

## Lettings Policy 5 January 2011

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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'):

- operates the Leeds Homes Register
- assesses applications for housing
- lets its homes, and
- nominates customers for rehousing with Registered Social Landlords (RSLs) in Leeds.

1.1.2 The lettings policy was agreed by the council's Executive Board on 13 October 2010 and implemented on 5 January 2011.

1.1.3 The Leeds Arms Length Management Organisations (ALMOs) and Belle Isle Tenant Management Organisation (BITMO) follow the council's lettings policy when rehousing customers from the Leeds Homes Register. In addition, the council may provide information about lettings available from members of the Leeds Landlord Accreditation Scheme.

Management agreements between the council and ALMOs and BITMO 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 are published separately as part of the Leeds Homes membership pack.

1.1.5 In September 2010, there were 28,104 households on the Leeds Homes Register. On average we let 400 properties every month. With more households on the housing register than the number of lettings made every year, we are unable to rehouse the majority of our customers. For this reason, customers are encouraged to consider alternative housing options.

1.1.6 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).

1.1.7 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.

1.1.8 The lettings policy will support corporate and departmental strategies including the strategic outcomes outlined in the Council Business Plan and Leeds Strategic Plan 2008-11.

## 1.2 Legislative and policy framework of the lettings policy

1.2.1 All lettings of council homes and nominations to RSLs will be made in accordance with the lettings policy.<sup>1</sup> The council will ensure that the lettings policy complies with all legislative requirements, case law and council policies and strategies. The policy is supplemented by lettings procedures which provide more detailed guidance to staff.

1.2.2 The lettings policy is based upon the council's statutory duties<sup>2</sup>. The principles set out in this policy are guidelines and not absolute rules. All

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<sup>1</sup> Section 167(1) Housing Act 1996

<sup>2</sup> Housing Act 1996, as amended by Homelessness Act 2002; Fair and Flexible: Statutory Guidance on Social Housing Allocations for Local Authorities in England, Communities and Local Government, December 2009

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.

### 1.3 Information to customers

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

- their housing need according to the lettings policy, in particular whether they will be in a preference 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.

1.3.2 A summary of the lettings policy is available, free of charge, upon request. To order a copy, telephone 0113 222 4413.

1.3.3 A copy of the full lettings policy is available for inspection at each ALMO, BITMO and the council's Environment and Neighbourhoods office:

Environment and Neighbourhoods  
Merrion House  
110 Merrion Centre  
Leeds  
LS2 8BB

The lettings policy can be downloaded from the Leeds City Council website [www.leeds.gov.uk](http://www.leeds.gov.uk)

1.3.4 Information regarding the lettings policy is available free of charge at ALMO and BITMO housing offices, as well as council One Stop Centres.

1.3.5 The council is committed to using Plain English and can provide application information in community languages and appropriate formats.

### 1.4 Statement on choice

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

1.4.2 The lettings policy outlines the types of property customers will be considered for, and the circumstances when the council may place expressions of interest in advertised properties on behalf of customers or make a direct offer of accommodation to a customer.

## 1.5 The aims and objectives of the lettings policy

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

- to publish a lettings policy which includes the council's statement on choice and outlines how the council assesses customers' housing needs
- to ensure customers in reasonable preference groups are given preference for rehousing
- to take account of the needs of local people
- to meet other legislative requirements.

1.5.2 To offer customers choice

- to give customers the opportunity to express their preferences in properties advertised through the Leeds Homes choice based lettings scheme
- to maximise choice wherever possible, for example by ensuring the majority of properties are advertised.

1.5.3 To manage the demand for council housing in Leeds

- to ensure the majority of council properties are let to customers in the reasonable preference groups
- to assist households with a need to remain in, or move to, a particular locality of the city
- 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 advertising lettings by Registered Social Landlords and private landlords who participate in the Leeds Landlord Accreditation Scheme (LLAS)
- to encourage customers to consider a variety of housing options 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 To provide an equitable, transparent, efficient and customer focused lettings system

- to ensure consistency in the lettings process across the ALMOs and BITMO by publishing a single city wide lettings policy
- 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 offer customers choice and giving reasons for decisions
- to ensure that customers are not discriminated against unjustifiably on the basis of disability, race, colour, ethnic origin, religion, age, sexuality or gender
- 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
- to offer additional support to customers who require assistance in using the lettings process including the choice based lettings scheme;
- 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 To promote sustainable communities

- 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
- to assist local people to remain in or move to a particular locality of the city, for example, by giving preference for a proportion of lettings to customers with a local connection to the area with long standing housing applications, 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 To enhance mobility of customers within, in and out of Leeds

- to give preference to customers with a local connection to Leeds;
- to promote mobility of council tenants by participating in a mutual exchange 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 lettings and nominations against equality indicators to ensure lettings are made proportionately across customer groups;
- monitoring nomination agreements and performance, and
- auditing the implementation of the lettings policy.

## **2. Leeds Homes Register**

### **2.1 Partner Registered Social Landlords**

2.1.1 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 (BITMO)
- Affinity Sutton
- Chevin Housing Association
- Connect Housing
- Headrow Housing Group
- Leeds Federated Housing Association
- Leeds Jewish Housing Association
- Places for People
- Unity Housing Association
- Yorkshire Housing

2.1.2 These landlords use the same application form and computer system to register housing applications. They have access to data held in all applications, even if a customer has not applied directly to them. By making an application to be put on the housing register, the customer consents to their information being accessed by all LHR landlords.

2.1.3 Each LHR landlord has signed an individual agreement with the council which requires them 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.

2.1.4 The landlords will not 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.

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

2.1.6 Registered Social Landlords with housing stock within the Leeds area are generally expected to let a minimum of 50% of their properties through the LHR as nominations. The following lettings made by registered social landlords will be considered to be a nomination:

- customers from Band A or Band B of the LHR
- customers from a direct letting category, and
- other groups of customers as defined under the council's Affordable Housing Framework

2.1.7 Leeds Homes offers members of the Leeds Landlord Accreditation Scheme (LLAS) 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 LLAS members are available on the Leeds City Council website [www.leeds.gov.uk](http://www.leeds.gov.uk).

## 2.2 Joining the housing register

2.2.1 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 Housing Options Service
- RSLs participating in the Leeds Homes Register
- Leeds Homes website [www.leedshomes.org.uk](http://www.leedshomes.org.uk)
- Leeds Homes, by telephoning 0113 222 4413.

2.2.2 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 section 5.7.5 for further details.

2.2.3 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 for a mutual exchange.

## 2.3 Information held on the housing register

2.3.1 The information on the membership form will be input onto a computer database system. All housing needs, offers of council accommodation and nominations to Registered Social Landlords will be recorded on this database.

2.3.2 All changes of circumstance will be recorded on the computer system; as a result there may be a re-assessment of housing need, for example, this may result in a change in the priority awarded or the number of bedrooms required.

2.3.3 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.

2.3.4 As soon as an application is registered on the LHR an acknowledgement letter 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.

## 2.4 Verifying information received on the LHR membership form

2.4.1 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.

2.4.2 The council will verify the information provided on the membership form at the registration stage and prior to any offer of accommodation being made. Normally, customers will be asked to provide proof of the following (this list is not exhaustive):

- identity of the household members
- 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.

## 2.5 Keeping the housing register up-to-date

2.5.1 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
- as a result of receiving no response to correspondence, for example, to an offer letter, and
- when updating information on the housing register, for example, by removing duplicate applications.

2.5.2 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)
- where the customer has more than one application registered
- when the customer has been rehoused by the council or a Registered Social Landlord, including part ownership schemes
- if any correspondence (such as an offer letter) is returned by the Post Office as undelivered
- where a council tenant terminates their tenancy
- 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.

2.5.3 Where an application is cancelled, the council will write to the customer at their last known address to inform them 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.

2.5.4 When a customer with a cancelled application reapplies for housing, the council will reassess the application (including any priority award) in light of the customer's current circumstances.

If a customer's membership form was cancelled in the last three months, the application date on their new form will be backdated to that of the original application. Where the membership form was cancelled over three months ago, the date of registration will 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.

## 2.6 False statements and withholding information

2.6.1 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.<sup>3</sup>

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.

2.6.2 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.

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<sup>3</sup> Housing Act 1996, ss171(1) and 214(1)

### **3. Scope of the lettings policy**

#### 3.1 Definition of a let<sup>12</sup>

3.1.1 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 secure council tenant, a secure tenant of another council or an assured tenant of a RSL
- a nomination to be a starter or an assured tenant of a RSL.

Lettings will be made in accordance with the relevant Act.

