order to accurately assess how the individual's mobility issue affects their housing need.
- 5.3 North West Leicestershire District Council will advertise vacancies as they become available. This includes those properties that are suitable for the needs of home seekers with mobility problems, or those that have been specially adapted in some way. North West Leicestershire District Council will include information on the level of adaptations and/or accessibility features within the property advertisement.
- 5.4 Properties that are suitable for home seekers with mobility problems will be clearly advertised with details of any adaptations or special facilities to allow home seekers to bid for properties that will meet their needs.
- 5.5 The Council will aim to make best use of the available housing by matching property characteristics to a household's needs and circumstances.

Where preference is to given to home seekers with a mobility need such as in the case of level access properties then this will be clearly stated on the advert.

Where a property is particularly suitable to meet a specific mobility need or could be easily adapted to do so, the decision may be taken to allocate the property through a management allocation (according to the process described in section 11). Home seekers will be selected on the basis of their mobility needs assessment. Management allocations will be restricted to situations where a home seeker has very specific needs which are unlikely to be met through the choice based system.

- 5.6 Where a home seeker is unsure as to whether a property would meet their housing need or whether it might be suitable for adaptations they should contact the landlord of the property to inform their decision to bid before the bidding cycle ends.

## **6. Household Eligibility**

- 6.1 Individual landlords have some discretion to set their own eligibility criteria. These will be set out clearly within the advert. By logging in to the Choice Based Lettings system applicants will see the current adverts they are eligible for. If a home seeker thinks that they are unable to bid for properties they believe they should be eligible for, they should contact the Housing Choice Team within the relevant bidding cycle. Where an applicant is bidding for a property that would result in under occupying in terms of benefit regulations they may be overlooked on affordability criteria.

### **Household Definitions - Guidance**

- 6.2 A household is the group of people that would normally be expected to live together. It will often comprise people with caring responsibilities such as a parent, or someone with parental responsibility and children or adults who have demonstrated a long-term commitment to living together whether as a couple or other family unit. The purpose of the allocations policy is to house households into suitable accommodation that meets their needs. Moving another person into an existing home will not automatically make them a household member and in some circumstances to address housing need they may be expected to apply for accommodation in their own right. Equally, where an applicant expresses a wish to be rehoused with someone they are not currently residing with they will be expected to demonstrate the nature of their long term commitment to living together.
- 6.3 Where a parent has overnight access to their children, an additional bedroom need may be awarded to allow the children to sleep over. Households falling into this category must provide evidence that they have access to the children and provide at least 2 nights of secondary care on a regular basis.

The following conditions apply:

- a. This will normally entitle a household to a single additional bedroom regardless of the number of children to whom the home seeker has access.
- b. A household will not normally be afforded a priority for being a bedroom short except where the current accommodation is a bedsit/studio.
- c. For the purposes of this section a child is considered to be any young person under the age of 18.
- d. An additional bedroom will only be allowed for a household which would be overcrowded when additional children are staying following the rules on bedroom requirements set out in Section 6.14 and 6.15. Those that could be accommodated within the existing household will not generate an entitlement to an additional bedroom.

- e. In cases of a shared residency agreement including a joint residence order, the Council reserves the right to determine a primary carer for housing purposes. Only the primary carer would be entitled to the full bedroom eligibility for the household. When making this decision the Council will follow the same decision process as that used for determining the main responsibility for benefits purposes.
  - f. Single person households or couples with access to children cannot normally be considered for properties larger than a two-bedroom property irrespective of the number of children they have access to.
  - g. Individual landlords are able to apply their own policies with regard to the size or type of properties that will be available to home seekers awarded an additional bedroom need due to overnight access. The relevant eligibility criteria will be listed on the property advert.
- 6.4 Accommodation designated for older home seekers will be advertised with a minimum age criteria dependent upon the landlord's policy, and properties will be advertised accordingly, indicating any additional services that are available (if any). Where joint home seekers are bidding for this type of property, only one home seeker normally needs to meet the minimum age criteria stated on the advert.
- 6.5 A single parent household is entitled to the same size accommodation as a two-parent household with the same number of children.
- 6.6 A child must spend a minimum of four nights per week with the home seeker in order for them to be classed a permanent resident. Exceptions will be considered, for example in circumstances where the child resides away from the home seeker on a temporary basis but their permanent home is with the home seeker.
- 6.7 A home seeker may add a joint applicant to their housing application. Checks will be made to ensure that joint home seekers added are eligible to join and become a tenant. The home seeker's application will be re-assessed based on the combined circumstances of all household members and they will be notified of any changes, for example a change in their housing need band.
- 6.8 A home seeker may add additional household members to their application. Checks will be made to verify their identity, circumstances and confirm their housing history. Where an adult is added to an application the Council will carry out checks to confirm that there are no impacts on qualification.
- 6.9 A joint home seeker may wish to be removed from the existing application and apply separately in their own name. In such circumstances, the home seeker's new application will be backdated to the date they joined the original joint application.

- 6.10 In exceptional circumstances home seekers may be allowed to bid on properties they would not normally be eligible for. In making this decision North West Leicestershire's Choice Based Lettings scheme will consider the needs of each household and the needs of each landlord to make best use of their housing stock.

### **Supported, Sheltered Housing and Extra Care**

- 6.11 Home seekers will need to satisfy the advertised age rules for the scheme and/or be assessed as having a support need that can be met within supported or sheltered housing.
- 6.12 Home seekers with assessed support needs will be eligible to bid for properties where support is provided or in some cases in general needs accommodation where alternative support arrangements can be put in place. Where a home seeker has bid for supported accommodation, it is expected that they will engage with this support to ensure they are able to maintain their tenancy. Home seekers who are allowed onto the housing register because of a need for sheltered or supported housing who would otherwise not be eligible for the register will only be allowed to bid for suitable supported accommodation. The offer of supported accommodation may be subject to a Social Care Assessment.
- 6.13 In applying this policy it is recognised that there will be circumstances where a household's accommodation needs and support needs will need to be met separately. The priority of this policy is to meet a home seeker's accommodation needs. The Housing Choices Team will, where appropriate, work with relevant agencies to help a home seeker meet their support needs.

### **Defining Bedroom Requirements**

- 6.14 The Council's policy on bedroom need is based on the Housing Benefit rules on bedroom eligibility. This is to ensure that issues of affordability are avoided.

