

Leicester City Council Housing Allocations Policy



Leicester
City Council



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PART 1 INTRODUCTION

- 1.1 This is Leicester City Council's Choice Based Lettings and Housing Allocations Policy. It explains the rules, criteria and procedure that determine how Leicester City Council allocates social housing properties to Qualifying Registered Persons.
- 1.2 This Allocation Policy guides the principles of how these homes will be allocated in a fair and transparent manner, taking account of both the Council's duty to take account of housing need and its wish to offer as much choice as possible.

The Legal Framework

- 1.3 The Housing Act 1996 (Part 6), as amended by the Homelessness Act 2002 and Localism Act 2011 requires local authorities to have an allocations policy for determining priorities and for defining the procedure to be followed in allocating housing accommodation.
- 1.4 This Housing Allocations Policy has been framed to address these requirements and gives due regard to the 'Allocation of accommodation: Code of guidance for local housing authorities in England'.
- 1.5 An allocation of accommodation within the Housing Act 1996 (Part 6) is when the local authority selects a person to be either:
 - a secure or introductory tenant of accommodation held by the authority
 - nominates a person to be a secure or introductory tenant of accommodation held by another housing authority
 - nominates a person to be an assured tenant of accommodation held by a Private Registered Provider (or Registered Social Landlord in Wales) (s.159(2))
- 1.6 This Policy does not apply to assignments, mutual exchanges, succession of tenancies or temporary decants. In each of these instances, neither the Council nor any of the other Housing Association Landlords are required to identify a new tenant for the relevant property or properties from Leicester City Council's Housing Register.

Statement on Choice

- 1.7 Leicester City Council and Housing Association Partners are fully committed to enabling applicants to play an active role in choosing where and in what type of property and tenure they want to live, whilst continuing to house those people in the greatest need, making the best use of the available housing stock and complying with all relevant legislation.

- 1.8 It is important to realise that the demand for accommodation is higher for some types of property and for some areas than others. In deciding about the choices available, applicants need to consider their housing need priority against the availability of properties in any given area.
- 1.9 Applicants can determine whether they are likely to be successful before placing a bid as they will be informed of their relative position on the shortlist for that vacancy at the time of making the bid. This enables an applicant to make an informed choice when deciding which property to apply for and whether social housing is a realistic option in their circumstances.

Equalities Statement

- 1.10 We are strongly committed to fairness and equal treatment for all. We aim to treat all people equally no matter what their race, ethnic origin, nationality, religion, cultural and social background, refugee status, sex, sexuality, marital status, age, disability (including learning disability) health (including mental health) or HIV status. We aim to prevent unlawful discrimination and take positive action to promote equal opportunities for all.

Confidentiality Statement

- 1.11 All applications for housing accommodation will be dealt with in a confidential manner. Information held under the scheme will not be disclosed to any third party, except where:
- Leicester City Council is satisfied that the applicant has given consent for any information held on an application to be shared with other social housing landlords, such as (but not limited to) Registered Social Landlords, and other agencies
 - Leicester City Council is permitted to disclose the information under data protection Legislation; and/or
 - There is another lawful requirement in law to make such disclosures.

For more information regarding how the Council uses personal data, please see the privacy notice at: <https://www.leicester.gov.uk/your-council/how-we-work/our-website/privacy/>

PART 2 THE HOUSING REGISTER

Who Can Apply?

- 2.1 Any person aged 18 and over can apply to join the Housing Register provided they are:
1. Eligible for an allocation of accommodation
 2. A qualifying person

Eligibility

- 2.2 Under s160ZA of the 1996 Housing Act as amended by the Localism Act 2011, local authorities must consider whether applicants are eligible for an allocation of accommodation. This relates to some people who may have been living abroad or who do not have permanent permission to remain in the UK.

Only applicants that are eligible can be included on the Housing Register. The following people will be eligible for an allocation of accommodation:

1. Applicants that are subject to Immigration Control

A person that is subject to immigration Control will be eligible for an allocation of accommodation if they fall within a category of persons that have been prescribed as eligible by regulations made by the Secretary of State.

2. Applicants that are not subject to immigration control

A person that is not subject to Immigration Control will be eligible for an allocation of Accommodation unless:

- a. Their only right of residence is one which has been prescribed as not resulting in eligibility by Regulations made by the Secretary of State; or
- b. They are not habitually resident in the Common Travel Area or excluded from the requirements of the Habitual Residence Test by Regulation 6(2) of the Allocation of Housing and Homelessness (Eligibility) (England) (Regulations 2006).

Qualifying Persons

- 2.3 The Council will only allocate accommodation to those who it defines as being 'qualifying persons' within the parameters of s160ZA of the Housing Act 1996. An applicant must qualify under each of the requirements set out below.

1. Age Qualification

Applicants must be 18 years or more to join the Housing Register, unless they meet one of the criteria for exceptional circumstances as follows:

- Where a young person has been accepted as being owed a statutory homelessness duty
- Where a request has been made by Leicester City Council's Children's Services for one of their care leavers

Any applicant who is under 18 cannot by law be granted a tenancy but the legal estate can be held in trust until they reach the age of 18. A trustee will therefore be required to sign the tenancy agreement on their behalf until they are 18.

2. Leicester City Requirement

Applicants to the Housing Register must meet the Leicester City Requirement (local connection) by satisfying at least one of the following criteria:

- Applicants living within the city of Leicester must be able to produce documentary evidence that they have used a residential address within the City as their settled home for 2 consecutive years immediately prior to their housing application*
- Applicants that have previously lived in settled accommodation in the city of Leicester for 3 consecutive years or more out of the last 5 years *
- Applicants currently working within the city of Leicester and have been for the last 12 months
- People who are aged over 18 and approved as a homeless person under Part VII of the Housing Act 1996
- Applicants who need to give or receive support to direct family members who have been living in the city for the past 5 years. Direct family members include husbands, wives, civil partners, parents, sons, daughters, brothers and sisters.
- Asylum seekers who have been dispersed to the City by the National Asylum Support service (NASS) and whose status changes to that of refugee, or asylum seekers who have been awarded exceptional or indefinite leave to remain whilst living in the city
- Persons who have previously served in the armed forces and they make an application for housing within 5 years of their discharge
- Bereaved / Divorced / Separated spouses or civil partners of Service personnel who are required to move out of accommodation provided by the Ministry of Defence
- Prisoners released from prison who meet one of the above criteria prior to them entering prison
- Applicants currently living in unsettled accommodation (e.g. a hostel) within Leicester City who can demonstrate they had previously lived in permanent/settled accommodation in Leicester

City for 3 consecutive years or more out of the last 5 years from the last date of their last settled accommodation

- Council or Housing Association tenants who need to move for work related reasons
- Victims of domestic abuse that have fled to a refuge in the city from another local authority area

* Hostels, Nightshelters, 'Care of Addresses' & No Fixed Abode do not meet the requirement, as they are not classified as settled accommodation.

3. Banding Priority

Applicants must fall within the provisions for one of the priority Bands 1 – 3 (see sections 4.9 – 4.11).

Non Qualifying Persons

2.4 An applicant is not a qualifying person to join the Housing Register in any of the following circumstances:

1. Unacceptable Behaviour

An applicant is not a qualifying person if they have been guilty of unacceptable behaviour or the subject of an anti-social behaviour order.

The Council may consider the following people to be ineligible; any member of a household who in the previous 3 years has been convicted of or has had legal action (legal action refers to a conviction, or the serving of an injunction, a notice of intention to seek possession, a notice to terminate, a court order or the revocation of a licence) taken against them in connection with:

- violence, harassment, racial harassment, threatening behaviour or any other forms of anti-social behaviour (ASB)

The decision that an applicant is not a qualifying person for an allocation may occur at the time of joining the Housing Register, at any time during the life of the application, at the time the applicant is allocated a property, or when the applicant has bid and has been short-listed for a property. The Housing Options Service will make the decision.

New applications from people above will usually be unopposed after 5 years have elapsed from the date when the ineligible decision was made. Applications received within 5 years will only be considered if there has been a factual change in the applicant's circumstances and the applicant can prove a change in their behaviour. In instances where there has been no factual change, Leicester City Council will rely on its previous decision.

Family Intervention Project

Families who have previously been made ineligible due to ASB and placed in the Family Intervention Project Scheme by Leicester City Council Housing Services can be made eligible once approval has been given by the Head of Service - Housing Division.

