

Leicester City Council Housing Allocations Policy Manual

Welcome to the Leicester City Council Housing Allocations Policy Manual. This document contains details of the scheme, which Leicester City Council uses for determining priorities for allocating Council homes and nominations to Registered Social Landlords.

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PART 1–1 WHO CAN APPLY?

1. Any person aged 16 years may make an application to appear on the housing register only by completing the approved application form.

All applications must have the correct supporting proofs in order for the application to be deemed as complete. Details of the required proofs can be found on the application form.

- 1.1 Applicants who apply with partners are treated as making a joint application and partners are subject to the same tests as applicants
- 1.2 Every person who submits a complete application will have their application considered. This does not mean that everyone who applies will be accepted onto the housing register.
- 1.3 In some instances further information may be required before a decision can be made about an application and as such the application will be deferred whilst this information is provided by the applicant.
- 1.4 Applicants unable to complete an application form may seek assistance in making their application through the Housing Options Service.
- 1.5 Exceptionally the Housing Options Service may make an application for a person who has not completed an application form. This would include the situation where possession of a property is being sought and where it is necessary to demonstrate that offers of accommodation have been made to the occupier, for example certain compulsory homeless situations. In these instances the affected person being treated as an applicant will be advised in writing, with a copy of their record, for their information.

2. Who you can include on your application

You can only include:

- Yourself and your partner;
 - Children under 18 who are dependent on you or your partner;
 - Your adult sons and daughters who have lived with you throughout their adult lives;
 - Your carer who has been assessed by Social Care & Health as providing overnight care.
 - Those household members originally rehoused by the City Council from the same application.
- 2.1 Whilst you may include someone else on your application, we will not count them when deciding what size property to offer you.
 - 2.2 Where there are exceptional circumstances in the case of adult children or other members of the household who have lived away and now wish

to be rehoused as a family unit, consideration will be given to individual cases by the Registration & Support Services Team Leader.

2.3 Separate conditions apply to refugee family re-unions.

PART 1-2 INELIGIBILITY

1. A person or persons will be ineligible if:

- they are a person from abroad who is ineligible for an allocation of housing accommodation by virtue of being subject to immigration control within the meaning of the Asylum and Immigration Act 1996 unless of a class of person prescribed by regulations made by the Secretary of State
- they are a person who the authority has decided is to be treated as ineligible having been satisfied that they, or a member of their household, has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of the authority and in the circumstances at the time the application is being considered, they are unsuitable to be a tenant of the authority by reason of that behaviour.
- In addition a joint application where one or both persons are included in the above definitions will be treated as ineligible.

1.1 The following people are ineligible:

Determined by the Secretary of State:

- i. people subject to immigration control and people from abroad who do not fall into any of the categories of people who have been made exempt by the Secretary of State.

Length of exclusion - the person will remain excluded until their immigration status changes.

The following people will be considered on a case by case basis and may be considered ineligible:

Determined locally by Leicester City Council:

- i. people who have supplied **significantly** false or misleading information on their application for housing
- ii. 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 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),

- any physical or verbal abuse towards Leicester City Council staff, its contractors or agents, or towards Housing Association staff

1.2 New applications from people in (i) above will usually be unopposed after 1 year or applications from people in section (ii) above will usually be unopposed if 5 years have elapsed from the date of their unsuitable behaviour. Applications received within 5 years will require the applicant to prove a change in their behaviour.

1.3 New Start Project

1.3.1 Families who have been previously been made ineligible due to ASB and placed in the New Start Project scheme can be made eligible once staff at the scheme make a referral to Housing Management. 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. Landlord Services must approve the application.

PART 1-3 DETERMINING PRIORITIES

1. Sub section 2A of Section 167 of the Housing Act 1996 as amended by the Homelessness Act 2002 allows for provision for determining priorities in allocating accommodation to people with a reasonable preference.

1.1 The policy is to reduce the points and therefore priority, relative to other applicants of people in the following situations:

- i. Applicants who do not meet the Leicester City Requirement. This is a type of test of local connection the definition of which is less onerous than that used for part 7 Homelessness applications. Further details are shown in part 1-4 Leicester City Requirement.

Applicants may obtain full points once they meet one of the Leicester City Requirements, unless they also fall into one of the categories in this section.

- ii. Applicants who owe rent whether from a current tenancy or previous tenancy. Further details are shown in part 1-5 Rent Arrears.

Applicants may obtain full points once they reduce their debt through one of the mechanisms outlined in part 1-5 Rent Arrears, unless they also fall into one of the categories in this section.

- iii. Applicants who have refused 2 reasonable offers of accommodation. A reasonable offer is an offer of accommodation within an allocation area chosen by the applicant and which is of a type and size for which the applicant is eligible. In some instances there may be a range of property types and sizes for which an applicant is eligible and an offer would need to match any preference given by the applicant. Certain applicants who have applied separately for Homelessness or Access, Health, Care and Support may have restrictions applied. Full details are outlined in part 1-6 2 Offer Policy.

Applicants may obtain full points 12 months after the 2nd reasonable offer was refused or if an impairment develops which requires an adapted property, unless they also fall into one of the categories in this section.

- iv. Applicants who currently rent a property and where the landlord has indicated there has been a breach of the conditions of tenancy in respect to any tenant's responsibility to maintain the property. Full details are outlined in part 1-7 Property Condition.

Applicants may obtain full points once the breach has been rectified or where the landlord indicates that they are not concerned, unless they also fall into one of the categories in this section.

- v. Applicants who fail to respond to an offer of accommodation within the specified time period and other applicants who fail to respond to reasonable information requests within a reasonable time period will have their application moved to reduced points.

Applicants may obtain full points once they make contact and providing there is no other reason why they should remain with reduced points or otherwise made ineligible.

- 1.2 Applications may be registered and awarded reduced points by the authority of the Team Leader, Registration and Support if with the applicant's permission a support agency is working to prepare a support package which needs to be agreed and ready to go prior to the applicant receiving offers of accommodation. This may applied retrospectively to existing applicants.

PART 1-4 LEICESTER CITY REQUIREMENT

1. Applicants must meet at least one of the following criteria before they may be awarded full points:

a. Applicants living within Leicester City must be able to produce documentary evidence that they have used a residential address within the City as their permanent home for the 12 consecutive months immediately prior to application.

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

b. Applicants that have previously lived in permanent accommodation in Leicester City for 2 consecutive years or more out of the last 5 years.

c. Applicants employed within Leicester City who have a contract for a minimum of 12 months.

d. Applicants with a firm offer of employment within Leicester City who have a contract for a minimum of 12 months.

e. Applicants who are staying on a full or part time Higher Education course at DeMontfort or Leicester University who are able to produce a letter to that effect from the university.

f. Applicants 60 years or over wishing to move into Leicester because of close connections within the City (e.g. relatives living in Leicester) and only want one bedroom bungalow or sheltered accommodation.

g. People who are aged over 18 and approved as a homeless person under Part VII of the Housing Act 1996.

h. Persons returning from service in the armed forces who meet one of the above criteria prior to them entering service.

1.1 An application from people who do not fulfil the criteria above will be awarded reduced points until: -

a. One of the above criteria is met

or

b. Where there are exceptional circumstances, which have been considered by Leicester City Council and where a decision has been made to waive this requirement.

- 1.2 Requests to be considered under exceptional circumstances will be made in writing to the Registration & Support Services Team Leader at the Housing Options Service.

Consideration will be given amongst others when the following criteria is met:

- i. needs to live near to relatives and friends to receive or to give care and support.
- ii. has been referred to the authority by Leicester City Social Care and Health Department on the grounds that he/she requires settled housing in the City on welfare grounds.
- iii. who, following a Multi agency assessment (including Social Services) of their needs and ability to settle permanently in the City and who is eligible for relevant support packages is considered able to sustain a tenancy.
- iv. 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 who are awarded exceptional or indefinite leave to remain.
- v. and any other cases where, at the discretion of the Director of Adults & Housing, the individual's circumstances are such as to merit qualification to appear on the Housing Register.

1.3 WHAT IF AN APPLICANT HAS ACCOMMODATION ELSEWHERE

- 1.3.1 If an applicant currently owns or has rented accommodation outside Leicester, residential status should be assumed for the property that they own / rent, e.g. if an owner occupier from Manchester moves to Leicester to stay with relatives, they will not satisfy the residential requirements as defined in 1(a) above. However, if the applicant fulfils the residential requirements in another way, (e.g. by working in Leicester) they will have the right to be included on the housing register. Their points should be awarded on the basis of their accommodation in Manchester.

1.4 WHAT CONSTITUTES "LIVING IN THE CITY"

- 1.4.1 There is a 12 consecutive months minimum time limit for applicants to qualify to be 'living in the City' for the purposes of Leicester City Requirements. This must be at a permanent address.
- 1.4.2 It will be necessary for an applicant that does not meet Leicester City Requirements in any other way (e.g. by working in the City or from a previous residence) to have an address in the City.

- 1.4.3 Applicants will **not** fulfil residential qualifications if they are staying in a Hostel, Nightshelter, NFA or only have a Leicester 'Care of Address' and do not meet Leicester City Requirements in another way.

1.5 WHAT CONSTITUTES EMPLOYMENT

- 1.5.1 Applicants employed within Leicester or with a firm offer of employment within Leicester will meet the Leicester City Requirements if one of the following is met:

A permanent or temporary contract of employment within Leicester City (part time or full time), which is granted by the employer for a period of at least 12 months.

A person who is self employed (i.e. registered with the Inland Revenue as self employed) who carries out work within Leicester City.

- 1.5.2. Where an applicant does not meet the Leicester City Requirement in any other way, and is relying solely upon the employment criteria and does not meet the definition above, consideration will be given to individual cases by the Registration & Contact Centre Team Leader.

PART 1-5 RENT ARREARS

1. Persons with rent arrears who satisfy the conditions of this section will be considered for LCC accommodation. Nominations may also be made to RSL's, however whilst their poor payment history will not be disclosed without proper authority, the RSL may discover the arrears level and history during the course of their investigations and may consider that the nominee does not meet their own allocation policy.

1.1 REHOUSING WITH RENT ARREARS

- 1.1.1 **Rent arrears are defined, as** any money (including former tenant arrears) owed to Leicester City Council, other social landlord or other landlord, in the form of **non-payment of rent, current hostel charges, court costs, water rates owed to Leicester City Council or any rechargeable repair debts**. If the rent arrears are **over 12 years old**, they will not be taken into account for the purpose of this policy.

NB: An applicant will be considered to have rent arrears if their debt is equal to or more than £75 in total i.e. when all arrears are added together.

- 1.1.2 Any applicants on the housing register who owe rent arrears to Leicester City Council, other social landlord or other landlord, will normally only be considered for rehousing under certain circumstances.
- 1.1.3 The criteria for being considered for rehousing will differ depending on an applicant's level of housing need. If an applicant meets the required criteria, they will be considered for rehousing.
- 1.1.4 The different criteria that will be applied are detailed below: -

- a) Applicants in receipt of the following points categories who owe rent arrears to **Leicester City Council** will be considered for rehousing after entering into an **agreement to repay** their debt and after establishing the **minimum repayment pattern** that is required. The minimum repayment pattern will commence once the applicant is in receipt of one of the following points categories.
 - Referred Case
 - Tenants Incentive Scheme
 - Compulsory Home Loss
 - Harassment
 - Management Case
 - Access, Health, Care and Support/Physical High
 - Insecure Accommodation
- b) Applicants in receipt of the following points categories who owe rent arrears to **other landlords** will be advised to contact the landlord to whom they owe money in order to make an agreement to repay the arrears. They will then be considered for rehousing when confirmation is received

from the relevant authority that they are satisfied with the applicant's repayments.