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

3.1.3 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.

3.1.4 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 normally be expected to return to their original property on completion of the works.

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

- service tenancies for employees of the council, eg. school superintendents and park wardens, or
- non-secure council tenancies created by the Housing Act 1985<sup>4</sup>

#### 3.2 Local letting policies

3.2.1 The lettings policy allows the ALMOs and BITMO to operate local lettings policies to enhance the sustainability of defined communities. 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.

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<sup>4</sup> Section 167(2E) Housing Act 1996

3.2.2 Where local lettings policies are in operation, overall, reasonable preference for allocations will be given to applicants in the reasonable preference categories; and local lettings policies will not discriminate unjustifiably, directly or indirectly, on racial or other equality grounds.<sup>5</sup>

3.2.3 Local lettings policies must be approved by the relevant ALMO or BITMO Board, and by the council, and will be reviewed annually.

3.2.4 The ALMOs and BITMO will provide details of the local lettings policies they operate in their housing offices. All properties subject to a local letting policy will be clearly labelled as such when they are advertised through the choice based lettings scheme.

### 3.3 Succession (death of a tenant)

3.3.1 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 partner<sup>6</sup>, 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 family<sup>7</sup>, provided they lived in the property as their only or principal home throughout the period of twelve months preceding the tenant's death.

3.3.2 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.

3.3.3 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:

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<sup>5</sup> Schedule 1 1985 Housing Act

<sup>6</sup> as defined under the Civil Partnership Act 2004

<sup>7</sup> 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.

### 3.4 Assignment

3.4.1 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.

3.4.2 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.

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

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

### 3.5 Mutual exchange

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

3.5.2 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.

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

3.5.4 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.

### 3.6 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.

### 3.7 Joint tenancies

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

3.7.2 Where more than one adult (a customer aged 16 years old or over) applies for housing together, they can apply as joint tenants.

3.7.3 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'.

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

### 4.1 Eligible customers

4.1.1 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 control<sup>8</sup> or persons from abroad, unless they are of a class prescribed by regulations made by the Secretary of State.<sup>9</sup> (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.

4.1.2 Every eligible customer who makes an application for housing to the council will be considered for rehousing<sup>10</sup>.

4.1.3 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.

### 4.2 Suitability to be a council tenant – eligibility

4.2.1 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.<sup>11</sup> The council will consider whether the customer, or a member of his/her household, has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant at the time their application is considered.

4.2.2 Unacceptable behaviour is defined as behaviour by the customer, or household member, which would, if he/she was a secure tenant,

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<sup>8</sup> as defined by section 13(2) Asylum and Immigration Act 1996

<sup>9</sup> Section 160(A)(3) and (5) Housing Act 1996

<sup>10</sup> Section 160(A) Housing Act 1996

<sup>11</sup> Section 160A (7) Housing Act 1996

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 be considered on its own facts and merits.

4.2.3 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.

4.2.4 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.

4.2.5 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.

4.2.6 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.

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

4.2.8 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).<sup>12</sup>

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

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<sup>12</sup> Section 160A (11) Housing Act 1996

### 4.3 Suitability to be a council tenant – reduced preference

4.3.1 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 scheme<sup>13</sup>. Where the behaviour is not deemed serious enough to justify a decision to treat the customer as unsuitable under section 4.2, the customer will be given less preference in the allocation of a given property than customers in Band B without a record of such behaviour.

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 in Band A or B when being considered for offers of accommodation through the choice based lettings scheme. Customers who have deliberately worsened their circumstances as described in section 5.1.8 may also have their preference reduced.

Once the council is satisfied that the behaviour has been addressed satisfactorily, the reduction in preference will be removed. Examples of addressing this behaviour satisfactorily could include where a customer has repaid rent arrears has repaid them.

4.3.2 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
- 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.

4.3.3 The decision to reduce a customer's preference under section 4.3.1 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.

4.3.4 When the council decides to reduce a customer's preference under section 4.3.1, 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.

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<sup>13</sup> Section 167(2A)(b) Housing Act 1996

4.3.5 The customer may request a review of a decision to reduce their preference under section 4.3.1.

4.3.6 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 4.3.1.<sup>14</sup>

4.3.7 The decision to reduce a customer's preference under section 4.3.1 will be reviewed annually by the ALMO or BITMO.

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<sup>14</sup> Section 160A (11) Housing Act 1996

## 5. Determining housing needs

### 5.1 Housing needs bands

5.1.1 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<sup>15</sup>. This currently includes those:

- who are homeless
- who the local authority has a duty to accommodate
- occupying insanitary, overcrowded or unsatisfactory housing conditions
- who need to move on medical or welfare grounds, and
- who need to move to a particular locality to reduce hardship.

5.1.2 Customers will have their household's housing needs categorised into one of three bands on the Leeds Homes Register to reflect the degree of need; Band A, Band B or Band C<sup>16</sup>.

5.1.3 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 below to assist customers to gauge which band they may be placed within. These examples are indicative, not exhaustive.

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<sup>15</sup> Section 167(2) Housing Act 1996

<sup>16</sup> Previously the band names were Priority Extra (A), Priority (B) and General Needs (C)

## 5.1.4 Summary of bands on Leeds Homes Register

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

### 1. Homeless

Where Leeds City Council has accepted a duty in accordance with Housing Act 1996, Part 7 as amended by the Homelessness Act 2002

Examples:

- Statutorily homeless customers, i.e. eligible, homeless, in priority need, unintentionally homeless and with a local connection to Leeds.

### 2. Medical

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:

- 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 their current home cannot be adapted
- 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)
- urgently requires suitable adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the Armed Forces.<sup>17</sup>

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<sup>17</sup> Communities and Local Government Circular 04/2009

### **3. Housing Conditions**

Where a customer, or their household, needs to move urgently due to the condition of their property.

Examples:

- 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
- households assessed as being statutorily overcrowded
- households with dependent children who are overcrowded by two or more bedrooms according to Leeds City Council's bedroom standard.

### **4. Additional needs: general**

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.

Examples:

- customers requiring urgent rehousing due to their care or support needs
- 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 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, safeguarding procedures, or as a result of a Multi Agency Risk Assessment Conference or Leeds Area Hate Crime Focus Group
- 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 where the move will achieve best use of council stock
- customers with an urgent need to move from a Leeds Supporting People funded 'tier 1' accommodation-based project
- Leeds City Council or Education Leeds service employees and service occupants required to move from tied accommodation, for example, due to retirement.

## 5. Additional needs: children

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.

Examples:

- Leeds City Council corporate parent duty eg care leavers
- to facilitate fostering or adoption arrangements on referral from Children and Young People's Social Care.

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

### 1. Homeless

All categories of homeless people who are not statutorily homeless.

Examples:

- not in priority need
- intentionally homeless, or
- with no local connection.

### 2. Medical

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.

Where the customer:

- 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.

### **3. Housing Conditions**

Where a customer, or their household, needs to move due to the condition of their property.

Examples:

- households with dependent children who are overcrowded by one bedroom according to Leeds City Council's bedroom standard
- other households who are overcrowded by two 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.

### **4. Additional needs: general**

Where a customer, or member of their household, needs to move on welfare or hardship grounds which do not fall into the other streams.

Examples:

- customers requiring rehousing to recover from the effects or threats of violence or physical, emotional or sexual abuse
- 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 a Leeds Supporting People funded 'tier 2' accommodation-based project.

### **5. Additional needs: children**

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.

### **6. Reduced preference**

Customers in Band A or Band B where preference is reduced under section 4.3.1 will be considered for offers after other customers in preference bands.

## **Band C**

This band consists of all other customers.

Examples:

- with no assessed housing need
- whose priority award (Band A or Band B) has expired
- whose priority has been removed after they refused a reasonable offer of accommodation
- who cannot demonstrate a local connection to Leeds (the exception will be homeless customers without a local connection who will be placed in Band B)

- 5.1.5 A customer's housing need may be reassessed at any point during the lifespan of their application.
- 5.1.6 The council (or ALMO or BITMO on its behalf) will assess the composite needs of the household when it receives information that indicates an assessment is warranted.
- 5.1.7 In certain circumstances, the council will recognise cumulative need where a customer has more than one distinct assessed need which falls in Band A. This need is termed **Band A+**. Where this is the case, such customers will be considered as in greater need than other customers in Band A.

In certain circumstances, a customer with more than one distinct assessed need which falls in Band B may be considered for an award of Band A on the basis of the cumulative needs.