A fresh application must be submitted supported by written evidence of modified behaviour from the agency involved that will continue to provide support to the applicant in the new tenancy.

2. Financial Resources

An applicant is not a qualifying person if their family household's gross taxable income is more than £34,000 per annum or £25,000 per annum for a single person household or has savings or assets totalling more than £50,000. This is because the Council considers this to be a sufficient financial resource to buy a home or pay market rent in the city.

This qualification criteria do not apply to existing Leicester City Council tenants.

Applicants who formerly owned a property within the last 5 years will be asked to provide evidence of the sale and details of any capital gained from the sale to determine their qualification. If applicants disposed of capital without making adequate housing arrangements; for example, gifting the capital to relatives or friends, they will not qualify.

3. Home Owners

An applicant is not a qualifying person if they own a freehold or leasehold interest in a residential property in the UK or abroad, or part-owns a property under the Shared Ownership Scheme.

The Housing Options Service, at the discretion of the Service Manager may allow a home owner to join the Housing Register in exceptional circumstances, for example, where a disabled owner occupier is unable to meet their housing needs from their own resources and require an adapted property.

4. False Statements or Withheld Information

Section 171 of the Housing Act 1996 makes it a criminal offence for anyone, in connection with the exercise by a local housing authority of their functions under Part 6 of the Housing Act 1996, to:

- Knowingly or recklessly give false information

- Knowingly withhold information which the authority has reasonably required the applicant to give in connection with the exercise of those functions

The circumstances in which an offence is committed could include:

- Any false information given on an application form for alternative housing/accommodation
- Any false information given in response to subsequent review letters
- Any false information given or submitted by customers during the proceedings of a review

Where it has been established that an applicant directly, or through a person acting on his or her behalf, has deliberately withheld or misrepresented any information which would be relevant to the assessment of their housing circumstances and priority on the Housing Register, it may result in the applicant being removed from the Housing Register and become ineligible for a period of 12 months.

Ground 5 in schedule 2 of the Housing Act 1985 (as amended by section 146 of the 1996 Housing Act) enables Leicester City Council to seek possession of a tenancy granted as a result of a false statement by the customer or a person acting on behalf of the customer.

5. Deliberately Worsening Housing Circumstances

Where the Housing Options Service is satisfied that a housing applicant has either acted unreasonably or has deliberately worsened their housing circumstances, in order to improve their chances of being re-housed, then the applicant will not qualify to join the Housing Register for a period of 12 months. Examples of this include:

- Selling a property that is affordable and suitable for the applicant's needs
- Moving from a secure tenancy or settled accommodation to insecure or less settled or overcrowded accommodation
- Requesting or colluding with a landlord or family member to issue them with a Notice to Quit

PART 3 REGISTRATION AND ASSESSMENT

How to Apply

- 3.1 To apply, applicants are required to complete the online pre-assessment and those who may be eligible and qualify to join the Housing Register can complete the online application form at www.leicesterhomechoice.co.uk
- 3.2 In all circumstances the Council will require proof of identity along with other supporting proofs as detailed on the application for the application to be fully registered.
- 3.3 Applicants who apply with partners are treated as making a joint application and partners are subject to the same tests as applicants
- 3.4 The registration of applicants on the housing register is not an acceptance by the Council that they are considered eligible for an allocation of accommodation. If an applicant makes a successful bid for accommodation and they are unable to provide documentation to prove their eligibility or their household's eligibility they will not be allocated the accommodation and will be removed from the housing register.

Who You Can Include on Your Application

- 3.5 You can only include:
 - You and your partner
 - Children under 18 who are dependent on you or your partner *
 - Your non-dependent children or parents who have lived with you for the past 12 months
 - Those household members who were listed on the previous application that led to rehousing with the City Council
- * For the purposes of the Housing Allocations Policy, a dependent child is defined as being under 18 years and being the natural or adopted child of the applicant or his/her partner, under 18 and subject to a legal residence order or under 18 and in the care of the Local Authority.
- 3.6 Where there are extenuating circumstances for people who are not part of your immediate family but have an exceptional need to live with you as part of the household to give or to receive care or support, consideration will be given to individual cases by the Housing Options Service.
 - 3.7 You cannot include on your application family members who are not resident in the UK at the time an application is submitted. These household members will only be considered once the family have been reunited in the UK and can clearly demonstrate that the family member added to the application for housing has leave to remain and or, recourse to public funds within the UK.

- 3.8 A person can only be registered on one application for housing at any one time.

Bedroom Entitlement

- 3.9 The Council has rules which determine the size of accommodation for which applicant households are eligible. This takes the general approach of maximising occupancy and makes best use of an otherwise limited stock of properties.

Size of Accommodation

- 3.10 When determining how many bedrooms a family is eligible for, the following criteria will be used:

A separate bedroom is allocated to:

- Each married or cohabiting couple or single parent
- Any other person aged 21 years or more
- Each pair of children of either sex under 10 years
- Each pair of children of the same sex under 21 years
- Any person who cannot be paired

Exceptions

- Families with foster children will be allocated the number of bedrooms as recommended by Children's Services
- Individual Housing Associations will have their own arrangements
- Where there is a recommendation from an appropriate professional that a separate bedroom is required e.g. a person currently sharing who requires their own bedroom due to mental health problem as confirmed by a Consultant Psychiatrist

- 3.11 If the applicant or a member of their household is pregnant, bedroom requirements will only be reviewed following the birth of the baby.

Downsizing Bedrooms

- 3.12 Applicants can choose to select one less bedroom than the policy deems is required.

- 3.13 Where an applicant chooses one less bedroom the following will apply:

- They remain eligible for the size of property dictated by the policy and the one with fewer bedrooms requested.
- Applicants can downsize by 1 bedroom providing they have not been given overcrowding priority or create statutory overcrowding.

- 3.14 Families with 1 child aged 2 years and under can choose to apply for 1 and 2 bedroom accommodation.
- 3.15 Applicants cannot downsize to accommodation where they would have the same banding priority following the move, as they had before the move. For example, a family requiring 2 or more bedrooms who have been given severe overcrowding priority cannot move to a property where they would still require 2 or more bedrooms to meet their need.

Change in Circumstances

- 3.16 All applicants are required to notify Leicester City Council immediately of any significant change to their circumstances which may affect their priority for housing.

Change in circumstances includes:

- A change of address for the applicant or any other person on their application
 - Any additions to the family or any other person joining the application
 - Any member of the family or any other person on the application who has left the accommodation
 - Any change in your income, assets or savings
 - Any change to your immigration status
 - Any change in your residential status, for example you become a home owner and were previously a tenant
- 3.17 Applicants should notify any change in their circumstances by completing the online forms available on Leicester City Council's Housing webpage.
- 3.18 Where the Council believes that information about the applicant's personal circumstances have been withheld or misleadingly presented, the Council reserves the right to withdraw any offer of accommodation made and may act as described in section 2.4.4.

Applications from People who have Overnight Staying Access to Children

- 3.19 Where a parent does not provide the principal home but have access arrangements that include overnight stays, they will be eligible for a 2 bedroom flat only. In exceptional cases involving many children consideration may be given for a 3 bedroom flat. This will be considered on a case by case basis.
- 3.20 Where an applicant has overnight access arrangements, evidence of the arrangement will be required in the form of a Solicitor's letter, Court documents or a Social Worker's letter detailing the arrangement.

- 3.21 Where there is an amicable agreement between parents, a letter from each party concerned will be sufficient if no other form of confirmation is available. Proof of Child Benefit would need to be provided with the confirmation of the overnight access arrangements and a copy of the Full Birth Certificate of the child.
- 3.22 Where an applicant claims an equal amount of access, which would result in two potential claims of family accommodation (Note that two applications do not necessarily have to be made, e.g. where the matrimonial home was owner occupied), consideration will only be given to allocate family accommodation to one of the parents. The decision will be made on a case-by-case basis considering the circumstances of each parent.
- 3.23 Access to children will only be considered where the person is a parent whether natural or by adoption or has legal residence order of a child(ren). This policy does not apply to informal arrangements.
- 3.24 For the purposes of the Housing Allocations Policy, a child is defined as being under 18 years and being the natural or adopted child of the applicant or his/her partner, under 18 and subject to a legal residence order or under 18 and in the care of the Local Authority.

Applications from People in Prison

- 3.25 As applicants detained in prison are unable to take up occupation, applications will only be considered within 4 months of their release.

PART 4 THE BANDING SCHEME

- 4.1 The Housing Act 1996, as amended, states that when determining priorities under the allocations policy, the council must give reasonable preference to certain categories of people. 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
 - who need to move to a particular locality to reduce hardship
- 4.2 To ensure that the Council fulfils its statutory duties and strategic commitments (as they relate to housing), this policy is structured to ensure that households in certain specific types of housing need have a degree of priority over others. This is achieved by operating a banding system based on the level of urgency of their respective housing need.
- 4.3 All qualifying households are placed into one of three bands. Those households placed into Band One have the most urgent housing need. Those in Band Two have a higher need than those in Band Three.
- 4.4 Within a Band, priority is determined by the date the application was placed in that Band, with the person who has been waiting the longest within that Band having the highest priority.
- 4.5 If circumstances change which results in an applicant moving to a higher priority band, the Band date applies from the date the application is given the higher priority, not the original date of the application.
- 4.6 If circumstances change which results in an applicant moving to a lower priority Band, the date for the lower Band will be treated as either: the date the application first went into that Band, or the date the application first went to a higher Band whichever is earlier.
- 4.7 A household will be placed in the highest band that any member of that household qualifies for. There is no additional recognition of multiple needs within a household.
- 4.8 The banding scheme is outlined in summary form below. Priority is awarded in recognition of an applicant's current housing circumstances and is intended to provide a reasonable preference within the housing scheme and a ranked position relative to other applicants.

Banding Scheme Summary

4.9 Band One

- People in need of urgent re-housing and referred by Adult Social Care or Children's Services
- People in need of urgent re-housing whose properties are directly affected by public redevelopment programmes
- Council and housing association tenants who are currently under-occupying their home by 2 or more bedrooms or moving to 1 bedroom accommodation.
- Council and housing association tenants occupying a purpose built wheelchair adapted property who no longer require it
- People suffering from any form of harassment
- Council and housing association tenants who need to move for management reasons
- People whose current housing conditions are having a seriously adverse effect on the physical or mental health of either the applicant or a member of their household
- Children leaving the care of Leicester City Council's Children's Service
- People who are owed a statutory homeless duty under the Housing Act 1996 (Part VII) as amended by the Homelessness Reduction Act and meet additional criteria (see 4.21)
- Tenants whose homes are assessed as being statutorily or critically overcrowded

4.10 Band Two

- People who are owed a statutory homeless duty under the Housing Act 1996 (Part VII) as amended by the Homelessness Reduction Act
- Tenants whose homes are deemed to be severely overcrowded (two bedrooms or more short of their assessed need)
- People living in designated temporary accommodation in the city
- Families with children 3 years and over who are overcrowded and living in one bedroom accommodation
- Council and housing association tenants who are currently under-occupying a three or more bedroom property by one bedroom
- People ready to leave residential care supported by Leicester City Council and/or NHS
- People with a care package where Adult Social Care (LCC) assess that a move will assist independent living
- People whose current housing conditions are having a negative effect on the physical or mental health of the applicant or a member of their household
- People who have been assessed as living in insanitary or unsatisfactory accommodation
- People leaving the armed forces who have applied for housing within 5 years of their discharge but do not have a home to return to

4.11 Band Three

- People identified by Adult Social Care as ready to leave the care of family or carer
- People needing to move to a particular area of Leicester where hardship would be caused if they do not move
- Tenants who are living in overcrowded conditions under Leicester City Council's overcrowding standard (one bedroom short of their assessed need)
- Non-tenants living in overcrowded circumstances
- People over the age of 50 years requesting 1 bedroom sheltered accommodation only
- Working households or those in local training schemes who need to move closer to their job/training scheme

4.12 Applicants placed into Bands 1 & 2 have been assessed as having high priority and therefore having an urgent need to move. Leicester City Council will endeavour to review these cases every 12 months or in the case of some priorities more often to ensure there is still an urgent need to move.

BAND ONE

4.13 PEOPLE IN NEED OF URGENT RE-HOUSING AND REFERRED BY ADULT SOCIAL CARE OR CHILDREN'S SERVICES

Outcome

This is to enable priority rehousing where the City Council has legal duties to certain vulnerable people under the Children Act 1996 and Community Care Act 1990.

Criteria and Evidence Required

A household will be placed in Band One under this criteria at the discretion of the Director of Housing where Leicester City Council's Adult Social Care and Children's Services have confirmed a) and b) below.

Referrals will only be considered from Leicester City Council's Director of Adult Social Care or Children's Services.

- a) It is essential to secure a suitable offer of accommodation as soon as possible.
- b) The referring body has agreed to provide any necessary services to enable the applicant to maintain the tenancy that will be created.

Other Information

The Director of Housing will also have the discretion to extend property type and size over normal eligibility.

Priority is not awarded to enable an applicant with sufficient priority (under other banding categories) which will generate a suitable offer in a reasonable timescale, to enhance their level of priority to obtain an offer in a specific area.

4.14 PEOPLE IN NEED OF URGENT RE-HOUSING WHOSE PROPERTIES ARE DIRECTLY AFFECTED BY PUBLIC REDEVELOPMENT PROGRAMMES

Outcome

This is to enable priority rehousing for households whose properties will be directly affected by public redevelopment programmes resulting in the loss of their property through demolition, major refurbishment or compulsory purchase.

Criteria and Evidence Required

Only schemes approved and listed in the recorded minutes of the Executive Notice of Decision will be considered. Households in the private rented sector will need to demonstrate they have lived in the property for a minimum period of 12 months immediately prior to the order being served.

Other Information

Qualifying tenants can be considered for a property which is identical in type and size to their current home in addition to the normal eligibility rules concerning property type and size, except in exceptional circumstances.

This priority can be extended to include other homes lost in an event of an emergency at the discretion of the Director of Housing.

4.15 COUNCIL AND HOUSING ASSOCIATION TENANTS WHO ARE CURRENTLY UNDER-OCCUPYING THEIR HOME BY 2 OR MORE BEDROOMS OR MOVING TO 1 BEDROOM ACCOMMODATION

Outcome

This is to enable priority rehousing for social tenants who are under-occupying their home by 2 or more bedrooms or moving to 1 bedroom accommodation.

Criteria and Evidence Required

Information will be taken from the housing application form to establish which social tenants are under-occupying their current homes.

Other Information

Housing Association tenants will be considered if their current home is within the city and their Housing Association has agreed to advertise the vacated home through Leicester HomeChoice. HomeCome tenants are also eligible for this priority as their homes are managed by Leicester City Council.

4.16 COUNCIL AND HOUSING ASSOCIATION TENANTS OCCUPYING A PURPOSE BUILT WHEELCHAIR ADAPTED PROPERTY WHO NO LONGER REQUIRE IT

Outcome

Priority will be given to social tenants living in Leicester who are living in purpose built wheelchair adapted accommodation and who no longer require the use of such accommodation.

Criteria and Evidence Required

The Property Lettings Team or an occupational therapist in Leicester City Council's Adult Social Care will submit a report to the Housing Options Service confirming the property is a purpose built fully wheelchair adapted accommodation and the tenants no longer require the use of such facilities.

Other Information

Housing Association tenants will be considered if their current purpose built wheelchair adapted accommodation is within the city and their Housing Association has agreed to advertise the vacant home through Leicester HomeChoice.

This priority can be extended to include other properties which have been extensively adapted and there is clear evidential need for this type of accommodation.

4.17 PEOPLE SUFFERING FROM ANY FORM OF HARASSMENT

Outcome

This is to enable priority rehousing for people suffering from any form of harassment to move to more suitable accommodation after establishing it is unreasonable to stay in their current accommodation.

The Council's aim is to tackle the perpetrator of harassment and support the victim to remain in their home wherever possible. However, in certain cases re-housing will be considered as an option.

Criteria and Evidence Required

Housing Services Division will investigate all reported claims of harassment by Leicester City Council tenants. For Housing Association tenants, the investigation must be carried out by the relevant landlord and referred to the Housing Options Service for approval if harassment priority is requested. For all other tenures Housing Options Service will investigate reports of harassment.

Priority will only be conferred where severe harassment has been established and it is unreasonable to stay in the current accommodation.

Other Information

There is a distinction between anti-social behaviour / nuisance and harassment. Harassment is defined as:

“Personalised, deliberate, unwanted acts of violence (verbal or physical) or other behaviour that is designed to cause harm or damage to people or property which is suffered by individuals or groups of people because of their race, ethnic or national origin, gender, sexuality, HIV status, religious beliefs, disability, age or family circumstances”.