- Referred Case
- Tenants Incentive Scheme
- Compulsory Home Loss
- Harassment
- Management Case
- Access, Health, Care and Support/Physical High
- Insecure Accommodation

- c) Applicants without the points listed in (a) or (b) above who owe rent arrears to **Leicester City Council** will be considered for rehousing once their rent arrears are **below £250** and they then enter into an **agreement to repay** their debt. They must establish the **minimum repayment pattern** that is required.
- d) Applicants without the points listed in (a) or (b) above who owe rent arrears to **other landlords** will be considered for rehousing if their rent arrears are **below £250** and when confirmation is received from the relevant landlord that they are satisfied with the applicant's repayments.
- e) **Statutory Homeless Applicants** who owe rent arrears to Leicester City Council or any other landlord **will not be subject to the rehousing with rent arrears policy**. They will still be encouraged to make agreements to repay their debt but their application for rehousing will not be awarded reduced points and offers of permanent accommodation can be made.

1.1.5 All applicants who owe rent arrears to Leicester City Council and who are being considered for rehousing with rent arrears **must make an agreement to repay their debt before receiving any offers of accommodation**.

1.2 AGREEMENTS TO REPAY AND MINIMUM REPAYMENT PATTERNS

1.2.1 All agreements to repay will be made in line with Leicester City Council's Fair Debt Policy. Where a landlord requires terms that are beyond an applicant's ability to pay following a test of affordability consideration should be given to making an application on 'exceptional' grounds (see later).

1.2.2 Applicants will also have to establish a **minimum repayment** pattern and may have an additional requirement to meet if they have a **Court Order** against them for **rent arrears on a current tenancy**.

1.2.3 The minimum repayment pattern required is as follows:

- a) If a **Court Order** exists for **rent arrears on a current tenancy**, applicants will be required to **bring the Court Order up to date** and then to make **regular repayments for a further 12 weeks**
- b) If there is **no Court Order**, applicants will be required to make **regular repayments for at least 12 weeks**

1.3 MAKING AN AGREEMENT TO REPAY AND ESTABLISHING A MINIMUM REPAYMENT PATTERN

- 1.3.1 As previously stated, all agreements to repay must be made in line with Leicester City Council's Fair Debt Policy.
- 1.3.2 Repayments will be agreed based on a weekly amount but the **actual repayments** can be made on a **weekly** or **fortnightly** basis. However, if an applicant insists that they can only make the repayments on a monthly basis they will be required to make **at least 4 monthly payments**.
- 1.3.3 If a **Court Order** for **rent arrears on a current tenancy** is being brought up to date as part of the agreement, this amount can be paid in a lump sum but the subsequent payments which establish the repayment pattern will have to be in line with 1.3.2 above.
- 1.3.4 If a **Court Order** for **rent arrears on a current tenancy** exists, this amount will be the weekly agreement to repay amount; an additional repayment amount will not be required.

1.4 EXCEPTIONAL CIRCUMSTANCES

- 1.4.1 In exceptional circumstances the normal requirements of this rehousing with rent arrears policy may be relaxed for certain applicants.
- 1.4.2 Such exceptional circumstances will include situations where rehousing is of paramount consideration or where the needs of the Housing Management branch are such that it is appropriate to relax the requirements.
- 1.4.3 Exceptional cases to rehouse with rent arrears must be approved by the Landlord Services Manager.

1.5 OFFERS OF ACCOMMODATION

- 1.5.1 Offers of accommodation to applicants who have rent arrears, will only be made where an agreement to repay has been made and where a repayment pattern has been established.
- 1.5.2 If an applicant **breaks their repayment pattern** at any point, they will normally be expected to **start the repayment pattern again** (so a further 12 week or 4 month pattern will be required).

PART 1-6 2 OFFER POLICY

1. All applicants accepted on the Housing Register are entitled to receive **two reasonable offers** of accommodation with their full points. 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).
 - 1.1 An applicant who refuses a second offer of accommodation will have their points reduced for 12 months.
 - 1.2 All applicants have the right to appeal against the decision to reduce points after two reasonable offers.

1.3 What is a reasonable offer?

In order for an offer to be considered reasonable it must meet the following general criteria;

- The offer of a property should be within the applicants area of choice as stated on their housing application, unless they have had their areas widened by the Housing Options Service e.g. Homeless applicants to whom a duty is owed.
- The offer must be suitable for the general needs of the applicant(s) as outlined within the Housing Allocations Policy.
- The offer must take into account any special needs of the applicant(s), such as specially adapted accommodation for disabled people.
- The offer must have the required number of bedrooms as defined by the eligibility criteria within the Housing Allocations Policy or as subsequently amended by the applicant where this is allowed.
- The condition of the property must meet the minimum relet and repairs standard

An offer **does not have** to meet the following criteria in order to be considered **reasonable**;

- be a secure tenancy rather than an introductory tenancy
- be a house rather than a flat or maisonette
- be a house with central heating
- be a property in a particular area for social, religious or cultural reasons

- be a property near a specific school
- be a property on a particular street

1.4 Circumstances where a refusal of an offer will be accepted

The following reasons for refusal will be accepted and the offer will be withdrawn and will not count towards the applicants two reasonable offers;

- Where a property has been offered outside the area of choice, as stated on their application at the time the offer was made, unless they have had their areas widened by the Housing Options Service e.g. Homeless applicants to whom a duty is owed.
- Where type of property offered has not been correctly matched to details on the application form.
- Where special needs or facilities required by the applicants have not been taken into consideration when making an offer of accommodation.
- Where the property offered is next door to, or very close to, a property where the occupier(s) has caused harassment or nuisance to the applicant.
- Where the applicant suffered harassment on viewing the property and this was substantiated.
- Where the applicant is suffering from an illness making it impossible to move and this is substantiated (e.g. through confirmation from their GP).

1.5 The Appeals Procedure

1.5.1 If an applicant wishes to appeal against the decision to reduce their points for 12 months following a second refusal, they must request an appeal in writing within 21 days of being notified of their points reduction. The applicant should state the reason for the appeal and why they believe the previous offers were unreasonable.

1.5.2 The Team Leader will review the case and if one of the offers is found to have been made outside of procedure they will re-instate the full points for a further offer to be made

1.5.3 A decision should be made within 28 days of receiving the appeal application in writing.

PART 1-7 PROPERTY CONDITION

1. A 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 points reduced.
 - 1.1 All offers of accommodation to tenants are subject to, their current home meeting acceptable standards as verified by a Voids Officer in the case of Leicester City Council tenants.
 - 1.2 Where the tenant has failed to meet the acceptable standard, any offers of accommodation will be withdrawn and their points reduced until such time the home meets the necessary standard.

PART 1-8 FAILING TO RESPOND

1. The Housing Allocation scheme requires applicants to respond to certain contacts made by the authority. This might include situations where offers of accommodation are made or where the applicant is required to clarify a situation. These contacts are usually made in writing and will specify a time period in which a response is required. Where no time period is specified the period 28 days will be assumed.
 - 1.1 Where no response is made within the required time period the application will be moved onto reduced points unless reduced points already apply.
 - 1.2 Applications will be cancelled where the applicant fails to respond to correspondence, which states the application will be cancelled if there is no reply within 28 days.
 - 1.3 Applications will also be cancelled where correspondence is returned to the authority by the Royal Mail as 'addressee gone away' or 'addressee not known'.
 - 1.4 An application on reduced points for no contact may be transferred to full points when contact is eventually made, unless there is a reason that the application should remain on reduced points or should be made ineligible. In the case of cancelled applications this must be done within 12 months of the application being cancelled.

PART 1-9 CHOICE

1. The statement on choice is published in the freely available 'Guide to Housing in Leicester'
- 1.1 We recognise that allowing customers to express choice reduces the likelihood of refusals of offers of accommodation. Choice is given in the following ways:
 - i. Choice of area, with the city divided into over 40 areas.
 - ii. Choice of property type, within a range for which an applicant is eligible.
 - iii. Allowing applicants to choose one less bedroom than the current bedroom eligibility in most circumstances.
 - iv. Allowing choice of both Council and Housing Association vacancies or for only Council vacancies or only Housing Association vacancies.
 - v. A range of leaflets that set out the availability of homes (for example 'Adapted Housing News', 'Large Family Homes' and 'Accommodation Guides')
 - vi. Choice of an adapted home if needed, by matching applicants to an adapted home using the specialist Adapted Housing Matching Service.
 - vii. LeicesterSwap, enhancing the opportunity for mutual exchange for most existing Council and Housing Association tenants without the need to use the housing register.
- 1.2 Applicants should note that where the Council owes them a statutory housing duty in connection with homelessness or recognises an urgent need for housing that choice may necessarily be restricted.

PART 2-1 APPLICATIONS FROM TENANTS OF REGISTERED SOCIAL LANDLORDS

1. Tenants of Leicester City Council, Housing Associations or other councils may complete an application form and have their application considered.

1.1 Tenants will not be eligible for overcrowding or sharing points where this need arises from people who live with them who do not form part of their household requiring rehousing. For example a tenant and their household who are otherwise adequately housed will not receive overcrowding and sharing points in the situation where they have another household living with them.

1.2 Sole applications from sole tenants and joint applications from joint tenants will be treated as if they have sole and full occupation of their current tenancy.

1.3 Joint applications where one party is a sole tenant and where the other party is not a tenant.

If neither property is suitable for the combined household then the most suitable property will be selected and the household assessed as if they were living at that address. This will usually be the property, which attracts the fewest points. Nothing here prevents a separated family making a homeless declaration.

1.4 Joint applications where both parties are sole tenants of different tenancies.

If neither property is suitable for the combined household then the most suitable property will be selected and the household assessed as if they were living at that address. This will usually be the property, which attracts the fewest points. Nothing here prevents a separated family making a homeless declaration.

1.5 Sole applications from a person who is already a joint tenant of an existing tenancy who applies from that tenancy address

Applications will be registered as a general applicant but would be pointed up as a tenant.

1.6 Sole applications from a person who is already a joint tenant of an existing tenancy who applies from an address that is not their tenancy.

Applications will be registered as a general applicant and will only be pointed up from their alternative address once evidence is provided to show that they will be relinquishing their tenancy. This could be in the form of a signed statement after discussing the implications of giving notice with their housing officer.

PART 2-2 APPLICATIONS FROM TENANTS OF PRIVATE LANDLORDS AND PROPERTY OWNERS

1. Tenants of private landlords and people who own (or have a mortgage upon) residential property may complete an application form and have their application considered.
- 1.1 Applicants in 1. above will not be eligible for overcrowding or sharing points where this need arises from people who live with them who do not form part of their household requiring rehousing. For example a tenant and their household who are otherwise adequately housed will not receive overcrowding and sharing points in the situation where they have another household living with them.
- 1.2 Sole applications from sole tenants or owners, joint applications from joint tenants or applications where one party is already a joint owner or mortgagee will be treated as if they have sole and full occupation of the home in which they have an interest, unless there has been a relationship breakdown see Part 2, Section 6.