#### 5.1.8 Deliberate worsening of circumstances and reduced preference

Customers who have deliberately and knowingly made their housing situation worse in order to achieve a higher housing needs band than the one in which they would otherwise have been placed, and acted unreasonably in doing this, will be subject to reduced preference and will only be considered for offers after other customers in Band A and Band B. These customers will not generally be considered for a direct offer of accommodation under section 6.5. This can apply to acts or omissions on the customer's part or by a member of their household. The decision to reduce preference will be reviewed on a change in circumstances.

An example of deliberately worsening circumstances could include people giving up secure accommodation to move in with another household in order to become overcrowded.

- 5.1.9 A person has a local connection with the district of a local housing authority if there is a connection with it through<sup>18</sup>:
- normal residence in an area, now or in the past, where the residence was the customer's own choice
  - being employed there (including people serving in the Armed Forces<sup>19</sup>)
  - family associations, or
  - special circumstances.
- 5.1.10 Assessment of housing needs will be undertaken by both Strategic Housing Services division and the ALMOs and BITMO.

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<sup>18</sup> Section 199 Housing Act 1996

<sup>19</sup> Section 315 Housing and Regeneration Act 2008

#### 5.1.11 Date of priority awards

An award of Band A or Band B will normally 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 16<sup>th</sup> 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.

Band A+ will be dated from the date the customer was assessed as being in cumulative need.

#### 5.1.12 Permanent decants (clearance) and award of Band A: 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 Band A: 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 Band A status will be taken by the ALMO undertaking clearance, 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 Band A, but will be considered in line with the general lettings policy.

Separate applications:

- A separate application for housing may be accepted from family<sup>20</sup> members, for example, where grown up children wish to be rehoused separately from their parents. These non-tenant household members will be expected to demonstrate they lived at the address as their principle home in the period before the clearance decision was made, and they must vacate the property before the tenant. Only one Home Loss Grant is payable in these circumstances.

Ring fencing:

- ALMOs may 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. 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 accordance with the lettings policy.

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<sup>20</sup> as defined by section 62 Housing Act 1996

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 or BITMO they currently live in, or at the discretion of another ALMO or the BITMO. These customers will be given less preference than other customers in the Band C band when making expressions of interest in properties advertised through the choice based lettings scheme.

### 5.3 Length of time in a priority band

Customers in Band A and Band B will normally 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 Band C 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 6.5.4.

### 5.4 Priority limit deferral

The award of a priority to customers who are not ready to move may be deferred temporarily.

### 5.5 Priority limit extension

- 5.5.1 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 office 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.

## 5.6 Bedroom requirements

5.6.1 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.

5.6.2 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, unless they are not the same gender and one is 10 years or over. In this case separate bedrooms should be available.

This list is not exhaustive.

Normally, no more than two people should share a bedroom. On receipt of proof of pregnancy (a doctor's or midwife's letter or MAT B1 form), the unborn child will be included in the bedroom calculation.

Where a customer has access to children, they will normally be assessed as requiring one additional bedroom.

This definition of bedroom requirements is considerably more generous than the statutory definition<sup>21</sup>.

5.6.3 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 Children and Young People's Social Care, to enable a foster placement to continue.

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

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

## 5.7 Property type

5.7.1 The council will give preference for different property types to certain groups of customers.

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

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

5.7.4 Applicants for sheltered housing will qualify for certain types of sheltered properties depending on their personal circumstances.

Category 1 sheltered accommodation has emergency alarm call equipment installed but does not have a warden, and will be for customers who are age 60 years old and over, or have a medical recommendation.

Category 2 sheltered accommodation has alarm call equipment and a warden. Category 2 sheltered housing will be for customers who are age

<sup>21</sup> Section 326 Housing Act 1985

60 years old and over, or have a medical recommendation. Normally customers who are employed for 15 hours per week or more will not be considered for Category 2 accommodation.

In all cases, customers must have demonstrable care and support needs such as:

- age related frailty
- physical and mental health issues
- multiple health problems that mean the individual needs support
- sensory impairment
- loneliness and isolation or safety and security
- current and future ability to utilise the warden support

Rehousing other household members in sheltered accommodation:

- where the spouse, civil partner or partner of an applicant who meets the above criteria is under 60 themselves, they may be rehoused with the main applicant but not as a joint tenant
- applicants with other family members aged between 16 and 59 years old will normally only be considered for category 1 accommodation
- applicants with dependent children under 16 years old will normally not be eligible for sheltered accommodation, and will be expected to apply for family accommodation

5.7.5 Preference for houses and maisonettes with two or more bedrooms will normally be given to households with primary care of dependent children ahead of households made up of parents or guardians with access to children or households made up of adults only. The exception to this is households with a member with a medical recommendation from the Medical Housing Team (where the property is capable of being adapted to their needs reasonably and practically).

Where a customer does not have primary care of dependent children, but shares care, either as a result of a court order or an informal arrangement, the council will consider the size and type of accommodation that is appropriate to either parent or guardian on a case by case basis. The parent with primary care will normally be considered for an offer of a house or maisonette.

The parent without primary care will normally be considered for an offer of a flat. The council will make a decision about which parent or guardian it deems has the primary care of the child. This will be based on the individual merits of each case taking into account receipt of child benefit; court orders; percentage of time spent caring for the children; and the regularity and permanence of the arrangement.

## 6. Offers of accommodation

### 6.1 General

- 6.1.1 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.
- 6.1.2 Customers will only be made one offer of accommodation at a time. Once they have been made an offer they cannot make further expressions of interest and will not be considered for other properties.
- 6.1.3 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.
- 6.1.4 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.
- 6.1.5 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.

### 6.2 Choice based lettings

- 6.2.1 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 advertised 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.

- 6.2.2 Details of available properties are advertised:

- in the Leeds Homes Property flyer
- within council and ALMO and BITMO premises, and
- on the Leeds Homes website: [www.leedshomes.org.uk](http://www.leedshomes.org.uk)

- 6.2.3 Available council properties, some housing association properties and properties owned by members of the Leeds Landlord Accreditation Scheme are currently advertised for 6 days, from Wednesday to Monday. No expressions of interest can be made on Tuesdays. On some bank holidays, such as Christmas and Easter bank holidays, the advertising period may last an additional week.
- 6.2.4 The property advert will stipulate the lettings criteria for the property, for example in terms of bedroom requirements. Customers who do not meet the lettings criteria may not be considered for the property.
- 6.2.5 Customers can make expressions of interest in advertised properties in a number of ways, including:
- telephone
  - minicom
  - text message
  - using the Leeds Homes website, or
  - in person at a neighbourhood housing office or one stop centre.
- 6.2.6 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 customer, and so on, until the property is let.
- 6.2.7 Feedback on council homes that have been let will normally be published on the Leeds Homes website, including the successful customer's priority band and date of priority or registration.
- 6.2.8 All council properties that are not let on the first advertisement will be re-advertised until let to the highest ranked suitable customer who meets the lettings criteria.
- 6.2.9 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.
- 6.2.10 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.

#### 6.2.11 Assisted bidding

Where customers in housing need (Band A or Band B) 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 bidding for properties which, given their band or date of registration, they have little 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.

### 6.3 Offers of accommodation under choice based lettings

#### 6.3.1 Properties are advertised through the choice based lettings:

- according to the priority band of the customer
- under a quota system according to the length of time the customer's application has been registered

#### 6.3.2 ALMO and BITMO properties advertised according to the priority band 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: Band A, Band B and then Band C
- 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 6.4 below.

#### 6.3.2 Under the date of registration quota, up to 25% of council properties will be advertised to give preference to customers with a connection to the

locality according to their date of registration on the Leeds Homes Register, regardless of their priority band.

Preference for offers of accommodation will be given to customers:

- with the longest date of registration on the Leeds Homes Register
- with a connection to the housing office area (local connection is defined in section 5.1.9 above)
- who can demonstrate a history of good behaviour and
- who meet the lettings criteria (eg in terms of bedroom requirements, local lettings policy etc)

Where no suitable customer with a connection to the neighbourhood office area expresses interest in the property, the offer can be made to a customer with a connection to the city of Leeds.

The date of registration quota will apply to properties advertised across all geographical areas and property types, other than adapted properties which will be advertised to give preference to customers requiring the adaptations. The council will review this ratio, and may suspend the quota system in the event of an emergency situation arising (for example, widespread flooding) which requires the policy to revert to prioritising reasonable preference customers for rehousing.

Where a customer in a priority band refuses a suitable offer of accommodation (made either through the CBL scheme or a direct offer), the council may remove any priority they hold. Customers can request a review of the decision to remove their priority.

#### 6.4 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:

<b>Bypass Reason</b>	<b>Circumstances</b>
Access to children	Used to enable the offer of a house to be made to a customer with primary care of dependent children ahead of other customers (other than households with a disabled adult member where the property would meet their assessed needs in terms of their housing recommendation).
Adapted property	Used to enable an adapted property to be offered to the highest ranked customer on the shortlist who requires the adaptations as assessed by a council-approved occupational therapist.
Sheltered property	Used to bypass a customer who is ineligible for sheltered accommodation.
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).
Hospital bed-blocking	Used to enable a customer on the shortlist awaiting discharge from hospital to be offered the property ahead of higher ranked customers.
Related to reasons for priority award	Used to bypass a customer who has been awarded priority, and the offer of the type of property would not achieve the outcome intended by the priority award, for example, a customer accepted onto the under occupation scheme who will only be considered for a flat but tops a shortlist for a house.
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.
Local Lettings Policy	Used to bypass a customer who is not given preference under an approved local lettings policy.

<b>Bypass Reason</b>	<b>Circumstances</b>
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 there is evidence of a large proportion of other users or 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.
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"> <li>• they would be rehoused near their victims or known associates</li> <li>• they would be rehoused in an area or property type considered unsuitable by the Multi Agency Public Protection panel, or</li> <li>• the letting would breach their bail or licence conditions.</li> </ul>
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"> <li>• 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</li> <li>• a customer previously evicted for anti-social behaviour or criminal offences being rehoused in the same area as the behaviour took place, even if the customer is now suitable to be rehoused.</li> </ul>
Ringfence clearance preference	Used where an ALMO has advertised a property under a ringfence logo as giving preference to customers with a clearance priority, Band A: Housing conditions.
Reduced preference - suitability	Used to bypass a customer with reduced preference due to their suitability, under section 4.3

<b>Bypass Reason</b>	<b>Circumstances</b>
Refused offer	Where the customer has already refused the offer of the property but their application remains on the computer shortlist.
Administrative reasons	This enables the offer to be made to the customer who has held the highest priority for the longest time / longest date of registration, should the CBL shortlist not be generated in the correct order.
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.
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.
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 16 or 17 year old customer has no trustee, or a customer has no support package in place and, in the view of the ALMO, that customer requires a support package but one cannot be obtained by the date the tenancy would be anticipated to begin.
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.
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 4.1).

## 6.5 Direct lettings of council accommodation

- 6.5.1 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.
- 6.5.2 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 to customers assessed as being eligible for a direct offer. The decision about which officer makes the direct letting will be delegated to each ALMO and BITMO.
- 6.5.3 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.
- 6.5.4 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.

- 6.5.5 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.

<b>Legal duties:</b>	
<b>Court order</b>	<ul style="list-style-type: none"><li>• where Leeds City Council is obliged by a court order to provide accommodation.</li></ul>
<b>Statutory overcrowding</b>	<ul style="list-style-type: none"><li>• where a customer is statutorily overcrowded (in accordance with s326 1985 Housing Act).</li></ul>
<b>Clearance</b>	<ul style="list-style-type: none"><li>• to make a final offer where demolition or substantial refurbishment of properties in Leeds has been approved by Environment and Neighbourhoods decision panel or Executive Board decision, requiring the customer and their household to move on a permanent basis.</li></ul>
<b>Statutory homeless</b>	<ul style="list-style-type: none"><li>• to make a final offer to discharge homelessness duty.</li></ul>
<b>Service tenants</b>	<ul style="list-style-type: none"><li>• to make a final offer where Leeds City Council or Education Leeds needs to move an employee or former employee from tied accommodation for reasons other than dismissal.</li></ul>
<b>Approved corporate objectives:</b>	
<b>Corporate contracts</b>	In accordance with Leeds City Council <ul style="list-style-type: none"><li>• Supporting People contracts;</li><li>• National Asylum Support Service (NASS) contract.</li></ul>
<b>Corporate emergencies</b>	<ul style="list-style-type: none"><li>• 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.</li></ul>

<b>Hospital discharge</b>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
<b>Witness Protection Scheme</b>	<ul style="list-style-type: none"> <li>• where a customer is referred by police authorities or Leeds City Council Anti-Social Behaviour Unit as part of the National Witness Mobility Scheme.</li> </ul>
<b>Family Intervention Project (FIP)</b>	<ul style="list-style-type: none"> <li>• where a customer is accepted onto the FIP scheme and requires housing to enable the support package to commence.</li> </ul>
<b>Multi Agency Risk Assessment (MARAC)</b>	<ul style="list-style-type: none"> <li>• where a customer is assessed by a Leeds Multi Agency Risk Assessment meeting as requiring housing.</li> </ul>
<b>Multi Agency Public Protection Agreement</b>	<ul style="list-style-type: none"> <li>• where a customer has been assessed as requiring housing as a result of a MAPPA meeting in Leeds.</li> </ul>
<b>Corporate parent</b>	<ul style="list-style-type: none"> <li>• where accommodation is required to enable Leeds City Council to fulfil its corporate parent duty.</li> </ul>
<b>Leeds Area Hate Crime Focus Groups</b>	<ul style="list-style-type: none"> <li>• where a customer is assessed by a Leeds Area Hate Crime Focus Group as requiring rehousing urgently.</li> </ul>
<b>Safeguarding</b>	<ul style="list-style-type: none"> <li>• where accommodation is required to enable Leeds City Council to fulfil its safeguarding duties.</li> </ul>
<b>New corporate objectives</b>	<ul style="list-style-type: none"> <li>• where a corporate objective is approved by Leeds City Council's Executive Board or delegated decision powers.</li> </ul>

<b>Lettings of specific property types:</b>	
<b>Extra care scheme</b>	<ul style="list-style-type: none"> <li>• where the customer has been assessed by the Leeds Extra Care Allocations Panel as requiring extra care facilities in Leeds.</li> </ul>
<b>Adapted / adaptable property</b>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
<b>Management purposes:</b>	
<b>Management move</b>	<ul style="list-style-type: none"> <li>• in order to make the best use of Leeds City Council's housing stock eg to reduce under occupation.</li> </ul>
<b>Tenancy management</b>	<ul style="list-style-type: none"> <li>• to allow a joint tenancy to be granted from a sole tenancy and vice versa, as outlined in section 3.7.</li> </ul>

## 6.6 Refusal of an offer

6.6.1 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.

6.6.2 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.

6.6.3 If a customer in Band A or Band B is made one reasonable offer and refuses it then they will lose their priority preference and / or their direct let status, remaining on the housing register in Band C.

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

6.6.4 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.

6.6.5 The council will consider that an offer has been refused if it receives no response to the offer or if an offer letter is returned by the Post Office as undelivered. In these cases, the housing application will be cancelled.

## 6.7 Offers to customers with pets

Certain animals are not permitted in any council accommodation, and pets cannot usually be kept in council properties with a shared entrance or properties without a garden. Currently, a maximum of two dogs, cats or rabbits can be kept in a suitable property. There are further restrictions on keeping pets which are outlined in detail in the Council Policy on Pets in Council Houses.

## 6.8 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 or BITMO 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.

## 7. The right to review

- 7.1 All customers have a statutory right of review on certain Part 6 allocations decisions.<sup>22</sup> 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).
- 7.2 A customer must normally request a review within 28 calendar days of being notified of the decision.
- 7.3 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.
- 7.4 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.
- 7.5 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 calendar days of being notified of the decision.
- 7.6 The review will be held by senior managers within Environment and Neighbourhoods who have not been involved in the original decision.
- 7.7 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).<sup>23</sup>
- 7.8 A customer does not have the right to request a review of a decision reached by an earlier review.<sup>24</sup>

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<sup>22</sup> Section 167(4A)(d) Housing Act 1996, as amended

<sup>23</sup> Allocation and Homelessness (Review Procedures) Regulations 1999

<sup>24</sup> Section 164 (4) Housing Act 1996

## 8. 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.

## 9. Compliments and complaints

- 9.1 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.

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

- Completing the on-line form from [www.leeds.gov.uk/complaints](http://www.leeds.gov.uk/complaints)
- Writing to the freepost address (no stamp required):  
Freepost RLZR-ELTX-RUEH  
Leeds City Council

PO BOX 657  
LS1 9BS

- Telephoning 0113 222 4405 Monday – Friday, 8 am - 6 pm (Minicom users please ring 0113 222 4410)
- Visiting a council service point.

### 9.3. Local Government Ombudsman

9.3.2 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.

9.3.3 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.

9.3.4 Contact details for the Local Government Ombudsman can be found on their website: [www.lgo.org.uk](http://www.lgo.org.uk)

Produced by Leeds City Council.

# 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.