(Housing Committee, 3rd February 1999)

Applicants approved under this criteria will only be entitled to one suitable offer of accommodation in line with their eligible property types with their Harassment priority. Applicants cannot be re-housed in the area they received harassment unless there are exceptional circumstances that warrants the applicant remaining in the locality.

All approved harassment cases will be put on auto-bid citywide, if there has been no suitable offer made within the first 4 advertising cycles of Leicester HomeChoice when priority was given.

If an applicant refuses an offer of accommodation which is deemed suitable by Housing Services (LCC) or Housing Options Service (all other tenants) the harassment priority will be removed.

4.18 SOCIAL TENANTS WHO NEED TO MOVE FOR MANAGEMENT REASONS

Outcome

This is to assist the Council and Housing Associations* to meet the needs of their tenants in specific circumstances and to make best use of their housing stock.

Criteria and Evidence Required

Management priority may be awarded in the specific circumstances described below:

1. Where a non-dependent is living with an OAP that needs to move to more suitable accommodation but is prevented from doing so because of the presence of the non-dependent. Here, the non-dependent may be given Management priority to get independent accommodation. To qualify for this priority, the non-dependent must have lived with the OAP at the address in question for at least 12 months.
2. Where a single person(s) or couple is left in family accommodation following the death of the tenant and there is no right to succession to the tenancy. Management priority will be awarded in order that the applicant may be offered any appropriate size accommodation. To qualify for this priority, the single person / couple would have succeeded to the tenancy anyway had there not already been a succession on that tenancy (i.e. 12 months residence etc.).
3. Where a single person or couple is left in family accommodation following the death of the tenant and a right of succession exists. Management priority may be awarded where the applicant agrees to move to a more suitable accommodation rather than sign for the existing tenancy.
4. Employees of Leicester City Council who occupy accommodation which is linked to their employment and who are retiring through age or ill health or willing to give up that accommodation.
5. Where a Leicester City Council or Housing Association tenant has previously been awarded harassment priority and then must leave the property for reasons connected with the approval. To avoid accruing large rent arrears when Housing Benefit stops, the tenancy can be terminated and the applicant reapply as a general applicant and awarded management priority.
6. Where a referral is made by staff from the Family Intervention Project confirming the family are ready for rehousing as their behaviour has changed to enable them to be considered as suitable tenants.
7. Where there would be undue hardship arising from the costs of district heating to allow a move to a property with independent heating supply.
8. Where a HomeCome or Leicester Lease tenant has been given notice to leave due to the end of the leasing arrangement and the property owner does not wish to renew the lease. Tenants approved under this criteria will only be entitled to one suitable offer

of accommodation in line with their eligible property types. Approved cases will be put on auto-bid citywide, if there has been no suitable offer made within the first 4 advertising cycles of Leicester HomeChoice when priority was given.

9. Where Management have undertaken a Personal Emergency Evacuation Plan (PEEP) or have been made aware because of a Fire Risk Assessment (FRA), there are concerns about the evacuation of a tenant or members of the household in an emergency and a move to more appropriate accommodation would assist to minimise the risk.
10. Where a HomeCome or Leicester Lease tenant resides in accommodation that has become unsuitable due to affordability issues which cannot be resolved through evidenced budgeting advice. Tenants approved under this criterion will only be entitled to one suitable offer of accommodation in line with their eligible property types. Approved cases will be put on auto-bid citywide, if there has been no suitable offer made within the first 4 advertising cycles of Leicester HomeChoice when priority was given.
11. Where a family member has been left in accommodation and become an unlawful occupier. To qualify for this priority, the family member must have lived at the property for at least 6 months prior to becoming an unlawful occupier and a mesne profit account created.
12. Where a Leicester City Council or Housing Association tenant has previously been awarded management case priority and it has been identified that the applicant cannot return to the property. To avoid accruing large rent arrears when Housing Benefit stops, the tenancy can be terminated, and the applicant maintains their awarded management priority under a new housing application. This must be approved prior to the tenancy being terminated.

Other Information

The above list may be extended at the discretion of the Director of Housing.

* Tenants of Housing Associations will only be considered where there are exceptional circumstances.

4.19 PEOPLE WHOSE CURRENT HOUSING CONDITIONS ARE HAVING A SERIOUSLY ADVERSE EFFECT ON THE PHYSICAL OR MENTAL HEALTH

Outcome

This is to enable priority rehousing for households who are living in accommodation which is having a seriously adverse effect on their

physical or mental health and moving to more suitable accommodation would solve or alleviate the medical condition.

Criteria and Evidence Required

Assessment of circumstances and the verification source required will be done using the criteria listed below:

Access & Mobility	Housing Need	Current Housing Circumstances	Verification Source
Applicant or member of household has an acute deterioration of mobility or progressive mobility problems	Where an Occupational Therapist has said the applicant requires either: 1. Fully wheelchair accessible home 2. Fully accessible home with a level access shower 3. Fully accessible home on the ground floor or accessible by a lift	The bedroom, bathroom and toilet are <u>all</u> not accessible in their current accommodation	Leicester City Council's Occupational Therapist

Mental Health	Housing Need	Current Housing Circumstances	Verification Source
Applicant or member of household has a serious mental health condition	Where a Consultant Psychiatrist has stated it is impossible to remain in their current home due to the impact on their mental health	The home is seriously impacting on person's mental health	Consultant Psychiatrist

Applicant or member of household has an underlying mental health condition	Where it can be evidenced that a recent traumatic event within the past two years (i.e. murder, serious assault, abuse, death etc.) in the associated home or adjacent area is causing the applicant significant mental distress	A recent traumatic event in the associated home or adjacent area is causing the applicant significant mental distress	Details of the traumatic event and appropriate health professional confirming the significant mental distress caused
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General Health	Housing Need	Current Housing Circumstances	Verification Source
Applicant or member of household has severely lifestyle restricting or terminal illness, e.g. AIDS, Cancer, MS	Where a Specialist has stated or GP confirms that applicant's current home increases the severity of the illness or has adverse impact on their lifestyle	A person's general lifestyle is adversely affected in the home due to their severely lifestyle restricting illness	Specialist (or GP confirms specialist report)

Other Information

Priority will only be considered if rehousing is needed to solve or alleviate the medical condition from their current settled accommodation. Priority will not be considered where the current accommodation is not regarded as being settled i.e. living in temporary accommodation or no fixed abode as the circumstances would be considered under homelessness.

Supporting information must detail how the applicant's current accommodation is adversely affecting their medical condition.

Priority will not be awarded for a medical condition, however severe, if the present housing does not affect the medical condition or their ability to live there.

4.20 CHILDREN LEAVING THE CARE OF LEICESTER CITY COUNCIL'S CHILDREN'S SERVICE

Outcome

This is to enable priority rehousing for young people leaving the care of Leicester City Council's Children's Services.

Criteria and Evidence Required

A person will be placed in Band One under this criteria where Leicester City Council's Children's Services has confirmed the young person is leaving their care and is ready for independent living.

A young person who is not yet 18 will require a guarantor/trustee to be identified before they can apply for properties on Leicester HomeChoice.

Other Information

This priority can only be awarded on one occasion to secure independent living.

4.21 PEOPLE WHO ARE OWED A STATUTORY HOMELESS DUTY UNDER THE HOUSING ACT 1996 (PART VII) AS AMENDED BY THE HOMELESSNESS REDUCTION ACT AND MEET ADDITIONAL CRITERIA

Outcome

This is to enable priority rehousing to certain applicants who are accepted by the Housing Options Service as being owed one of the following duties under Part VII of the Housing Act:

- Duty to prevent homelessness (s.195)
- Duty to relieve homelessness (s.189B(2))
- Main homelessness duty (s.193)

Criteria and Evidence Required

1. Duty to prevent homelessness

- i. The applicant is an eligible person and
- ii. The applicant is threatened with homelessness within 56 days and
- iii. The applicant has a current homeless person's application and been assessed under s.189A and
- iv. The Authority has accepted a duty to prevent homelessness under s.195 and
- v. The duty has not come to an end for any reason stated in the act

2. Duty to relieve homelessness

- i. The applicant is an eligible person and
- ii. The applicant is homeless and

- iii. The applicant has a local connection with the City of Leicester and
- iv. The applicant has a current homeless person's application and been assessed under s.189A and
- v. The Authority has accepted a duty to relieve homelessness under s.189B(2) and
- vi. The duty has not come to an end for any reason stated in the act

3. Main homelessness duty

- i. The applicant is an eligible person and
- ii. The applicant is homeless and
- iii. The applicant is in priority need and
- iv. The applicant did not become homeless intentionally and
- v. The applicant has a local connection with the City of Leicester and
- vi. The Authority's duty to relieve homelessness under s.189B(2) has ended and
- vii. s.193 has not been disapplied because the applicant refused a final accommodation offer or a final part VI offer and
- viii. The Authority has not given final notice to the applicant under s.193B(2) on the grounds deliberately and unreasonably refused to co-operate (see s.189A(4)-(6)) and
- ix. The Authority has not sought to refer the case to another local authority under s.198

In addition to the one of the above duties owed, households must also meet the following rules:

- Household contains dependent child(ren), a pregnant woman, and/or a vulnerable adult, and,
- Household have not worsened their own circumstances, and,
- Household has a live Housing Application, and no rent arrears, and,
- Household has exhausted sustainment options and requires a new accommodation solution.

Other Information

Applicants owed the main homelessness duty can be offered accommodation either in the private rented sector or through the Housing Register.

Eligible applicants will be subject to a one offer policy with their application placed on auto-bid citywide. Refusal of a suitable offer is likely to result in ceasing of the owed homeless duty, and therefore ineligibility for the banding.

The priority award will be time-limited whilst owed a homeless priority. As soon as the household's homeless duty is ceased, eligibility for the award ceases.

Cases where households do not get an offer of accommodation within the defined period will result in removal of the band and reversion to the next highest eligible award.

4.22 TENANTS WHOSE HOMES ARE ASSESSED TO BE STATUTORILY OR CRITICALLY OVERCROWDED

Outcome

This is to give priority to those tenants living in accommodation where they have been assessed as being statutorily or critically overcrowded and have not caused this by a deliberate act.

Criteria and Evidence Required

For Housing Association and Private tenants, statutory overcrowding will need to be confirmed by a Private Sector Housing Officer.

For Leicester City Council tenants, information will be taken from property records to determine if the permitted occupancy levels have been exceeded.

Other Information

In determining the number of bedrooms required where a member of the tenant's household is expecting another baby, this will only be taken into consideration after the baby is born and the birth is registered.

For the purposes of establishing how many current bedrooms a tenant has the use of, only bedrooms with a minimum of 50 square feet (4.65 square metres) of floor space will be considered as a bedroom.

This priority can also be awarded to families with dependent children living in critically overcrowded accommodation who are supported by Children's Services.

Households living in accommodation where they are not the tenants are not eligible for this priority.

Where there are children living in the property on a part week overnight access basis and it is not considered to be their principal home, they will be omitted for the purposes of statutory overcrowding assessments.

BAND TWO

4.23 PEOPLE WHO ARE OWED A STATUTORY HOMELESS DUTY UNDER THE HOUSING ACT 1996 (PART VII) AS AMENDED BY THE HOMELESSNESS REDUCTION ACT

Outcome

This band is to enable rehousing to applicants who are accepted by the Housing Options Service as being owed one of the following duties under Part VII of the Housing Act:

- Duty to prevent homelessness (s.195)
- Duty to relieve homelessness (s.189B(2))
- Main homelessness duty (s.193)

Criteria and Evidence Required

4. Duty to prevent homelessness

- vi. The applicant is an eligible person and
- vii. The applicant is threatened with homelessness within 56 days and
- viii. The applicant has a current homeless person's application and been assessed under s.189A and
- ix. The Authority has accepted a duty to prevent homelessness under s.195 and
- x. The duty has not come to an end for any reason stated in the act

5. Duty to relieve homelessness

- vii. The applicant is an eligible person and
- viii. The applicant is homeless and
- ix. The applicant has a local connection with the City of Leicester and
- x. The applicant has a current homeless person's application and been assessed under s.189A and
- xi. The Authority has accepted a duty to relieve homelessness under s.189B(2) and
- xii. The duty has not come to an end for any reason stated in the act

6. Main homelessness duty

- x. The applicant is an eligible person and
- xi. The applicant is homeless and
- xii. The applicant is in priority need and
- xiii. The applicant did not become homeless intentionally and
- xiv. The applicant has a local connection with the City of Leicester and
- xv. The Authority's duty to relieve homelessness under s.189B(2) has ended and

- xvi. s.193 has not been disapplied because the applicant refused a final accommodation offer or a final part VI offer and
- xvii. The Authority has not given final notice to the applicant under s.193B(2) on the grounds deliberately and unreasonably refused to co-operate (see s.189A(4)-(6)) and
- xviii. The Authority has not sought to refer the case to another local authority under s.198

Other Information

Applicants owed the main homelessness duty can be offered accommodation either in the private rented sector or through the Housing Register.

Applicants owed a duty to prevent or relieve will only retain this priority whilst said duties are owed and have not been ended by legal notification.

All applicants awarded this priority will only be entitled to one suitable offer of accommodation.

4.24 TENANTS WHOSE HOMES ARE DEEMED TO BE SEVERELY OVERCROWDED

Outcome

This is to give priority to those tenants living in accommodation where they are severely overcrowded. That is tenants who need a minimum two additional bedrooms to meet their needs.

Criteria and Evidence Required

Information will be taken from the housing application form to establish which tenants require a minimum of two additional bedrooms using the bedroom standard outlined in section 3.10 against the number of bedrooms the household currently have exclusive use of.

Other Information

In determining the number of bedrooms required where a member of the tenant's household is expecting another baby, this will only be taken into consideration after the baby is born and the birth is registered.

For the purposes of establishing how many current bedrooms a tenant has the use of, only bedrooms with a minimum of 50 square feet (4.65 square metres) of floor space will be considered as a bedroom.

Households living in accommodation where they are not the tenants are not eligible for this priority.

4.25 PEOPLE LIVING IN DESIGNATED TEMPORARY ACCOMMODATION IN THE CITY

Outcome

This is to give priority to people living in designated temporary accommodation and who met the Leicester City Requirement immediately prior to entry to the designated accommodation.

Criteria and Evidence Required

1. Confirmation the referral to the designated temporary accommodation was made by the Housing Options Service and
2. Applicant is not owed a statutory homelessness duty.

Other Information

Designated temporary accommodation is a homeless hostel or short term temporary supported accommodation commissioned by Leicester City Council.

Priority will only be awarded to those service users who have been referred by the Housing Options Service because they meet the Council's published criteria for temporary accommodation. The schemes that are currently funded by Leicester City Council to take referrals are listed in Appendix 2. If a referral is accepted by another suitable temporary accommodation provider, then priority can be awarded to that individual.

Victims of domestic abuse that have fled to a refuge or other designated temporary accommodation schemes in the city from another local authority area can be given this priority.

Applicants who have been made an offer of accommodation but then leave their temporary accommodation can retain their offer if they have moved to other insecure accommodation. If they decline the offer or the offer is withdrawn their priority will be re-assessed from their new accommodation.

4.26 FAMILIES WITH CHILDREN AGED 3 YEARS AND OVER WHO ARE OVERCROWDED AND LIVING IN ONE BEDROOM ACCOMMODATION

Outcome

This is to give priority to families with dependent children aged 3 years or over living with them on a full time basis who are currently living in one bedroom accommodation and need an additional bedroom to address this situation.

Criteria and Evidence Required

Information will be taken from the housing application form to establish which households require an additional bedroom using the bedroom standard outlined in section 3.10 and currently living in one bedroom accommodation.

Other Information

In determining the number of bedrooms required where a household is expecting another baby this will only be taken into consideration after the baby is born and the birth is registered.

This priority can also be given where there are two or more dependent children living in the accommodation regardless of their age.

This priority is not available to households who are not tenants or only have part week overnight access of their children.

4.27 COUNCIL AND HOUSING ASSOCIATION TENANTS WHO ARE CURRENTLY UNDER-OCCUPYING A THREE OR MORE BEDROOM PROPERTY BY ONE BEDROOM

Outcome

This is to enable priority rehousing for social tenants who are currently under-occupying a three or more bedroom property by one bedroom to move to a more suitable home.

Criteria and Evidence Required

Information will be taken from the housing application form to establish which social tenants are under-occupying their current homes.

Other Information

Housing Association tenants will be considered if their current home is within the city and their Housing Association has agreed to advertise the vacated home through Leicester HomeChoice.

HomeCome tenants are also eligible for this priority as their homes are managed by Leicester City Council.

4.28 PEOPLE READY TO LEAVE RESIDENTIAL CARE SUPPORTED BY LEICESTER CITY COUNCIL AND/OR NHS

Outcome

This is to give priority to people ready to leave residential care and live independently. This is supported by Leicester City Council's Adult Social Care and/or the NHS.

Criteria and Evidence Required

Confirmation from Leicester City Council's Adult Social Care or the NHS that the person is ready to leave residential care and move into independent living.

4.29 PEOPLE WITH A CARE PACKAGE WHERE ADULT SOCIAL CARE (LCC) ASSESS THAT A MOVE WILL ASSIST INDEPENDENT LIVING

Outcome

This is to support the Adult Social Care independent living policy.

Criteria and Evidence Required

Confirmation from Leicester City Council's Adult Social Care that the person needs a move to maintain independent living and they have a care package in place.

4.30 PEOPLE WHOSE CURRENT HOUSING CONDITIONS ARE HAVING A NEGATIVE EFFECT ON THE PHYSICAL OR MENTAL HEALTH OF THE APPLICANT OR A MEMBER OF THEIR HOUSEHOLD

Outcome

This is to give priority to people living in accommodation that has a negative effect on their physical or mental health, to enable them to live in more appropriate accommodation.

Criteria and Evidence Required

Assessment of circumstances and the verification source required will be done using the criteria listed below:

Access & Mobility	Housing Need	Current Housing Circumstances	Verification Source
Applicant or member of household has a housing need linked to a disability or medical condition, which means the present housing is hazardous or	Where an Occupational Therapist has said the applicant requires either: 1. Fully wheelchair accessible home	The current accommodation is partially suitable for their needs as can access the bedroom, bathroom or toilet but <u>not all</u> the facilities	Leicester City Council's Occupational Therapist

extremely difficult to cope with	2. Fully accessible home with a level access shower		
	3. Fully accessible home on the ground floor or accessible by a lift		
	4. Accessible toilet on both the ground floor and upper floor in a multi storey home	There is currently only one toilet in their multi storey home	
	5. Accessible home with only one flight of internal stairs	The current home is over two floors and only accessible by external/communal stairs	

Mental Health	Housing Need	Current Housing Circumstances	Verification Source
Applicant or member of household has a mental health condition	Where a Consultant Psychiatrist or a CPN has stated the current home is having a significant detrimental impact on your mental health	The current home is adversely impacting on the person's mental health	Consultant Psychiatrist / Mental Health Specialist

General Health	Housing Need	Current Housing Circumstances	Verification Source

Applicant or member of household has a chronic illness such as severe asthma, emphysema or severe eczema.	Where a Specialist has indicated that the condition of the home and immediate environment is affecting health subject to confirmation by an Environmental Health Officer (EHO)	The condition of the current home is impacting on the person's health	1. Specialist 2. Leicester City Council's EHO
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Additional Bedrooms	Housing Need	Current Housing Circumstances	Verification Source
Applicants or member of household who have a severe disease or disability, and require extra space for major items of life sustaining equipment or equipment to promote independence in the home e.g. severe kidney disease (with self dialysis at home or use of kidney machines), severe respiratory disease (with use of oxygen machine at home), etc.	Where a Specialist has indicated that there is insufficient space for essential/life sustaining equipment	The current home has insufficient space for storage of essential/life sustaining equipment	Specialist
Extra bedroom for full-time carer: a need for care that is so great that residential or hospital care would be necessary without a full-time carer	Where a community care assessment identified there is insufficient space for a residential carer but otherwise home is appropriate	The current home has insufficient number of bedrooms for an overnight carer	Leicester City Council's Community Care Assessment (Adult or Children Services)

Applicants or member of household who have severe behavioural problems	Where a Specialist has confirmed a separate bedroom is required to remedy severe behaviour problems	The current home has insufficient number of bedrooms for someone who requires their own bedroom	Specialist
Applicants who are unable to share a bedroom due to a chronic medical condition	Where a Specialist has confirmed a separate bedroom is required due to a chronic medical condition	The current home has insufficient number of bedrooms for someone who requires their own bedroom	Specialist

Other Information

Priority will only be considered if rehousing is needed to solve or alleviate the medical condition from their current settled accommodation. Priority will not be considered where the current accommodation is not regarded as being settled i.e. living in temporary accommodation or no fixed abode as the circumstances would be considered under homelessness.

Supporting information must detail how the applicant's current accommodation is adversely affecting their medical condition.

Priority will not be awarded for a medical condition, however severe, if the present housing does not affect the medical condition or their ability to live there.

4.31 PEOPLE WHO HAVE BEEN ASSESSED AS LIVING IN INSANITARY OR UNSATISFACTORY ACCOMMODATION

Outcome

This is to give priority to people who have been assessed as living in insanitary or unsatisfactory accommodation to help them move into suitable accommodation.

Criteria and Evidence Required

Confirmation by a Leicester City Council Environmental Health Officer (EHO) that the accommodation has been assessed as being insanitary or unsatisfactory accommodation for habitation.

4.32 PEOPLE LEAVING THE ARMED FORCES WHO HAVE APPLIED FOR HOUSING WITHIN 5 YEARS OF THEIR DISCHARGE BUT DO NOT HAVE A HOME TO RETURN TO

Outcome

This is to give priority to people who have applied for housing within 5 years of their discharge from the armed forces who do not have a home to return to.

Criteria and Evidence Required

All cases will be assessed and approved by officers at Housing Options Service.

Persons leaving the armed forces will only be considered under this priority if they make an application for housing within 5 years of their discharge from the service and do not have a home to return to.

BAND THREE

4.33 PEOPLE IDENTIFIED BY ADULT SOCIAL CARE AS READY TO LEAVE THE CARE OF FAMILY OR CARER

Outcome

This is to give priority to people ready to leave the care of their family or carer and into independent living.

Criteria and Evidence Required

Confirmation from Leicester City Council's Adult Social Care that the person is ready to move into independent living from the care of their family or carer.

4.34 PEOPLE NEEDING TO MOVE TO A PARTICULAR AREA OF LEICESTER WHERE HARDSHIP WOULD BE CAUSED IF THEY DO NOT MOVE

Outcome

This is to give priority to people needing to move to a particular area within the city of Leicester to give or receive physical or emotional care and support.

Criteria and Evidence Required

Supporting information from health professionals or close family confirming the need of the applicant to give or receive physical or emotional care and support and the current home is too far away from the support.

Other Information

Applicants will only be able to apply for properties within the allocation area where they will give or receive care and support.

4.35 TENANTS WHO ARE LIVING IN OVERCROWDED CONDITIONS UNDER LEICESTER CITY COUNCIL'S OVERCROWDING STANDARD (ONE BEDROOM SHORT OF THEIR ASSESSED NEED)

Outcome

This is to give priority to tenants who are overcrowded and who need one additional bedroom to meet their needs.

Criteria and Evidence Required

Information will be taken from the housing application form to establish which tenants require one additional bedroom using the bedroom standard outlined in section 3.10 against the number of bedrooms the household currently have exclusive use of.

Other Information

In determining the number of bedrooms required where the tenant's household is expecting another baby this will only be taken into consideration after the baby is born and the birth is registered.

For the purposes of establishing how many current bedrooms a tenant has the use of, only bedrooms with a minimum of 50 square feet (4.65 square metres) of floor space will be considered as a bedroom.

4.36 NON-TENANTS WHO ARE LIVING IN OVERCROWDED CONDITIONS

Outcome

This is to give priority to non-tenants who are overcrowded and need 1 or more additional bedroom(s) to meet their needs.

Criteria and Evidence Required

Information will be taken from the housing application form to establish which non-tenants require additional bedrooms using the bedroom sharing rules outlined in section 3.10 against the number of bedrooms the non-tenant's household currently have exclusive use of.

Other Information

In determining the number of bedrooms required where the non-tenant's household is expecting another baby this will only be taken into consideration after the baby is born and the birth is registered.

For the purposes of establishing how many current bedrooms a household has the use of, only bedrooms with a minimum of 50 square feet (4.65 square metres) of floor space will be considered as a bedroom.

This priority will also be given to people living in hostels, not commissioned by Leicester City Council hostels, who were not referred by the Housing Options Service and people who are living in accommodation as unlawful occupiers.

4.37 PEOPLE OVER THE AGE OF 50 YEARS WHO WISH TO BE CONSIDERED FOR 1 BEDROOM SHELTERED ACCOMMODATION ONLY

Outcome

This is to give priority to people over the age of 50 years who wish to live in 1 bedroom sheltered accommodation.

Criteria and Evidence Required

Applicants who do not qualify for any of the other priorities in Bands 1 - 3 can request this priority if they are over the age of 50 years and only wish to be considered for 1 bedroom sheltered accommodation.

Other Information

Applicants will only be able to apply for 1 bedroom sheltered accommodation.

Existing tenants of sheltered accommodation do not qualify for this priority.

4.38 WORKING HOUSEHOLDS OR THOSE IN LOCAL TRAINING SCHEMES WHO NEED TO MOVE CLOSER TO THEIR JOB/TRAINING SCHEME

Outcome

This is to give priority to working households or those in local training schemes who need to move closer to their workplace or training scheme. This also includes council and housing association tenants who need to move for work related reasons.

Criteria and Evidence Required

Confirmation of the employment/training and place of work will be required from the employer/training scheme.

Other Information

Applicants will only be able to apply for properties within the allocation area where their workplace or local training scheme is located.

PART 5 ALLOCATION CRITERIA

- 5.1 The Council has rules which determine the type and size of accommodation for which applicant households are eligible. This takes the general approach of maximising occupancy and makes best use of an otherwise limited stock of properties.
- 5.1.1 Applicants are restricted to bidding for accommodation that meet their assessed needs in terms of size, type, and other factors.
- 5.1.2 Applicants with identified need for adapted accommodation can only bid for properties that meet those requirements.
- 5.1.3 At the discretion of an appropriate senior officer, bidding rules may be modified if they are satisfied that this would result in exceptional unfairness or unlawful discrimination, balancing the circumstances of the applicant and their time on the housing register against the overall housing allocation scheme and the available resources of the Council. In such cases, the Council will work with the applicant to assist in trying to make any non-adapted accommodation in respect of which they successfully bid suitably adapted within a realistic timescale.

Property Types

- 5.2 The eligibility criteria for property types will vary according to the size and type of property.

5.3 Houses and Maisonettes of any size

These are categorised as family accommodation and will only be let to applicants who have their children living with them on a permanent, fulltime basis. Exceptions can be made, for example where children are on university courses and live away during term time.

5.4 2 and 3 Bedroom Flats

These are also classed as family accommodation; however, they can be allocated to applicants who do not have children living with them on a full time basis.

5.5 Bedsits and 1 Bedroom Flats

Bedsits are deemed suitable for single people whilst 1 bedroom flats are suitable for childless couples and single people.

5.6 Ground Floor Bedroom Flats

All ground floor bedroom flats are designated for people with mobility issues in the first instance where it has been recommended by a health professional that ground floor property is needed for mobility issues.

All other eligible people would be considered in the second instance.

5.7 Sheltered Accommodation

These are designated for applicants aged 60 years or over in the first instance. However, any applicant including occupants aged 50 years or over can apply and be considered for sheltered accommodation.

As this is older persons accommodation, sensitive lettings will apply and all applicants will be subject to a suitability assessment at the point of offer.

5.8 1 Bedroom Bungalows

In all areas, allocations will be considered in the following order:

1. People 40 years and over in Band 1
2. People 60 years and over in Bands 2-3
3. People 50 years and over in Bands 2-3
4. People 40 years and over in Bands 2-3

The minimum age criteria will be 40 years.

5.9 2 and 3 Bedroom Bungalows

These are not age restricted and are designated in the first instance to people needing ground floor accommodation due to mobility issues as recommended by an occupational therapist or health professional.

Any other family household requiring a 2 or 3 bedroom bungalow will be considered after the above.

5.10 Adapted Accommodation

To make best use of housing stock, accommodation that has been purposely built or adapted for disabled people will in the first instance be restricted to those people with such need.

5.11 Age Designated Accommodation

Certain properties, in addition to all general needs one bedroom bungalows and sheltered accommodation, are reserved in the first instance to people 60 years and over. These are detailed in Appendix 1.

Where a suitable person 60 years and over cannot be identified in Bands 1 - 3 the age band will be reduced by 10 year age bands until a suitable person is identified.

Pet Restrictions

- 5.12 There are some properties let by Leicester City Council that have special restrictions that are incorporated within the conditions of tenancy.

5.13 Tenants of certain accommodation are not permitted to keep on the premises any large pets, including cats and dogs.

5.14 Accommodation where this condition applies is as follows: -

- All tower blocks
- All sheltered accommodation
- All accommodation on the St Peters Estate
- West Court
- Three storey flats on the Mowmacre Hill Estate
- Aikman Avenue flats
- Wiltshire House
- Three storey flats on Braunstone Frith
- Beatty Avenue Flats
- 100 Welford Road Flats
- St Leonard's Court Flats
- Martindale & Grisedale Close Flats
- Bewcastle Grove Flats
- Zip Building
- Citygate Building

PART 6 SUSPENSIONS, CANCELLATIONS & REVIEWS

Suspensions

- 6.1 Applicants who qualify to appear on the register but where their behaviour or circumstances warrant their application to be suspended, will not be able to bid for any accommodation. However, the scheme intends that a suspension still grants a reasonable preference within a given band. Applicants can be suspended for the following reasons:
- Have property-related debts (with some exceptions see 6.2)
 - Refused three offers of accommodation (no offer will be made for a period of one year from the date of the last offer, see 6.14)
 - Failed a property inspection (LCC tenants only, see 6.16)
 - In prison or a detention centre (where custodial sentences are 6 months or less)
 - Serving in HM forces and living in HM forces housing and have not been given notice to leave your service accommodation

Rent Arrears

- 6.2 Rent arrears are defined as any housing related debt owed to Leicester City Council, other social landlords or private landlords. This includes the non-payment of rent, court costs, water rates, rechargeable repair debts or other charges such as a 'for use and occupation' charge (mesne profit). This debt applies to current and former tenancies*†.
- 6.3 This also includes any money paid by Leicester City Council to a landlord in respect of payments given under the Leicester Let and the Rent Deposit Guarantee Scheme to cover non-payment of rent or damages caused by the departing tenant.
- 6.4 Council tax debt, Housing Benefit overpayments (including any associated court costs) and any other debt that is not property related will not be considered under this policy. This also includes any property related debts owing that are covered by a bankruptcy order.

Rehousing with Rent Arrears

- 6.5 Any applicant on the housing register who has a housing related debt, as defined above, will normally only be considered for re-housing under certain circumstances.
- 6.6 The criteria for being considered for re-housing with arrears will differ depending on an applicant's level of housing need.

* Arrears from former tenancies with private landlords will only be considered for the past 2 years

† Arrears from former tenancies with council or housing associations will only be considered for the past 6 years

6.7 Band 1 Applicants

Applicants in Band 1 will not be subject to the rehousing with rent arrears policy.

Although any rent arrears will not be considered for the purposes of rehousing it is expected, where there are arrears, an agreement is made to reduce/clear the arrears.

6.8 Band 2 and 3 Applicants

Applicants in Bands 2 and 3 will be required to have a clear rent account for any current tenancy at the point of offer/sign up for alternative accommodation.

The exception to this will be Statutory Homeless applicants who are owed the main duty or social tenants who are benefit dependent and are adversely affected by the bedroom tax. They will however be expected to have entered into an agreement to repay their debt, but their application for re-housing will not be suspended and offers of accommodation can be made.

Former Rent Arrears

Applicants who have held their current tenancy for 12 months or more

- 6.9 For the purposes of rehousing former rent arrears will be disregarded where the applicant is a current tenant and has held that tenancy for 12 months or more. They will however be expected to have entered into an agreement to repay their debt, but their application for re-housing will not be suspended and offers of accommodation can be made.

Applicants who have not held their current tenancy for 12 months or more

- 6.10 Applicants who have not held their current tenancy for more than 12 months or do not hold a current tenancy and have former rent arrears will be suspended on the Housing Register. The suspension will only be lifted once confirmation has been received the former rent arrears have been cleared.

Exceptional Circumstances

- 6.11 In exceptional circumstances the suspension of an application due to rent arrears may be relaxed.

- 6.12 Such exceptional circumstances will include situations where re-housing is of paramount importance or where the needs of Leicester City Council's Housing Services are such that it is appropriate to relax the requirements.
- 6.13 The decision to re-house an applicant with rent arrears must be approved by the Head of Service, Housing Services.

3 Offer Policy

- 6.14 With some exceptions all applicants accepted on the Housing Register are entitled to receive three offers of accommodation with their full priority. An offer of accommodation will include an offer of a Leicester City Council secure tenancy, introductory tenancy or a nomination to a Housing Association (tenancy type may vary).
- 6.15 An applicant who refuses a third offer of accommodation within 12 months of refusing their first offer will be suspended on the Housing Register for 12 months.

Property Condition (LCC Tenants Only)

- 6.16 A Leicester City Council tenant who has failed to meet their obligations to maintain aspects of their current home may be considered as having behaviour affecting their suitability to be a tenant of the Council or a Housing Association and have their application suspended.
- 6.17 All offers of accommodation to LCC tenants are subject to their current home meeting acceptable standards as verified by a Voids Officer.
- 6.18 Where the tenant has failed to meet the acceptable standard, any offers of accommodation will be withdrawn and their application suspended until such time the home meets the necessary standard.

Cancelled Applications

- 6.19 Applications will be cancelled in the following circumstances:
- The applicant asks us to do so
 - The applicant does not respond to a review letter
 - The applicant does not respond to an offer letter or other correspondence within 7 working days or within the deadline stated in the correspondence
 - The applicant has been housed through the Housing Register
 - The applicant becomes ineligible for housing
 - A transfer applicant has terminated their tenancy
 - The applicant has moved through a mutual exchange
 - The applicant has given false or misleading information
 - The applicant no longer qualifies for an allocation of housing

- The applicant has not bid or made any contact with the Housing Options Service for the past 6 months
- 6.20 Applications that have been cancelled can be reinstated up to 6 months after the date of cancellation if they are still a 'qualifying person' and their circumstances have remained the same. Applicants will need to reapply with a fresh application after this period.

Review of Applications

- 6.21 All applicants on the Housing Register will have their applications reviewed after 6 months.

Right of Review

- 6.22 All applicants have the right to ask for a review of a decision, if they consider they have been unfairly or unreasonably treated through the provisions of this Allocations Policy. This includes decisions:
- about the facts of the case
 - that the person is ineligible for an allocation of accommodation, or
 - they are not a qualifying person
- 6.23 Unless differently prescribed by legislation, government executive order or court ruling, any request for a review should be made by the applicant or their representative within 21 days of the date of the letter advising of the decision.
- 6.24 The request for the review must be in writing, giving details why they disagree with the decision and provide any relevant information to be considered as part of the review process.
- 6.25 A more senior officer to the officer who made the initial decision will conduct the review.
- 6.26 The aim is to investigate and provide an outcome for each appeal or review within 56 days of receiving the request. Where this is not possible the applicant will be informed of the delay and given an approximate indication of when they may expect an outcome.

There is no further right to request a review of this decision unless the customer's circumstances change.

PART 7 LEICESTER HOMECHOICE

- 7.1 Leicester City Council's housing stock is allocated under a choice based lettings scheme called Leicester HomeChoice. The scheme is a partnership between Leicester City Council and member Housing Associations.
- 7.2 All properties will be allocated via Leicester HomeChoice and are advertised on a weekly basis. This may be extended on occasions due to public holidays.
- 7.3 Applicants must bid for properties they wish to be considered for and are eligible for.
- 7.4 Where a property has been advertised with an eligibility restriction, only applicants who meet the relevant criteria will be shortlisted for the property. For example, a property advertised as having adaptations such as a level access shower will only be considered for applicants with such need.
- 7.5 At the end of the advertising cycle a shortlist will be drawn up from all the eligible applicants that have applied for a property. The offer of accommodation will be made to the person in the highest band that meets the eligibility criteria. If there is more than one applicant in the band, the offer will be made to the applicant who has been waiting the longest within that band. If the applicant with the highest priority refuses the property it will be offered to the next highest bidder who meets the eligibility criteria and so on.
- 7.6 In exceptional circumstances the highest bidder may be overlooked for an offer of accommodation or an offer withdrawn where the Council decides it would be in the interests of the existing community in the area or in the good management of its housing stock to do so.
- 7.7 All applicants will be subject to eligibility checks and verification of their current circumstances at the time of offer. Should the checks fail then this may lead to them being removed from the Housing Register or suspended from bidding, depending on the circumstances.

Direct Lets

- 7.8 Where there are exceptional circumstances, overriding management or strategic requirements the council may choose to make an offer of accommodation outside of the CBL scheme by way of a direct let. A direct offer of accommodation is also an allocation for the purposes of this Policy.

Examples of Direct Lets are as follows: (The list is intended to be illustrative and in no way prescribed or definitive)

- Where an allocation is required to ensure protection of the public for example following a request made by a multi-agency public protection panel meeting
- Where a customer has been referred as part of the Witness Protection Scheme
- Where Leicester City Council is obliged by a court order to provide accommodation
- Where a Leicester City Council tenant's home is being repaired and they need to be moved from the property on a temporary or permanent basis
- Where a targeted offer is made to an applicant living in a Council clearance area
- Where there are exceptional circumstances that merit priority rehousing associated in managing risks, emergencies and making best use of management stock. This can include where there are exceptional circumstances that merit priority rehousing associated with cases experiencing homelessness or threatened with homelessness
- Where an allocation is required to meet a Local Lettings Policy objective

Local Lettings Policies

7.9 In certain circumstances the Council may develop a Local Lettings Policy. These help the Council to address any issues or challenges within a neighbourhood and help to ensure that communities are mixed and sustainable. Local Lettings Policies can be used to help achieve a variety of housing management or policy objectives.

Examples of Local Lettings Policies are: (The list is intended to be illustrative and in no way prescribed or definitive)

- Where there is a high risk of a local community becoming unstable
- Where all other housing management tools to deal with unsettled communities or significant antisocial behaviour have been tried and failed
- In a new or redeveloped area, where a more targeted approach to lettings is required to support the success of new tenancies
- Where a strategic objective has been agreed to meet the needs of a specific group of people

7.10 Local Lettings Policies will be evidence based and formulated following consultation. They will be time limited and reviewed in a timely manner. All properties that are subject to a Local Lettings Policy will be clearly labelled as such when they are advertised on Leicester HomeChoice.

AGE DESIGNATED FLATS

All one bedroom flats/bedsits in the areas below will be allocated to people 60 years and over in the first instance in Bands 1 – 3 and if there is no demand reducing by 10 year age bands until let

Abbey Rise

376-398 Thurcaston Road

Beatty Avenue

Beatty Avenue Flats

Beaumont Leys

Fowler Close

Belgrave & Rushey Mead

All ground floor flats

Braunstone Frith

Dupont Gardens

Braunstone South

Ainsworth Walk
Bennett Walk
Blackmore Drive
Buchan Walk
Chesterton Walk
Dickens Court
Galsworthy Court
Gaskell Walk
Walpole Court

Charnwood

Charnwood Estate Flats
(only 1 & 2 bed flats)
Curlew Walk
Dunlin Road
Fieldfare Walk
Kestral Close
Kingfisher Avenue
Kingfisher Walk
Redwing Walk
Sandpiper Close
Stonechat Walk

17-31 St Saviours Rd (odd no's)

Evington & Goodwood

Gisbourne Court Flats
Goodwood Road Flats
High Street Flats

Eyres Monsell

Hillsborough Close Flats

Humberstone Village

Humberstone Village Flats

New Parks

Kerrial Gardens

Mowmacre Hill

Colsterdale Close

Netherhall

St Mary's Court

Rowlatts Hill

Ambassador Road
Rowlatts Hill Road

Saffron SouthGoldhill

St Andrews

St Leonards Court
100 Welford Road

St Mark's

St Mark's Estate Flats

West End

Kate Street Flats

DESIGNATED TEMPORARY ACCOMMODATION SCHEMES

The following are designated temporary accommodation schemes commissioned by Leicester City Council as at 1st April 2022.

The list will be updated to reflect changes in the projects funded by the city council.

Leicester City Council Schemes

Border House
Dawn Centre
Oronsay Road
Iona Close
Thorpe House
Shared Housing Schemes

Action Homeless

Mayfield House
Jarvis
Hollies
Bonchurch Street
Glenfield Road

Adulam Homes

Norman House

Home Group

Bradgate House

Leicester YMCA

East Street
Aylestone Centre

Stonham Housing

Unity House

UAVA

Brooks House