The following rules are used to determine the minimum size of accommodation needed by a household:-

A separate bedroom is normally needed for each of the following:

- Every adult couple or single parent
  - Any other person aged 16 years or over
  - Any two children aged under 16 years of the same sex
  - Any two children aged under 10 years regardless of sex
  - Any other child
- 6.15 Normally to be included in the household a person needs to be living with you all the time. If someone is away from home, they still count as living with you if:
- they intend to return to live with you
  - you haven't sublet their room

- if they are in the UK, they are not likely to be away for more than 13 weeks
- if they are outside the UK, they are not likely to be away for more than four weeks

If they're away for up to a year, they can still count as living with you if they both:

- intend to come home
- are in hospital, or away studying or training are an adult child who is serving away from home in the Armed Forces.

### **Medical need for an extra bedroom**

6.16 A additional bedroom may be awarded in the following circumstances:

A member of the household has a disability or medical reason that means they are unable to share a bedroom. Behavioral issues can be included as long as they can be evidenced.

A home seeker has a non-resident carer (or group of carers) providing regular overnight care to themselves or a disabled household member.

When considering whether an extra bedroom is needed the Council will take into consideration:

- Whether the household receives or would be likely to receive an additional bedroom entitlement for housing costs purposes as part of a benefit claim
- Proof of need and receipt of overnight care
- Any assessment made by a medical or care professional that supports the fact the person cannot share a bedroom.

6.17 In assessing any bedroom shortage in a household's existing accommodation, the best fit according to these rules will be taken, even if that is different to the pattern of occupation of the existing accommodation.

6.18 Rooms that would normally be expected to be used as a bedroom but are in use for other purposes will also be included in the calculation. An exception will be where a home seeker does not have sole occupancy of the property and does not have control over the use ,of the rooms.

6.19 Home seekers awarded preference based on having a bedroom shortage or surplus may be restricted from bidding for a property of the same bedroom size as currently occupied. Where a household in these circumstances wishes to bid for a property of the same size they will have their banding amended as though they were adequately housed.

- 6.20 Large families (i.e. those with five or more children) may be given additional priority over smaller households for larger properties such as those with four or more bedrooms.
- 6.21 Foster carers are entitled to an additional bedroom as long as they have fostered a child or become an approved carer in the last 12 months. Prospective foster carers will be considered, on evidence that Children's Services will approve the home seeker as a foster carer subject to availability of suitable size accommodation.
- 6.22 For the purposes of defining bedroom requirements, an unborn child will count as a child from within 6 months of the expected date of delivery. This will be calculated by taking the estimated due date provided by the health service rolled back by 6 calendar months. Home seekers are required to provide proof of birth within 6 months to retain their bedroom entitlement. Landlords retain the right to withdraw an offer should the property be unaffordable to the home seeker at the time of letting.
- 6.23 The same approach as detailed in section 6.22 above will be taken 6 months before each household member's birthday with regard to calculating bedroom eligibility.
- 6.24 A bedsit/studio flat will be deemed as having one bedroom suitable for single occupancy for eligibility and overcrowding purposes and so a single person living in a bedsit with no other issues will be placed in the low or potential band whereas a couple in the same circumstances will be deemed one bedroom short.

## **7. Assessing Housing Need**

- 7.1 Whilst offering choice, North West Leicestershire's Choice Based Lettings scheme must take into consideration the housing needs of each home seeker and their household to allow those home seekers in greatest need to be given greatest preference.
- 7.2 We will consider and assess the housing needs of each household. All home seekers who are eligible to join the housing register will be allocated one of five housing need bands by the Housing Choices Team, determined in accordance with their verified housing need. The five bands are as follows
- Critical Housing Need (highest)
  - Urgent Housing Need
  - Medium Housing Need
  - Low Housing Need
  - Potential Housing Need (lowest)
- 7.3 Home seekers must notify North West Leicestershire District Council immediately of any change in their housing circumstances. The Council may need to undertake further enquiries before reassessing the application. A home

seeker's application may move from one housing need band to another following the reassessment.

- 7.4 If a home seeker feels that their application has been assessed incorrectly, they have a right to request a review of the decision (see section 4).
- 7.5 Home seekers will normally be placed in the highest housing need category they qualify for except in the case of Home seekers who fall into the categories outlined in 9.7 or who have been allowed onto the register without a local connection under 9.6. Home seekers to whom the Council has accepted a duty under the homelessness legislation will be dealt with as set out in section 7.26. This approach compliments the band categories as set out below.

### **Band 1 – Critical Housing Need**

- 7.6 Home seekers who have been assessed as having an emergency need to move (see 9.27 onwards) will be placed in the critical housing need band. Home seekers can remain in the critical housing need band for a period of up to 8 weeks. If no suitable properties have become available during the 8 week period, or the home seeker has not been successful in their search for accommodation their application will be reviewed. In exceptional circumstances home seekers may be granted an extension, the length of which will be determined by the Housing Choices Team Leader.
- 7.7 Home seekers in the critical housing need band retain the right to bid for properties of their choice. However, if they fail to use all of their opportunities to bid in any cycle within the critical period the Housing Choices Team reserves the right to place bids for the home seeker on suitable properties that meet their housing need. The time by which the Home Seeker is expected to have used their bids will be agreed in advance with the Home Seeker. Home seekers will be expected to place bids on all suitable properties and consider all offers of suitable accommodation. Failure to bid for suitable properties or refusal of an offer of suitable accommodation may result in the priority not being renewed at the end of the eight-week period. Furthermore, at the end of the eight-week period they may be considered to have deliberately worsened their own circumstances and placed in a lower band.
- 7.8 Critical need to move will be recognised in the case of:-**
- a) **Emergency Welfare need** – circumstances could include (this is not an exhaustive list)
- Home seekers who are subject to severe harassment, threats of violence or actual violence, or threats of physical, emotional, or sexual abuse.

- Home seekers living in a property where the conditions are classed as unsafe or risk of imminent harm that cannot be remedied within a reasonable time (not resulting from damage caused by the home seeker).
  - Home seekers living in a property that is statutorily overcrowded
  - Young people leaving Care. The home seeker will have been through their housing options with the Council and all other options will have been exhausted.
- b) **Emergency Medical need** – circumstances could include a home seeker with a progressive or chronic medical condition combined with other difficulties such as the need for adapted accommodation or the inability to be discharged from hospital to their current accommodation.
- c) **Complex Housing Needs-** Would include a number of high need factors which taken together create an urgent need to move. This could be, for example, a combination of severe physical and learning disabilities combined with stress caused by harassment.
- d) **Management need** – circumstances could include (this is not an exhaustive list)
- Tenants needing an emergency transfer because their current property is in need of urgent repair (includes demolition)
  - Those succeeding to a tenancy that is not suitable to their needs and who have lived in the property for at least the last 12 months.
  - Home seekers who have no right in law to remain in their current Council or Registered Provider accommodation, i.e. they have no right of succession but the home seeker has lived in the property for at least the last 12 months.
  - Tenants occupying a wheelchair adapted property they no longer need which is required for another home seeker.
  - Other urgent need to move.
- e) **Displaced agricultural workers** - who qualify for assistance under the Rent (Ag) Act 1976

**Band 2 – Urgent Housing Need**

7.9 **Two or more needs from the following Medium housing need band sections** - A home seeker will be assessed as Urgent need if the home



seeker has been assessed as having two or more needs from the following sections of the Medium housing need band AND these needs do not have the same underlying cause, for example where damp could be considered poor housing conditions but also is likely to lead to medical issues. No more than **one** factor to be taken from **each** of the following sections:

- Poor housing conditions
- Medical need to move
- Welfare need to move
- Overcrowded Housing

Please note that insecure accommodation is not included in the list above.

- 7.10 **Home seekers where there is overcrowding by two or more bedrooms short of the assessed need** - (the home seeker would not normally be considered eligible to bid for the same size property as currently occupied unless their banding is altered to reflect that fact).
- 7.11 **A home seeker who is living in supported accommodation and the Council has a move on agreement with the housing provider** and their key worker and the Council has agreed that independent accommodation would now be appropriate. The Council may require the key worker to provide a “ready to move assessment,” to support their recommendation.
- 7.12 **A home seeker who is living in Residential Care type accommodation where their current needs no longer require such accommodation** and all necessary agencies are in agreement that independent accommodation could be suitable with necessary support **and** such support will be available.
- 7.13 **Social Tenants within the Local Authority area who are under-occupying a home which is in high demand from other home seekers and/or where there is assistance available from a local Tenants’ Incentive Scheme** - (the home seeker would not be considered eligible to bid for the same size property as currently occupied).
- 7.14 **Home seekers who require adaptations that cannot be economically and/or technically achieved in their existing accommodation.** Home seekers who require adaptations beyond level access accommodation where this cannot be economically and/or technically achieved in their existing accommodation, or that fall outside of the policy of their landlord and/or the DFG criteria, will be placed in the Urgent Band. In some circumstances such home seekers will be identified for a direct match to accommodation which is adapted or particularly suitable for the appropriate adaptations.
- 7.15 Home seekers in the Urgent housing need band can remain in this band for up to 26 weeks. If no suitable properties become available during the period, or the home seeker has not been successful in their search for accommodation, their application will be reviewed. In exceptional circumstances, home seekers

can be granted an extension up to a further 16 weeks to remain in the Urgent band. The Housing Choices Team Leader will determine the length of any extension, taking into account a range of factors such as the previous availability of suitable properties and the home seeker's bidding history.

- 7.16 Home seekers in the Urgent housing need band retain the right to respond to properties of their choice. Home seekers will be expected to consider all suitable properties. Failure to bid for suitable properties or refusal of an offer of suitable accommodation will be taken into account if the application is reviewed at the end of the six-month period. If suitable accommodation had been available within this period, the applicant may be considered as having deliberately worsened their own circumstances and placed in low band.
- 7.17 Any applicant that does not have their band extended will be provided with an explanation of why the decision has been made including which properties they would have been expected to bid for. They will be able to request a review of the decision by writing to the Housing Choices Team Leader.

***Home seekers who have been given preference due to need for a different sized property may be restricted to bid on properties that meet their needs. Preference will not be applied to home seekers who bid on properties of the same size.***

### **Band 3 – Medium Housing Need**

- 7.18 **Poor housing conditions** – home seekers living in unsanitary, or unsatisfactory housing conditions. This could include:
- a) **Housing that is not in a reasonable state of repair** - Housing failing on this point will be those where **one or more key building components** are old, in a poor condition and in need of major repair or replacement. This means external walls, roof, external windows/doors, chimneys, central heating boilers, gas fires, storage heaters, plumbing and electrics. Where there is evidence that disrepair is a result of tenant damage, additional preference will not be awarded. When making this assessment consideration will be given to individual circumstances, such as whether the damage was caused by an ex-partner or other former family member.
  - b) **Housing that does not have reasonably modern facilities and services**  
-  
Dwellings failing on this point are those that lack **three** or more of the following:
    - a reasonably modern kitchen
    - a kitchen with adequate space and layout

- a reasonably modern bathroom
  - an appropriately located bathroom and WC
  - adequate noise insulation (where external noise/neighbourhood noise is a problem)
  - adequate size and layout of common areas for blocks of flats
- c) **Housing that does not provide a reasonable degree of warmth** - Housing that does not have a heating system or other means of heating the property or the heating system at the property does not work or is in poor condition will fail this point.
- d) **Other poor housing conditions** - In exceptional circumstances, other poor housing conditions will be considered where there is evidence that the housing conditions are having a detrimental effect upon the welfare or health of the household, an example could be mould and damp within the property.

*[These criteria will be assessed in partnership with Environmental Health services. Where a home is found lacking in relation to these standards, the Environmental Health Officer will consider using the powers available to ensure that the property owner is made to meet acceptable standards. Where it is expected that the disrepair can be remedied in a reasonable time period priority may not be given unless there are unnecessary delays].*

**7.19 Medical need to move** – home seekers with a medical, disability or mobility problem. This could include:

- Verified high medical need where the home seeker's condition is currently, directly affected by their accommodation and a move to alternative accommodation (which they are assessed as eligible to bid for) would resolve or ease their medical condition. Medical need to move is unlikely to be granted where the current property is deemed suitable for the home seekers medical needs.
- Level access accommodation is required and there is no prospect of adaptations to the home seeker's current property being made within 12 months. Suitable proof will be required i.e. confirmation from a local Occupational Therapist or landlord. The home seeker may be referred to local agencies for assistance with adaptations. The need for more complex adaptations may result in an award of Urgent Banding

**7.20 Welfare need to move** – this could include:

- a) Home seekers suffering from harassment or neighbour nuisance such as verbal abuse or damage to the property. The problems will have been reported to the landlord and/or the Police for action but despite co-operation and support from all parties a satisfactory conclusion not found. The

harassment is not at a level whereby the home seeker has an emergency need to move.

- b) Home seekers with a need to be near relatives to give or receive assessed care/support. This would only apply where NOT moving would cause physical, financial, or emotional hardship to either party.
- c) Home seekers with an evidenced need to move closer to specialist educational or similar organisation, agency, or institution. This would only apply where NOT moving would cause physical, financial, or emotional hardship to either party.
- d) Home seekers who need to move to access work. They will either have found permanent employment within the District and need to move closer to work to prevent financial hardship or they are unable to take up an offer of work because the workplace is not accessible from their current home. An assessment will be undertaken; this may involve contacting the home seeker's employer or other agencies such as Job Centre staff.
- e) Home seekers who are having difficulty in meeting their housing costs due to financial hardship caused by reasons outside of their control. This could include:
  - Inability to meet housing costs in the private sector due to restrictions in LHA rates where the home is a suitable size
  - Being ineligible for housing benefits due to age
- f) Home seekers who are required to share facilities with people who are not part of their household. This will only apply to households with dependent children or where the home seeker or a member of their household is considered vulnerable for another reason.

***Home seekers who have been given preference because they have been assessed as meeting the criteria in categories 9.20 (b), (c) or (d) above, may be restricted to bidding for homes advertised in the areas they have demonstrated a need to move to].***

***Home seekers who have been given preference under 9.20 (e) will still be required to demonstrate that any accommodation offered is affordable.***

**7.21 Overcrowded housing** - This means a household that is one bedroom short of the assessed need for that household.

***Home seekers who have been given preference due to need for a different sized property may be restricted to bid on properties that meet their needs. Preference will not be applied to home seekers who bid on properties of the same size.***

**7.22 Insecure accommodation** – this would include:

- a) Home seekers who currently rent accommodation privately on an assured shorthold tenancy or a tied tenancy and have been served with a valid notice to leave.
- b) Home seekers accommodated as a licensee/lodger; or
- c) Home seekers living with family, relatives or friends
- d) Social tenants who have a fixed term tenancy and have been served notice that this will not be renewed, providing they still qualify for the housing register.

**Band 4 - Low Housing Need**

7.23 Applications will be accepted onto the housing register and considered in low housing need if:

- The home seeker has been guilty of behaviour within the last 12 months that affects their suitability to be a tenant. The behaviour is not serious enough that enforcement action would normally have been taken and does not warrant exclusion from the housing register on the basis that they do not qualify for social housing. This relates to not only the home seeker, but also other members of their household. The home seeker will usually remain in the Low Band for at least 12 months. If there is a relevant change in the household's circumstances during the 12-month period the home seeker may contact the Housing Choices Team to request that their priority is re-assessed. Otherwise, the home seeker will remain in Low Band for twelve months following which the home seeker will be able to request a reassessment of their housing need band.
- The Home seeker would otherwise be excluded from the housing register as a result of suitability to be a tenant but have been accepted onto the housing register due to an overriding housing need.
- Home seekers who have deliberately worsened their circumstances to gain an unfair advantage over other home seekers on the housing register may be placed in the Low housing need band for a period of 12 months. This will normally include households who have been found to be intentionally homeless. The application will then be reassessed. If there is a relevant change in the household's circumstances during the 12-month period the home seeker may contact the Housing Choices Team to request that their banding is re-assessed. Home seekers may be considered to have deliberately worsened their circumstances if they have

been placed in higher bands but not taken the opportunity to bid for more suitable properties during the fixed period awarded.

- The home seeker is a social tenant who accepted a property knowing that it did not fully meet their needs and whose circumstances have not changed significantly.

7.24 Private Rented Sector Tenants who are adequately housed, who are not subject to a notice and do not have a welfare, medical or other additional need for alternative housing.

### **Band 5 - Potential Housing Need**

7.25 Applications will be accepted but normally given no preference if:

- The applicant is in private rented accommodation and has full security of tenure at least comparable to a full assured or secure tenancy and no welfare or medical need to move.
- The home seeker is a social tenant whose current accommodation is the correct size for them (as defined in section 6.14) and who does not have a welfare, medical or other exceptional need to move.
- The home seeker is seeking to access affordable home ownership schemes only.
- The home seeker has been allowed onto the housing register as they may be suitable for older persons or hard to let accommodation but otherwise would not meet the qualifying criteria. This includes homeowners who have an existing property that is available, suitable and affordable or they can meet their needs within the market
- The home seeker is not considered suitable for general needs accommodation but may be suitable for specialist accommodation subject to an allocation. (an applicant's ability to bid through Choice Based Lettings may be restricted whilst placed in this band).

### **Homeless Households**

7.26 The following section applies to homeless households where the Council has accepted a duty under the homelessness legislation.

7.27 A homeless household will still need to meet the qualification criteria for the housing register.

7.28 Where the Council has accepted a homeless duty and has decided or has reason to believe the home seeker is in priority need and unintentionally

homeless and therefore would be owed a main homeless duty the home seeker will be placed in Band 1 – Critical Housing Need for a period of up to 56 days.

- 7.29 If a decision is made during the relief duty that the main homeless duty will not be owed then the application will be reviewed and placed in the appropriate band according to the criteria below.
- 7.30 Upon reaching 56 days in Band 1 – Critical Housing Need, the application will be reviewed. If it is felt on review that the home seeker has:
- (a) not bid on all properties that are suitable during this period, or
  - (b) has not made sufficient endeavours to secure an offer of accommodation
- Then the application will be moved into Band 2- Urgent Housing
- 7.31 The home seeker will continue in Band 2 – Urgent Housing until such time as:
- (a) They accept an offer of accommodation
  - (b) The prevention duty is ended and no relief duty is owed
  - (b) The relief duty is ended
  - (c) 56 days have passed
- 7.32 If a home seeker is found to be owed a main homeless duty then the application will be moved to Band 3 – Medium need and a direct qualifying homelessness offer will be made.
- 7.33 Where the Council has accepted a homeless duty but the home seeker does not qualify for Band 1 – Critical Housing need as per section 7.29 will be placed in Band 2 – Urgent Housing Need for up to 56 days (subject to not falling under the criteria in section 7.35 below).
- 7.34 The home seeker will continue in Band 2 – Urgent Housing until such time as:
- (a) They accept an offer of accommodation
  - (b) The prevention duty is ended and no relief duty is owed
  - (b) The relief duty is ended
  - (c) 56 days have passed
- 7.35 Upon reaching 56 days in Band 2 – Urgent Housing Need the application will be reviewed. If it is felt on review that the home seeker has:
- (a) not bid on all properties that are suitable during this period, or
  - (b) has not made sufficient endeavours to secure an offer of accommodation
- Then the application will be moved into Band 3- Medium Housing Need
- 7.36 If a home seeker reaches the end of the relief duty and no main homeless duty is owed then their application will be placed in Band 3 – Medium Housing Need (subject to not falling under the criteria in 7.37 below).
- 7.37 A homeless home seeker will still be placed in the low band where their behaviour including in relation to their bidding activity, meets the necessary criteria

### **Moving between housing need bands**

- 7.38 A home seeker's housing need band will change if their level of need changes (see 9.4).
- 7.39 When a home seeker moves up to a higher housing need band their effective date will change to the date they moved in to the higher band.
- 7.40 Home seekers who move to a lower housing need band will retain their current effective date **or** the date they were previously in that housing need band.
- 7.41 Where it is determined on review that the home seeker should have been placed in a higher housing need band, they will retain their existing effective date rather than be awarded the higher priority from the review decision date. Where a review introduced new information not available to the original assessor, the reviewing officer will make a judgement as to the appropriate effective date.
- 7.42 Where a home seeker has been placed in the low band due to deliberately worsening their own circumstances this will normally be reviewed after a period of 12 months, however if there has been a significant change of circumstances then this review may take place earlier.

### **Additional Preference for Armed Forces and former service personnel**

- 7.43 The following groups will be awarded additional preference within their allocated banding by receiving an additional 3 months waiting time to their band start date.
- those serving in the regular forces and suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,
  - those who formerly served in the regular forces,
  - those who have recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service,
  - those serving, or who have served in the reserve forces and are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to their service.



## 8. Advertising Properties

- 8.1 The Council will advertise between 90-100% of all empty Council properties through North West Leicestershire's Choice Based Lettings scheme and through the operation of an agreed Service Level Agreement, will encourage partner landlords to advertise the same percentage of their empty homes. The advert will contain basic information about the property and the eligibility criteria that home seekers must meet.
- 8.2 Property adverts may be restricted to receiving bids from or giving preference to certain types of home seeker, for instance, where a local lettings policy has been agreed, or the homes advertised form part of a new development that is subject to letting criteria set out in a section 106 agreement. For example, property adverts may be restricted to home seekers by:
- Support needs (i.e. Sheltered, Extra Care and Supported)
  - Banding
  - Home Seeker Age
  - Mobility
  - Household type and size
  - Local Connection
  - Economic Status
- 8.3 (this list is not exhaustive and policies will be adapted to meet the circumstances of the estate/development)
- 8.4 Partner landlords may introduce their own additional criteria for properties. Where this is the case these will be clearly shown on the advert.
- 8.5 Home seekers will be able to view the weekly property adverts online will be able to request support from the Housing Choices Team in order to review and bid on properties.
- 8.6 The property listings **may** include details of other affordable housing options in the District. This may include private rented properties, low cost home ownership and Homebuy options.

## 9 Local Lettings Policies

- 9.1 From time to time the Council or its partners may introduce a local lettings policy for a specific area or development in order to address local issues or ensure a balanced community. For example a local lettings plan may have regard to the following considerations:
- Providing a mix of household sizes and types in order to provide community stability
  - Reducing the likelihood of anti-social-behaviour in areas that have existing high levels of anti-social behaviour.
  - Strong local demand

- The protection of vulnerable communities
- 9.2 Local Lettings Policies should have consideration for the objectives within the introduction to the Allocations and Lettings Policy and the guidelines set out in Appendix One. They should:
- Be developed with a clear objective in mind
  - Cover the smallest geography required to meet the objective.
  - Be time limited or subject to review.
- 9.3 Where a local lettings policy applies this will be clearly marked on the advert and a copy of the policy or link to the policy will be made available on the Choice Based Lettings website. As far as possible the shortlisting criteria will reflect the conditions of the local lettings policy allowing a home seeker to make informed choices.
- 9.4 For some specialist schemes the local lettings policy may allow for allocations/nominations outside of the Choice Based Lettings scheme. This will be clearly marked within the Local Lettings Policy.

## 10. Bidding for Vacant Properties

- 10.1 Home seekers are responsible for bidding for properties that are advertised. Bidding **does not** involve pledging any money, it is simply the term used for expressing an interest in a property. If a home seeker is unable to search and bid for properties they will be assisted by a member of the North West Leicestershire Housing Choices team (see 10.5).
- 10.2 Home seekers are responsible for ensuring that they place bids in response to property adverts before the stated closing date. Requests for bids to be made after the closing date **will not** be considered.
- 10.3 Home seekers can currently place up to 2 bids per advertising cycle. Home seekers can cancel bids and place them on other advertised properties at any time during the bidding period. Home seekers will be informed of their position in the short-list at the time of bidding. If a property that a homeseeker has placed a bid on is withdrawn the applicant will be notified as soon as possible and they will have the chance to place the cancelled bid on an alternative property subject to eligibility.
- 10.4 Whilst home seekers are not normally penalised if they fail to respond to properties advertised, home seekers in Critical and Urgent housing bands will be expected to consider **all** suitable properties.
- 10.5 North West Leicestershire District Council retains the right to discharge the authority's statutory main homeless duty by making one suitable offer of accommodation to the homeless home seeker as described in sections 7.27 to 7.35.
- 10.6 North West Leicestershire District Council reserves the right to change the frequency of advertisements, for example due to the Christmas holiday period.
- 10.7 Once an applicant has provisionally accepted an offer of accommodation their application will be suspended and they will not be able to bid on further properties as they are advertised. Once a provisional offer of accommodation has been accepted applicants will normally be overlooked for other properties they have already bid on, however if a landlord becomes aware that the expected availability of the property will be significantly delayed landlords should try to contact the applicant to ask if they would like to continue to bid.
- 10.8 In the case of homeless households any proposals to amend offers due to property availability will be discussed with the Case Officer who may then discuss the implications of not agreeing to an earlier property with the applicant
- 10.9 The Council may make a direct offer or place bids on behalf of homeless households where this could prevent or relieve homelessness or meet the Council's main homeless duty to secure accommodation. In this situation the Council will still have regard to the accepted criteria on suitability of

accommodation. Where the Housing Choices Team intends to make a bid on behalf of a homeless household reasonable attempts will be made to inform the home seeker in advance. Wherever possible the home seeker will be given the opportunity to bid for properties themselves, however an inability to contact the home seeker will not restrict the ability of the Housing Choices Team to place bids on their behalf. The home seeker will not be able to withdraw any bids made on their behalf.

## **11. Direct offers and Management Allocations**

11.1 North West Leicestershire Choice Based Lettings scheme aims to give all home seekers choice in where they live. In exceptional circumstances, it may not be possible to offer the home seeker choice and a direct offer of accommodation, or a Management Allocation, may have to be made.

11.2 A Direct Match or Management Allocation may be made in one of the following circumstances (this list is not exhaustive)

- When a Council tenant or tenant of a Registered Provider partner needs to be decanted from their property because it requires major refurbishment or repair or is identified for demolition
- Where a property has been compulsorily purchased and there is a legal requirement to offer the household a specific property
- Where the home seeker could pose a risk to individuals or other members of the community
- Where the Council or Registered Provider partner has decided that this is the best use of stock.
- Where a home seeker has particular accommodation needs such as mobility requirements that are not likely to be met through the Choice Based Lettings process
- Where a homeless household is occupying a property as temporary accommodation that would be suitable to meet their long term accommodation needs
- Where a homeless household is owed the full housing duty

11.3 Properties to be allocated on a Management Allocation basis will not be advertised through the scheme but information on management allocations will be available to home seekers on the housing register via the Choice Based Lettings website.

## **12. Difficult to let Properties**

- 12.1 The term 'difficult to let' usually refers to properties that have been advertised twice but have not attracted any eligible bids.
- 12.2 If a particular property type has a history of falling within the difficult to let definition, the Council or Registered Provider may alter the eligibility criteria on the next advert to encourage home seekers of a different age or household type to bid. The Council will work with all social housing providers to identify and encourage home seekers who would meet the revised criteria to bid. Alternative advertising methods may then be considered and a management allocation made to someone who expresses an interest in and is eligible for the property.
- 12.3 If the property still remains vacant, then following consultation, consideration should be given to other changes in the eligibility criteria and incentives to attract prospective tenants.

## **13. Short Listing Criteria**

- 13.1 For all properties advertised, unless they are advertised on a "best fit basis" home seekers who have placed bids and meet the criteria for that property will be short listed in the following order:

- i) By housing need band (Critical to Potential)
- ii) By effective date (=date of registration or more recent date of change of priority)

If two or more home seekers from the same housing need band respond to a property advert, the home seeker who has been in the housing need band for the longest period will be matched first. If both joined the housing need band on the same date the home seeker who has been on the housing register the longest will be matched first.

- 13.2 In the event of two home seekers with the same registration date applying for the same property, North West Leicestershire housing allocations staff will make a decision between both cases taking into consideration the housing circumstances of each case.
- 13.3 This will generally mean home seekers who receive no preference (potential housing need band) are less likely to receive an offer of accommodation.
- 13.4 Non standard properties, including those that are suitable for those with mobility needs including wheelchair users may be advertised on a 'best fit' basis and preference given to home seekers who have been identified as requiring accessible accommodation. Home seekers will be selected based on the level of adaptation they require and the suitability, if available, of accommodation to meet their needs. These properties may be exempt from the short listing process outlined in 15.1. In some circumstances these properties will be directly matched to an applicant.

- 13.5 Shortlisting will be carried out in accordance with the policies and criteria of the Council's Housing Management Team or the relevant Registered Provider a copy of which will be available on the Choice Based Lettings Website or by request to the relevant organisation.
- 13.6 Where there is a shortage of accessible properties, and a failure to adapt a property would lead to unreasonable delays in housing for a disabled person then North West Leicestershire Housing staff will take steps to identify properties which are suitable to be adapted, and consider a management allocation.

#### **14. Offering a property**

- 14.1 The short listing results for each property will be sent to or accessed directly by the relevant social landlord. They will be responsible for contacting home seekers who have matched for the property and for allocating the property in accordance with their individual Allocations Policy. The Council and participating Registered Providers will work from the short list results provided by North West Leicestershire Housing Choices scheme.
- 14.2 Home seekers who are contacted regarding a property may be asked to provide proof to confirm the circumstances detailed on their North West Leicestershire Choice Based Lettings housing application form are correct.
- 14.3 Home seekers who owe a housing related debt to the Council or a Registered Provider will be advised that any offer of accommodation is subject to the remainder of the debt being paid in full. Home seekers may be asked to provide evidence to prove the debt has been paid.

In exceptional circumstances the requirement to repay the debt in full may be deferred. Circumstances where this discretion may be applied include where:

- A move to alternative accommodation is necessary to avoid significant/exceptional financial hardship
- The home seekers housing circumstances are such that not offering alternative accommodation would result in an excessive burden to either the home seeker or other household members.

This will be at the discretion of the relevant Landlord.

- 14.4 If the home seeker is unable to provide proof of their circumstances or if their circumstances have changed to an extent that they are no longer eligible for the property or their banding no longer reflects their circumstances then an offer of a tenancy will not be made.

**NB.** In instances where the home seeker who has matched first for a property is not offered the property, the prospective landlord is required to provide a valid reason for not offering the property and this information should be available to the home seeker either through the choice based lettings website or on request.

The home seeker will have a right to review against the decision (see Section 4).

- 14.5 If the home seeker is able to provide the housing provider with the proof requested then the home seeker should be offered the tenancy of the property.
- 14.6 Where a home seeker is being considered for a property that is deemed larger than their needs for benefits purposes the home seeker may be asked to demonstrate how they will make up the shortfall. If a home seeker cannot provide sufficient assurances that a property will be affordable then an offer will not be made. It is not expected that Discretionary Housing Payments will be considered a suitable justification that a property is affordable. If a home seeker is successful in these circumstances and is rehoused into the property they will not normally be allowed to register for a move in the future based on affordability unless they can demonstrate a change of circumstances.
- 14.7 The housing provider will complete the tenancy agreement with the home seeker. This agreement is the formal contract between the landlord and home seeker, and sets out the details of the property, rental charged, the full names, and the start date of the tenancy.
- 14.8 Landlords will attempt to make contact with the Home Seeker through all means available however if a home seeker is not contactable or does not respond to messages within 48 hours then they may be overlooked for an offer of accommodation. Home Seekers are responsible for updating their contact details to assist with this process. Home Seekers should be given sufficient time to consider an offer of a tenancy. The home seeker will normally have up to 24 hours following a viewing to make a decision.
- 14.9 Home seekers who are identified as vulnerable maybe given longer to consider the offer of a tenancy. Examples of this will include home seekers who are currently in hospital or in some form of temporary accommodation, such as a hostel or refuge or shortly due for release from prison. A decision will be made by the individual landlord according to the circumstances of the home seeker.
- 14.10 Home seekers will not normally be penalised if they refuse the offer of a tenancy but home seekers who refuse, or fail to respond to three suitable offers of accommodation or fail to attend three arranged viewings will have their application suspended for up to six months. They will then be asked to attend an interview with a member of North West Leicestershire's Housing Choices Team. The interview will be used to discuss their housing needs and to offer advice about the type of properties available. Home seekers will be ineligible to make further bids until they have attended the interview.
- 14.11 Home seekers in the Critical need housing need band may jeopardise their status if they refuse a reasonable offer of a tenancy and their critical need status may not be renewed at the end of the initial 8 week period. In the case of "homeless" home seekers in critical or urgent housing need the refusal of an offer of accommodation may result in the Council ending its homeless duty. Homeless Home have a right of review of a decision of suitability of

accommodation through the legislation where a refusal may result in the Council discharging its duty. This will be set out in a formal offer the home seeker will have received.

- 14.12 Home seekers who are owed Prevention or Relief duties under the Homelessness Reduction Act may find those duties coming to an end if they refuse a reasonable offer of accommodation.
- 14.13 The Council and Registered Provider partners to the scheme reserve the right to withdraw any offer of accommodation. Offers will only be withdrawn when there is just cause. The Council or Registered Provider will explain why the offer has been withdrawn. The home seeker will have a right to review against the decision (see Section 4). Reasons to withdraw an offer can include circumstances where the home seekers existing property is in a poor state of repair due to their own actions or failure to rectify or report issues.

## **15. Joint tenants**

- 15.1 Home seekers seeking a joint tenancy should have a joint North West Leicestershire Choice Based Lettings scheme application.
- 15.2 The partner landlords within North West Leicestershire Choice Based Lettings scheme encourage joint tenancies.
- 15.3 If one home seeker of a household is unable to join the register (because they are ineligible or non-qualifying), then a joint tenancy cannot be granted.
- 15.4 The partner landlords will consider offering a joint tenancy to household members who have long term commitments to the home, for example, when adults share accommodation as partners (including same sex partners), friends, or unpaid live-in carers.
- 15.5 When a joint tenant serves notice to quit, the partner landlords can, at their discretion, grant the remaining joint tenant a tenancy in their sole name. In exercising their discretion, the landlords will consider whether this is making best use of their stock. The former tenant may join the housing register as a new home seeker.
- 15.6 Where a household member is already a social housing tenant it is presumed that they will be a joint applicant.

## **16. Feedback information**

- 16.1 North West Leicestershire Choice Based Lettings scheme seeks to provide every home seeker with feedback information on previous allocations. This helps home seekers to make informed choices when bidding for future properties based on past trends.



- 16.2 Information on previous allocations through the scheme and an individual home seekers bidding history will be available to view via the Choice Based Lettings website.
- 16.3 The feedback information will include details of the number of home seekers who placed bids for the property and the date of registration and banding of the successful home seeker.
- 16.4 Home seekers will also be able to see their position on the short list by using the website. Although the Council will seek to make the queue position as accurate as possible, there may be circumstances where queue positions will not fully reflect the actual shortlist. Wherever possible this will be highlighted in the advert.
- 16.5 North West Leicestershire Housing Choices Team will provide advice to all home seekers to help inform their bidding choices. The Housing Choices Team will seek to contact home seekers who have not bid for a property in the Critical, Urgent and Medium Need bands before their band or annual review date to ensure they understand how the scheme works and discuss their housing needs.

## **17. Agricultural workers and the Rent (Agriculture) Act 1976**

- 17.1 Under the Rent (Agriculture) Act 1976 North West Leicestershire Choice Based Lettings scheme has a duty towards agricultural workers who are required to leave their tied accommodation.
- 17.2 When considering an application from a displaced agricultural worker North West Leicestershire Housing Choices Team will need to be satisfied that :-
- The property from which the worker is displaced is needed to accommodate another agricultural worker.
  - the farmer cannot provide suitable alternative accommodation for the displaced worker
  - To re-house the vacating worker would be in the interests of efficient agriculture.

All 3 conditions need to be satisfied.

- 17.3 If North West Leicestershire Housing Choices Team is satisfied that the case is substantiated the home seeker's application will be placed in the Critical housing need band
- 17.4 If the case has not been substantiated then North West Leicestershire Housing Choices Team will assess the application based on the home seekers other housing circumstances.

## 18. Definition of Local Connection

- 18.1 Home Seekers will normally only be accepted onto the housing register where they can demonstrate one or more connections to the District as defined below. Property adverts will identify any further local connection criteria that must also be met such as to a village or parish.
- 18.2 A local connection is established by a home seeker demonstrating one or more of the following:
- (a) They have normally resided in settled accommodation in the District for at least twelve months at the time of application
  - (b) they have lived in the District for three out of the last five years
  - (c) they, or a member of their household is employed on a permanent basis or a temporary contract running for a minimum of twelve months, within the District (confirmation will be required from the employer)
  - (d) They have parents (including Guardians), brothers, sisters, or adult children who have been living within the District for at least 5 years with whom they have an ongoing close relationship. The applicant will need to provide evidence to support this connection. Step equivalents will be allowed.
  - (e) They have children under 18 years of age for whom they are not the primary carer but where there are formal access arrangements in place and living closer to the child(ren) would be in the child(ren)'s best interest. The applicant will need to provide evidence to support this connection.
- 18.3 The following groups of people are exempt from the rules on local (District) connection, people with:
- (a) No local connection but are owed a relief duty under the homelessness legislation and the Council is not intending to make a local connection referral to another Local Authority.
  - (b) Armed Forces and former service personnel where the application is made within five years of discharge.
  - (c) Bereaved spouse/civil partners of members of the Armed Forces leaving services accommodation following the death of their spouse partner; or
  - (d) Serving or former members of the Reserve Forces suffering from a serious injury, medical condition or disability sustained (wholly or partly) as a result of their service
  - (e) divorced or separated spouses or civil partners of Service personnel who need to move out of accommodation provided by the Ministry of Defence where a move into the district enables them re-engage with family and support networks.
  - (f) Care Leavers who were accommodated by Leicestershire County Council where LCC owes them duties as a former relevant child regardless of the locality in which they were placed will be deemed to have a local connection to NWLDC. This local connection category will apply until the care leaver's 21st birthday or they are pursuing a course of education set out in their pathway plan, until that course of education is finished.
- 18.4 The following is not accepted as evidence of a local connection:
- Time spent in any prison or secure unit in the district

- Time spent in hospital in the district
  - Time spent in any institution such as a refuge or rehabilitation centre in the district
  - Time spent in any other accommodation that is not at the choice of the Home Seekers
- 18.5 Other special circumstances may exist, and all applications will be considered on their individual circumstances.
- 18.6 Where a home seeker has left the District to access specialist short-term accommodation they will normally be considered as maintaining a connection to the District. Where a home seeker has accessed specialist accommodation within the District they will normally be considered as having maintained their connection in their originating authority.
- 18.7 Settled accommodation is usually meant to mean accommodation where the home seeker has a security of tenure or residence in the medium to long term such as through a tenancy agreement or licence or through a connection to the person(s) providing the accommodation and their intentions when providing the accommodation, such as in the case of those living in a family home.
- 18.8 A connection made through employment in the District is dependent on the employment requiring the home seeker to spend time regularly at a place or places of work within the District.
- 18.7 **Town, Village or Parish Connection** - For some housing schemes there are planning restrictions requiring that vacancies should go in the first instance to people who have a connection with the town, village or parish. The detail of the planning restrictions may vary from District to District and local lettings policies may apply.
- 18.8 The factors used to determine a village or town connection **in North West Leicestershire** will normally be as follows, where the main home seeker or joint home seeker can answer 'yes' to any one of the following:-
- I have lived in the village for the last 12 months
  - I work permanently in the village (at least 15 hours a week)
  - I was born in the village or previously lived in the village for three years or more
  - I have close relatives who have lived in the village for at least three years (close relatives are defined as parents, children, siblings, grandparents, or grandchildren). Step equivalents will be allowed.
  - I need to move to the Parish to be close to a relative or other person in order to provide or receive significant amounts of care and support.

Home seekers should refer to the criteria set out in the property advert.

## **19. Complaints Procedure**

19.1 Requests for service and the reporting of issues should first be made to the Housing Choices Team using the contact details provided.

19.2 In cases where you believe we have not taken the appropriate action or done something wrong then a formal complaint can be made using the Council's complaints procedure.

19.3 Information about the Council's complaints procedure and complaints policy can be found on the Council's website:

[https://www.nwleics.gov.uk/complaints\\_comments\\_and\\_compliments](https://www.nwleics.gov.uk/complaints_comments_and_compliments)

or by calling the customer services team on 01530 454545.

## **Appendix One: Eligibility for properties**

Each landlord participating in the choice based lettings scheme may set their own eligibility criteria for individual properties taking account of a range of factors including:

- supply and demand of different property types and locations.
- Practical factors relating to the design and build of specific units
- Wider neighbourhood considerations
- Other facilities and services associated with the property

However, the broad principles the council will expect to be adhered to include:

- To ensure best use of stock in normal circumstances the Council would not expect an allocation that left a household under-occupying by more than one bedroom
- Furthermore, the Council would not expect an allocation to lead to a household being overcrowded except in the case of particularly large households for whom there is not sufficient large accommodation within the district or in other exceptional circumstances where a household has very specific needs for which there is not adequate sized accommodation.
- Bungalows and other level access accommodation would normally to be made available to and preference given to people with a mobility need or older people regardless of other support needs unless they form part of specialist provision such as a grouped sheltered scheme.
- Properties that are designed for people with support needs may be advertised specifically to people who have a requirement for support.
- Properties may be advertised with age criteria where there are management grounds to do so.

When using fixed term tenancies North West Leicestershire District Council expects partner landlords to have adopted a clear published tenancy policy. This policy should have regard to the North West Leicestershire Tenancy Strategy 2012.

## Appendix Two - Affordability Calculations

A household exceeding either the income or the equity/savings thresholds in the following table will be considered as having the means to meet their own housing needs within the private sector<sup>1</sup>. This figure will be reviewed annually.

Home seekers over the age of 60 who are applying only for sheltered or specialist supported accommodation are exempt from the affordability limits.

Household Type <sup>2</sup>	Gross Income	Savings and equity
Single	£37,000	£20,000
Couple	£40,000	£20,000
Family with children	£58,000	£30,000

Equity and savings can include but are not limited to: shares; bonds; commercial property; residential property; property abroad and money apportioned through the proceeds of a divorce settlement, inheritance or any form of cash windfall.

The calculation of affordability will take into account:

- The availability of any equity
- Whether the home seeker would be eligible for a mortgage
- The supply and affordability of accommodation suitable for the home seekers specific needs on the private market for either sale or rent (for example where the home seeker requires specially adapted accommodation or supported housing)
- Whether adaptation of the existing property is a viable option
- The capital gained from the sale of any property within the last 5 years and how this was disposed of
- We will disregard any lump sum received by a member of the armed forces as compensation for an injury or disability sustained on active service for the benefit of the calculation.

These criteria may be reviewed should application of the policy be seen to be unfairly disadvantaging a home seeker or their household where other factors indicate that they will be unable to meet their needs in the private sector. This will be considered on a case by case basis.

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<sup>1</sup> Assessment of income and equity levels is based on housing market and affordability data from Hometrack Housing Intelligence (August 2023).

<sup>2</sup> The household definitions within section 6 will apply

## **Contact Details**

For more information contact the Housing Choices Team at North West Leicestershire District Council

Visit us at our customer centre on Belvoir Road in Coalville (opposite Insomnia Coffee). Please note that application specific enquiries and support require an appointment.

### **Write to us at:**

Housing Choices  
North West Leicestershire District Council  
PO Box 11051  
Coalville  
LE67 0FW

### **Telephone:**

0800 183 0357 (9am to 1pm Monday, Wednesday, Thursday Friday and 9am - 5pm on Tuesdays)

**E- mail:** [MyHome@nwleicestershire.gov.uk](mailto:MyHome@nwleicestershire.gov.uk)

**Website:** [www.nwleics.gov.uk/find\\_a\\_home](http://www.nwleics.gov.uk/find_a_home)