



NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

ALLOCATIONS & LETTINGS

POLICY

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Introduction

Legislative Context

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

- Housing Act 1996 (as amended by the Homelessness Act 2002);
- Housing Act 2004, s223 Allocation of housing accommodation by local authorities
- Localism Act 2011 (Parts 6 and 7)
- The Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006
- The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2012
- Homelessness Code of Guidance for Councils (July 2006)
- The Homelessness (Suitability of Accommodation) (England) Order 2012
- Allocation of accommodation: guidance for local housing authorities in England, 2012
- The Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations 2012
- The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012

Allocation of accommodation: guidance for local housing authorities in England (Oct 2013)
Section 166A of the Housing Act 1996 provides that local housing authorities must have an allocation scheme for determining priorities and the procedure to be followed in allocating housing accommodation. The requirement to have an allocation scheme applies to all local authorities, regardless of whether or not they retain ownership of the housing stock and whether or not they contract out the delivery of any of their allocation functions.

The scheme must be framed to give reasonable preference to any home seeker who falls within the statutory reasonable preference categories in section 166A (3). Local housing authorities may frame their scheme to give additional preference to particular descriptions of people who fall within the reasonable preference categories and who have urgent housing needs.

While the Localism Act grants local authorities more flexibility over some aspects of allocations, the reasonable preference criteria still apply. This scheme therefore aims to ensure that reasonable preference is awarded to people with housing needs who fall into one or more of the following groups:

- Homeless people as defined by Part VII of the 1996 Housing Act, including people who are intentionally homeless and those who are not in priority need
- People who are owed a duty under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s192(3)

- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds, including grounds relating to disability
- People who need to move to a particular locality in the housing authority area, where failure to meet that need would cause hardship (to themselves or others)

Further detail on the interpretation of these criteria is set out later in this document.

Statement on Choice

North West Leicestershire District Council along with most of its Registered Provider partners and six other Leicestershire district Councils¹ introduced a sub-regional Choice Based Lettings scheme in February 2011.

The scheme is predominantly a District wide Choice Based Letting scheme although there are opportunities for home seekers to apply for a limited amount of social housing through any of the following sub-regional local authority partners:

Blaby District Council
 Charnwood Borough Council
 Harborough District Council
 Hinckley District Council
 Melton Borough Council
 Oadby and Wigston District Council

North West Leicestershire's Choice Based Lettings scheme seeks to give every eligible applicant (home seeker) choice in relation to affordable housing options.

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

Equal Opportunities

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

Help and assistance is available to ensure that all households are able to access North West Leicestershire's Choice Based Lettings scheme. Information can be

¹ This does **not** include Leicester City Council

translated or made available in large print, audio tapes, or other formats. North West Leicestershire's Choice Based Lettings scheme seeks to ensure that it is accessible to all home seekers have by ensuring that individuals who may have difficulty in participating in the scheme receive the help and assistance they require. The Housing Choices Team will assist those who do not have a family member, friend, or advocate who can do this on their behalf - contact details are provided at the back of this policy on page 56.

North West Leicestershire's Choice Based Lettings scheme operates in accordance with the Council's equal opportunities policy. A copy of the policy is available from the Housing Choices Team or from the Council Offices. Contact details can be found on page 56.

Data Protection

Home seekers have the right to information on all decisions made about the facts of their application. This includes all information used in considering housing need priorities.

Information held by North West Leicestershire's Housing Advice Team about home seekers will only be used in connection with their application for housing and in accordance with the Data Protection Act 1998. In normal circumstances, this information is only to be disclosed to partner Registered Providers or other landlords who may be able to offer accommodation. This means that the information and the fact that a home seeker has applied for housing, will not normally be passed onto any third parties without the home seeker's prior written consent, or in exceptional circumstances where disclosure without consent is warranted. These circumstances are defined below:

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

Objectives of North West Leicestershire's Choice Based Lettings scheme

- To meet the legal requirements for the allocation of affordable housing
- To ensure appropriate levels of priority are afforded to home seekers
- To ensure priority status on the scheme for home seekers with an urgent housing need in the sub-region

- To offer as much choice to home seekers as is reasonably possible
- To let properties in a fair and transparent way
- To support and assist vulnerable home seekers so that they are able to actively participate in North West Leicestershire's Choice Based Lettings scheme
- To provide feedback to home seekers about homes let through North West Leicestershire's Choice Based Lettings scheme
- To encourage and support sustainable communities and social inclusion
- To ensure home seekers are treated fairly, individually and in accordance with the commitment to Equality and Diversity.
- To make best use of affordable housing, to meet the needs of the local community.
- To ensure that properties are let as quickly as possible

North West Leicestershire's Choice Based Lettings Scheme Service Standards

- We will register new applications within 10 working days of receipt provided that all supporting information is available
- When an application is approved, the home seeker will receive written confirmation of their housing need band, registration date and home seeker reference number /login they will need to place bids on properties
- We will review the application each year. Any change in circumstances will be updated promptly.
- We will give advice and information about the application at the home seeker's request
- North West Leicestershire District Council and its partner Registered Providers will generally (subject to a separate service level agreement), seek to advertise more than 90% of their vacant affordable rented properties in the District through North West Leicestershire's Choice Based Lettings scheme.

North West Leicestershire District Council will monitor performance in respect of the service standards.

1. The Housing Register

- 1.1 North West Leicestershire District Council maintains a register of home seekers who wish to be accommodated by the Council and/or Registered Providers operating in the North West Leicestershire District.
- 1.2 However, a number of properties belonging to any of the Leicestershire sub-regional local authority partners as set out on page 5, or partner Registered Providers will also be advertised and eligible home seekers will be able to bid for and be considered for these properties. It is intended that all partners will make available up to 10% of their annual lettings to eligible home seekers across the sub-region and these will form part of the Leicestershire sub-regional pool (see Section 20 for more detail).
- 1.3 Properties that become available to let will normally only be allocated to home seekers on the housing register and preference may be given to those with a local connection to the District.
- 1.4 Joining the housing register**
- 1.5 Subject to the eligibility and exclusion rules set in Section 2, any person over the age of 16 can apply to join the housing register. There are special provisions for 16 and 17 year olds - see Section 3.1
- 1.6 Every home seeker must complete an on-line² Leicestershire Choice Based Lettings scheme registration form. The information given on the form must be correct. North West Leicestershire District Council reserve the right to disqualify any home seeker from joining the register, withdraw any offer of a tenancy or assist the landlord to recover possession of an existing tenancy if they have knowingly given false information.
- 1.7 Home seekers must provide proof to support their application; for example, they will be asked to provide proof of income, benefits, access rights to children and levels of capital. The application form will clearly set out what proofs are required
- 1.8 North West Leicestershire's Housing Choices Team will make any other enquiries as they deem necessary in order to assess the application. This may involve contacting previous landlords, health or medical advisors, police, etc.
- 1.9 Home seekers must provide a mailing address to which all correspondence can be sent. The address can be the home seeker's home address or an alternative such as that of a family member or friend.

² Any home seeker unable to gain on-line access should contact the Housing Choices Team on 0800 183 0357

1.10 Review of the housing register

1.11 North West Leicestershire District Council will aim to undertake a 12 month rolling review of the housing register. Home seekers will be contacted and asked to confirm whether they wish to remain on the register and whether their circumstances have changed.

1.12 Home seekers will be expected to respond to the review within 21 days. Failure to respond will result in a letter being issued advising the home seeker that their registration will be cancelled within 14 days unless there is a response.

- Failure to respond within the 14 days will normally result in the registration being cancelled without further notice.
- Home seekers may ask for their application to be reinstated if they believe that it has been cancelled incorrectly or unreasonably. An example of where an application could be reinstated is where a home seeker has been in hospital for the duration of the review and does not have a mailing contact who could have responded on their behalf. A request to reinstate an application should be made in writing to the Housing Choices Team Leader. If the home seeker does not agree with the decision of the Housing Choices Team Leader, they have the right to request a review of this decision (see Section 4).

2. Eligibility and qualification

2.1 **Eligibility** - In considering housing register applications, North West Leicestershire District Council will ascertain:

- if a home seeker is eligible for an allocation of accommodation, and
- if he or she qualifies for an allocation of accommodation

We will do this by assessing in accordance with the regulations whether a home seeker is eligible to join the housing register or, may not be allocated accommodation under Part 6 of the Housing Act 1996 S.160ZA because they are persons from abroad who are subject to immigration control or they are a person from abroad, who although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation. Reference will be made to the regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation of accommodation which are contained in the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI2006 No. 1294) and amendment regulations in respect of regulations 4 and 6.

2.2 The following categories of persons do not require leave to enter or remain in the UK:

- (i) British Citizens
- (ii) Certain Commonwealth citizens with a right of abode in the UK
- (iii) (iii) Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area with the UK which allows free movement
- (iv) EEA nationals³, and their family members, who have a right to reside in the UK that derives from EU law. Whether an EEA national (or family member) has a particular right to reside in the UK (or another Member State) will depend on the circumstances, particularly their economic status
- (v) Persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK, and some military personnel

2.3 Specifically, the Eligibility Amendment Regulations amend regulations 4 and 6 of the Eligibility Regulations and provide that the following persons are ineligible for an allocation of housing accommodation or homelessness assistance:

- Persons who have rights of residence in the UK as a result of regulation 15A(1) and (4A) of the Immigration (European Economic

³ European Economic Area nationals are nationals of any EU member state (except the UK), and nationals of Iceland, Norway, Liechtenstein and Switzerland.

Area) (Amendment) (No 2) Regulations 2012 (the EEA Amendment Regulations)

- Persons who have a right derived from Article 20 of the Treaty on the Functioning of the European Union, in a case where rights of residence arise because a British citizen would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen

The Eligibility Amendment Regulations also make provision for persons who have equivalent rights of residence in the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area).

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

2.4 Qualification

2.4.1 **Home seekers from outside the sub-region** – other than in exceptional circumstances, home seekers from outside the sub-region who have no local connection to any of the seven partner local authorities within the sub-region, will not qualify for social housing. Exceptions will include:

- Home seekers who have been placed in the Priority housing need or High housing need bands, where there is a recognised need for them to relocate away from their existing home District. E.g. households fleeing the threat of violence and households advised not to return to a particular area
- Armed Forces and former service personnel where the application is made within five years of discharge
- Bereaved spouse or civil partners of members of the Armed forces leaving services accommodation following the death of their spouse or partner
- Serving or former members of the reserved forces who need to move because of serious injury, medical condition or disability sustained as a result of their service.
- Social housing tenants with secure or assured shorthold tenancies living outside of the Leicestershire scheme area who have a local connection within the sub-region, but who have no medical, welfare or other exceptional need to move.

2.4.2 **Home seekers with the financial means to meet their own housing need** – these home seekers will not qualify for social housing unless they can demonstrate that they have a need for supported, sheltered or extra care housing which they cannot purchase or rent on the open market, or, where the home seeker has a need for wheelchair adapted accommodation and they do not have the financial means available (through savings, grants or Equity Loan) to adapt their existing property or the property is not suitable for adaptation and they do not have a need or meet the criteria for supported, sheltered or extra care housing.

In assessing the home seeker's ability to meet their own housing needs, the joint income, savings and equity of any partner moving with the home seeker will be taken into account having regard to the annually reviewed thresholds set for the District. (See page 55)

2.4.3 Home seekers who lack the mental capacity to enter into and sustain a tenancy agreement – home seekers will not qualify for social housing if it is considered that they lack the mental capacity to enter into a tenancy agreement and the obligations and conditions attached to that tenancy.

2.4.4 Home seekers considered to be guilty of unacceptable behaviour serious enough to make them unsuitable as a tenant - Home seekers will not qualify for social housing if they are considered to be unsuitable to be tenant although this must be justified by the authority and proportionate to the reason as to why they or a member of their household would make them unsuitable to be allocated accommodation.

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

- Behaviour that is likely to result in the granting of an outright possession order on any ground for example anti-social behaviour such as causing nuisance and annoyance to neighbours
- Behaviour of a member of the home seeker's household which would entitle the landlord to gain an outright possession order
- Owing a housing related debt greater than £300 to a Council, registered provider or private landlord and there is no evidence of willingness to reduce/repay the debt and there is no evidence of an overriding housing need– such debts could include rent arrears and court costs, temporary accommodation charges, sundry debts such as clearance, damage, or repayment of rent deposit (this is not an exhaustive list).
- Committing certain criminal offences in or near the home and posing a threat to neighbours, the community, staff from the Council, the Council's contractors or Registered Provider or their contractors
- Has been convicted of violence towards a partner or members of the family
- Obtaining a tenancy by deception, for example giving false information

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

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

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

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

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

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

Consideration will be given to the length of time that has elapsed and whether there has been any change in circumstances and behaviour and whether there are any mitigating circumstances to consider.

- 2.4.7 If all 3 conditions are satisfied the applicant will not qualify for social housing. When making this decision the Council will consider whether it is reasonable taking into account all relevant factors such as health, dependants, or other factors.
- 2.4.8 If a home seeker who does not qualify for social housing because of unacceptable behaviour considers that their unacceptable behaviour should no longer be held against them they should complete a new registration form. The home seeker will need to demonstrate that there has been a sufficient lapse of time since the previous application was submitted and that his/her circumstances have changed and behaviour is no longer unacceptable.
- 2.5 The final decision to exclude anyone from the register on the basis that they do not qualify for social housing will rest with the Housing Choices Team Manager and home seekers will be informed in writing of the reason why their application has been rejected. They will have the opportunity to appeal against this decision if they feel it is incorrect (see Section 4)
- 2.6 If at any time North West Leicestershire District Council obtains evidence that a home seeker who has already been accepted onto the housing register is ineligible then the home seeker will be advised in writing that their application will be cancelled. Home seekers will have the opportunity to use the review procedure if they are able to show this decision is incorrect. (see section 4)

3. Home Seekers Under the age of 18

- 3.1 Home seekers must be aged 16 years or over to apply to join the housing register but may be subject to locally agreed protocols which will determine the type of property and support services for which they can be considered.
- 3.2 Home seekers aged 16 and 17 looking for social housing in North West Leicestershire must provide details of a guarantor. The guarantor must be a responsible person such as a parent or other close member, or a representative from a support agency, such as Social Services.
- 3.3 Subject to 3.4 home seekers aged 16 and 17 will be assessed in the same way as all other home seekers joining the housing register. Only those with a guarantor in place will be offered accommodation.
- 3.4 When an application is received from a homeless home seeker aged 16 or 17, North West Leicestershire District Council will in the first instance, seek to establish if accommodation should be provided under Section 20 of the Children Act 1989 and will request that Children and Young People's Services undertake a "child in need" assessment. If it is established that the child is not a "child in need" the application will be assessed in the same way as all other home seekers joining the housing register
- 3.5 When an application is received from a lone parent under the age of 18 North West Leicestershire District Council will seek to carry out a joint assessment of needs and support with Social Services. The assessment will only be undertaken after the home seeker has given their consent.

4. Right to Review

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

Housing Choices Team Leader
North West Leicestershire District Council
Council Offices
Coalville
Leicestershire. LE67 3FJ

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

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

Reviews will be completed within 21 days of the application being received.

- 4.9 If the home seeker is not satisfied with the outcome of the review they can ask for their case to be considered by the Housing Choices Team Manager. A request for a further review should be made within 21 days of the date on the Housing Choices Team Leader's letter.

- 4.10 The Housing Choices Team Manager will not have been involved previously in the case and will normally carry out the further review within 56 days of the request. A written notification of the decision, including grounds for the decision, will be sent to the home seeker.

- 4.11 If the home seeker is not satisfied with the outcome of the further review, he/she may challenge the decision in the High Court on a point of law. The home seeker has 3 months from the date of the decision letter to apply.

- 4.12 All correspondence will be sent to the mailing address on the home seeker's application. If the home seeker does not have a mailing address the correspondence can be collected from the Housing Choices Team at the Council Offices where it will be kept for a period of 28 days.

5. Home Seeker Types

5.1 New home seekers

5.1.1 New home seekers include those

- living in temporary accommodation;
- with assured shorthold tenancies;
- with licences to occupy,

5.2 Transfer Home seekers

5.2.1 Transfer home seekers include any social housing tenant with:

- an assured tenancy; or
- a secure tenancy; and

who has a local connection to the Leicestershire sub-region and is seeking to move to another social housing tenancy situated within the Leicestershire sub-regional Choice Based Lettings scheme

This benefit will not therefore apply to social housing tenants residing outside the sub-region, even if they have a local connection within the sub-region unless they fall within the list of exceptions referred to in 2.4.1 and would otherwise be excluded from the register.

5.2.2 Unless exceptional circumstances exist, any social housing tenant with an introductory or probationary tenancy will not be eligible to apply to transfer through the scheme until their tenancy is converted to a secure or assured tenancy.

5.2.3 A transfer application must be submitted on-line⁴ to North West Leicestershire Housing Choices Team and the date of their registration will be the date on which their form and all necessary proofs are submitted.

5.2.4 All household members must normally be leaving the current property for an application to be considered as a transfer. Housing Managers will be consulted before approval of any transfer request.

5.2.5 Tenants who are only eligible for the same size and type of property that they currently reside in would not normally be given any preference. Only those with a welfare, medical or other exceptional need to move will be considered for preference. (For more details on eligibility, see Section 7)

5.2.6 Tenants eligible for either larger/smaller or different type of accommodation will normally be given preference. However where there is evidence that the tenant or a member of their household is in serious breach of their tenancy conditions then an application to transfer may be accepted but given no

⁴ Any home seeker unable to gain on-line access should contact the Housing Choices Team on 0800 183 0357

preference. A serious breach of tenancy conditions could include rent arrears or anti social behaviour (see Section 9.5.1)

- 5.2.7 The Council reserves the right to set targets or quotas for transfer moves from time to time and may then restrict bidding on certain vacancies to transfer home seekers.

6. **Home Seekers with a Disability or a Mobility Need**

6.1 There is a separate assessment process for people with some form of mobility problem. For example, a member of the household:

- is no longer able to climb stairs or get into a bath
- has visual impairment
- had an accident or illness that has affected their mobility
- has a child whose mobility is restricted.

6.2 **Mobility Needs Assessment** - If a home seeker indicates on their registration form that they have a mobility problem, then they will be asked to complete a separate assessment form that asks questions about mobility problems, the type of property that would be suitable and any adaptation that would be required to the property.

6.3 There are six self-selection housing mobility categories:

A I am unable to walk and need to use a wheelchair when inside and outside the property.

B I use a wheelchair outside the property but can walk short distance. I cannot climb steps or stairs.

C I do not use a wheelchair but walk with difficulty. I cannot climb steps or stairs.

D I do not use a wheelchair; I walk with difficulty, but can manage one or two steps.

E I need a downstairs toilet to address my mobility difficulties.

F I have a disability or a medical problem, where a step-in or level access shower would ease or resolve my difficulties

6.4 If the home seeker is a wheelchair user or needs a wheelchair accessible property, we may arrange for an assessment to be completed in order to verify that need, This is because properties assessed as suitable to meet the needs of home seekers who meet categories A or B above are in very short supply and any allocation must be matched on mobility need.

Where a property is advertised as having facilities meeting category F, preference may be given to home seekers assessed as needing those facilities.

6.5 North West Leicestershire District Council will advertise vacancies as they become available. This includes those properties that are suitable for the needs of disabled home seekers, or those that have been specially adapted in some way. North West Leicestershire District Council will include information

on the level of adaptations and/or accessibility features within the property advertisement.

6.6 Properties that are suitable for home seekers with mobility problems will have a housing mobility category key clearly identified within the adverts that will indicate the level of access or adaptation. The mobility keys are set out below:-

A = a property that is suitable for a wheelchair to be used inside including a floor draining shower.

B = a wheelchair accessible property e.g. ramped access/sufficiently wide entrance door.

C = a property with street level access – no steps at entrance

D = a property with no stairs but could have one or two steps

E = a property with a ground floor toilet but which has stairs and steps.

F = a standard property suitable for home seekers who need a level access step-in shower

6.7 Because there is a limited supply of properties assessed as wheelchair accessible – A or B properties – they are only available for home seekers who have been assessed by the authority as needing an A or B property and home seekers will be selected on the basis of the level of adaptation suitable for their needs – irrespective of whether they are a transfer or new home seeker.

For the property types “C” to “F”, the descriptions are intended to reflect their level of suitability for home seekers who have self-assessed their mobility needs in one of those categories. Property types C to F are suitable for those people for whom it has been recommended but are also available to general home seekers. There is no preference given to home seekers with mobility needs over home seekers without mobility needs for properties with mobility keys C-F (other than their assessed housing need under the banding scheme).

The shortlisting criteria remain as per the criteria on the advert, the housing band and the effective date.

6.8 Any home seeker must consider carefully when bidding for a property, whether it will meet their mobility needs and whether any adaptations or additional adaptations may be required, and whether the property would therefore meet their housing need.

7. Household Eligibility

7.1 Once accepted onto the housing register, every home seeker will be notified by email or letter of their housing need band and their home seeker reference number/login. This will allow home seekers to log into the website www.nwleics-homes.org.uk where they will be able to view the properties they are eligible for and able to 'bid' on.

7.2 Information on eligibility will be individual to each home seeker and a complete Eligibility Matrix for all household types is attached at Appendix 1. **NB.** Each of the partner landlords to the Leicestershire Choice Based Lettings scheme including Registered Provider partners, may have slightly different eligibility rules. Home seekers are advised to check with the property landlord if they are unsure. Adverts will detail what size/type of households are eligible to apply.

7.3 Household Definitions - Guidance

7.3.1 Where a parent has overnight access to their children but does not provide the main family home, an additional bedroom need may be awarded to allow the children to sleep over. Households falling into this category must be able to show that they do have access to children by providing evidence that they provide at least 2 nights of secondary care on a regular basis

7.3.2 Single person households with access to children cannot normally be considered for properties larger than a 2 bedroom flat irrespective of the number of children they have access to.

7.3.3 Accommodation designated for older home seekers will be advertised with a minimum age criteria dependent upon the landlord's policy and properties will be advertised accordingly, indicating any additional services that are available (if any). Where joint home seekers are bidding for this type of property, only one needs to meet the minimum age criteria stated on the advert.

7.3.4 Family with a disability refers to a household where at least one of the members has a medical or mobility need and they require an adapted property to help meet these needs.

7.3.5 A single parent household is entitled to the same size accommodation as a two parent household with the same number of children.

7.3.6 Households that include a pregnant woman are normally assessed as if the baby has already been born (i.e. the baby is counted as a child), where the expected delivery date is within 3 months. Exceptions may apply

7.3.7 A child must spend a minimum 4 nights per week with the home seeker in order for them to be classed a permanent resident. Exceptions will be considered, for example in circumstances where the child resides away from the home seeker on a temporary basis but their permanent home is with the home seeker.

7.3.8 A home seeker may add a joint home seeker or household member to their North West Leicestershire housing register application. Checks will be made to ensure that those added are eligible to join. The home seeker's application will be re-assessed and they will be notified of any changes, for example a change in their housing need band.

7.3.9 A joint home seeker may wish to leave a joint application and have an application in their own name. In such circumstances, the home seeker's new application will be backdated to the date they joined the original joint application.

7.3.10 In exceptional circumstances home seekers who are ineligible for a certain property type or scheme can be considered as eligible. In making this decision North West Leicestershire's Choice Based Lettings scheme will consider the needs of each household and the needs of each landlord to make best use of their housing stock.

7.3.11 Supported, Sheltered Housing and Extra Care

7.3.12 Home seekers will need to satisfy the advertised age rules for the scheme and/or be assessed as having a support need that can be met within supported or sheltered housing.

7.3.13 Elderly or disabled home seekers with assessed care and support needs who have been accepted onto the housing register will be eligible to bid for either Extra-care, Supported or Sheltered Housing (or a combination of these categories of housing) where they meet the advertised criteria and in some circumstances will be subject to a Social Care Assessment.

8. Defining Bedroom Requirements

8.1 The partner landlords within North West Leicestershire operate different policies in relation to households who have children of a different sex or a different age sharing a bedroom. The Council's policy normally uses the following rules to determine the minimum size of accommodation needed by a household:-

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

- Every adult couple or single parent
- Any other person aged 16 years or over
- Any two children aged under 16 years of the same sex
- Any two children aged under 10 years regardless of sex
- Any other child

8.2 Home seekers should refer to the Eligibility Matrix on page 52 and to the eligibility criteria on each property advert when bidding

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

8.4 Rooms that are in use for other purposes but could be used as bedrooms will also be included in the calculation

8.5 Home seekers awarded priority based on having a bedroom shortage may be overlooked if they bid successfully on a property of the same bedroom size as currently occupied.

8.6 Large families (i.e. those with five or more children) may be given additional priority over smaller households for properties with four or more bedrooms.

8.7 Where there is evidence of a need for a member of the household to have a separate bedroom (for example, for medical reasons, or because of behavioural issues), then an additional bedroom need can be allowed.

8.8 Where a home seeker has care or support needs that require overnight assistance on a permanent or casual basis, then the need for an additional bedroom can be awarded to permit this. This can include prospective foster carers, on evidence that Children's services will approve the home seeker as a foster carer subject to availability of suitable size accommodation

8.9 For the purposes of defining bedroom requirements, an unborn child will count as a child from within 3 months of the expected date of delivery.

9. Assessing Housing Need

- 9.1 Whilst offering choice, North West Leicestershire's Choice Based Lettings scheme must take into consideration the housing needs of each home seeker or permanent member of their household to allow those home seekers in greatest need to be given precedence.
- 9.2 We will consider and assess the housing needs of each household. All home seekers who are eligible to join the housing register will be allocated one of four housing need bands by the Housing Choices Team, determined in accordance with their verified housing need. The four bands are as follows
1. Low Housing Need
 2. Medium Housing Need
 3. High Housing Need
 4. Priority Housing Need
- 9.3 Home seekers must notify North West Leicestershire District Council immediately of any change in their housing circumstances. The Council may need to undertake further enquiries before reassessing the application. A home seeker's application may move from one housing need band to another following the reassessment.
- 9.4 If a home seeker feels that their application has been assessed incorrectly, they have a right to request a review of the decision (see section 4).

9.5 Band 1 - Low Housing Need

- 9.5.1 Applications will be accepted but normally given no preference unless there is an exceptional overriding housing need if:
- The applicant has security of tenure and no welfare or medical need. This may include private tenants, tied tenants and social tenants (in assured or secure tenancies) or home owners or joint home owners, with statutory property rights under the Family Law Act 1996.
 - The home seeker has been guilty of behaviour within the last 12 months that affects their suitability to be a tenant. The behaviour is serious enough that enforcement action would normally have been taken but does not warrant exclusion from the housing register on the basis that they do not qualify for social housing. This relates to not only the home seeker, but also other members of their household. The home seeker will remain in the Low Band for 12 months. If there is a relevant change in the household's circumstances during the 12 month period the home seeker may contact the Housing Choices Team to request that their priority is re-assessed. Otherwise the home seeker will remain in Low Band for twelve months following which the home seeker will be able to

request a reassessment of their housing need band. Examples of behaviour affecting suitability to be a tenant can be found on page 12

- The home seeker is a transfer applicant who is only eligible for a move to the same size and type of property and who does not have a welfare, medical or other exceptional need to move. This is termed a 'like for like' transfer
- Private tenants and Tied Tenants who are adequately housed with no medical/welfare or exceptional need to move
- The home seeker only wishes to be considered for low cost home ownership schemes.
- Home seekers who have deliberately worsened their circumstances to gain an unfair advantage over other home seekers on the housing register will normally be placed in the Low housing need band for a period of 12 months. The application will then be reassessed. If there is a relevant change in the household's circumstances during the 12 month period the home seeker may contact the Housing Choices Team to request that their priority is re-assessed.
- Social housing tenants with secure or assured shorthold tenancies living outside of the Leicestershire scheme area who have a local connection within the sub-region, but who have no medical, welfare or other exceptional need to move.

9.6 Band 2 – Medium Housing Need

Preference will be given to home seekers who fall into one of the following categories:

9.6.1 Homeless households

This could include:

- a) Homeless home seekers who are deemed eligible for assistance but do not qualify for a full housing duty because they do not have a priority need, or they made themselves intentionally homeless.
- b) A home seeker who has been assessed as being threatened with homelessness in less than 56 days is considered to be in priority need and has been through homeless prevention options with the Council and all other options have been exhausted.

9.6.2 Poor housing conditions – home seekers living in unsanitary, overcrowded or unsatisfactory housing conditions. This could include

- a) **Housing that is not in a reasonable state of repair** - Housing failing on this point will be those where **one or more key building components** are old, in a poor condition and need major repair or replacement. This means external walls, roof, external windows/doors, chimneys, central heating boilers, gas fires, storage heaters, plumbing and electrics
- b) **Housing that does not have reasonably modern facilities and services** -
Dwellings failing on this point are those that lack **three** or more of the following:
- a reasonably modern kitchen
 - a kitchen with adequate space and layout
 - a reasonably modern bathroom
 - an appropriately located bathroom and WC
 - adequate noise insulation (where external noise/neighbourhood noise is a problem)
 - adequate size and layout of common areas for blocks of flats
- c) **Housing that does not provide a reasonable degree of warmth** -
Housing that does not have a heating system or other means of heating the property or the heating system at the property does not work or is in poor condition will fail this point.

[These criteria will be assessed in partnership with Environmental Health services. Where a home is found lacking in relation to these standards, the Environmental Health officer will consider using the powers available to ensure that the property is made to meet acceptable standards].

- d) **Overcrowded housing** - This means a household that is one bedroom short of the assessed need for that household.
- e) **Other poor housing conditions** - In exceptional circumstances, other poor housing conditions will be considered where there is evidence that the housing conditions are having a detrimental effect upon the welfare or health of the household.

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

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

9.6.4 Welfare need to move – this could include

- a) Home seekers suffering from harassment or neighbour nuisance such as verbal abuse or damage to the property. The problems will have been reported to the landlord and/or the Police for action but a satisfactory conclusion not found. The harassment is not at a level whereby the home seeker has an emergency need to move.
- b) Home seekers with a need to be near relatives to give or receive assessed care/support. This would only apply where NOT moving would cause physical, financial, or emotional hardship to either party.
- c) Home seekers with an evidenced need to move closer to specialist educational or similar organisation, agency, or institution. This would only apply where NOT moving would cause physical, financial, or emotional hardship to either party.
- d) Home seekers who have found permanent employment within the Leicestershire Choice Based Lettings scheme region and who need to move closer to work to prevent financial hardship. An assessment will be undertaken; this will involve contacting the home seeker's employer.

[Home seekers who have been given preference because they have been assessed as meeting the criteria in category 9.6.2 d) may be overlooked if they bid on a property of the same bedroom size as currently occupied. Similarly, home seekers who have been given preference because they have been assessed as meeting the criteria in categories 9.6.4 b), c) or d) above, may be restricted to bidding for homes advertised in the areas they have demonstrated a need to move to].

- e) Home seekers who are suffering financial hardship through reasons outside of their control and who are having difficulty in meeting their housing costs, examples could include adverse impacts of Welfare Reform such as the Benefit Cap etc.

9.6.5 Insecure accommodation – this would include

- a) Home seekers who currently rent accommodation privately on an assured shorthold tenancy or a tied tenancy and have been served with a valid notice to leave
- b) Home seekers accommodated as a licensee/lodger; or
- c) Home seekers living with family, relatives or friends

9.7 Band 3 – High Housing Need

9.7.1 **Two or more needs from the following Medium housing need band sections** - A home seeker will be assessed as High need if he has been assessed as having two or more needs from the following sections of the Medium housing need band. No more than **one** factor to be taken from **each** of the following sections:

- 9.6.1 - Homeless households
- 9.6.2 - Poor housing conditions
- 9.6.3 - Medical need to move
- 9.6.4 - Welfare need to move

Insecure accommodation described in 9.6.5 will not be combined with any of the above.

9.7.2 **Home seekers where there is overcrowding by two or more bedrooms short of the assessed need** - (the home seeker would not be considered eligible to bid for the same size property as currently occupied).

9.7.3 **A home seeker who is living in supported accommodation and the Council has a move on agreement with the housing provider** or their key worker has agreed that independent accommodation would now be appropriate.

9.7.4 **Transfer home seekers who are under-occupying a home which is in high demand from other home seekers and/or where there is assistance available from a local Tenants' Incentive Scheme** - (the home seeker would not be considered eligible to bid for the same size property as currently occupied).

9.7.5 **Home seekers who are under-occupying a home and are affected by Welfare Reform**

9.7.6 Home seekers in the High housing need band can remain in this band for up to 16 weeks. If no suitable properties become available during the period, or the home seeker has not been successful in their search for accommodation their application will be reviewed. In exceptional circumstances, home seekers can be granted an extension up to 16 weeks. The Housing Choices Team Leader will determine the length of any extension, taking into account a range of factors such as the previous availability of suitable properties, bidding etc.

9.7.7 Home seekers in the High housing need band retain the right to respond to properties of their choice. Home seekers will be expected to consider all suitable properties. Failure to bid for suitable properties or refusal of an offer of suitable accommodation will be taken into account if the application is reviewed at the end of the 16 week period.

9.8 Band 4 – Priority Housing Need

9.8.1 Home seekers who have been assessed as having an emergency need to move (see 9.8.5 onwards) will be placed in the Priority housing need band. Home seekers can remain in the Priority housing need band for a period of up to 8 weeks. If no suitable properties have become available during the 8 week period, or the home seeker has not been successful in their search for accommodation their application will be reviewed. In exceptional circumstances home seekers may be granted an extension, the length of which will be determined by the Housing Choices Team Leader.

9.8.2 Home seekers in the Priority housing need band retain the right to bid for properties of their choice. However, if they fail to bid in any cycle within the Priority period the Housing Choices Team reserves the right to place bids for the home seeker on suitable properties to meet their housing need. Home seekers will be expected to place bids on all suitable properties and consider all offers of suitable accommodation. Failure to bid for suitable properties or refusal of an offer of suitable accommodation may result in priority not being renewed at the end of the 8 week period. Where the home seeker has been assessed in Priority housing need and he, or host District authority has bid and the home seeker has been offered a property (at any time throughout the Priority period), that offer will constitute a suitable offer of accommodation in discharge of the authority's duty under Part VII of the Housing Act 1996 as amended.

9.8.3 The relevant date for short listing home seekers placed in the Priority band will not be the date they joined the housing register, it will be as follows:-

- Homeless home seekers where a full housing duty is owed –the date they presented as homeless
- All other Priority home seekers – the date a decision on priority was made

9.8.5 Priority need to move will be recognised in the case of:-

a) Homeless Home seekers - to whom the Council has a statutory duty to secure accommodation as described by Part VII Housing Act 1996 and amended by the Homelessness Act 2002.

It should be noted that offers of accommodation to discharge the authority's homeless duty could be made into the private rented sector provided the authority has exercised its discretion to do so by having an approved Private Rented Sector Offer policy in place. (At the time of writing North West Leicestershire District Council has not exercised this discretion but may choose to do so in the future)

b) Emergency Welfare need – circumstances could include (this is not an exhaustive list)

- Home seekers who are subject to severe harassment, threats of violence or actual violence, or threats of physical, emotional, or sexual abuse.

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

9.9. Moving between housing need bands

- 9.9.1 A home seeker's housing need band will change if their level of need changes (see 9.4).
- 9.9.2 When a home seeker moves up to a higher housing need band their effective date will change to the date they moved in to the higher band. The exception to this rule applies to home seekers moving to the Priority Housing band because the Council has a full homelessness duty to them. These home seekers will have their effective date changed to the date they presented as homeless.
- 9.9.3 Home seekers who move to a lower housing need band will retain their current effective date **or** the date they were previously in that housing need band.
- 9.9.4 Where it is determined on review that the home seeker should have been placed in a higher housing need band, they will retain their existing effective date rather than be awarded the higher priority from the review decision date.

10. Advertising Properties

- 10.1 The Council will advertise between 90-100% of all empty Council properties through North West Leicestershire's Choice Based Lettings scheme and through the operation of an agreed Service Level Agreement, will encourage partner landlords to the sub-regional scheme to advertise the same percentage of their empty homes. An advert will be generated for each property. The advert will contain basic information about the property and the eligibility criteria that home seekers must meet.
- 10.2 Property adverts may be restricted to receiving bids from certain types of home seeker, for instance, where a local lettings policy has been agreed, or the homes advertised form part of a new development that is subject to letting criteria set out in a s106 agreement. For example, property adverts may be restricted to home seekers by:
- Home seeker type (New/Transfer)
 - Support needs (i.e. Sheltered, Extra Care and Supported)
 - Banding
 - Home Seeker Age
 - Mobility
 - Household type and size
- 10.3 Most Council properties within North West Leicestershire will normally be advertised with equal preference to new and transfer home seekers. Other partners may have set quotas for each type of home seeker. Short listing will be based on the property criteria, home seekers' housing need Band and effective date (see Section 14)
- 10.4 Properties will normally be advertised in accordance with the home seeker Eligibility Matrix see Appendix 1. In some circumstances, a property may need to be advertised in accordance with a Local Lettings Policy (see Section 21). A Local Lettings Policy will normally be used when there are issues of sustainability and there is a need to create a balanced community. Properties advertised under a Local Lettings Policy will be allocated in accordance with the normal North West Leicestershire's Choice Based Lettings scheme procedure, i.e. based on housing need band and effective date
- 10.5 Home seekers will be able to view the weekly property adverts on line at www.nwleics-homes.org.uk or will be able to view/collect a copy from one of a number of local display/collection points in the District. Details of these display/collection points will be sent to home seekers when their application is made live, it will also be displayed on the North West Leicestershire Choice Based Lettings website.
- 10.6 Home seekers who are unable to view the property adverts on line and who are unable to view/collect a hard copy because there are no local display/collection points or they struggle to access local display/collection points should contact the Housing Choices Team to discuss alternative ways of viewing adverts and placing bids.

10.7 The property booklet **may** include details of other affordable housing options in the District. This may include private rented properties, low cost home ownership and Homebuy options.

11. **Bidding for Vacant Properties**

- 11.1 Home seekers are responsible for bidding for properties that are advertised. Bidding **does not** involve pledging any money, it is simply the term used for expressing an interest in a property. If a home seeker is unable to search and bid for properties they will be assisted by a member of the North West Leicestershire Housing Choices team.
- 11.2 Home seekers are responsible for ensuring that they place bids in response to property adverts before the stated closing date. Bids received after the closing date **will not** be considered.
- 11.3 Home seekers can place bids in a number of ways. Details of how to bid will be detailed on the Choice Based Lettings website as well as in the scheme guide that is issued to each home seeker together with their banding letter at first registration.
- 11.4 Home seekers can place up to 2 bids per advertising cycle. Home seekers can cancel bids and place them on other advertised properties at any time during the bidding period. Home seekers will be informed of their position in the short-list at the time of bidding. (In addition, they may respond to any adverts for shared ownership or private rented accommodation that may be published during that particular advertising cycle).
- 11.5 Whilst home seekers are not normally penalised if they fail to respond to properties advertised, home seekers in Priority and High housing bands will be expected to consider **all** suitable properties.
- 11.6 Home seekers in the Priority housing need band retain the right to bid for properties of their choice. However, if they fail to bid in any cycle within the 8 week priority period the Housing Choices Team reserves the right to place bids for the home seeker on suitable properties to meet their housing need. Home seekers will be expected to place bids on all suitable properties and consider all offers of suitable accommodation. Failure to respond to suitable properties or refusal of an offer of suitable accommodation may result in their Priority status not being renewed at the end of the 8 week period.
- 11.7 If a home seeker has been assessed in Priority housing need because the District housing authority has a duty to assist with re-housing a homeless home seeker, North West Leicestershire District Council retains the right to discharge the authority's statutory homeless duty by making one suitable offer of accommodation to the homeless home seeker in **any** week of the priority period.
- 11.8 Failure to bid for suitable properties or refusal of an offer of suitable accommodation will also be taken into account for High housing need band home seekers if the application is reviewed at the end of the 16 week period and may result in their level of priority not being renewed.

- 11.9 Home seekers will normally be allowed to bid for the size and type of property as shown in Appendix 1. In some circumstances, the Council and Registered Providers may extend the criteria allowing the opportunity for home seekers to bid for larger properties where they are in low demand. However, when reviewing shortlists, all homes will normally be let on a best fit basis.
- 11.10 North West Leicestershire District Council reserves the right to change the frequency of the advertisement publication.

12. **Management Allocations**

- 12.1 North West Leicestershire Choice Based Lettings scheme aims to give all home seekers choice in where they live. In exceptional circumstances, it may not be possible to offer the home seeker choice and a direct offer of accommodation, or a Management Allocation, may have to be made.
- 12.2 A Management Allocation may be made in one of the following circumstances (this list is not exhaustive)
- When a Council tenant or tenant of a Registered Provider partner needs to be decanted from their property because it requires major refurbishment or repair
 - Where a property has been compulsorily purchased and there is a legal requirement to offer the household a specific property
 - Where the home seeker could pose a risk to individuals or other members of the community
 - Where the Council or Registered Provider partner has decided that this is the best use of stock. This would only take place in exceptional circumstances, following discussion with the Housing Choices Team Leader.
- 12.3 Properties to be allocated on a Management Allocation basis will still be advertised through the scheme but labelled "*Management Allocation - Do Not Respond*" Home seekers will not be able to register a bid on the property. These properties will be advertised in order to demonstrate the transparency of the scheme.

13. Difficult to let Properties

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

14. Short Listing Criteria

14.1 For all properties advertised, unless they are advertised on a “best fit basis” (see 14.4), home seekers who have placed bids and meet the criteria for that property will be short listed in the following order:

- i) By local connection qualification (see Section 21)
- ii) By housing need band (Priority to Low)
- iii) By effective date (=date of registration or more recent date of change of priority)

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

14.2 In the event of two home seekers with the same registration date applying for the same property, North West Leicestershire housing allocations staff will make a decision between both cases taking into consideration the housing circumstances of each case.

14.3 This will generally mean home seekers who receive no preference (Low housing need band) are less likely to receive an offer of accommodation.

14.4 Non standard properties, for example those that are suitable for wheelchair users with an A or B mobility key (see Section 6) will be advertised on a ‘best fit’ basis and made available only to home seekers who have been assessed by the authority as needing an A or B property. Home seekers will be selected based on the level of adaptation suitable for their needs – irrespective of whether they are a transfer or new home seeker. These properties will be exempt from the short listing process outlined in 14.1

14.5 Where a disabled home seeker applies for accommodation that does not meet his or her access needs, North West Leicestershire Housing staff will take into account whether it is reasonable and practicable to adapt the property when assessing his or her bid. If North West Leicestershire Housing staff take the view that it is reasonable and practicable to adapt the property, the disabled home seeker will be considered for the vacancy on the same basis as other home seekers who have submitted a bid.

14.6 Where there is a shortage of accessible properties, and a failure to adapt a property would lead to unreasonable delays in housing for a disabled person then North West Leicestershire Housing staff will take steps to identify properties which are suitable to be adapted, and consider giving priority to disabled persons who bid for such properties.

15. Offering a property

- 15.1 The short listing results for each property will be sent to or accessed directly by the relevant social landlord. They will be responsible for contacting home seekers who have matched for the property and for allocating the property in accordance with their individual Allocations Policy. The Council and participating Registered Providers will work from the short list results provided by North West Leicestershire Housing Choices scheme.
- 15.2 Home seekers who are contacted regarding a property will be asked to provide proof to confirm the circumstances detailed on their North West Leicestershire Choice Based Lettings housing application form.
- 15.3 Home seekers who owe a housing related debt to the Council or a Registered Provider **may** be advised that any offer of accommodation is subject to the remainder of the debt being paid in full. Home seekers may be asked to provide evidence to prove the debt has been paid.
- 15.4 If the home seeker is unable to provide proof of their circumstances or if their circumstances have changed to an extent that they are no longer eligible for the property then an offer of a tenancy will not be made.
- NB.** In instances where the home seeker who has matched first for a property is not offered the property, the prospective landlord will provide the home seeker with a valid reason for not offering him/her the property. The home seeker will have a right to review against the decision (see Section 4.2)
- 15.5 If the home seeker is able to provide the housing provider with the proof requested then the home seeker should be offered the tenancy of the property.
- 15.6 The housing provider will complete the tenancy agreement with the home seeker. This agreement is the formal contract between the landlord and home seeker, and sets out the details of the property, rental charged, the full names, and the start date of the tenancy.
- 15.7 Home seekers should be given sufficient time to consider an offer of a tenancy. The home seeker should normally be allowed 2 days from when a provisional offer is made to make a decision.
- 15.8 Home seekers who are identified as vulnerable can be given longer to consider the offer of a tenancy. Examples of this will include home seekers who are currently in hospital or in some form of temporary accommodation, such as a hostel or refuge or shortly due for release from prison. A decision will be made by the individual landlord according to the circumstances of the home seeker.
- 15.9 Home seekers will not normally be penalised if they refuse the offer of a tenancy but home seekers who refuse/or fail to respond to three suitable offers of accommodation or fail to attend three arranged viewings or refuse

three offers of tenancy will have their application suspended for up to six months. They will be asked to attend an interview with a member of North West Leicestershire's Housing Choices Team. The interview will be used to discuss their housing needs and to offer advice about the type of properties available. Home seekers will be ineligible to make further responses until they have attended the interview.

- 15.10 Home seekers in the Priority housing need band may jeopardise their priority status if they refuse a reasonable offer of a tenancy and their priority status may not be renewed at the end of the initial 8 week period. In the case of "homeless" Priority home seekers, the homelessness duty will be considered to have been discharged if they refuse a reasonable offer of accommodation at any time within the 8 weeks of their priority status and their housing need reassessed on the basis that they are suitably housed.
- 15.11 The Council and Registered Provider partners to the scheme reserve the right to withdraw any offer of accommodation. Offers will only be withdrawn when there is just cause. The Council or Registered Provider will explain why the offer has been withdrawn. The home seeker will have a right to review against the decision (see Section 4.2)

16. Joint tenants

- 16.1 Home seekers seeking a joint tenancy should have a joint North West Leicestershire Choice Based Lettings scheme application.
- 16.2 The partner landlords within North West Leicestershire Choice Based Lettings scheme encourage joint tenancies.
- 16.3 If one home seeker of a household is ineligible to join the register (i.e. would be excluded as per Section 2), then a joint tenancy cannot be granted.
- 16.4 The partner landlords will consider offering a joint tenancy to household members who have long term commitments to the home, for example, when adults share accommodation as partners (including same sex partners), friends, or unpaid live-in carers.
- 16.5 When a joint tenant serves notice to quit, the partner landlords can, at their discretion, grant the remaining joint tenant a tenancy in their sole name. In exercising their discretion, the landlords will consider whether this is making best use of their stock. The former tenant may join the housing register as a new home seeker.

17. Feedback information

- 17.1 North West Leicestershire Choice Based Lettings scheme seeks to provide every home seeker with feedback information on previous allocations. This helps home seekers to make informed choices when bidding for properties
- 17.2 Every property that is allocated through North West Leicestershire Choice Based Lettings scheme will be included in the feedback information. This information is will be published weekly in the property listing booklet and on the North West Leicestershire Choice Based Lettings website.
- 17.3 The feedback information will include details of the number of home seekers who correctly placed bids for the property and the date of registration of the successful home seeker. It will also identify when a home seeker in a Priority housing need band has been successful
- 17.4 Home seekers will also be able to see their position on the short list by using the website
- 17.5 North West Leicestershire Housing Choices Team will seek to contact home seekers in the Priority, High, or Medium bands who have not bid for a property in a 12 month period to ensure they understand how the scheme works and discuss their housing needs.

18. Mutual Exchange

- 18.1 Secure Council tenants and assured tenants of the partner Registered Providers have the right to exchange their property with secure tenants of any other Council, or assured tenants of any Registered Provider.
- 18.2 North West Leicestershire District Council Registered Provider will facilitate mutual exchanges through the national HomeSwapper scheme. This service is free of charge for North West Leicestershire District Council tenants.
- 18.3 The partner landlords will normally consent to a mutual exchange in line with the Eligibility Matrix set out in Appendix 1. The tenant must receive written consent from their landlord before any exchange takes place. The landlord may withhold consent on the following grounds: -
- There is a valid Possession Order with a date for the tenant to leave the property
 - Notice of seeking possession has been issued and is still in force or repossession proceedings have been started.
 - There is a Demotion Order in place
 - The tenancy is an introductory or a starter tenancy
 - Property is much larger than new occupier would be normally eligible for. The Council will use the Eligibility Matrix when determining the number of bedrooms and property type a home seeker is entitled to
 - Property has been adapted or is specifically built for people with disabilities
 - Property is within a sheltered complex or extra care scheme and the incoming tenant does not require the facilities.
- 18.4 Rent arrears or other breach of tenancy conditions are not grounds for refusal but permission will be given subject to any breach being rectified in advance of any exchange.
- 18.5 Mutual Exchanges are undertaken by way of a Deed of Assignment. Properties are accepted in the condition they are in at the time of the exchange; in most cases neither the Council nor partner Registered Provider has any liability to undertake repairs to tenants' fixtures and fittings.

19. Agricultural workers and the Rent (Agriculture) Act 1976

19.1 Under the Rent (Agriculture) Act 1976 North West Leicestershire Choice Based Lettings scheme has a duty towards agricultural workers who are required to leave their tied accommodation.

19.2 When considering an application from a displaced agricultural worker North West Leicestershire Housing Choices Team will need to be satisfied that :-

- ◆ the property from which the worker is displaced is needed to accommodate another agricultural worker.
- ◆ the farmer cannot provide suitable alternative accommodation for the displaced worker
- ◆ to re-house the vacating worker would be in the interests of efficient agriculture.

All 3 conditions need to be satisfied.

19.3 If North West Leicestershire Housing Choices Team is satisfied that the case is substantiated the home seeker's application will be placed in the Priority housing need band (See Section 9.8.5)

19.4 If the case has not been substantiated then North West Leicestershire Housing Choices Team will assess the application in the standard way. See Section 9 for further information

20. **Make up of the Sub-regional Pool of Properties**

The seven local authority Districts that make up the Leicestershire Sub-region are:

Blaby District Council
Charnwood Borough Council
Harborough District Council
Hinckley and Bosworth Borough Council
Melton Borough Council
North West Leicestershire District Council
Oadby & Wigston Borough Council

- 20.1 Each local authority area will have its own property listing detailing the properties available for registered home seekers to bid against. The listing will contain the following groups of properties:
- 20.2 **Local property for rent** - these are social rented properties which are advertised to home seekers who have been accepted onto the housing register of the host District/Borough (i.e. the District/Borough where the advertised property is located) or have an established local connection to that District/Borough. Each authority will also advertise social rent properties which have been selected for advertising to all home seekers within the sub-region. Where the property advertised may be in high demand locally, the housing register administrator for the host area may apply a preference for those to their District on the advert criteria.
- 20.3 **Sub-regional property for rent** - these are social rented homes that have been selected for advertising across the sub-region. All eligible home seekers on the sub-regional housing register may bid for these properties. Where the property advertised may be in high demand locally, the housing register administrator for the host area may apply a preference for those with a local connection to their District. For example, larger properties, wheelchair adapted properties and some village properties, which are in short supply locally.
- 20.4 Home seekers with a connection to more than one District should have the same priority for property vacancies in any of the areas to which they are connected. An exception may be made for homeless home seekers where one council has accepted a statutory duty to re-house. Councils may opt to by-pass homeless home seekers on short-lists, if they do not have a statutory duty towards them.
- 20.5 Only one housing register application need be made. The home seeker must choose which District register to apply to. The application form will identify those District areas where the home seeker claims an additional local connection. The housing register administrator will verify with the other Districts that the home seeker has a valid connection. The register will hold a record of each connection. The home seeker will be able to see and bid for all

the locally advertised properties in each District as well as the sub-regional selection.

- 20.6 The host housing register administrator will determine the priority banding and all other relevant factors for the home seeker.
- 20.7 **Pooling Rules** - The partners agree that up to 10% of their general needs housing vacancies will be pooled sub-regionally, over the course of a full year. There should be a representative spread of properties.
- 20.8 The partners also agree to pool sub-regionally a minimum of 10% of their sheltered housing.
- 20.9 All specialist housing for people with physical disabilities **will be** added to the sub-regional pool.
- 20.10 Property vacancies in the sub-regional pool will be open to all home seekers in the sub-region, subject to any restrictions stated in the advert. In normal circumstances, equal priority will be given to home seekers in the same band and with a connection to any part of the sub-region. However, preference may be given in some circumstances to home seekers with a District connection to the host area for example larger properties, wheelchair adapted properties and some village properties which are in short supply locally (this list is not exhaustive)

21. **Definition of Local Connection**

Priority will be given to home seekers who have one or more local connections as defined below. Property adverts will identify any local connection criteria that must be met.

21.1 **Sub-regional Connection** - Under the policy home seekers from outside the sub-region will be excluded from joining the housing register other than in exceptional circumstances. The exception will apply to:

- Home seekers where there is a recognised need for them to relocate away from their existing home District including households fleeing the threat of violence and other households advised not to return to a particular area; or
- Armed Forces and former service personnel where the application is made within five years of discharge; or
- Bereaved spouse/civil partners of members of the Armed forces leaving services accommodation following the death of their spouse or partner; or
- Serving or former members of the Reserve Forces who need to move because of serious injury medical condition or disability sustained as a result of their service.
- Social housing tenants with secure or assured shorthold tenancies living outside of the Leicestershire scheme area who have a local connection within the sub-region, but who have no medical, welfare or other exceptional need to move.

Subject to the above exceptions, a sub-regional connection is established if the home seeker can prove a local connection to **any** one of the seven District council areas in the sub-region.

For properties advertised in the sub-regional pool, equal priority will be given to any home seeker who has a sub-regional connection (i.e. a connection to any one of the District areas), however, there will be an option available to give preference to those with a District connection where the property type may be in short supply locally. Use of this facility will be the exception rather than the rule and its use will be monitored to ensure it is being applied fairly.

21.2 **District Connection** - When properties are not advertised in the sub-regional pool, preference will normally be given to home seekers with a local connection to the host District. For properties advertised in the sub-regional pool that are considered to be a scarce resource (for example properties that are assessed as meeting A/B mobility standards) a preference for home seekers from the host District may also be applied

Definition of District Connection - The following rules will be used to define District connection (and therefore the sub-regional connection as well).

A District connection is established by one or more of the following:

- (a) They have normally resided in settled accommodation in the District for at least six months at the time of application
- (b) they have lived in the District for at least six months in the last twelve months, **OR** for at least three out of the last five years
- (c) they, or a member of their household is employed on a permanent basis or a temporary contract running for a minimum of twelve months, within the District (confirmation will be required from the employer)
- (d) They have parents (including Guardians), brothers, sisters, or adult children who have been living within the District for at least 5 years. An exception may be accepted for children under the age of 18 years where there is evidence of regular contact with the home seekers, as set out in paragraph 7.3.1 Step equivalents will be allowed.
- (e) They have no local connection but are fleeing violence or threats of violence from the District where they reside and have declared themselves homeless. The council to whom they have made their declaration has accepted a full statutory duty to assist with re-housing, or they have been referred to another District authority under s.198 of the Housing Act 1996 (as amended) and that authority has accepted a duty to assist with re-housing.
- (f) Other special circumstances may exist, and all applications will be considered on their individual circumstances.

21.3 Exceptions to the rule of establishing local connection will normally apply as follows:-

- Time spent in any prison or secure unit
- Time spent in hospital
- