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Leeds City Council Environment and Neighbourhoods Lettings Policy, October 2008

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Leeds City Council - Lettings Policy

1. Introduction

1.1 Introduction to the lettings policy

- 1.1.1 The lettings policy outlines how Leeds City Council (referred to as 'the council') will let its properties and undertake its statutory duties to ensure that reasonable preference is given to customers in housing need.
- 1.1.2 The lettings policy was agreed by the council's Executive Board on 8 October 2008 and implemented on Wednesday 22 October 2008.
- 1.1.3 The council has set the lettings policy and written the procedures for the Leeds Arms Length Management Organisations (ALMOs) and Belle Isle Tenant Management Organisation (BITMO) to follow when rehousing customers from the Leeds Homes Register, and for how the council nominates customers to Registered Social Landlords (RSLs). In addition, the council will provide options of lettings to members of the Leeds Landlord Accreditation Scheme.

Management agreements between the council and ALMOs outline each party's responsibilities.

The ALMOs and the BITMO are responsible for:

- managing local housing offices;
- letting homes according to the lettings policy;
- assessing housing need; and
- consulting tenants.

The council is responsible for:

- owning homes;
- assessing housing need;
- monitoring ALMO and BITMO performance;
- setting housing policies; and
- setting lettings policies.

The Leeds Homes Team provides training for ALMO and BITMO staff on the lettings policy and its implementation.

1.1.4 Contact details for the council, ALMOs, BITMO and Registered Social Landlords in Leeds can be found in appendix 1. Leeds Homes Service Standards can be found in appendix 2. A glossary of terms used in this document can be found in appendix 3.

The information contained in the appendices will be updated as required without the need for a formal review of the lettings policy.

A summary of the lettings policy is available to customers, free of charge, on request.

1.1.5 The lettings policy sets out:

- the council's aims for lettings in the city;
- how the Leeds Homes Register operates;
- how the council assesses customers' housing needs;
- how the council lets its properties, including its statement on offering choice;
- how the council nominates customers to Registered Social Landlords; and
- how the council's choice based lettings scheme works in conjunction with the Leeds Landlord Accreditation Scheme (LLAS).

1.1.6 The lettings policy is revised in light of developments in Corporate strategies, new legislation or case law, or new working arrangements within the council. The reviews will be undertaken in accordance with the council's constitution.

1.1.7 The lettings policy is based upon the council's statutory duties¹ see section 2.1 below. The principles set out in this policy are guidelines and not absolute rules.

1.2 Information to customers

1.2.1 The council will provide information so that customers may judge:

¹ Housing Act 1996, as amended by Homelessness Act 2002. See also Code of Guidance on the Allocation of Accommodation, Communities and Local Government, November 2002 and Allocation of Accommodation: Choice Based Lettings, Code of Guidance for Local Housing Authorities, Communities and Local Government, August 2008

- their housing need according to the lettings policy, in particular whether they will be in a priority band; and
- the likely waiting time for a property in their area of choice.

Customers will also be given information about their right to a review and appropriate guidance on how to request a review. All advice will be free of charge.

1.2.2 A summary of the lettings policy is available, free of charge, upon request. To order a copy, telephone 0113 247 6313.

Copies are included in the Leeds Homes Register Membership pack sent to customers applying to join the Leeds Homes Register.

1.2.3 A copy of the full lettings policy is available for inspection at each ALMO, BITMO and council head office.

The council's head office address is:

Environment and Neighbourhoods
Strategic Landlord Group
5th Floor, West Wing
Merrion House
110 Merrion Centre
Leeds
LS2 8BB

The lettings policy can be downloaded from the Leeds City Council website www.leeds.gov.uk and Leeds Homes website www.leedshomes.org.uk

1.2.4 Information regarding the lettings policy is available free of charge at all ALMO housing offices.

1.2.5 The council is committed to using Plain English and can provide application information in community languages and appropriate formats such as: Braille; large print; tape; CD.

1.3 Statement on choice

The lettings policy allows customers to express their preferences in the area and property they wish to live in. Leeds City Council operates a choice based lettings scheme called Leeds Homes. The scheme allows

customers to make expressions of interest in advertised council properties, some Registered Social Landlord properties and some properties owned by members of the Leeds Landlord Accreditation Scheme.

However, there are circumstances in which the council may place expressions of interest in properties advertised through the choice based lettings scheme on behalf of customers or make a direct offer of accommodation to a customer.

1.4 The context

In recent years the number of council properties available to rent in Leeds has reduced as a result of the impact of the right to buy scheme, clearance programmes and because tenants are staying longer in their homes. The number of lettings made by the council has reduced from 9619 in 1999/2000 to 4429 in 2007/08.

In June 2008, there were 29775 customers on the Leeds Homes Register. We receive an average of 88 expressions of interest in each home advertised through the Leeds Homes choice based lettings scheme. On average 1300 new customers apply for housing each month. With over six times as many people on the housing register than the number of lettings made every year, we are unable to rehouse the majority of our customers.

1.5 The aims and objectives of the lettings policy

The lettings policy aims to achieve the right balance between meeting need, giving choice to customers and creating sustainable communities.

The aims and objectives of the lettings policy are:

1.5.1 Aim 1: To ensure the council fulfils its legal requirements in relation to lettings

Objectives:

- to publish a lettings policy which includes the council's statement on choice and outlining how the council assesses customers' housing needs;

- to ensure customers in reasonable preference are given priority for rehousing;
- to meet other legislative requirements; and
- to incorporate examples of good practice in the lettings process, for example, the Commission for Racial Equality Race Relations Code of Practice in Rented Housing, and Community and Local Government Code of Guidance on Allocations.

1.5.2 Aim 2: To offer customers choice

Objectives:

- to give customers the opportunity to express their preferences in properties by advertising available ALMO, BITMO and some Registered Social Landlord and Leeds Landlord Accreditation Scheme (LLAS) properties through a choice based lettings scheme (CBL) called 'Leeds Homes'; and
- to maximise choice wherever possible, for example by ensuring the majority of properties are advertised and enabling customers to make expressions of interest in advertised properties.

See section 7.2 for more information on the choice based lettings scheme.

1.5.3 Aim 3: To respond to housing market changes

Objectives:

- to ensure council properties are let to customers in most assessed housing need;
- to ensure effective use of social housing stock by promoting under occupation incentives to social housing tenants in Leeds, and reducing voids times by enabling properties to be advertised while on notice;
- to increase the supply of properties available to let by increasing lettings by Registered Social Landlords and private landlords who participate in the Leeds Landlord Accreditation Scheme (LLAS) to customers on the housing register;
- to encourage customers to consider a variety of housing options, for example by providing information on alternative options such as mutual exchange or low cost home ownership;
- where appropriate, to encourage customers to widen their choices beyond high demand property types and areas, for example, by limiting the amount of time customers in housing need will be given preference for advertised properties; and

- to allow ALMOs and the BITMO to adopt local lettings policies to address local housing issues.

1.5.4 Aim 4: To provide an equitable, transparent, efficient and customer focused lettings system

Objectives:

- to ensure consistency in the lettings process across the ALMOs and BITMO by publishing a single city wide lettings policy;
- to ensure equality in the lettings process;
- to ensure the lettings process is as transparent as possible, by making lettings in accordance with the lettings policy, offering customers choice, and publishing feedback on the results of lettings;
- to ensure mistakes are corrected promptly, and that customers are, as far as is possible, put back to the position they would otherwise have been in;
- for the lettings process to work alongside other council policies;
- to ensure that customers are not discriminated against on the basis of disability, race, colour, ethnic origin, religion, age, sexuality or gender;
- to develop good joint working arrangements with partner agencies;
- to offer additional support to customers who require assistance in using the lettings process including the choice based lettings scheme;
- to provide a customer focused lettings scheme to all our customers and partners by offering choice, giving reasons to customers when decisions are taken about their rehousing, and publishing customer service standards and performance information on lettings;
- to ensure that the lettings service is as streamlined as possible, to achieve value for money for tenants and citizens of Leeds; and
- to regularly review lettings processes to respond to customer and partner feedback and to changes in the local housing market.

1.5.5 Aim 5: To promote sustainable communities

Objectives:

- to facilitate regeneration, for example by offering choice to customers seeking rehousing from clearance areas;
- to support good housing management by making best use of social housing stock;
- to offer ALMOs and the BITMO the flexibility to adopt local lettings policies in specific areas;

- to contribute to the delivery of other council strategies; and
- to assist in the creation of sustainable communities by ensuring customers deemed to be 'unsuitable' by reason of unacceptable behaviour are not rehoused.

1.5.6 Aim 6: To enhance mobility of customers within Leeds, in to Leeds and out of Leeds

Objectives:

- to ensure that customers in housing need who need to move within Leeds, out of Leeds and to Leeds are offered appropriate assistance;
- to give preference to customers with a local connection to Leeds;
- to promote mutual exchange by advertising properties through the choice based lettings scheme; and
- to give customers who need to move to Leeds for employment or training opportunities reasonable preference.

1.6 Monitoring the lettings policy

We will monitor the effectiveness of the lettings policy by:

- publishing the results of lettings made through the choice based lettings scheme and by direct lettings;
- monitoring all lettings and nominations against equality indicators to ensure lettings are made proportionately across customer groups;
- publishing an annual summary of lettings made from the Leeds Homes Register;
- monitoring nomination agreements and performance; and
- auditing the implementation of the lettings policy.

The council will use this performance monitoring information to analyse current and future housing needs, and to inform future reviews of the lettings policy.

2. Related legislation, policy and procedures

2.1 Legislative and policy framework of the lettings policy

2.1.1 All lettings will be made in accordance with the lettings policy.² The council will ensure the lettings policy complies with all legislative requirements, related legislation, case law and council policies and strategies.

2.1.2 All references to statutory materials are by way of summary and for convenience only, and are not to be used as substitutes for the details within the original.

2.2 Related strategies

The lettings policy works in conjunction with a number of other corporate and departmental strategies, including the following:

2.2.1 Leeds Housing Partnership Housing Strategy

The vision of the Leeds Housing Strategy is to create and maintain sustainable cohesive communities. The strategy sets out three key strategic priorities:

- ensure that all neighbourhoods in Leeds are 'decent places' where people choose to live
- ensure that all housing provision in Leeds is 'decent'
- assist people who experience difficulties or disadvantage in relation to accessing housing or housing services

The Leeds Housing Strategy is currently being reviewed and an updated version will be completed by the end of 2008. The strategy is being updated to ensure that the council and its partners can effectively respond to the emerging and evolving housing challenge, primarily in relation to the development and delivery of affordable housing options for all people in the city.

In addition to the Leeds Housing Strategy, there are a number of satellite strategies that contribute to the delivery of effective housing services for a variety of client groups. These include:

² Section 167(1) Housing Act 1996

- Leeds Homelessness Strategy
- Leeds Supporting People Strategy
- BME Housing Strategy
- Leeds Disabled People's Housing Strategy
- Leeds Older People's Housing Strategy
- Empty Property Strategy

2.2.2 Leeds City Council Homeless Strategy

The Leeds Homelessness Strategy has been updated and covers the period up to 2010. The core aim of the Homelessness Strategy is to maximise opportunities to prevent homeless, wherever possible. The strategy also sets a framework for ensuring that homeless households receive the assistance that they require. The lettings policy supports the delivery of the Homelessness Strategy by:

- enabling the council to discharge its duties to statutory homeless households through the award of housing preference and the letting of suitable accommodation
- enabling homeless households to move out of temporary accommodation once they have they secured suitable permanent housing
- offering homeless households the opportunity to express interest in available homes for a specific time period
- giving homeless households the opportunity to secure suitable housing options with a range of landlords

2.2.3 Supporting People Strategy

The Supporting People programme aims to assist vulnerable people to achieve or maintain independent living arrangements through the provision of housing related support. Housing related support may be accommodation based, where support is tied to residence in specific permanent or temporary housing, or be floating support that is linked to a specific person. The lettings policy supports the effective functioning of the Supporting People programme by giving vulnerable people the opportunity to move out of temporary accommodation, but also enabling them to secure suitable housing where they are able to live independently on an on-going basis.

2.2.4 Empty Properties Strategy

The strategy aims to reduce the number of long-term empty properties in Leeds. The lettings policy contributes towards the delivery of the

strategy by offering rehousing opportunities for people and offering incentives for landlords to let their properties in a timely way.

2.2.5 Older People's and Disabled People's Housing Strategies

The Older People's and Disabled People's Housing Strategies aim to promote the capacity of older and disabled people to live independently and to exercise choice and control over the housing they occupy and the housing services they utilise. The lettings policy supports the delivery of both strategies by setting out the framework for the letting of adapted/accessible homes and the letting of sheltered housing, that is designated as being particularly suitable for older people.

2.2.6 Leeds Domestic Violence Strategy 2008-2011

The lettings policy supports the Leeds Domestic Violence Strategy by:

- recognising the housing needs of women who need to move because of domestic violence;
- enabling known perpetrators of domestic violence to be found unsuitable to be a council tenant;
- enabling customers with rent arrears who have experienced domestic violence to be rehoused; and
- making provision through direct let criteria for very high risk victims of domestic violence.

Further details, and a copy of the Domestic Violence Strategy can be found on the Leeds Community Safety website at www.saferleeds.org.uk

2.2.7 Learning Disability Valuing People Strategy³

The lettings policy works in conjunction with the Valuing People Strategy by assisting:

- customers who need to move as a result of the learning disability hostel re-provision programme;
- young people in transition; and
- people with learning disabilities living with older carers.

³ Valuing People, A new strategy for Learning Disability for the 21st Century, Department of Health, March 2001, Cm 5086

2.2.8 Leeds Community Safety Strategy (2008-2011)

The lettings policy supports the Safer Leeds Partnership Plan and its five strategic outcomes:

- creating safer environments by tackling crime;
- improving lives by reducing the harm caused by substance misuse;
- supporting victims and reducing the risk of victimisation;
- reducing and managing offending behaviour; and
- improving community confidence and public satisfaction.

Further details, and a copy of the plan can be found on the Safer Leeds website at www.saferleeds.org.uk

2.2.9 Every Child Matters: Change for Children

Every Child Matters is a new approach to the well-being of children and young people from birth to age 19. Its aim is for every child, whatever their background or their circumstances, to have the support they need to:

- be healthy;
- stay safe;
- enjoy and achieve;
- make a positive contribution; and
- achieve economic well-being.

Leeds City Council will be working with its partners to find out what works best for children and young people.

The lettings policy aims to meet the needs of children and young people in Leeds and contributes to the Children and Young People's Plan published in April 2006. For more information visit Leeds Initiative website at www.leedsinitiative.org

2.2.10 Leeds Equality and Diversity Scheme 2008 - 2011

The Equality and Diversity Scheme sets out Leeds City Council's approach to promoting equality and diversity and eliminating discrimination. Including race, gender, disability, religion or belief, sexual orientation and age, the scheme is a key document that underpins the delivery of the council's priorities as set out in Leeds Strategic Plan and the Council's Business Plan 2008 - 2011.

3. Leeds Homes Register

3.1 Partner Registered Social Landlords

3.1.1 The council maintains its housing register as part of a larger register known as the Leeds Homes Register (LHR). The LHR is a common housing register.

Customers can apply for rehousing through the Leeds Homes Register with the following social landlords:

- the Leeds Arms Length Management Organisations (ALMOs)
- Belle Isle Tenant Management Organisation
- Chevin Housing Association
- English Churches Housing Group
- Habinteg Housing Association
- Headrow Housing Group
- Jephson Homes Housing Association
- Leeds Federated Housing Association
- Leeds Jewish Housing Association
- Places for People
- Connect Housing
- Unity Housing Association
- York Housing Association
- Yorkshire Metropolitan Housing

3.1.2 Each LHR landlord has signed an individual agreement with the council which includes the following obligations:

- to input information on the LHR application form on to a shared computer system;
- to hold all customer information in accordance with the Data Protection Act; and
- to take all reasonable skill, care and diligence in performing its obligations in relation to the LHR.

All LHR landlords will have access to data held in all applications, even if a customer has not applied directly to them.

3.1.3 Each LHR landlord will only ask a customer for the information that they require to assess their housing application.

3.1.4 Each LHR landlord acknowledges that they will be dealing with confidential information whilst performing their obligations, and have agreed not to disclose confidential information to a third party except where:

- the individual who is the subject of the confidential information has consented to the disclosure;
- the RSL or the council is required by law to make such disclosures; or
- disclosure is made in accordance with an information sharing protocol.

3.1.5 The contract states that this clause will continue in perpetuity despite any termination or expiry of the agreement.

3.1.6 By making an application to be put on the housing register, the customer consents to their information being accessed by all LHR landlords.

3.1.7 Registered social landlords are generally expected to let a minimum of 50% of their properties as nominations. The following lettings made by registered social landlords will be considered to be a nomination:

- the rehousing of a customer from the Priority Extra or Priority band of the LHR; and
- the rehousing of a customer from a direct letting category

3.1.8 Leeds Homes offers members of the Leeds Landlord Accreditation Scheme the opportunity to advertise available properties as part of the Leeds Homes choice based lettings scheme, or as a stand-alone advertisement. Contact details of the members are available on the Leeds City Council website, www.leeds.gov.uk.

3.2 Joining the housing register

3.2.1 All customers must be registered on the Leeds Homes Register before they will be considered for a council property or be nominated to a Registered Social Landlord. Customers should complete a Leeds Homes Register (LHR) membership form to join the housing register.

Membership forms are available from:

- ALMO and BITMO housing offices, one stop centres and the Leeds Homeless Advice and Prevention Service;
- RSLs participating in the Leeds Homes Register;
- Leeds Homes website www.leedshomes.org.uk; Leeds City Council website www.leeds.gov.uk;
- Leeds Homes, by telephoning 0113 247 6313; and
- many advice agencies in Leeds.

3.2.2 A customer can only be registered as a main or joint applicant or a 'person to be rehoused' on one active LHR application. The exception to this is where there are shared care or access arrangements for dependent children, see sections 6.6.5 and 6.7.5 for further details.

3.2.3 Applications for rehousing from council and Registered Social Landlord tenants will be considered on the same basis as other applicants. However, where appropriate, the customer will be encouraged to approach their current landlord for assistance in the first instance and to register on the Leeds Homes mutual exchange scheme.

3.3 Information held on the housing register

3.3.1 The information on the membership form will be input onto a computer database system. All housing needs and offers of accommodation will be recorded on this database.

3.3.2 All changes of circumstance will be recorded on the computer system; as a result there may be a re-assessment of housing need.

3.3.3 Information held about an application and personal details will be kept in accordance with the Data Protection Act 1998. Customers have a right to view and receive a copy of their records held on the housing register.

3.3.4 As soon as an application is registered on the LHR a letter of acknowledgement will be sent to the main applicant to inform them of:

- their membership (application) number;
- the size of property to which they are entitled; and
- the housing need band that they are currently in.

3.4 Verifying information received on the LHR membership form

3.4.1 Where a membership form is returned with insufficient information to enable the council to process the application, the form will be returned to the customer and will remain inactive or unregistered pending receipt of the required information. The date of registration will be the date the completed membership form was received in the housing office.

3.4.2 The council will verify the information provided on the membership form prior to any offer of accommodation being made, and may ask for proof of the following (this list is not exhaustive):

- composition of the household;
- housing history;
- eligibility; and
- suitability to be a council tenant.

In addition, at the time of signing their tenancy agreement the main and joint tenants will be expected to provide proof of their identity, such as:

- recognised photographic identification for example a passport, photographic driving licence;
- a photograph of themselves; or
- have their photograph taken by the ALMO / BITMO staff

Photographs will only be taken with the consent of the tenant(s), but if refused the reason for refusal will be noted and countersigned by the tenant.

3.5 Keeping the housing register up-to-date

The council will update the housing register where appropriate, including:

- when the customer informs us of a change of circumstance;
- upon the anniversary of the registration, when we will contact the customer asking them if they still wish to remain on the housing register. Failure to reply will result in the membership being cancelled. The council may increase the frequency of reviews, to ensure the housing register is kept up-to-date and as accurate as possible; and

- to keep the housing register up-to-date and accurate, for example, by removing duplicate applications.

3.6 Cancelling an application

3.6.1 The council will cancel a customer's application from the housing register:

- on the customer's request;
- when the customer is deemed to be unsuitable to be a tenant, or ineligible by reason of their age (ie under 16 years old);
- when the customer has been rehoused by the council or a Registered Social Landlord;
- if an offer letter is returned by the Post Office as undelivered;
- where a council tenant completes the purchase of their home through the right to buy;
- where a reply to the annual application review (or any other application reviews undertaken by the council) is not received; or
- when the council is notified by an executor or personal representative that a customer is deceased.

3.6.2 All customers will be informed in writing that their application has been cancelled. In the event of a customer's death, the council will write to the customer's executor or personal representative to confirm that the customer has been removed from the housing register.

3.6.3 When a cancelled application is reactivated, the council will reassess any priority awards in light of the customer's current circumstances.

If a customer's membership form was cancelled in the last three months, the application date will be backdated to that of the original application. Where the membership form was cancelled over three months ago, the date of registration would not be backdated unless there are exceptional circumstances.

Where a council tenant purchases their property under the right to buy scheme, their original application will be cancelled. If they register a new application within three months of purchasing their property, the date of registration will be backdated to that of their previous application.

3.7 False statements and withholding information

3.7.1 It is an offence for anyone to knowingly or recklessly make a statement that is materially false, or to deliberately withhold information which the council reasonably requires them to give, or fails to notify the council of changes regarding their housing circumstances.⁴

The council will take legal action against customers who give false information or withhold information regarding their housing application. If the customer has been allocated a property in these circumstances then the council or other landlord may take court action to evict the customer.

3.7.2 Leeds City Council takes fraud seriously, which may include cases of people:

- applying to the council as homeless when they already have somewhere to live;
- applying for council housing using false information or identity; or
- subletting or not living at their council property, where this contravenes the tenancy agreement.

Leeds City Council will investigate any reports of suspected fraud, and take appropriate action.

⁴ Housing Act 1996, ss171(1) and 214(1)

4. Scope of the lettings policy

4.1 Definition of a let¹²

4.1.1 All lettings within Part 6 Housing Act 1996 will be made as:

- an introductory tenancy for a new customer;
- a secure tenancy for an existing council tenant, a tenant of another council or an assured tenant of a RSL; or
- a nomination to be a starter or an assured tenant of a RSL.

4.1.2 All lettings will be made from the housing register to either sole or joint tenants.

4.1.3 Existing council tenants seeking transfers will have their applications considered on the same basis as new applicants, apart from transfers initiated by the council for management purposes, which fall outside Part 6 Housing Act 1996.

In addition, the housing register will include customers who may be eligible for:

- service tenancies for employees of the council: e.g. school superintendents and park wardens; or
- non-secure council tenancies created by the Housing Act 1985⁵

4.2 Local letting policies

4.2.1 The lettings policy allows the ALMOs and BITMO to operate local lettings policies to enhance the sustainability of defined communities⁶. Where a local lettings policy operates, preference for offers of accommodation will be given to particular customer groups outside the reasonable preference categories. Local lettings policies will be evidence-based, and be approved for particular property descriptions in defined geographic areas following consultation. Local lettings policies will be reviewed annually.

4.2.2 Where operating local lettings policies, overall, reasonable preference for allocations will be given to applicants in the reasonable preference

⁵ Section 167(2E) Housing Act 1996

categories; and local lettings policies will not discriminate unjustifiably, directly or indirectly, on racial or other equality grounds.⁷

4.2.3 All properties subject to a local letting policy will be clearly labelled as such when they are advertised through the choice based lettings scheme.

4.2.4 ALMOs will provide details of the local lettings policies they operate in their housing offices.

4.3 Succession (death of a tenant)

4.3.1 The Housing Acts 1985 and 1996 set out the law relating to succession. This section provides a summary of the relevant parts of the law. Provided the tenant had not succeeded to the tenancy themselves, on their death the tenancy will pass to:

- the joint tenant;
- the tenant's spouse or civil partner⁸, provided they lived in the property as their only or principal home at the time of the tenant's death; or
- a member of the tenant's family⁹, provided they lived in the property as their only or principal home throughout the period of twelve months preceding the tenant's death.

4.3.2 The joint tenant will be considered to have succeeded to the property by survivorship. Where more than one family member claims succession rights, and the family is unable to decide which member should succeed, the council will make the final decision.

4.3.3 By law there can only be one succession. If the deceased tenant had succeeded to the tenancy following the death of a previous tenant or through assignment there can be no further succession.

Where there is no-one eligible to be a successor, we may grant a new tenancy to a person who lived with the tenant but there is no automatic right to remain in the property. The council will make the decision on whether to grant a new tenancy taking into account all the relevant circumstances, for example:

⁷ Schedule 1 1985 Housing Act

⁸ as defined under the Civil Partnership Act 2004

⁹ Family member as defined by section 113 Housing Act 1985.

- the lettings policy criteria;
- the behaviour of the individual who wishes to remain and their household members;
- the length of time they have lived at the property; and
- the demand from other customers on the housing register for the type of property.

Where the council decides not to offer a new tenancy at the property, the customer will be given information about the housing options available to them, and their application will be dealt with in accordance with the lettings policy. If they do not leave the property, the council may take legal action to recover possession of the property.

4.4 Assignment

4.4.1 Assignment is the process by which a secure tenancy can be passed on to another person whilst the tenant is still alive. The whole tenancy is given by one person to another. The Housing Act 1985 sets out the law in relation to assignment. This section provides a summary of the relevant parts of the law.

4.4.2 Secure tenants have the right to assign their tenancy to a person who would be entitled to succeed to the tenancy. This is usually used where a tenant wishes to choose which person will succeed.

4.4.3 The council may refuse permission to assign in certain circumstances.

4.4.4 The council recommends tenants seek independent legal advice before assigning their tenancy to another person.

4.5 Mutual exchange

4.5.1 In certain circumstances council and registered social landlord tenants can exchange their tenancies. This is done by a deed of assignment.

4.5.2 The written permission of the council and any other landlord must be obtained prior to any exchange of homes. The council has 42 days in which to consider and respond to a request to exchange.

4.5.3 The council may refuse permission to exchange in certain circumstances, as set out in Schedule 3 of the Housing Act 1985.

4.4.5 If an exchange takes place without the council's written permission, the council may take legal action to evict the tenant. The council will not allow the tenant to return to their original property or offer alternative housing.

4.6 Introductory and secure tenancies

There are two types of tenancy granted by the council, 'secure' and 'introductory'. All new tenants will be introductory tenants, unless they have transferred from another secure or assured tenancy held with Leeds City Council, another local authority or housing association.

4.7 Joint tenancies

4.7.1 Joint tenancies will only be granted where both the main and joint applicants are eligible and suitable.

4.7.2 Where more than one adult applies for housing together, they can apply as joint tenants.

4.7.3 A sole tenant can request a new joint tenancy be granted to them and their spouse or civil partner.

Where the other person is not a spouse or civil partner, there will be no automatic right to allow a new joint tenancy. The council will consider requests on a case by case basis. The creation of a joint tenancy from an existing sole tenancy in the same property will be a new letting, using the direct letting category 'tenancy management'.

4.7.4 Where one joint tenant wishes to leave the property the other joint tenant(s) will normally be granted a new sole tenancy and be allowed to remain in the property provided they and the other members of the household meet the lettings criteria and are not unsuitable to be a tenant at that time.

Should a joint tenancy be refused, then the council will inform the customers in writing of the reasons for the refusal. The creation of a sole tenancy from an existing joint tenancy in the same property will be a new letting, using the direct letting category 'tenancy management'.

4.8 Temporary decants

Where the council needs to move a tenant temporarily while repairs are being carried out, a non-secure tenancy will be offered and the customer will be expected to return to their original property on completion of the works.

5. Eligibility for offers of accommodation under Part 6 Housing Act 1996

5.1 Eligible customers

5.1.1 The law states that some customers are not eligible to be considered for rehousing under Part 6 Housing Act 1996.

Eligible customers are those who are:

- aged 16 years old and over;
- unless an existing Secure or Introductory tenant, or an Assured tenant of accommodation allocated by a local housing authority, a person not classified as ineligible under section 160 (A)(3) or (5) Housing Act 1996, for example, persons subject to immigration control¹⁰ or persons from abroad, unless they are of a class prescribed by regulations made by the Secretary of State.¹¹ (The law on eligibility is complex and subject to regular change. Staff can advise customers on individual cases); and
- considered suitable to be a council tenant.

5.1.2 Every eligible customer who makes an application for housing to the council will be considered for rehousing¹².

5.1.3 Where a customer aged 16 or 17 years old is housed by the council, the tenancy is conditional upon a responsible adult signing the agreement on their behalf as a trustee. An offer of accommodation under Part 6 Housing Act 1996 will only be made to 16 or 17 year olds if the council is satisfied the customer has adequate support in place to sustain the tenancy.

5.2 Suitability to be a council tenant – eligibility

5.2.1 When an application is registered, or while it remains on the housing register, the council may decide whether the customer is suitable to be a tenant of the authority.¹³ The council will consider whether the customer, or a member of his/her household, has been guilty of

¹⁰ as defined by section 13(2) Asylum and Immigration Act 1996

¹¹ Section 160(A)(3) and (5) Housing Act 1996

¹² Section 160(A) Housing Act 1996

¹³ Section 160A (7) Housing Act 1996

unacceptable behaviour serious enough to make them unsuitable to be a tenant at the time their application is considered.

5.2.2 Unacceptable behaviour is defined as behaviour by the customer, or household member, which would, if he/she was a secure tenant, notionally entitle the council to an outright possession order on grounds 1-7 of Schedule 2 of the Housing Act 1985.

Some examples of unacceptable behaviour include serious rent arrears, anti-social behaviour which causes nuisance to others; and perpetrating domestic violence. Each case will, however, be considered on its own facts and merits.

5.2.3 All customers will be treated as suitable unless subsequently found to be unsuitable to be a tenant. If the customer is deemed unsuitable to be a tenant, their housing application will be cancelled.

5.2.4 The suitability test will not be applied on the basis of rent arrears alone where the council:

- has assessed the customer as fleeing domestic violence;
- has assessed the customer as needing to move urgently due to suffering severe harassment (including racial, sexual or homophobic harassment, or because of their disability or age); or
- has accepted the customer for rehousing under the Witness Protection Scheme.

This does not affect the policy of applying the suitability test on other grounds.

5.2.5 The decision regarding a customer's suitability will be made by ALMO and BITMO staff. The decision about which officer within the ALMO or BITMO makes the decision will be delegated to that organisation.

5.2.6 When the council decides that a customer is unsuitable to be a tenant, the customer will be notified in writing of the decision and the reasons for it. A copy of the decision letter will be held on the customer's file. The customer may collect a copy of the letter up to three months after the decision has been made.

5.2.7 The customer may request a review of a decision to find them unsuitable to be a council tenant.

5.2.8 If the customer considers that they should no longer be regarded as unsuitable to be a tenant, they have a right to make a fresh application for accommodation (even if they have not requested a review).¹⁴

5.2.9 The decision to find a customer unsuitable to be a council tenant will be reviewed annually by the ALMO.

5.3 Suitability to be a council tenant – reduced preference

5.3.1 A customer's unacceptable behaviour, and that of any household member, will be taken into account when making offers of accommodation through the choice based lettings scheme¹⁵. Where the behaviour is not deemed serious enough to justify a decision to treat the customer as ineligible under section 5.2, the customer will be given less preference in the allocation of a given property than other customers within the same housing need band without a record of such behaviour, until they can show they have addressed their behaviour satisfactorily.

For example, customers with any property-related debts to the council or any other landlord, either relating to their existing home or a former home, will normally be given less preference than other applicants within the same housing need band when being considered for offers of accommodation through the choice based lettings scheme.

Examples of addressing this behaviour satisfactorily could include where a customer with serious arrears has repaid them, or having entered into an agreement to repay their arrears, and kept to it for some significant period; or someone with a history of anti-social behaviour not having committed any such acts for a significant period of time. Once the council is satisfied that the behaviour has been addressed satisfactorily, the reduction in preference will be removed.

5.3.2 The following groups of customers will not have their preference reduced on the basis of rent arrears alone where the council:

- has assessed the customer as fleeing domestic violence;

¹⁴ Section 160A (11) Housing Act 1996

¹⁵ Section 167(2A)(b) Housing Act 1996

- has assessed the customer as needing to move urgently due to suffering severe harassment (including racial, sexual or homophobic harassment, or because of their disability or age); or
- has accepted the customer for rehousing under the Witness Protection Scheme.

This does not affect the policy of reducing preference on other grounds.

5.3.3 The decision to reduce a customer's preference under section 5.3.1 will be made by ALMO and BITMO staff. The decision about which officer within the ALMO or BITMO makes the decision will be delegated to that organisation.

5.3.4 When the council decides to reduce a customer's preference under section 5.3.1, the customer will be notified in writing of the decision and the reasons for it. A copy of the decision letter will be held on the customer's file. The customer may collect a copy of the letter up to three months after the decision has been made.

5.3.5 The customer may request a review of a decision to reduce their preference under section 5.3.1.

5.3.6 The customer has the right to make a fresh application for accommodation (even if they have not requested a review) if they consider that they should no longer have their preference reduced under section 5.3.1.¹⁶

5.3.7 The decision to reduce a customer's preference under section 5.3.1 will be reviewed annually by the ALMO.

¹⁶ Section 160A (11) Housing Act 1996

6. Determining housing needs

6.1 Housing needs bands

6.1.1 The Housing Act 1996, as amended, states that when determining priorities under the lettings policy, the council must give reasonable preference to certain categories of people.¹⁷

Customers will have their household's housing needs categorised into one of three bands on the Leeds Homes Register:

Priority Extra: this band consists of customers requiring urgent rehousing where the council has a legal duty to consider them for accommodation.

Priority: this band consists of those customers in non-urgent need whom the council has a legal duty to consider for rehousing.

General Needs: this band consists of all other customers, including those:

- with no assessed housing need;
- whose priority award (Priority Extra or Priority) has expired;
- whose priority has been removed after they refused a reasonable offer of accommodation; and
- without a local connection to Leeds¹⁸.

6.1.2 The council (or ALMO or BITMO on its behalf) will assess housing needs when it receives information that indicates an assessment for one of the priority bands is warranted.

This includes:

- information on the housing application;
- when informed of a change of circumstance;
- as part of a pro-active review of the customer's housing need; or
- when the customer, or their representative, provides information that indicates that an assessment for one of the priority bands is required.

¹⁷ Section 167(2) Housing Act 1996

¹⁸ as defined by section 199 Housing Act 1996

- 6.1.3 The customer has a right to have their housing need reassessed at any point during the lifespan of their application, upon a change of circumstance.
- 6.1.4 The council will take into account all the household's housing needs when assessing which is the most appropriate band for the customer to be placed in.
- 6.1.5 The council will assess the composite needs of the household. If a customer's housing need includes more than one reasonable preference category, this will be taken into account and reflected in the band they are placed in.

The council will recognise cumulative need where a customer has more than one assessed need which falls within the Priority Extra band. This need is termed **Priority Extra Plus**. Where this is the case, such customers will be considered as in greater need than other customers within the Priority Extra band.

In certain circumstances, a customer with more than one assessed Priority award need may be considered for an award of Priority Extra on the basis of the impact of their cumulative needs.

- 6.1.6 Each priority band is subdivided into one of the following housing need streams:
- homeless;
 - medical needs;
 - housing conditions; and
 - additional needs – children or general.

Examples are given in the table on page 33 below to assist customers to gauge which band they may be placed within. These examples are indicative, not exhaustive.

- 6.1.7 Assessment of housing needs will be undertaken by both Strategic Housing Services division and the ALMOs and BITMO. For information about who is making the particular decision, please ask an ALMO, BITMO or Strategic Housing Services member of staff.
- 6.1.8 Date of priority awards

An award of priority will be made from the date the housing needs assessment is completed. The exceptions to this are:

- Care leavers – on their initial approach for housing, priority will be backdated to the care leaver's 16th birthday.
- Permanent decants (clearance) – the priority will be backdated to the date of the relevant Environment and Neighbourhoods delegated decision powers or a Council Executive Board decision on clearance.
- Leeds City Council or Education Leeds Service tenants – in cases of retirement, redundancy or redeployment the priority may be backdated to six months prior to their retirement, redundancy or redeployment date.

6.1.9 Permanent decants (clearance) and award of Priority Extra – Housing Conditions

Where a customer's property is scheduled for demolition or purchase under Environment and Neighbourhoods delegated decision powers or a Council Executive Board decision, the council will award affected customers Priority Extra – Housing Conditions on the Leeds Homes Register and encourage customers to make expressions of interest in properties advertised through the choice based lettings scheme. Customers will also be considered for a direct offer of accommodation made by a direct letting.

Timing of the priority award: The decision on when to award Priority Extra status will be taken by the ALMO undertaking clearance, or the ALMO where the affected customer lives, or by the relevant ALMO or council regeneration team.

Customers in different phases of a clearance scheme may be awarded their priority at different times, depending on when their property is scheduled for clearance. This will allow customers moving from clearance areas to be rehoused in the order their property is due to be demolished.

Priority will be awarded to owner occupiers once an agreement to purchase has been received by the council.

Priority will be awarded to private tenants once an agreement to purchase the property from the owner of the property has been approved by the council. Customers who take up a tenancy of that property after the owner has agreed to sell will not usually be eligible for an award of Priority Extra, but will be considered in line with the general lettings policy.

Multiple applications: Multiple applications may be accepted from family¹⁹ members, for example, where grown up children wish to be rehoused separately from their parents. These non-tenant household members must vacate the property before the tenant. Only one Home Loss Grant is payable in these circumstances.

Ring fencing: ALMOs can ring fence areas with the approval of Environment and Neighbourhoods to give preference to customers moving from a designated clearance area. The preference will apply to lettings of properties within the ring fenced area advertised through the choice based lettings scheme or let by direct offer. All ring fenced properties will be clearly advertised as such in the Leeds Homes property flyer.

Bedroom requirements: Customers moving from clearance areas will generally be made an offer of a property based on their assessed housing needs (eg bedroom requirements) unless there are exceptional circumstances. In ring fenced areas, offers may be made outside the normal assessed bedroom requirements.

Temporary arrangements: Where a customer with a clearance priority has not been rehoused by the time their property is due to be demolished (or acquired for purchase) and they find their own temporary accommodation (for example, moving in with relatives on a short term basis), they will normally only be able to retain their priority for eight months after they move to the temporary address. If they make a subsequent application for housing after this time, their needs will be assessed in line with the lettings policy.

Unsuitable customers: Customers moving from a clearance area whose behaviour has been serious enough to make them unsuitable to be a council tenant will not be awarded a priority on the Leeds Homes Register. Their Leeds Homes Register application will not be cancelled, but they will only be considered for a direct letting in the ALMO they currently live in, or at the discretion of another ALMO. These customers will be given less preference than other customers in the General Needs band when making expressions of interest in properties advertised through the choice based lettings scheme.

¹⁹ as defined by section 62 Housing Act 1996

6.2 Priority awards on the Leeds Homes Register

6.2.1 This section gives illustrative descriptions of housing need priority awards in each of the streams.

Priority Extra - Homeless	Priority – Homeless
<p>Statutorily homeless, ie. eligible, homeless, in priority need, unintentionally homeless and with a local connection to Leeds in accordance with Housing Act 1996, Part 7 as amended by the Homelessness Act 2002.</p>	<p>All categories of homeless people who are not statutorily homeless, ie:</p> <ul style="list-style-type: none"> • unintentionally homeless but not in priority need; • intentionally homeless; or • intentionally homeless, in priority need but with no local connection.
Priority Extra – Medical	Priority - Medical
<p>Where there is an urgent need for rehousing and the customer or household member’s medical condition is being severely affected or exacerbated by the property they reside in and where the customer:</p> <ul style="list-style-type: none"> • is unable to return home from hospital because the property does not meet their medical needs (blocking a hospital bed) and where a move to temporary accommodation would be inappropriate; • requires urgent rehousing to prevent an admission to hospital, residential care or nursing home; • is unable to access any of the facilities in their current property; • has extreme difficulty mobilising within their current property; • has extreme difficulty accessing the property owing to steps or slopes leading to doorways; • requires an adapted property to meet their needs and 	<p>Where there is a non-urgent need for rehousing and the customer or household member is experiencing difficulties coping in the property they reside in and:</p> <ul style="list-style-type: none"> • has difficulty negotiating stairs in the property; • has some difficulty accessing the property owing to steps or slopes leading to doorways; • needs to move because the property is beginning to have a detrimental affect on their physical or mental well-being which could lead to a deterioration in their medical condition; • requires the facilities of sheltered housing on age or individual needs for housing related support; • needs improved heating which cannot be secured in the current property on medical grounds.

<p>their current home cannot be adapted;</p> <ul style="list-style-type: none"> • requires extra facilities on health grounds, (for example, a bedroom or bathroom) which cannot be provided in their current home; • urgently requires sheltered housing facilities because of their medical history, vulnerability, being at risk in their current property or in urgent need of sheltered housing and requires housing related support (ie. warden service). 	
<p>Priority Extra – Housing Conditions</p>	<p>Priority – Housing Conditions</p>
<ul style="list-style-type: none"> • customers whose property has been approved for clearance by a Environment and Neighbourhoods decision panel or Council Executive Board decision; • on referral from the council’s Environmental Health Service where major works are required to a customer’s property making it uninhabitable, eg private rented properties where there is no alternative measure to render the property habitable; • customers assessed as being statutorily overcrowded. 	<ul style="list-style-type: none"> • customers overcrowded by two or more bedrooms according to Leeds City Council’s bedroom standard; • customers lacking essential services, for example, no inside WC, no cold running water, or no utility connections to heat the house; • customers sharing facilities.
<p>Priority Extra – Additional Needs</p>	<p>Priority – Additional Needs</p>
<p>i) General</p>	<p>i) General</p>
<p>Where a customer, or member of their household, needs to move urgently on welfare or hardship grounds which do not fall into the other streams within Priority Extra.</p> <p>Examples:</p> <ul style="list-style-type: none"> • customers requiring urgent rehousing due to their care or support needs; 	<p>Where a customer, or member of their household, needs to move on welfare or hardship grounds which do not fall into the other streams within Priority.</p> <p>Examples:</p> <ul style="list-style-type: none"> • customers requiring rehousing to recover from the effects or threats of violence or physical, emotional or

<ul style="list-style-type: none"> • customers requiring urgent rehousing due to harassment, including racial, sexual or homophobic harassment or abuse, or other hate crimes; • where an urgent need to move is agreed in conjunction with police or social services, eg to assist in the delivery of a care plan, witness protection, or under the Multi Agency Risk Assessment Conference; • customers under occupying social housing in Leeds in their current home where the move will achieve best use of council stock; • customers living in an adapted property in social housing in Leeds which they do not require; • customers with an urgent need to move from Leeds Supporting People funded accommodation; • Leeds City Council or Education Leeds service employees and service occupants required to move from tied accommodation. 	<p>sexual abuse;</p> <ul style="list-style-type: none"> • where medical priority is not applicable but there is a demonstrable need to move eg to give or receive support, or to access specialised medical facilities; • customers who need to move to take-up particular employment or training opportunities; • where a non-urgent need to move is agreed by Housing in conjunction with police or social services, eg to assist in the delivery of a care plan; • customers with a non-urgent need to move from Leeds Supporting People funded accommodation.
<p>Priority Extra - Additional needs</p>	<p>Priority - Additional needs</p>
<p>ii) Children</p>	<p>ii) Children</p>
<p>Where a move is urgently required because of the needs of a child in the household, on welfare or hardship grounds which do not fall into the other streams within Priority Extra.</p> <p>Examples:</p> <ul style="list-style-type: none"> • Leeds City Council corporate parent duty eg care leavers • to facilitate fostering or adoption arrangements on referral from Social Services Department. 	<p>Where a customer needs to move because of the needs of a child in the household on welfare or hardship grounds which do not fall into the other streams within Priority.</p>

6.3 Length of time in a priority band

Customers in Priority Extra and Priority will be given 120 days preference on the Leeds Homes Register for rehousing through the choice based lettings scheme, called 'priority limit'. If the customer is unsuccessful in obtaining a property during the 120 day period then they will lose their priority preference, and be placed in the General Needs band.

Where the council has a duty to secure accommodation to a statutorily homeless customer, they will be considered for a direct offer of accommodation after the initial priority period has expired, see also section 7.5.4.

6.4 Priority limit deferral

Customers who have a priority award who are not ready to move can request their priority is deferred, for example when waiting for confirmation of when the customer will be ready to move.

6.5 Priority limit extension

6.5.1 Customers may request an extension of their priority award. All requests for extensions of priority will be considered, but not requests made within the first 90 days of the priority period.

Customers should contact the ALMO or BITMO holding their membership form to request an extension of their priority award.

Decisions on whether to extend the priority award will take into account the following (this list is not exhaustive):

- whether there has been a change in the customer's circumstances since the priority was awarded;
- whether the customer has been making appropriate expressions of interest in advertised properties;
- whether the customer has any particular support needs relating to their rehousing;
- the number of suitable properties advertised during the priority limit time;
- the level of demand for suitable properties; and

- the customer's position for properties they have expressed interest in through the choice based lettings scheme.

Customers will receive written notification of whether the extension has been permitted and length of the extension, which will generally be for a further 120 days. Customers have the right to request a review of a decision not to extend their priority.

6.6 Bedroom requirements

6.6.1 The council will ensure that customers are considered for accommodation appropriate to the needs and size of their household. The council will assess the number of bedrooms required based upon the number of people to be rehoused, and the ages and gender of any children. Customers will be informed of this when they register their application, or when their circumstances change.

6.6.2 A separate bedroom ought to be available based upon the council's standard for:

- each adult (age 16 years or over), except when living together as partners; and
- two children, where one is age 10 years or over, who are not the same gender.

This list is not exhaustive.

Normally, no more than two people should share a bedroom. On receipt of proof of pregnancy, the unborn child will be included in the bedroom calculation.

6.6.3 Circumstances may arise where additional rooms are required, for example:

- where a customer requires a carer to live with them or equipment or adaptations which require more space;
- to allow an adaptable property to be adapted, for example, to enable a through floor lift to be fitted; or
- on request from Social Services, to enable a foster placement to continue.

6.6.4 This definition of bedroom requirements is considerably more generous than the statutory definition²⁰.

6.6.5 Where a customer has staying access to children (as a result of either a court order or an informal arrangement), the council will consider the size of accommodation that is appropriate to either parent or guardian depending upon the situation.

In high demand areas preference for larger properties will be given to customers with full time access to dependent children over other customers. See also section 6.7.5 below on the type of property that can be offered.

6.6.6 In some cases it may be possible to permit customers to under occupy, or over occupy a property (if the customer elects to do so in certain circumstances).

6.6.7 In certain circumstances a customer may be considered for a range of property sizes in order to maximise their opportunity of securing suitable rehousing.

6.7 Property type

6.7.1 The council will ensure that customers are considered for property types which are appropriate to the needs of their household.

6.7.2 Preference for offers of bungalows will normally be given to customers age 60 years old and over, and to disabled customers with an appropriate housing recommendation.

6.7.3 Preference for offers of adapted properties will normally be given to customers requiring the adaptations, as assessed by a council-approved occupational therapist. See section 7.3 below. ALMOs may advertise accessible ground floor flats which are capable of being adapted, to give preference for offers to disabled customers.

6.7.4 Sheltered accommodation will be let primarily to customers age 60 years old and over. Customers under 60 years old will only be considered for sheltered accommodation if they have been assessed by the Medical Housing Team as requiring, and being eligible for,

²⁰ Section 326 Housing Act 1985

sheltered accommodation. This will include an assessment of the customer's need for the warden service.

- 6.7.5 Where a customer has staying access to children (as a result of either a court order or an informal arrangement) then the council will consider the type of accommodation that is appropriate to either parent or guardian depending upon the situation (see also section 6.6.5 above on the size of property that can be offered). In high demand areas, preference will be given for certain property types, such as houses, to customers with full time access to dependent children over other customers.

7. Offers of accommodation

7.1 General

- 7.1.1 Offers of council accommodation are made on the basis of the information provided by the customer on their membership form and in any housing needs assessment. It is the customer's responsibility to inform the council of any changes in their housing circumstances.
- 7.1.2 Customers will only be made one offer of accommodation at a time. Once they have been made an offer they will not be able to make expressions of interest in further properties or be considered for a direct offer of accommodation.
- 7.1.3 In exceptional circumstances, the council may withdraw an offer of accommodation, for example, with the customer's agreement, or where there is a change in the customer's circumstances which affects their application.
- 7.1.4 Customers who qualify for a direct letting can also be assessed for a priority award and can make expressions of interest in properties advertised through the choice based lettings scheme.
- 7.1.5 The ALMOs and BITMO may operate tenant 'meet and greet' schemes, which give prospective tenants the opportunity to meet a registered tenant group's representative. The tenant representative will give information about living in the area and the work of the tenant group. The tenant group's representative will not be involved in the lettings process or allocation decision.

7.2 Choice based lettings

- 7.2.1 Under the Leeds Homes choice based lettings scheme, available council and some housing association and Leeds Landlord Accreditation Scheme (LLAS) properties are advertised. The choice based lettings scheme gives customers the opportunity to make up to three expressions of interest in properties per week.

Under the choice based lettings scheme, customers are expected to make expressions of interest in properties, rather than wait to be allocated a property by a housing officer. Customers who require

support with the rehousing process should contact their local housing office for assistance.

7.2.2 Details of available properties are advertised:

- in the Leeds Homes Property flyer;
- in estate agent style window displays within council and ALMO premises; and
- on the Leeds Homes website: www.leedshomes.org.uk

7.2.3 Available council properties, some housing association properties and properties owned by members of the Leeds Landlord Accreditation Scheme are advertised for 6 days, from Wednesday to Monday. No expressions of interest can be made on Tuesdays. When some bank holidays occur, such as Christmas, Easter, Spring and Summer bank holidays, the advertising period will last an additional week.

7.2.4 The property advert will stipulate the lettings criteria for the property. Customers who do not meet the lettings criteria may not be considered for the property.

7.2.5 Customers can make expressions of interest in advertised properties by:

- using the choice based lettings telephone line;
- returning the property coupon;
- emailing Leeds Homes;
- minicom;
- text message;
- using the Leeds Homes website; or
- calling in person at a neighbourhood housing office or one stop centre.

7.2.6 At the end of the advertising period, expressions of interest in council properties will be ranked according to the lettings policy criteria, and the offer made to the highest ranked suitable and eligible customer. If the top ranked customer refuses the offer, the property will be offered to the second ranked customers, and so on, until the property is let.

7.2.7 Feedback on council homes that have been let will be published in the Leeds Homes flyer and website, including the successful customer's priority band and date of priority or registration.

7.2.8 All council properties that are labelled under the 'first come, first served' banner have been advertised previously but not let. First come, first served properties will be let to the first suitable customer (who meets the lettings criteria) to express an interest in the property.

Offers of first come first served properties can be made before the end of the advertising cycle.

7.2.8 Registered Social Landlord properties

Registered Social Landlords who advertise available properties through the Leeds Homes choice based lettings scheme use their own lettings criteria to decide which customer to offer the property to.

7.2.9 Leeds Landlord Accreditation Scheme (LLAS)

Members of the Leeds Landlord Accreditation Scheme who advertise properties through the Leeds Homes choice based lettings scheme use their own criteria to assess bedroom requirements, to select the successful applicant and will not necessarily select the customer with the highest priority. However, in the provision of letting of housing or associated services and in letting of contracts for services, no person or group of persons applying will be treated less favourably than any other person or group of persons because of their race, colour, ethnic or national origin, gender, disability or sexual orientation. This is a requirement of continued membership of the LLAS.

7.2.10 Assisted bidding

Where customers in housing need (Priority Extra or Priority) are either not making expressions of interest or are bidding unrealistically, staff may place expressions of interest on suitable properties on the customer's behalf. If the customer subsequently tops a CBL shortlist and the offer is deemed to be reasonable and suitable, they will be offered the property.

A customer may be considered to be bidding unrealistically where they are placing repeated bids for properties for which, given their own banding and status, they have no realistic chance of success. Where possible, officers will discuss the issue with the customer, to advise the customer of what sort of bids would be realistic, and what the consequences of continuing to bid unrealistically (or failing to bid) are, before deciding to place expressions of interest on the customer's behalf.

7.3 Offers of accommodation under choice based lettings

ALMO and BITMO properties advertised through the choice based lettings scheme will normally be offered to the customer in the most housing need to make an expression of interest in the property.

This will generally be in order of:

- housing need band: Priority Extra, Priority and then General Needs;
- date of priority award (if relevant);
- date of registration of their membership;
- the customer meeting the lettings criteria stated in the property advert, for example, requiring the number of bedrooms, or meeting the requirements of a local lettings policy; and
- the most appropriate use of the home to let, for example, based upon 'best fit' for the number of children in the home.

Exceptions to this are listed in section 7.4 below, and also for lettings made of properties owned by members of the Leeds Landlord Accreditation Scheme, who will operate their own selection criteria.

7.4 Offer bypass reasons

In certain circumstances the 'top ranked' customer on the shortlist will not be offered the property. The circumstances where a customer may be bypassed are outlined in the table below:

Bypass Reason	Circumstances
Access to children	Used in high demand properties (ie family size / types) and areas to enable the offer to be made to a customer with full time access to dependent children ahead of other customers, eg customers with part time access to children or households solely made up of adults.
Adapted property: OT recommendation	Used to enable an adapted property to be offered to the customer on the shortlist recommended by the Children's Support Group or occupational therapist (OT).
Area Specific	Used to bypass a customer who has been awarded a priority because they need to move to a particular locality, if they top a shortlist for a property in a different area. It can also be used where a customer needs to avoid a particular locality, and be rehoused in a different area, for example, a customer who has successfully completed a drug treatment programme who tops a shortlist could be bypassed if the area is known to have a large proportion of other users or there is evidence of drug dealing in the area.
ASBO in place	Used to bypass a customer who tops a shortlist for a property in an area they, or a member of their household, is prevented from entering due to the conditions of an Anti Social Behaviour Order.
Hospital bedblocking	Used to enable a customer on the shortlist awaiting discharge from hospital to be offered the property ahead of higher ranked customers.
First come first served	Used to enable a property to be allocated to the first customer who bid successfully for a first come first served property, regardless of their priority band or date of priority.
Incorrect bedroom calculation	Used to ensure the offer is not made to the top ranked customer if they would under / severely over occupy the property.

Bypass Reason	Circumstances
Ineligible for Part 6 allocation	Used to bypass a customer who is ineligible for a Part 6 allocation but is registered on the common Leeds Housing Register for housing association properties, for example, due to immigration status or failing the habitual residence test (see section 5.1).
Known perpetrator of violence in area	Used to bypass a customer who tops a shortlist if the letting would result in: <ul style="list-style-type: none"> • a known and proven perpetrator of domestic violence, racial abuse or other hate crimes being rehoused within the vicinity of the victim of the violence; or • a customer previously evicted for anti-social behaviour being rehoused in the same area as the behaviour took place, even if the customer is now suitable to be rehoused.
Local Lettings Policy	Used to bypass a customer who is not given preference under an approved local lettings policy.
Multi Agency Public Protection	Used to bypass high risk offenders (sexual offenders, violent offenders and other offenders likely to pose a risk of serious harm) if: <ul style="list-style-type: none"> • they would be rehoused near their victims or known associates; • they would be rehoused in an area or property type considered unsuitable by the Multi Agency Public Protection panel; or • the letting would breach their bail conditions.
Medical recommendation	Used to bypass a customer who has a medical housing recommendation where the property they made an expression of interest in is not suitable for their assessed needs, and is not capable of being adapted (using the 'reasonable and practicable' test).
Property type - ineligible	Used to bypass a customer who is ineligible for a property type, for example: <ul style="list-style-type: none"> • a 25 year old non-disabled customer tops a shortlist for sheltered accommodation; or • where pets are not allowed.

Bypass Reason	Circumstances
Reduced preference - suitability	Used to bypass a customer with reduced preference due to their suitability, under section 5.3
Refused offer	Where the customer has already refused the offer of the property but their application reappears on the computer shortlist.
Residential home	Used to make the offer to enable a customer on the shortlist awaiting discharge from a residential home or community intermediate care bed to be offered the property ahead of higher ranked customers.
Support package	Used where a young person (16-17) has no support package in place and one is recommended by the caseworker; and in the view of the support agency, a person requires a support package but one cannot be obtained straight away. NB. Not all young people will require a support package.
Ringfence clearance preference	Used where an ALMO has advertised a property under a ringfence logo as giving preference to customers with a clearance priority, Priority Extra – Housing conditions.
Unable to take up offer	Used where the customer and / or members of their household are not able to take up an offer of accommodation within a reasonable time period.
Offer pending from RSL	Used where a Registered Social Landlord has already made the customer an offer of accommodation which is currently pending, to ensure the customer only has one offer of accommodation at a time.
Administrative reasons	This enables the offer to be made to the customer who has held the highest priority for the longest time, should the CBL shortlist not be generated in the correct order.

7.5 Direct lettings of council accommodation

- 7.5.1 The majority of available council properties will be advertised through the choice based lettings scheme. However, there are circumstances where a property may be allocated outside the choice based lettings scheme by a direct letting (previously termed a 'management let').
- 7.5.2 When a council property becomes available to let, the ALMO or BITMO will decide whether to advertise it through the choice based lettings scheme or make a direct letting. Direct lettings will only be made by an ALMO or BITMO. The decision about which officer makes the direct letting will be delegated to each ALMO and BITMO.
- 7.5.3 Council properties let through direct lettings will not be advertised through the choice based lettings scheme. However, feedback that they have been let will normally be published.
- 7.5.4 Customers who are eligible for a direct letting will normally be made one reasonable offer suitable to their household's housing needs.

Where possible the offer will take into account customers' preferences, for example, property type and area. In some circumstances this will not be possible, for example in areas where demand for social housing is high and available properties are in short supply.

Statutorily homeless customers will generally be given a minimum of 120 days preference on the Leeds Homes Register in which they can make expressions of interest in advertised properties. If they have not secured rehousing during this time, a final offer will be made to discharge the council's duty to them, regardless of whether their priority has been extended. The length of time it will take to make a final offer will depend on the availability of a suitable property. The final offer may be made by a direct letting or through the choice based lettings scheme, including by an assisted bid.

- 7.5.5 Direct lettings will generally be made in the date order customers were assessed as being eligible for a direct letting.

Where a direct letting is made to discharge duty to a homeless customer it will generally be made in order of the date their homeless priority was awarded. However, in some circumstances offers will be made outside this order, for example, to meet an approved corporate objective or in response to an urgent request from the Peace and Emergency Planning Unit.

Direct letting categories: The table lists the direct lettings categories for council properties with illustrative examples of the circumstances in which a customer will qualify for a direct letting.

Legal duties:	
Court order	<ul style="list-style-type: none"> • where Leeds City Council is obliged by a court order to provide accommodation.
Statutory overcrowding	<ul style="list-style-type: none"> • where a customer is statutorily overcrowded (in accordance with s326 1985 Housing Act).
Clearance	<ul style="list-style-type: none"> • to make a final offer where demolition or substantial refurbishment of properties in Leeds has been approved by Environment and Neighbourhoods decision panel, requiring the customer and their household to move on a permanent basis.
Statutory homeless	<ul style="list-style-type: none"> • to make a final offer to discharge homelessness duty.
Service tenants	<ul style="list-style-type: none"> • to make a final offer where Leeds City Council or Education Leeds needs to move an employee or former employee from tied accommodation.
Approved corporate objectives:	
Corporate contracts	<p>In accordance with Leeds City Council</p> <ul style="list-style-type: none"> • Supporting People contracts; • National Asylum Support Service (NASS) contract.
Corporate emergencies	<ul style="list-style-type: none"> • where accommodation is requested by Leeds City Council's Peace and Emergency Planning section as a result of a fire, flood or other major incident.
Hospital discharge	<ul style="list-style-type: none"> • where a customer is discharged from a hospital or step-down facility, and requires accommodation to prevent bed blocking as a result of Community Care (Delayed Discharges) Act.
Witness Protection Scheme	<ul style="list-style-type: none"> • where a customer is referred by police authorities or Leeds City Council Anti-Social Behaviour Unit as part of the National Witness Mobility Scheme.

Family Intervention Project (FIP)	<ul style="list-style-type: none"> • where a customer is accepted onto the FIP scheme and requires housing to enable the support package to commence.
Multi Agency Risk Assessment (MARAC)	<ul style="list-style-type: none"> • where a customer is assessed by a Multi Agency Risk Assessment meeting as requiring housing.
Leeds Multi Agency Public Protection Agreement	<ul style="list-style-type: none"> • where a customer has been assessed as requiring housing as a result of this agreement.
Corporate parent	<ul style="list-style-type: none"> • where accommodation is required to enable the council to fulfill its corporate parent duty.
New corporate objectives	<ul style="list-style-type: none"> • where a corporate objective is approved by the council's Executive Board or delegated decision powers.
Lettings of specific property types:	
Extra care scheme	<ul style="list-style-type: none"> • where the customer has been assessed by the Leeds Extra Care Allocations Panel as requiring extra care facilities in Leeds.
Adapted / adaptable property	<ul style="list-style-type: none"> • where the customer has been assessed by the Medical Housing Team as requiring an adapted or adaptable property, eg where an adapted or adaptable property has previously been advertised and no-one on the shortlist requires the property, or after a customer has been unsuccessful after a reasonable period of time in using the choice based lettings scheme to secure an adapted property.
Management purposes:	
Management move	<ul style="list-style-type: none"> • in order to make the best use of Leeds City Council's housing stock eg to reduce under occupation.
Tenancy management	<ul style="list-style-type: none"> • to allow a joint tenancy to be granted from a sole tenancy and vice versa, as outlined in section 4.7.

7.6 Refusal of an offer

7.6.1 When a customer refuses an offer of accommodation made either through the choice based lettings scheme or by a direct letting, the council will consider whether the refusal was reasonable.

7.6.2 Every decision will be made on a case by case basis, however, the council will take into account the following factors:

- property size – based on the customer’s assessed bedroom requirements;
- property type – based on the lettings policy criteria, medical housing or council-approved occupational therapist’s recommendation;
- property condition – whether the property meets the lettings standard, or will meet it following repairs;
- whether the property has the potential to meet a disabled customer’s needs following adaptation. This will be based on the recommendation of a council-approved occupational therapist;
- geographical location of the property – whether the property is within a reasonable travelling distance for employment, support, schools and considering the reason for any priority award; and
- the demand for and supply of similar properties in the customer’s preferred areas.

Where an offer is made of a suitable property in terms of size, type, condition and geographical location (taking into account demand and supply), the council will generally consider a refusal to be unreasonable. The council will also take into account whether the customer made an expression of interest through the choice based lettings scheme in the property they subsequently refused.

If a customer refuses an offer made through a nomination by a Registered Social Landlord solely because there is no right to buy associated with the property, the council will consider this to be an unreasonable refusal.

7.6.3 If a customer in Priority Extra or Priority is made one reasonable offer and refuses it then they will lose their priority preference, remaining on the housing register in the General Needs band.

If a customer refuses a reasonable offer of accommodation made by a direct letting, they will no longer be eligible to be considered for a direct offer.

Customers will be able to make expressions of interest in advertised properties which may result in further offers being made.

7.6.4 Customers have the right to request a review of the decision to remove their priority following the refusal of an offer of accommodation. Statutorily homeless customers have an additional right to request a review of the suitability of the accommodation offered to discharge the council's duty to them, regardless of whether or not they accept the offer.

7.6.5 If an offer letter is returned by the Post Office as undelivered, the council will class the offer as refused and the housing application will be cancelled.

7.7 Offers to customers with pets

Certain pets cannot usually be kept in council properties with a shared entrance; customers will be informed of any restrictions in their offer letter.

7.8 Lettings to housing staff

All staff from the following organisations, members of their household and relatives must declare their interest on the LHR membership form:

- Leeds City Council;
- Leeds ALMOs and the BITMO;
- Elected Members of Leeds City Council;
- ALMO Board members;
- partner Registered Social Landlords' staff; and
- partner RSL Board members.

When an offer of accommodation is made to a member of staff, or to a member of their household, the ALMO and BITMO will ensure the offer is approved by a member of staff with appropriate seniority.

8. The right to review

- 8.1 All customers have a statutory right of review on certain Part 6 allocations decisions.²¹ This includes decisions:
- about the facts of the case;
 - that the customer is subject to the 'unacceptable behaviour' provisions of s.167(2C); or
 - under s.160A(9) (ineligible for housing because of immigration status or unacceptable behaviour).
- 8.2 A customer must request a review within a reasonable time period of being notified of the decision.
- 8.3 All letters notifying a customer of their housing need award will advise them of their right to a review and provide appropriate guidance on how to request a review.
- 8.4 When a request for a review is made the council will provide the customer with details about the review process, including guidance on how to present information for the review to consider.
- 8.5 The right to request a review is in addition to the statutory right to review for homelessness decisions (Housing Act 1996, Part 7). Customers must request a review under Part 7 within 21 days of being notified of the decision.
- 8.6 The review will be held by senior managers within Environment and Neighbourhoods who have not been involved in the original decision. Reviews of Medical Housing Team decisions will be considered by an independent Doctor and a panel of Senior Managers who have not been involved in the original decision.
- 8.7 The council will notify the customer of the review decision in writing within eight weeks of receiving the request for the review (or a longer period if agreed in writing by both parties).²²
- 8.8 A customer does not have the right to request a review of a decision reached by an earlier review.²³

²¹ Section 167(4A)(d) Housing Act 1996, as amended

²² Allocation and Homelessness (Review Procedures) Regulations 1999

²³ Section 164 (4) Housing Act 1996

9. Role of Elected Members

The Allocation of Housing (Procedure) Regulations 1997 prevent an elected member from being part of a decision-making body (ie the housing authority or any sub-committee) or making an allocation at the time the allocation decision is made, when either:

- (a) the unit of housing accommodation concerned is situated in their electoral ward; or
- (b) the person subject to the decision has their sole or main residence in the member's electoral ward.

The regulations do not prevent elected members' involvement in allocation decisions where the above mentioned circumstances do not apply, nor do they prevent a ward member from seeking or providing information on behalf of their constituents, or from participating in the decision making body's deliberations prior to its decision.

Elected members remain responsible for determining allocation policies and monitoring their implementation.

10. Compliments and complaints

10.1 In addition to the review process, the council has a compliments and complaints procedure.

Leeds City Council is committed to providing services that are efficient and effective, and is committed to equal access for all.

In the case of a complaint, where possible, the council will resolve it there and then. Where the council cannot resolve your complaint immediately it will:

- write to you within three working days to tell you who is handling your complaint;
- send you a detailed written response within a further fifteen working days, or explain why we need more time;
- let you know how to appeal against an initial decision.

10.2 Customers can make a compliment or complaint about council services by:

- writing to the freepost address (no stamp needed):
Customer Contact Centre
Leeds City Council
FREEPOST NEA 13193
PO BOX 155
Leeds LS14 1YY
- telephoning: 0113 398 4703
- minicom: 0845 127 1113
- e-mail: complaints@leeds.gov.uk
- completing the on-line form at: www.leeds.gov.uk/complaints
- in person by visiting any council office.

11. Local Government Ombudsman

11.1 The Local Government Ombudsman investigate complaints of injustice arising from maladministration by local authorities and certain other bodies. They investigate complaints about most council matters including housing. The Ombudsman can investigate complaints about how the council has done something, but they cannot question what a council has done simply because someone does not agree with it.

11.2 A complainant must give the council an opportunity to deal with a complaint against it first, using its complaints procedure. If the complainant is not satisfied with the action the council takes, he or she can send a written complaint to the Local Government Ombudsman, or ask a councillor to do so on their behalf.

11.3 The Local Government Ombudsman can be contacted at:

Beverley House
17 Shipton Road
York YO30 5FZ

Telephone: 01904 380200
Fax: 01904 380269
Website: www.lgo.org.uk

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Our Values



Looking After Leeds

We are committed to improving the quality of life in Leeds and want to inspire pride in our city and communities. We will work with our partners, build on our successes and protect our city for future generations.



Putting Customers First

We will make sure our services meet the needs of our customers and communities. We will communicate clearly and work hard to find out and respond to our customers' needs. We are committed to providing excellent services that are value for money.



Treating People Fairly

We value the diversity of our communities and strive to ensure that everyone shares in the city's success. We will tackle discrimination and improve access to our services - especially to those with the greatest need.



Valuing Colleagues

We know that the good work of our colleagues is key to providing excellent services. We will support colleagues and encourage them to work creatively.