PART 2-3 APPLICATIONS FROM PEOPLE OF 'NO FIXED ABODE'

1. People who are of 'no fixed abode' may complete an application form and have their application considered.
 - 1.1 'No fixed abode' is taken as meaning a person who has no interest in a residential property for example a licence, tenancy, ownership etc and is a person who has no contract to occupy a property. Most often this definition will include people who are bare licensees, this applies where people have permission to stay in someone else's home but pays nothing for the right of occupation.
 - 1.2 People who provide a 'care of address' because they consider themselves or are of 'no fixed abode' will not have the time spent under this status count towards meeting the 'Leicester City Requirement'.
 - 1.3 The lack of security such applicants have and the issues over such people moving from address to address (whilst retaining a care of address) means that regardless of access to bedrooms the applicant household will be awarded overcrowding and sharing points unless 1.4 below applies.
 - 1.4 Where such an applicant applies and requests to be rehoused with another household living at a different address the application will be assessed from the more suitable of the 2 properties, even if the second property is outside of Leicester.

2. APPLICATIONS FROM LODGERS

- 2.1 People who are 'lodging' may complete an application form and have their application considered.
- 2.2 Where such an applicant has an interest in a property elsewhere such as a tenancy, mortgage or ownership they will be assessed as if they were living at that address.
- 2.3 Where such an applicant applies and requests to be rehoused with another household living at a different address the application will be assessed from the more suitable of the 2 properties, even if the second property is outside of Leicester.

PART 2-4 APPLICANTS LIVING IN TEMPORARY ACCOMMODATION AND HOSTELS

1. Applicants living in temporary accommodation and hostels may complete an application form and have their application considered.
 - 1.1 In determining the level of overcrowding and sharing points that may be awarded, consideration will be given to the number of bedrooms/facilities the applicant has sole use of.
 - 1.2 It must be noted that where the applicant has an interest in another property such as a tenancy or mortgage etc, that they would be assessed as if they were residing at that address. The exception to this is where the Housing Options Service confirm that it is not reasonable for the applicant to return to the address following a homelessness application.
 - 1.3 Where such an applicant applies and requests to be rehoused with another household living at a different address the application will be assessed from the more suitable of the 2 properties, even if the second property is outside of Leicester.
 - 1.4 Applicants living in Hostels or Nightshelters will not have the time living there count towards meeting the 'Leicester City Requirement'.

PART 2-5 APPLICATIONS FROM PEOPLE IN PRISON

1. Applicants detained in prison may complete an application form and have their application considered.
 - 1.1 As applicants under these circumstances are unable to take up occupation immediately only those applications received from people who are within 28 days of release will be registered.
 - 1.2 If the applicant has an interest in a residential property such as a tenancy or mortgage etc then they will be assessed as if they are residing at that address, unless they can provide documentary evidence of legal proceedings currently in force to prevent the person from returning to that address.
 - 1.3 If the applicant has no accommodation they will be awarded overcrowding and sharing points until the date of release at which stage the application will be re-assessed from whatever address the applicant is staying.
 - 1.4 Where such an applicant applies and requests to be rehoused with another household living at a different address the application will be assessed from the more suitable of the 2 properties, even if the second property is outside of Leicester.
 - 1.5 Exceptionally applications may be registered before 28 days where Housing Options are working on a planned release with Probation where the applicant cannot be moved temporarily to a hostel and needs to go straight into a property.

PART 2-6 RELATIONSHIP BREAKDOWN

1. APPLICATIONS FROM GENERAL APPLICANTS

1.1 APPLICANTS WHO ARE CLAIMING RELATIONSHIP BREAKDOWN WHERE THEY HAVE BOTH MOVED TO DIFFERENT ADDRESSES.

1.1.1 If both partners have moved to different addresses, each applicant will be required to complete a new application form and their points assessed individually.

1.1.2 The date of these applications will remain the same as the date of the original application.

1.1.3 The original application will be cancelled.

1.1.4 If one of the applicants continues to occupy the previous accommodation, the original application may be amended to reflect their change in circumstances (e.g. household composition etc.)

1.1.5 The departing partner may submit a separate application but retain any time points that had accrued on the joint application.

1.2 APPLICANTS WHO ARE CLAIMING RELATIONSHIP BREAKDOWN WHERE THEY ARE BOTH LIVING IN THE SAME PROPERTY.

1.2.1 From time to time, cases arise where there has been a relationship breakdown but the departing partner is unable to leave because he/she has nowhere to go.

1.2.2 In such cases, the person who wishes to seek alternative accommodation may be pointed as though they are a lodger in the household (in exactly the same way as a non-dependant would be treated) provided that evidence can be provided that interest in the 'matrimonial' home is to be relinquished.

1.2.3 it will NOT be necessary for an applicant to actually relinquish interest in a property that is owner occupied, as this may be part of a settlement and / or held in trust until say, children have reached the age of 18. It will, however, be necessary for them to demonstrate that the interest in the home will be transferred at some point in the future. A solicitor's letter to this effect should suffice.

1.2.4 In cases where the person seeking alternative accommodation has moved out of their matrimonial home, they will only be pointed up from their alternative home once confirmation is received that they are relinquishing interest in the property that is owner occupied as stated in part 1.2.3. If this is not received the applicant may appear on the housing register but will receive points as if living in their matrimonial home.

1.3 APPLICATIONS FROM APPLICANTS WHO ARE STILL JOINT TENANTS OF LCC OR A REGISTERED SOCIAL LANDLORD

1.4 SOLE APPLICATIONS FROM A PERSON WHO IS ALREADY A JOINT TENANT OF AN EXISTING TENANCY WHO APPLIES FROM THAT TENANCY ADDRESS.

1.4.1 Applications will be registered as a general applicant but would be pointed up as a tenant.

1.5 APPLICANTS WHO ARE CLAIMING RELATIONSHIP BREAKDOWN WHERE THEY ARE BOTH LIVING AT THEIR TENANCY ADDRESS.

1.5.1 Applicants will be registered as a general applicant and will only be pointed up as though they are a lodger in the household provided that evidence can be given to show that they will be relinquishing their tenancy. This could be in the form of a signed statement from both tenants after discussing the implications of giving notice with their housing officer.

1.6 SOLE APPLICATIONS FROM A PERSON WHO IS ALREADY A JOINT TENANT OF AN EXISTING TENANCY WHO APPLIES FROM AN ADDRESS THAT IS NOT THEIR TENANCY.

1.6.1 Applications will be registered as a general applicant and will only be pointed up from their alternative address once evidence is provided to show that they will be relinquishing their tenancy. This could be in the form of a signed statement after discussing the implications of giving notice with their housing officer.

PART 2-7 ACCESS TO CHILDREN

1. ESTABLISHING WHO HAS CARE FOR A CHILD

- 1.1 The introduction of the Children Act 1989 has made it more difficult to determine which parent has care of a child, having superseded the previous arrangements for awarding 'custody' to one or other parent.
- 1.2 This can make the decision as to who should be eligible for family accommodation, and who should receive points for aspects such as overcrowding a difficult one. The following guidelines have been formulated to help in such situations.
- 1.3 In the majority of cases, it will be possible to identify the **PRINCIPAL HOME** of a child or children. As a general rule, ***family accommodation will only be offered to one parent who is to provide that principal home.***
- 1.4 This rule will apply even where the principal home is not a council dwelling, i.e. we would not expect to rehouse (to family accommodation) a former owner-occupier after a relationship breakdown if the children remain at the former home and the displaced parent has staying access.

1.5 OVERNIGHT STAYING ACCESS

- 1.6 Where a parent does not provide the principal home, but has access arrangements that include overnight stays, they will be eligible to be screened for a 2 bedroom flat. They can only be screened for a 2 bedroomed flat and will be 'picked up' for relaxed eligibility accommodation through the normal method.
- 1.7 For the purposes of assessing housing need, applicants with this type of access will be given points for overcrowding as though the children were living there on a full time basis.

Where an applicant has no bedroom for any child(ren) with staying access they will be eligible for a maximum of '1 bedroom' overcrowding points (usual tests apply see part 3-11). Where the applicant has a bedroom for some but not all of the children to whom they have staying access rights they will not receive any overcrowding points. Hence an applicant, living alone, with staying access to 3 children who lives in a 2 bedroomed property will receive no over overcrowding points.

This will ensure that applicants with some childcare responsibilities get priority over singles and couples that may be requesting larger accommodation. They will NOT be eligible for children in upper floor accommodation or children without a garden points.

- 1.8 Where an applicant claims to provide the principal home or to have access arrangements that would give them additional priority, written evidence will be required to satisfy the Neighbourhood Housing Officer /

Neighbourhood Housing Manager or Development, Customer Contact & Registration Manager of the circumstances. It is not intended that, for example, solicitors' letters will be required in every case. The following list is to be regarded as a guide but is not exhaustive: -

- Solicitors' letters
- Court documents
- Social Workers' letters

1.9 It is perfectly feasible that none of the above is involved with a breakdown of relationship or the arrangements for childcare, therefore documents as described above cannot be insisted upon. In the case of an amicable agreement between parties, 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.

1.10 The decision in the above instance will rest with the Neighbourhood Housing Officer and/or Neighbourhood Housing Manager or Development, Customer Contact & Registration Manager as to whether they are reasonably satisfied that the situation is as stated based on the written evidence provided.

1.11 Where the only children in the household are those to whom the applicant has overnight staying access the applicant will only be eligible for a 2 bedroom flat. In exceptional cases involving a large number of children consideration may be given for a 3 bedroom flat, this would be agreed at the request of the applicant to the Registration & Contact Centre Team Leader or to the Development, Customer Contact & Registration Manager.

Therefore the addition of other people to the household who are not dependent children will not result in the application being made eligible for a house or maisonette.

1.12 EQUAL ACCESS ARRANGEMENTS

1.13 Whilst the authority has to house homeless families in bed and breakfast and hostel accommodation it is extremely unlikely that any such cases will be approved. Applications made under this heading, which are rejected, will be eligible for 2 bedroom flats if the access includes overnight stays.

1.14 When 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) the applicant currently applying for accommodation will need to build a case to prove the arrangement.

1.15 In these instances, decisions on whether or not to allow eligibility for family accommodation will be made jointly by the Landlord Services

Manager and the Development, Customer Contact & Registration Manager.

- 1.16 Access to children will only be considered where the person is a parent whether natural or by a legal arrangement. This policy does not apply to informal arrangements.
- 1.17 For the purposes of the Housing Allocations Policy, a child will be defined as those where the applicant or partner has legal or biological parent relationship with and is age 18 years or under and dependant or in the care of the Local Authority.

PART 2-8 ADOPTED AND FOSTER CHILDREN

1. An applicant that has adopted or fostered children should be treated in exactly the same way as any other parent.
- 1.2 Where an applicant has been approved for adoption or fostering, but does not yet have a child, they should be treated as an applicant that is expecting. In these instances, confirmation will be required from Social Services that they are to receive a child or children.
- 1.3 As an example, an applicant that has been approved to care for more children, may be given points for overcrowding if the additional child will create overcrowding.
- 1.4 When calculating overcrowding, the tests set out in part 3-11 will apply unless the applicant specifically requests smaller accommodation.

PART 2-9 APPLICATIONS FROM 16 AND 17 YEAR OLDS

1. WHICH 16 AND 17 YEAR OLDS QUALIFY TO APPEAR ON THE HOUSING REGISTER?

- 1.1 16 and 17 year olds are not automatically entitled to go onto the Housing Register, this is because they cannot hold a tenancy in the usual way. However Leicester City Council are prepared to offer Introductory Tenancies to those 16 and 17 year olds who are owed the main homelessness duty and others who pass an assessment which aims to ensure they are capable of maintaining a tenancy. Therefore each application, which is received from a 16 or 17 year old, will be subject to a further assessment by the Housing Options Service, to establish whether they qualify to go onto the Housing Register.
- 1.2 Only those 16 or 17 year olds approved by the Housing Options Service will have their application registered.
- 1.3 A young person who is 16 or 17 years old will normally only qualify to appear on the Housing Register if they have been assessed as:
- i) a young person who is owed a duty under Sections 193 or 197, Part VII (Homelessness) of the Housing Act 1996
 - ii) they are a child who is owed a duty under Section 17 or 24 of the Children Act 1989
 - iii) they have been assessed as able to satisfy the conditions of a tenancy in their own right,
- and in addition to any of the above criteria,
- iv) they are not otherwise ineligible
- 1.4 All 16 and 17 year old applicants who are registered on the Housing Register must also have an agreed named trustee in place for any future tenancies.

PART 3-1 THE POINTS SCHEME

1. It is impossible for everyone to be top of a housing list. The Housing Allocation Policy tries to put competing applicants in some form of rank order which includes people the government direct should be given a reasonable preference. The government does not specify which reasonable preference category should be placed above another, however the Council must in order to allow it's allocation scheme to function.
 - 1.1 The points scheme does not recognise every housing situation as equal, some are considered more important than others. As such the scheme may not appear fair to an applicant who is ranked below another applicant and not therefore currently subject to an offer of accommodation. Given the nature of public housing and the increasing demands upon this resource difficult decisions on prioritisation are required. This scheme is clear and transparent with identical applications being awarded identical points, with differentiation between such applicants made through the use of time in need points.
 - 1.2 The points scheme is outlined in summary form in the table below. Points are awarded in recognition of an applicant's current circumstances and are intended to provide a reasonable preference within the housing scheme and a ranked position relative to other applicants. Applicants who qualify to appear on the register are awarded Full Points unless their behaviour or circumstances warrant Reduced Points. The scheme intends that Reduced Points still confers a reasonable preference to an applicant but at a lower priority relative to other applicants.
 - 1.3 Applicants are moved between the schemes depending on an action or changed circumstance.

2. Combinations of points

- 2.1 Certain combinations of points are not permitted and these are listed in the following sections describing each category of points. These restrictions need no qualification as they are intended to allow the scheme to function, however the following may be of assistance;
- 2.2 These rules are necessary to ensure the scheme can function otherwise an almost infinite range of situations would require an equally infinite number of points categories to recognise that every situation is different. Such a points scheme would be unworkable therefore generalisations are made to allow the scheme to be kept workable. In keeping with this, rules are made so for example people awarded Harassment points cannot be awarded Homelessness points at the same time and people awarded Temporary Accommodation points cannot be awarded Overcrowding and Sharing points.

- 2.3 Whilst identical households are treated exactly the same what of households who fall into multiple reasonable preference categories. If this is taken to its logical conclusion there would be a requirement to rank all reasonable preference categories equally, which is clearly not what parliament, intended. The local authority is, it is argued, intended to give unequal rankings to the categories and for the reasons given above has to in allowing any scheme to operate which is based upon housing needs, local priorities, takes into account limited resources and other factors at various times.
- 2.4 It is therefore the intention of this scheme to permit an applicant to be awarded the highest points category for which they are eligible from the following:
- Referred Case
 - Tenants Incentive Scheme
 - Compulsory Homeloss
 - Harassment
 - Access, Health, Care and Support/Physical High
 - Management Case
 - Statutory Homeless
 - Insecure Accommodation
- 2.5 Of course the applicant is entitled to choose a lower points category from this list if they qualify for 2 or more, however the Housing Options approach adopted by the Council will give advice which maximises points levels.
- 2.6 However certain of these points are permissible in combination with other points which when combined lend themselves to addressing the issue of multiple needs within a household without resorting to an infinite number of categories and points levels.
- 2.7 Consequently a homeless household lacking 2 bedrooms is given greater points than an identical homeless household lacking just 1 bedroom through the use of overcrowding points. In the same way a household with 2 disabled people unable to access essential facilities may be given more points than a household where there is only one disabled person through the use of multiple awards of Access, Health, Care and Support/Physical points.
- 2.8 Not absolutely every combination of needs or situation is accounted for, because of the need to operate a scheme that functions. However the scheme outlined in the pages of this manual does have flexibility to allow many competing households to be ranked relative to each other on a range of criteria.

3. Reduced points

- 3.1 Reduced points are awarded only in defined circumstances, which are outlined in Part 1 Section 3.

4. Time in need points

4.1 Time in need points provide an applicant with a time limited increase in their priority relative to other applicants on the basis of the length of time waited. All points categories will receive one time in need point per month to a maximum of 24.

4.2 They are not available to any applicant with Reduced Points.

4.2 Where an applicant moves from Full Points to Reduced Points and back to Full Points their time in need points are re-instated.

5. Deliberate Actions

5.1 If it is discovered that an applicant has made their own circumstances worse in order to obtain housing, points relating to that factor will not be awarded. For example:

- People who abandon a tenancy without good reason.
- People who sell a property when they need not have done so.
- People who have been forced to leave accommodation because of something that they did or failed to do which it is reasonable to expect they would have known would result in loss of their accommodation.

6. SUMMARY POINTS SCHEME TABLE

Circumstances	Full Points	Reduced Points	Time in Need Points Per Month
Referred Cases	600	Not Applicable	1 – 24 maximum
Tenants Incentive Scheme	500	10	1 – 24 maximum
Compulsory Home Loss	500	10	1 – 24 maximum
Harassment	350	10	1 – 24 maximum
Access, Health, Care & Support / Physical - High Level	300	10	1 – 24 maximum
Management Case	300	10	1 – 24 maximum
Statutory Homeless	250	Not Applicable	1 – 24 maximum
Insecure Accommodation	195	10	1 – 24 maximum
Temporary Accommodation	190	5	1 – 24 maximum
Overcrowding 1 Bedroom	125	4	1 – 24 maximum
Overcrowding 2 Bedroom	150	5	1 – 24 maximum
Overcrowding 3 Bedroom	175	6	1 – 24 maximum
Overcrowding 4 Bedroom	200	7	1 – 24 maximum
Overcrowding 5 Bedroom	225	8	1 – 24 maximum
Sharing Facilities	25	2	1 – 24 maximum
Under-occupation	125 per bedroom	4	1 – 24 maximum
Access, Health, Care & Support / Physical - Medium Level	150	6	1 – 24 maximum
Access, Health, Care & Support / Physical - Low Level	75	3	1 – 24 maximum
Care & Support Emotional	20	1	1 – 24 maximum
Families with Children in Upper Floor Accommodation	5	1	1 – 24 maximum
Families with Children with No Garden	5	1	1 – 24 maximum

Please note: Applicants can only qualify for one of these groups shown in the shaded areas. Time in need points are not available to applicants with reduced points. There are also some restrictions on certain other combination of points.

7. POINTS COMBINATION TABLE

	Referred Case	Tenants Incentive Scheme	Compulsory Home Loss	Harassment	AHCS High Level	Management Case	Statutory Homeless	Insecure Accommodation	Temporary Accommodation	Overcrowding	Sharing	Under-occupation	AHCS Medium Level	AHCS Low Level	Care & Support Emotional	Families with Children in Upper Floor Accommodation	Families with Children with No Garden	Time in Need	
Referred Case																			
Tenants Incentive Scheme																			
Compulsory Home Loss																			
Harassment																			
AHCS High Level													*	*					
Management Case																			
Statutory Homeless																			
Insecure Accommodation																			
Temporary Accommodation																			
Overcrowding																			
Sharing																			
Under-occupation																			
AHCS Medium Level					*														
AHCS Low Level					*														
Care & Support Emotional																			
Families with Children in Upper Floor Accommodation																			
Families with Children with No Garden																			
Time in Need																			



Points combination not permissible

*

Can only combine under a composite award

PART 3-2 REFERRED CASES

1. These cases will be dealt with under agreed protocol through designated officers in the Adults & Housing Department (A&H) and Children and Young People's Services (C&YPS).
- 1.1 The City Council has legal duties to certain vulnerable people under the Children Act 1996 and Community Care Act 1990. Where referrals are made from C&YPS, A&H or a Health Authority or Trust the following procedure shall apply.
- 1.2 Referrals under the NHS and Community Care Act will in the first instance be made to the Housing Options Service.
- 1.3 Referrals under the Children Act will be made in the first instance to the Service Director (Housing Renewal, Options and Development Branch) and delegated as appropriate to the Development, Customer Contact & Registration Manager.
- 1.4 Referred case points are not awarded in order to enable an applicant with sufficient points (under other allocations categories) which will generate a suitable offer in a reasonable timescale, to enhance their level of points in order to obtain an alternative offer in a higher demand area that they would prefer.
- 1.5 Referred case points will only be awarded on an exceptional basis when:-
 - a. it is essential in order to secure a suitable offer of accommodation in a reasonable timescale.
 - b. it is agreed by the Service Director (Housing Renewal, Options and Development Branch).
 - c. the referring body has agreed to provide any necessary services to enable the applicant to maintain the tenancy that will be created.
- 1.6 Applicants who receive referred case points are only entitled to those 600 points plus time in need. They are fixed points and any other points that were awarded from the other allocations categories must be removed (i.e. overcrowding, AHCS Low etc.).
- 1.7 There are currently no specific arrangements or referral agreements under this category with voluntary bodies. It is considered that the allocations categories set out in the policy are sufficient to produce a suitable offer in a reasonable timescale for most persons likely to be referred by such bodies.

1.8 THESE POINTS CANNOT BE AWARDED IN COMBINATION WITH ANY OF THE FOLLOWING POINTS:

- Tenants Incentive Scheme
- Compulsory Home Loss
- Harassment
- Access, Health, Care and Support/Physical High
- Management Case
- Statutory Homeless
- Insecure Accommodation
- Temporary Accommodation
- Overcrowding
- Sharing
- Under-occupation
- Access, Health, Care and Support/Physical Medium/Low
- Care and Support Emotional
- Children in Upper Floor/No Garden

PART 3-3 TRANSFER INCENTIVE SCHEME

1. The Transfer Incentive Scheme (T.I.S.) allows tenants who are living in high demand houses to transfer to low demand single person or pensioner accommodation.

1.1 Only a limited number of applicants can be accepted on this scheme each year, and all applications and enquiries have to be made to the Landlord Services Section.

1.2 Applicants who are approved under the scheme will receive **500 points** and once they have accepted a new tenancy will receive a payment of £1,000.

1.3 THESE POINTS CANNOT BE AWARDED IN COMBINATION WITH ANY OF THE FOLLOWING POINTS:

- Referred Case
- Compulsory Home Loss
- Harassment
- Access, Health, Care and Support/Physical High
- Management Case
- Statutory Homeless
- Insecure Accommodation
- Temporary Accommodation
- Overcrowding
- Sharing
- Under-occupation
- Access, Health, Care and Support/Physical Medium/Low
- Care and Support Emotional
- Children in Upper Floor/No Garden

PART 3-4 COMPULSORY HOMELOSS

1. LEICESTER CITY COUNCIL TENANTS

- 1.1 Priority under this category will apply if there is an improvement programme such as the Boot Modernisation Programme Estate Action or Single Regeneration Budget where projects affect the property.
- 1.2 Points under this heading will be used to move a tenant whose current tenancy will terminate as a result of the works (e.g. when the property is to be demolished).

1.2 OTHER APPLICANTS

- 1.2.1 Points may also be awarded to applications when the applicant's property is subject to:
- a. A Closing Order
 - b. A Demolition Order
 - c. Another Statutory Order (such as Compulsory Purchase Order)

1.3 THESE POINTS CANNOT BE AWARDED IN COMBINATION WITH ANY OF THE FOLLOWING POINTS:

- Referred Case
- Tenants Incentive Scheme
- Harassment
- Access, Health, Care and Support/Physical High
- Management Case
- Statutory Homeless
- Insecure Accommodation
- Temporary Accommodation
- Overcrowding
- Sharing

PART 3-5 HARASSMENT

1. The Councils 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.

1.1 Harassment points are available to applicants who are LCC tenants and non-LCC tenants. Consideration will be given to RSL tenants if it is agreed that the RSL does not have suitable stock for the household available within a reasonable time scale. (Suitable stock does not include areas of choice but may include large family houses and adapted properties). Where it is agreed that the RSL does not have suitable stock to enable an offer within a reasonable time scale LCC have the right to re-investigate the RSL decision and may come to a different decision on the necessity to re-house the tenant

1.2 Points for tenants will be awarded by the Senior Management Team (SMT) at Landlord Services and non-LCC tenants by the SMT at Housing Options Service.

1.3 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)

1.4 Once a request for re-housing due to harassment is received this will be investigated. If the investigation finds harassment due to 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, then the level of harassment received will determine further action taken.

1.5 If the investigation finds anti social behaviour or nuisance and not harassment then no harassment transfer will be approved. Alternative measures will be considered to tackle the ASB and to sustain the tenancy.

1.6 WHERE HARASSMENT IS EVIDENCED AND AGREED

The level of harassment will then be considered. Where violence or probable violence is evidenced and agreed in the first instance other options will be offered where appropriate to save the tenancy.

Where the harassment does not involve actual violence or probable violence (is evidence lead) a harassment move will not be approved and alternatives discussed with the applicant.

1.7 Other options, which may be offered or considered where there is harassment with evidenced violence or probable violence, include:

- Mutual exchanges.
- Extending choice of areas
- Security measures
- Action against perpetrator
- Legal remedies including injunctions
- Tenancy Support
- Referrals to LASBU
- CCTV
- Professional witnesses

1.8 If alternative measures are not effective in stopping the harassment or are not considered appropriate by the SMT, re-housing will be agreed as a final solution.

1.9 Approved harassment cases will receive 350 points and the date of approval will also be recorded which will trigger an extra time in need point for each month that a case has been approved (up to a maximum of 24 time in need points).

1.10 All approved harassment cases with rent arrears will be subject to re-housing with rent arrears.

1.11 Harassment approved applicants **will only be entitled to one suitable offer** of accommodation in line with their eligible property types with their Harassment points. Applicants awarded harassment points cannot be re-housed in the area they received harassment.

1.12 All approved harassment cases will have their areas extended citywide after 28 days if there has been no suitable offer made in their areas of choice.

If an applicant refuses an offer of accommodation which is deemed suitable by the NHO or HOS the **harassment points will be removed**. The applicant will have the right to request a review of the decision.

1.13 If no offer of accommodation has been accepted after four months the case will be reviewed and the points may be withdrawn if no further harassment has occurred.

1.14 THESE POINTS CANNOT BE AWARDED IN COMBINATION WITH ANY OF THE FOLLOWING POINTS:

- Referred Case
- Tenants Incentive Scheme

Leicester City Council Housing Allocations Policy Manual

- Compulsory Home Loss
- Access, Health, Care and Support/Physical High
- Management Case
- Statutory Homeless
- Insecure Accommodation

PART 3-6 MANAGEMENT CASES

1. Management Case points may be awarded in the specific circumstances as described below:
 - i. 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 Case points in order to get independent accommodation. In order to qualify for these points, the non-dependent must have lived with the OAP at the address in question for at least 12 months.
 - ii. Where a tenant agrees to relinquish a tenancy when going into prison or long term care in return for priority on the register on their release. In such cases, agreement must be given in writing by the Housing Department **before** the tenancy is terminated. Upon receipt of the notice, and having obtained the necessary authority, a housing application should be registered immediately, with the Management Case points, but suspended until the applicant is ready for rehousing.
 - iii. Where a tenant returns to reclaim a tenancy that has been relet / offered to somebody else. This will apply only if it is found that the tenant has a legal claim on the tenancy (e.g. where a tenant had been thought to have surrendered the tenancy and the usual process of Notice to Quit etc had not been followed).
 - iv. Where a single person or couple is left in accommodation following the death of the tenant and there is no right to succession to the tenancy. Management Case points will be awarded here in order that the applicant may be offered appropriate accommodation. In order 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).
 - v. Where a single person or couple is left in family accommodation following the death of the tenant and a right of succession exists. Management Case points may be awarded here where the applicant agrees to move to a more suitable accommodation rather than sign for the existing tenancy.
 - vi. Where the Director of Environment and Development has requested that we rehouse a private tenant temporarily in order that works can be carried out on their property. Rent in these in these instances will be paid by the Environment

and Development Department who will recharge the landlord. They will also use their own licence agreement.

- vii. Employees of Leicester City Council who occupy accommodation which is linked to their employment (e.g. wardens of sheltered accommodation, Social Services/ Education/Arts and Leisure staff who have tied accommodation) and who are retiring through age or ill health or willing to give up accommodation.
- viii. Where a LCC tenant has previously been awarded harassment points and then has to 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 case points. The new application should be registered from the date of its original harassment case approval and time in need awarded from this date.
- ix. Where a tenant of a registered social landlord in Leicester is living in an adapted home and they or their household no longer require an adapted home. Management case points may be awarded for a move to an unadapted home suitable for the size of household where the Adapted Matching Services Officer confirms a need for the adapted home. LCC cases will be approved by the Landlord Services Manager and RSL cases by the Development, Customer Contact & Registration Manager.
- x. Where as a result of a family union, the tenancy has been assessed and confirmed as being statutory overcrowded by an Environmental Health Officer.
- xi. Where a referral is made by staff from the New Start Project confirming the family are ready for rehousing as their behaviour has changed to enable them to be considered as suitable tenants (see also Part 1 Section 3 – Ineligibility).

1.2 The policy also allows that the above list may be extended at the discretion of the Director of Adults & Housing.

1.3 Time in need points will be awarded to a maximum of 24 points.

1.4 Agreement to rehouse an applicant who is on reduced points for rent arrears will be in line with the rent arrears policy.

1.5 THESE POINTS CANNOT BE AWARDED IN COMBINATION WITH ANY OF THE FOLLOWING POINTS:

- Referred Case
- Tenants Incentive Scheme
- Compulsory Home Loss
- Harassment
- Access, Health, Care and Support/Physical High
- Statutory Homeless
- Insecure Accommodation

PART 3-7 ACCESS, HEALTH, CARE AND SUPPORT/PHYSICAL

1.1 QUALIFYING CRITERIA

There are 3 levels of Access, Health, Care and Support/Physical (AHCS/PH) priority, which may be awarded to an individual under the following circumstances:

- 1.1.1 Where the current accommodation is causing or aggravating a persons physical or mental health and where moving would alleviate the problem.
- 1.1.2 Where the current property or facilities within the property are not accessible and where moving would bring about an improvement.
- 1.1.3 Where there is a need to move to give or receive physical care and/ or support or to improve it's current delivery.
- 1.1.4 Applicants who are have a tenancy and are unable to return to the tenancy due to a medical / access problem may be assessed as if they had returned to their tenancy even though they may be currently living in a hostel or hospital etc.
- 1.1.5 AHCS/PH Applicants who do not reside with the Housing Register Applicant or AHCS/PH Applicants who are a joint Housing Register Applicant, where the two Housing Register Applicants live at two separate addresses, may be assessed. Points will be awarded to the housing register application only where there is a reasonable expectation that the AHCS/PH Applicant is able or does intend to reside with the housing register applicant.

1.2 ASSESSMENT OF POINTS LEVEL

- 1.2.1 The decision to award AHCS/PH points will be made by officers at the Housing Options Service using the assessment criteria outlined in 1.8.

General guidance for how applications will be assessed is as follows:

- 1.2.2 The impact of the current accommodation on an applicants:
 - physical and/ or mental health,
 - ability to access a property and/ or facilities within the property and
 - the type and level of any care and/ or support need will be determined through verification received from health professionals.
- 1.2.3 In general, the greater the impact, the higher the level of points awarded, but only where the resulting alternative accommodation brings about an appreciable improvement to an applicants life.

1.2.4 All assessments will require the appropriate verification from the sources listed in 1.12.

1.3 COMPOSITE HOUSEHOLD ASSESSMENT

For two or more applicants from the same household.

1.3.1 A separate AHCS/PH request with the appropriate verification will need to be received for each member of the household. To qualify for assessment they will need to appear listed on the relevant Housing Register application.

1.3.2 All outcomes under a composite household assessment will have their composite points total calculated.

The points total will be calculated as follows:

The applicant who qualifies for the highest award will be eligible for 100% of the points, with a sliding scale of 50% of points awarded for the second eligible applicant and 25% for any subsequent eligible applicants.

Worked Example

Household A

	eligible points	% award	points added to housing application
Applicant one	300	100%	300
Applicant two	150	50%	75
Applicant three	150	25%	38
Applicant four	75	25%	19
Total points added to Housing Application			432

1.3.3 There is no time in need points for 2 or more composite awards.

1.3.4 Where the household composition changes the award of points may need to be altered as eligible persons move to, or leave an address.

1.4 AHCS/PH Points

1.4.1 The available points are listed in the table below

Category name	100% award	50% award	25% award
AHCH	300	150	75
AHCM	150	75	38
AHCL	75	38	19
AHCN	0	0	0

1.4.2 AHCS/PH points will accrue one additional time in need point for every month to a maximum of 24 months.

1.5 REVIEW OF AHCS/PH CASES

1.5.1 An applicant whose application for priority on AHCS/PH grounds has been rejected or given points at the lower level, has a right to request a review of the decision.

1.5.2 All requests for a review must be made in writing, with reasons why the applicant considers the decision is wrong, within 21 days of the date of the decision letter.

1.5.3 The review will be undertaken by a more senior officer within Housing Options Service.

1.5.4 The aim will be to complete reviews within 28 working days of the request being received. However the requirement for further information and consultation may extend this period. It is expected that the applicant will be kept informed if the delay after the initial 28 days is likely to be significant.

1.5.5 The applicant cannot request a further review of a decision made on a first review.

1.5.6 The Review may result in points being removed, staying the same or being increased.

1.6 SIGNIFICANT CHANGES IN CIRCUMSTANCES

1.6.1 Where an applicant experiences a significant change in circumstances within 21 days of a decision it will be expected that they undertake the review procedure (1.5).

1.6.2 Where an applicant experiences a significant change in circumstances after 21 days of the last decision, or after the review procedure is exhausted the applicant will be required to undertake a completely new AHCS/PH application.

1.6.3 Officers at the Housing Options Service will decide whether an application is valid if received within 12 months of the last decision. Applications received 12 months after the last decision will be processed as normal applications.

1.7 AHCC/PH (HIGH LEVEL) POINTS CANNOT BE AWARDED IN COMBINATION WITH ANY OF THE FOLLOWING POINTS:

- Referred Case
- Tenants Incentive Scheme
- Compulsory Home Loss
- Harassment

- Management Case
- Statutory Homeless
- Insecure Accommodation

1.8 AHCS ASSESSMENT CRITERIA

Access & Mobility	Housing Circumstances	Verification Source	Points
Applicant or member of household has an acute deterioration of mobility or progressive mobility problems.	Where an OT has said you require: 1. Fully wheelchair accessible home & your current home is not fully adapted for your needs. 2. Your bedroom, bathroom & toilet all to be on ground floor & they are currently upstairs.	Leicester City Council's Promoting Independence Unit : Adults & Housing Department	300
Applicant or member of household has a housing need linked to a disability or medical condition, which renders the present housing hazardous or extremely difficult to cope with.	Where an OT has said your current home is partially suitable but you require a major adaptation e.g. level access shower or through floor lift.	Leicester City Council's Promoting Independence Unit : Adults & Housing Department	150
Applicant or member of household has access or mobility problem linked to a disability or medical condition, which renders the present housing difficult to cope with.	Where your GP or health professional has confirmed you have a chronic medical condition or disability, which makes it difficult for you to move around or into your current property and they confirm what features would help you move around or into your new home. E.g. you need a ground floor toilet.	GP / Practice Nurse / District Nurse	75

Mental Health	Housing Circumstances	Verification Source	Points
Applicant or member of household has a serious mental health condition.	Where a Consultant Psychiatrist has stated it is impossible to remain in your current home due to the impact on your mental health	Consultant Psychiatrist	300
Applicant or member of household has a mental health condition.	Where a Consultant Psychiatrist or a CPN has stated your current home is having a significant detrimental impact on your mental health.	Consultant Psychiatrist / CPN	150
Applicant or member of household has a mental health condition, depression or anxiety.	Where your GP has stated that you are currently receiving treatment for depression or anxiety and you have a housing need identified through the award of points to your housing register application with Leicester City Council.	GP & Housing Register	75

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General Health	Housing Circumstances	Verification Source	Points
Applicant or member of household has severely lifestyle restricting or terminal illness, e.g. AIDS, Cancer, MS.	Where your Specialist has stated or GP confirms that your current home increases the severity of the illness or has adverse impact on lifestyle. *	Specialist (or GP confirms specialist report)	300
Applicant or member of household has a chronic respiratory condition such as severe asthma or emphysema.	Where your Specialist has indicated that the condition of your home and immediate environment is affecting your health subject to confirmation by an Environmental Health Officer (EHO) on the condition of your home or environment. *	1. Specialist 2. Leicester City Council's EHO or Air Quality Monitoring Unit	150
Applicant or member of household has a medical condition aggravated by their current accommodation.	Where your G.P. has stated that you are currently receiving treatment for a medical condition and your GP details how this is aggravated by your current accommodation. Your GP would need to confirm what features in your new home would help your medical condition. *	GP	75
* If you require a move on mobility grounds refer to Access & Mobility.			

Additional Bedrooms	Housing Circumstances	Verification Source	Points
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 your Specialist has indicated that there is insufficient space for essential equipment.	Specialist	150
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.	Leicester City Council's Community Care Assessment (Adult or Children Services)	150
Applicants or member of household who have severe behavioural problems.	Where your Specialist has confirmed you require a separate bedroom to remedy severe behaviour problems.	Specialist	150

Care & Support	Housing Circumstances	Verification Source	Points
Applicant or member of household needs to move to give or receive daily physical care & support.	Where a community care assessment recommends a move as your current home is too far away to give or receive this support.	Leicester City Council's Community Care Assessment (Adult or Children Services)	150

1.9 NOTES ON THE ACCESS & HEALTH SCHEME

- Points will only be awarded if rehousing is needed to solve or alleviate the medical condition.
- No points may be awarded for a medical condition, however severe, if the present housing does not affect the medical condition.
- Only one category of AHCS can be awarded per applicant. However multiple points can be awarded where there is more than one household member with Access or Health needs.
- If an applicant wishes to be considered under any of the above criteria we will accept verification of the applicants circumstances from the sources above.

PART 3-8 STATUTORY HOMELESS CASES

1. These points can be awarded to anyone who is accepted as Statutory Homeless under Part VII of the Housing Act 1996.

1.1 All approved homeless cases will have been assessed by officers at HOS and will have met the following criteria;

- i. the applicant is an eligible person and
- ii. the applicant is homeless or threatened with homelessness within 28 days 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

1.2 People approved as statutory homeless will be awarded homeless points **unless** they qualify for one of the following higher points;

- Referred Case
- Tenants Incentive Scheme
- Compulsory Home Loss
- Harassment
- Access, Health, Care and Support/Physical High
- Management Case

1.3 OFFERS OF ACCOMMODATION

1.3.1 Applicants approved as statutory homeless will have their areas extended citywide from the date of approval.

1.3.2 Statutory homeless applicants **will only be entitled to one suitable offer** of accommodation with their Homelessness points.

1.3.3 The applicant will have the statutory right to request a review of any decisions concerning their homeless application.

1.4 **These points cannot be awarded in combination with any of the following points:**

- Referred Case
- Tenants Incentive Scheme
- Compulsory Home Loss
- Harassment
- Access, Health, Care and Support/Physical High
- Management Case
- Insecure Accommodation

PART 3-9 INSECURE ACCOMMODATION

1. These are points, which will be assessed and awarded by Housing Options Service.

1.1 Insecure Accommodation points will only be awarded if you are in one of the following categories and meet the criteria stipulated below.

- Families with dependent children
- Pregnant Women
- People whose circumstances may give rise to additional consideration following a comprehensive housing needs assessment by a HOO

a) Where, an applicant has received a valid notice to quit which has been confirmed as valid by a Housing Options Officer (HOO) requiring them to give possession, and, in the case of an assured short hold tenancy, under the accelerated possession proceedings (S21 of the Housing Act 1988), and there is no defence to the application which has been confirmed by a HOO and the HOO has negotiated with the landlord to reconcile the tenancy on behalf of the applicant. If the notice has been served upon the tenant for acts that could be seen as deliberate i.e. asb, rent arrears, then points will not be awarded.

NB: Schemes that are listed as hostels or supported housing projects in the Leicester Homelessness Directory will be awarded Temporary Accommodation Points (see Part 3 Section 10).

b) Where, following a test of affordability, it has been determined that repossession of an applicants tenancy or owner-occupied property is inevitable. Where it is decided that the applicant has worsened their own circumstances by failure to pay rent when they could have afforded to do so, insecure accommodation points will not be awarded.

c) Where an applicant is in tied accommodation which they are **REQUIRED** to leave, as confirmed by a HOO (the awarding of insecure accommodation points in this circumstance would be dependent on the reasons for leaving i.e. if applicant is choosing to leave tied accommodation, points will not be awarded). If the applicant is required to leave the tied property due to deliberate acts i.e. rent arrears, asb or they have lost their employment because of serious breaches of tenancy or licence to occupy conditions then points will not be awarded.

d) To people living in mobile homes, boats, caravans or other movable structures who have no place where they are legally entitled to live in them.

- e) To people who reside in a household as an excluded tenant or excluded (contract to occupy) or bare (permission to occupy) licensee/lodger and are subject to a notice to quit (where notice to quit is understood as meaning the appropriate notice) by the legal occupier or owner of that accommodation, as confirmed by a HOO.

These points will only be awarded following a full assessment of housing need including a home visit by the HOO. In this circumstance the case will be reviewed after 3 months from the date of the award of points. If the last settled accommodation prior to the temporary accommodation was lost due to acts that could be seen as deliberate i.e. asb, rent arrears or the applicant deliberately worsened their housing circumstances to gain higher points then points will not be awarded.

- f) To private tenants who have been served with a legally valid notice that their landlord is seeking a possession order on the mandatory grounds set out below and where a HOO has carried out an assessment and has confirmed a) the notice is valid and b) that in their opinion possession will be inevitable.

The mandatory grounds for possession, applicable to awarding of insecure accommodation points are:

- | | |
|----------|---|
| Ground 1 | the owner wishes to occupy the property as his or her home and they previously lived in the property as their principle home, or now requires it for their principle home |
| Ground 2 | the property is subject to a mortgage and is being re possessed by the lender |
| Ground 3 | out of season holiday lets, where the tenancy was granted on a fixed term of less than 8 months |
| Ground 4 | vacation lets of student accommodation |
| Ground 5 | the property is held for use by a minister of religion to perform their duties and the court is satisfied it is now required for that purpose |
| Ground 6 | the landlord intends to redevelop the property |
| Ground 7 | where the tenant has died, and the periodic tenancy has been passed through a will or intestacy to someone other than a person entitled to succeed to the tenancy |

Ground 8 for rent arrears, where both at the date of service of the notice of seeking possession and at the date of the hearing the tenant owes over two months or 8 weeks rent or more. Where ground 8 is applicable (rent arrears) an investigation will take place into the reasons why the rent arrears accrued. Where it is decided that the applicant has worsened their own circumstances by failure to pay rent when they could have afforded to do so, insecure accommodation points will not be awarded.

1.2 It may be that some applicants will be found to be Statutorily Homeless under Part VII of the Housing Act 1996 for the same reason they qualify for insecure accommodation. In such circumstances, the higher level of statutory homeless points will be awarded.

1.3 Other applicants who may be awarded Insecure Accommodation points:

- a) Where an applicant has been notified of a positive response to an application for asylum (i.e. leave to remain etc) AND has been given notice to leave accommodation provided by National Asylum Support Services (NASS).

Persons made an offer of accommodation but have to leave their NASS accommodation will retain their offer if they have moved to temporary accommodation. If they decline the offer their points will be re-assessed from their new accommodation.

- b) Where an applicant is residing in a LCC owned property and is subject to NTQ and is not able to sign for the property. These points may be awarded by the LSM and kept by the applicant for 3 months even after they have left the property if they have no permanent home. This is to assist LCC in regaining the property back (see also Management Case points for singles with no right of succession and singles in family accommodation with right of succession but willing to move). The applicant must not be eligible for Management Case Points and can evidence they have been residing in the LCC owned property for at least 12 months before the NTQ was given.

1.4 Applicants receiving these points will not be eligible for overcrowding, temporary accommodation or sharing points.

1.5 If the Insecure Accommodation comes to an end, points awarded for this circumstance will be removed and the applicants housing need reassessed from their new accommodation.

1.6 THESE POINTS CANNOT BE AWARDED IN COMBINATION WITH ANY OF THE FOLLOWING POINTS:

- Referred Case
- Tenants Incentive Scheme
- Compulsory Home Loss
- Harassment
- Access, Health, Care and Support/Physical High
- Management Case
- Statutory Homeless
- Temporary Accommodation
- Overcrowding
- Sharing
- Under-occupation

PART 3-10 TEMPORARY ACCOMMODATION

1. These are points, which are awarded under the following circumstances:
 - Where an applicant has lived in temporary accommodation (e.g. a hostel or temporary accommodation such as bed and breakfast provided by LCC) for three consecutive months and lived in Leicester immediately prior to entry to the hostel.
 - Families with children can be awarded temporary accommodation points after confirmation of two months residence.
 - Where an applicant is leaving long term care in the City and has been judged ready to move to independent accommodation by Children & Young People's Services.

1.1 HOSTEL RESIDENTS AND OTHER TEMPORARY ACCOMMODATION

- 1.1.1 These points can be awarded to any scheme that is listed as a hostel or a supported housing project in the Leicester Homelessness Directory.
- 1.1.2 In the case of hostel residents, confirmation of 3 months consecutive stay will be required from the hostel or in the case of families with children 2 months consecutive stay.
- 1.1.3 Points will only be available to residents of hostels.
- 1.1.4 Staff at HOS can determine the awarding of the points. Time in need points will commence from the date an applicant qualifies for the temporary accommodation points.
- 1.1.5 The points are available to LCC and Voluntary Sector hostels and Refuges within the City Boundary. This includes Kennedy House (Wigston).

1.2 APPLICANTS LEAVING CARE (NOT UNDER CHILDRENS ACT SEE 1.2.4)

- 1.2.1 Points under this heading may also be awarded when applicants are leaving care when judged to be ready for independent accommodation by Children & Young People's Services.
- 1.2.2 Such care may be: -
 - Residential Care
 - Children & Young People's Services and Adults & Housing Lodging Schemes
 - Long Term Hospital Care
 - Care provided in the Family Home etc.

1.2.3 Points will only be awarded where the Children and Young People's Services and Adults & Housing Department give written approval.

1.2.4 Applicants leaving care under the Childrens Act should be referred to Housing Options for a homeless interview.

1.3 LCC SUPPORTED HOUSING SCHEMES

1.3.1 Applicants on licence agreements in LCC supported housing schemes may be awarded these points after 3 months where they wish to access independent accommodation. Points will be awarded on application by the applicant and support scheme to the Housing Options Service.

1.4 OFFERS OF ACCOMMODATION

1.4.1 Persons made an offer of accommodation whilst in temporary accommodation but have to move for management reasons can retain their points and offer.

1.5 THESE POINTS CANNOT BE AWARDED IN COMBINATION WITH ANY OF THE FOLLOWING POINTS:

- Referred Case
- Tenants Incentive Scheme
- Compulsory Homeloss
- Insecure Accommodation
- Overcrowding
- Sharing
- Under-occupation

PART 3-11 OVERCROWDING

- 1.1 Overcrowding points will be given according to the number of bedrooms that a family is lacking.
- 1.2 The actual points to be awarded are as follows:

Bedrooms Lacking	Points
1 Bedroom	125
2 Bedrooms	150
3 Bedrooms	175
4 Bedrooms	200
5 Bedrooms	225

- 1.3 In order to decide the number of bedrooms lacking, follow the steps below:
 - 1. Calculate the number of separate bedrooms that would be required for the family unit making the application.
 - 2. Look at the number of bedrooms that the family currently has sole use of, regardless of whether these rooms are in a number of different properties. (Applicants that are of "no fixed abode" would be calculated as having no bedrooms available for their use).
 - 3. The difference between 2 & 1 is the number of bedrooms lacking.

For the purposes of the calculation, it will be assumed that there should be a maximum of two people to a bedroom and that the only people that would be expected to share would be: -

- i) Married or cohabiting couples whether opposite or same sex.
- ii) Relatives sharing with a member of their own sex or children of opposite sex under the age of 7 years.

There will be exceptions to ii) above where:

- a) Grandparents are sharing with grandchildren.
- b) One of the people sharing has a mental health problem.
- c) Teenagers are sharing with young babies.
- d) Where there is an age difference between siblings, which would make it unreasonable for them to share. This decision

will be made by the Senior Registration Support Officer at Housing Options.

- e) It should also be assumed that a single parent will require a separate bedroom and that no distinction is made between a single parent and a couple in terms of bedroom requirements, e.g. both could qualify for a double bedroom.

1.4 Childless couples living in bedsits are eligible for 1 bedroom overcrowding points. However they will only be considered for 1 bedroom (double-size) accommodation.

1.5 Where there is a child living with parent(s) in a bedsit, the level of overcrowding will be determined by the rules set out in 1.1 – 1.3 above.

1.6 Overcrowding points will not be available to applicants that have been awarded temporary accommodation points or insecure accommodation points.

1.7 Where an applicant's household will become overcrowded on the birth of an as yet unborn child, these points may be added at the stage where the mother is 20 weeks pregnant.

1.8 Where an applicant exercises their choice to select one bedroom less than their eligibility, the level of overcrowding will be calculated using the above formula and will be based upon the maximum bedroom size they are eligible and the bedrooms they currently have use of.

1.9 Where an applicant has exercised their choice in 1.8 above and chooses to re-apply for housing at a later stage they will be assessed for overcrowding from their new accommodation.

1.10 THESE POINTS CANNOT BE AWARDED IN COMBINATION WITH ANY OF THE FOLLOWING POINTS:

- Referred Case
- Tenants Incentive Scheme
- Compulsory Homeloss
- Insecure Accommodation
- Temporary Accommodation
- Under-occupation

PART 3-12 SHARING FACILITIES

1. Points will be given where an applicant and the people who are to be rehoused with that applicant, have to share facilities with others outside of the applicants household.

1.2 Points are awarded as follows:

Shared Facility	Sharing Points
W.C.	5
Wash Hand Basin	5
Kitchen	5
Sink	5
Bath or Shower	5

1.4 1 point per month will be added for each month that an applicant has been sharing.

1.5 If an applicant has "no fixed abode", their application is calculated as having to share all facilities.

1.6 As with overcrowding points, sharing points will not be available to applicants that have been awarded temporary accommodation points or insecure accommodation points.

1.7 These points are not available to tenants or owner occupiers of self contained accommodation.

1.8 THESE POINTS CANNOT BE AWARDED IN COMBINATION WITH ANY OF THE FOLLOWING POINTS:

- Referred Case
- Tenants Incentive Scheme
- Compulsory Homeloss
- Insecure Accommodation
- Temporary Accommodation
- Under-occupation

PART 3-13 UNDER-OCCUPATION

- 1.1 These points are available to Leicester City Council tenants and tenants of Housing Associations living in Leicester. They are awarded to help release family type accommodation.
- 1.2 Points for under occupation are calculated in a similar way to overcrowding except that you would determine how many bedrooms are given up based on the household's eligibility.
- 1.3 Under-occupation points are 125 for each bedroom given up.
- 1.4 Where an applicant requests 1 or 2 bedroom accommodation, the size of the two bedroom accommodation will be used for the calculation.

Worked example

An applicant underoccupying a 3 bedroom house who wishes to move to a 1 bedroom bungalow would be releasing 2 bedrooms therefore their level of under occupation points would be:

2 bedrooms given up x 125 points = 250 points awarded

- 1.5 **THESE POINTS CANNOT BE AWARDED IN COMBINATION WITH ANY OF THE FOLLOWING POINTS:**
 - Referred Case
 - Tenants Incentive Scheme
 - Compulsory Homeloss
 - Insecure Accommodation
 - Temporary Accommodation
 - Overcrowding
 - Sharing

PART 3-14 CARE AND SUPPORT/EMOTIONAL

1. These 20 points are intended to assist applicants with a particular need to live in one specific area of the city. This can be to give or receive care and support on emotional grounds.

1.1 Applicants can only choose one allocation sub area or one directly adjoining sub area where the support is.

1.2 Applicants wishing to be approved under this scheme will need to demonstrate a specific connection with the chosen allocation sub area. This connection will provide for a reasonable expectation of support from one of the following:

- Family
- Friends
- Community

This does not include support from voluntary or statutory bodies, as they are generally able to provide support citywide.

1.3 The level of proof required would be a signed statement of support from the person/community link.

1.4 If the applicant decides to extend their areas of choice beyond one sub area these additional points will be removed.

1.5 SHELTERED HOUSING

1.5.1 Applicants who only request sheltered housing stating they need the services that sheltered housing provides, will have care and support/emotional points added to their application. Applicants are able to choose as many areas as they so wish.

1.5.2 Applicants awarded care and support/emotional points under 1.5.1 cannot have additional care and support/emotional points under 1-1.4 above.

1.6 THESE POINTS CANNOT BE AWARDED IN COMBINATION WITH ANY OF THE FOLLOWING POINTS:

- Referred Case
- Tenants Incentive Scheme
- Compulsory Home Loss

PART 3-15 CHILDREN LIVING IN UPPER FLOOR ACCOMMODATION

1. Points under this heading may be given where there are dependent children living in upper floor accommodation who are 18 or younger. Points will not be awarded when the applicant or partner is 20 weeks pregnant only after the birth.
 - 1.1 Points are awarded for children who might reasonably be expected to reside in that accommodation on a full time permanent basis.
 - 1.2 Points are NOT available where the accommodation that the applicant is living in was originally allocated due to access arrangements for the children.
 - 1.3 Points would only be allocated in access to children cases when the applicant will be exceptionally considered for a house.
 - 1.4 These points will apply to tenants who live in Leicester where their tenancy is wholly contained above the ground floor including flats, bedsits and maisonettes.

NB. maisonettes will only be counted where the whole of the accommodation exists above ground floor level.

- 1.5 Applicants will also gain an additional point for every month that they have lived in these circumstances to a maximum of 24 months, although only **one** point will be available per month irrespective of the number of children involved.
- 1.6 These points are only available to tenants and are not available to other households residing with tenants as they are intended to assist families who are otherwise adequately housed to be given some preference on the housing register. The non-tenant households are given points through other mechanisms including sharing points and probably overcrowding points.
- 1.7 For the purposes of the Housing Allocations Policy, a child will be defined as those where the applicant or partner has legal or biological parent relationship with and is age 18 years or under and dependant or in the care of the Local Authority.
- 1.8 **THESE POINTS CANNOT BE AWARDED IN COMBINATION WITH ANY OF THE FOLLOWING POINTS:**
 - Referred Case
 - Tenants Incentive Scheme
 - Compulsory Home Loss

PART 3-16 CHILDREN WITH NO GARDEN

1. Points are awarded to any family with dependent children of 18 years or younger, and does not have the use of a private garden / yard. Points will not be awarded when the applicant or partner is 20 weeks pregnant only after the child is born. The applicant is required to request these points as they will only otherwise be added at registration of the original application.
- 1.1 For the purposes of the above, a garden will consist of an area of land, however small, that is for the sole use of people living in an applicant's accommodation.
- 1.2 Points may be awarded, for example, to tenants of maisonettes where there are only communal gardens, but not to applicants living with friends or relatives in a property that has its own garden.
- 1.3 An additional point will be added for each month that applicants have lived in these circumstances to a maximum of 24 months.
- 1.4 These points will apply to tenants who live in Leicester.
- 1.5 Points are NOT available to applicants where the accommodation that the applicant is living in was originally allocated due to access arrangements for the children.
- 1.6 Points would only be allocated in access to children cases when the applicant will be exceptionally considered for a house.
- 1.7 These points are only available to tenants and are not available to other households residing with tenants as they are intended to assist families who are otherwise adequately housed to be given some preference on the housing register. The non-tenant households are given points through other mechanisms including sharing points and probably overcrowding points.
- 1.8 For the purposes of the Housing Allocations Policy, a child will be defined as those where the applicant or partner has legal or biological parent relationship with and is age 18 years or under and dependant or in the care of the Local Authority.
- 1.9 **THESE POINTS CANNOT BE AWARDED IN COMBINATION WITH ANY OF THE FOLLOWING POINTS:**
 - Referred Case
 - Tenants Incentive Scheme
 - Compulsory Home Loss

PART 4-1 PROPERTY TYPE AND SIZE

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.

2. ELIGIBILITY

- 2.1 Applicants are screened for what they are eligible. However where there is a lack of demand for a particular type and size of property eligibility may be relaxed. Applicants remain screened for what they are eligible and the officer undertaking the interrogation uses a different property type and / or size list to find prospective applicants.

For example in all areas one bedroom bungalows are let to applicants aged 60 years or older who are screened for one bedroom bungalows. In certain areas there are a lack of suitable applicants and the age requirement is relaxed in 5 year bandings to 40 years.

A full list of all current relaxations of eligibility are listed in Appendix 1

3. PROPERTY TYPES AND SIZES – GENERAL GUIDE

- 3.1 The following guidance will determine the type and size of accommodation, which most households are eligible for, however there will be households, which fail to fit in below. The type and size of accommodation for which non-standard households are eligible is determined by the Registration & Contact Centre Team Leader or Development, Customer Contact & Registration Manager, HOS.
- 3.2 Applicants are allowed to choose one or more of the property types which they are eligible for, in addition they may choose up to one bedroom size less than they are entitled to (see Part 4 Section 2).

3.3 Houses and Maisonettes of any size

- 3.3.1 These are categorised as family accommodation and may only be let to applicants who have their children living with them on a permanent, full time basis. Exceptions can be made, for example where children are on university courses and live away during term time. Another exception would be under harassment and compulsory homelessness categories where under certain circumstances like for like accommodation is an option.
- 3.4 The numbers of bedrooms a family require are calculated using the rules laid out in the section relating to overcrowding points.

3.5 2 and 3 bedroom flats

- 3.5.1 These are also classed as family accommodation, however they have traditionally proved unpopular with families and are consequently used to

house applicants who have overnight staying access to children, in situations where there are a number of friends wishing to share a property or where an applicant requires an extra bedroom for a 'live-in' carer.

3.6 Bedsits and 1 bedroom flats

3.6.1 These are deemed suitable for single people and 1 bedroom flats for childless couples.

3.7 Ground Floor Bedroom Flats

3.7.1 All ground floor bedroom flats are designated for people with mobility issues in the first instance that have been awarded any level of Access, Health, Care and Support/Physical category points for mobility reasons stating ground floor property is needed or other priority applicants with mobility issues.

All other single people and childless couples would be considered in the second instance.

3.8 Sheltered Accommodation

3.8.1 These were formerly known as Warden Assisted Accommodation and are designated for applicants aged 60 years or over in the first instance. However, any applicant aged 50 years or over can be screened for sheltered accommodation if they so request.

3.8.2 Currently one bedroom sheltered accommodation in all areas can be allocated under relaxed eligibility and below 28 points. However, no sheltered applicant can move to a 'like for like' accommodation with nil points.

3.9 Bungalows

3.9.1 One Bed Not Adapted

3.9.2 Offered only to OAP's (60+ years) unless in a relaxed eligibility area (see Appendix 1).

3.9.3 Two And Three Bed Not Adapted

3.9.4 These are not age restricted and are designated for people with mobility issues in the first instance that have been awarded any level of Access, Health, Care and Support/Physical category points for mobility reasons stating ground floor property is needed or other priority applicants with mobility issues.

3.9.5 Any other applicant requiring a 2 or 3 bed roomed bungalow will be offered after the above. It will be offered to the applicant with the highest points, regardless of age.

3.10 Adapted Bungalows

3.10.1 An adapted bungalow (of any size) is one that has any of the following features:

1`

- Ramped access and accessible accommodation suitable for a wheelchair user
- Level access shower / walk in shower / over bath shower
- *Adapted kitchen i.e. lowered work surfaces*

3.10.2 All these properties will be offered in the first instance to the Adapted Housing Matching Service who will seek to make an offer to an appropriate household requiring adaptations.

4. THE ELIGIBILITY TABLE

4.1 When a vacancy occurs, applicants that would normally qualify for that accommodation would be considered in the first instance. 'Normal' eligibility is described in the table below 4.2, in the text above and in Part 4 Section 3.

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4.2 ELIGIBILITY TABLE

	Single Person	Childless Couple	1 Child Family	2 Child Family	3 Child Family	4 Child Family	5 Child Family	6+ Child Family
Bedsit	X							
1 Bedroom Flat	X	X						
1 Bedroom Bungalow	Age 40+	Age 40+						
2 Bedroom Flat			X	X				
2 Bedroom Bungalow			X	X				
2 Bedroom Maisonette			X	X				
2 Bedroom House			X	X				
3 Bedroom Flat				X	X			
3 Bedroom Bungalow				X	X			
3 Bedroom Maisonette				X	X			
3 Bedroom House				X	X			
4 Bedroom House						X		
5 Bedroom House							X	X
6 Bedroom House								X
Sheltered Bedsit	Age 50+							
Sheltered Flat	Age 50+	Age 50+						

1. No accommodation will be offered that would create statutory overcrowding to the rehoused family.
2. Households can also choose to downsize by one bedroom although there are some restrictions.
3. Households will be eligible for an additional bedroom where there are access arrangements for children or where the Adults & Housing Department or Children & Young People Department have confirmed that a bedroom is required for a carer.

PART 4-2 DOWNSIZING BEDROOMS

1. Applicants can choose to select one bedroom less than the policy deems as required. The text and table in 4.1 & 4.3 Property type and size can usually provide the policy's determination of what a household is eligible for.
 - 1.1 Where an applicant chooses one bedroom less the following will apply:
 - They remain eligible for the size of property dictated by the policy and will be considered for both the original size of property and the one bedroom less size.
 - Applicants will retain any overcrowding points according to the bedroom size they are eligible before their request to downsize.
 - Applicants can only downsize by one bedroom.
 - Families with children cannot downsize from 2 bed to 1 bed.
 - Applicants cannot downsize to the same size as their current accommodation.
 - 1.2 Applicants who then re-apply for housing will be assessed for overcrowding from their new accommodation.

PART 4-3 SIZE OF ACCOMMODATION

1. In most instances, part 4 section 1 will be sufficient to work out whether or not an applicant is eligible for a particular type of accommodation.

1.1 The following notes will help in determining eligibility for a family that does not fall easily into one of the groups listed on the table and can be used as a general guide.

a) Every member of the applicant's household is counted as one person, including: -

- Expected children where the pregnancy is over 20 weeks
- Foster children and approved future foster children
- Adopted children and approved future adoptions

b) In order to prevent overcrowding, any member of the household who is temporarily absent will be included in the applicant's household for the purposes of determining the size of accommodation required.

e.g. Dependants away at college should be counted.

c) A separate bedroom will be required for:-

- i) Cohabiting couples
- ii) Parent of a single parent family
- iii) People of the opposite sex, including children over 7 years
- iv) Consideration should also be given for an extra bedroom where one of the following would result:-
 - a) Grandparent sharing with grandchild
 - b) Teenager sharing with young baby
 - c) People with a mental health problem sharing a bedroom
 - d) Where there is an age difference between siblings, which would make it unreasonable for them to share. This decision will be made by the Senior Registration Support Officer at Housing Options.

d) Applicants with staying access to a child or children will be considered eligible for two bedroomed flats.

PART 4-4 ADAPTED HOUSING MATCHING SERVICE AND SPECIAL ACCOMMODATION

1. There are certain units of accommodation that are considered more suitable for a particular group of applicants. In order to make best use of stock, eligibility is restricted in the first instance to the group for which this accommodation is intended.

e.g. A two bed roomed bungalow with an adaptation outlined below will be dealt with through the AHMS in the first instance.

2. ADAPTED HOUSING

- 2.1 Properties with the following facilities will be referred to the Adapted Housing Matching Service (AHMS):

- Ramped access and accessible accommodation suitable for a wheelchair user
- Through floor lift/ vertical lift/ stairlift
- Level access shower/ graded floor shower/ over bath shower
- Adapted kitchen i.e. lowered work surfaces
- Extensions to property i.e. ground floor bedroom

PART 4-5 AGE DESIGNATION

1. Certain properties in addition to all unadapted one bedroom bungalows are reserved in the first instance for applicants over 60 years. These are listed in detail in Appendix 2.
- 1.1 Where a property is age designated they will be offered to applicants over 60 years in the first instance. If there is no one on the list then the age band will be reduced by 5 year age bands until a suitable applicant is identified. In the case of one bedroom bungalows the age limit cannot go below 40 years.

PART 4-6 RESTRICTIONS

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

1.1 NO PETS RULE

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

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 Flats
- Beaucastle Grove Flats

PART 5-1 APPEALS

1. APPEALS AGAINST DECISIONS

- 1.1 Leicester City Council has to make decisions in relation to Housing Register Applications. This section describes how we will deal with requests for reviews or appeals of these decisions.
- 1.2 Decisions for the purposes of this policy are defined as

*‘Changes resulting from a **decision** made by an officer where the officer has exercised their discretion in assessing or interpreting circumstances in relation to policy’.*

This will include all decisions not to award priority points, allowing for any exceptions outlined later in this policy.

2. GENERAL PRINCIPLES

- 2.1 Unless differently prescribed by legislation, statutory instrument or court ruling, a period not exceeding 21 days will be allowed for the applicant to lodge an appeal or request a review of the decision. This does not affect the applicant’s right to initiate legal proceedings.
- 2.2 A more senior officer to the officer who made the initial decision will conduct the appeal or review.
- 2.3 The aim is to investigate and provide an outcome for each appeal or review within 28 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.

3. EXCEPTIONS TO THIS ARE LISTED BELOW:

3.1 PEOPLE MADE INELIGIBLE

The review process for persons made ineligible from the Housing Register is outlined in writing to applicants.

3.2 HOMELESSNESS CASES

The statutory review process for persons given an unfavourable homelessness decision is outlined in the decision letter in line with current legislation.

PART 5-2 ANNUAL REVIEW

1. All applicants will be sent a letter asking if they wish to remain on the list, 12 months from the date of their original application and then 12 months from each re-registration.
- 1.2 Applicants will have three months to respond. If they do not respond within this time, their application will be cancelled.
- 1.3 Applicants can reinstate their application providing it is done within 12 months from the date of cancellation with no loss of time in need points.
- 1.4 No application can be reinstated 12 months after cancellation. Applicants will have to re-apply on a fresh application form (any time in need points from previous applications will be lost).

PART 5-3 CANCELLED APPLICATIONS

1. 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 28 days.
- 1.1 Applications that have been cancelled can be reinstated up to **12 months** after the date of cancellation.
- 1.2 Any time in need points that the applicant would have accrued can be awarded.
- 1.3 If an application was cancelled **over 12 months** ago it **CANNOT** be reinstated, the applicant will have to reapply and would lose any time in need points that they may have accrued.

APPENDIX 1

Current List of Relaxed Eligibility for Leicester City Council Accommodation

Area	Property types	Relaxed eligibility groups
West Humberstone New Parks Saffron Thurnby Lodge Netherhall Eyres Monsell Braunstone North Mowmacre Hill Rowlatts Hill	Bungalows	Aged 55 – 59 requesting bungalow in 1st instance Aged 50 – 54 requesting bungalow in 2nd instance Aged 45 – 49 requesting bungalow in 3rd instance Aged 40 – 44 requesting bungalow in 4th instance Aged 55 – 59 in 5th instance Aged 50 – 54 in 6th instance Aged 45 – 49 in 7th instance Aged 40 – 44 in 8th instance
All Areas	Sheltered Flats and Bedsits	Aged 50-59

Please note the relaxed eligibility criteria will only be used when all eligibility has been exhausted.

APPENDIX 2

Age Restrictions – all one bed flats/ bedsits in following schemes unless otherwise stated

Area	Age Restriction
<p>Abbey Rise 376-398 Thurcaston Road</p> <p>Beatty Avenue Beatty Avenue Flats</p> <p>Beaumont Leys Fowler Close</p> <p>Belgrave & Rushey Mead All ground floor flats</p> <p>Braunstone Frith Dupont Gardens</p> <p>Braunstone South Bennett Walk Blackmore Drive Buchan Walk Chesterton Walk Dickens Court Galsworthy Court Gaskell Walk Walpole Court</p> <p>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)</p>	<p>60 years and over in first instance, reducing in 5 year bandings if no list until let</p>

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Area	Age Restriction
<p> 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 <u>Rowlatts Hill</u> Ambassador Road Rowlatts Hill Road Saffron South Goldhill St Andrews St Leonards Court 100 Welford Road St Mark's St Mark's Estate Flats West End Kate Street Flats </p>	<p>60 years and over in first instance, reducing in 5 year bandings if no list until let</p>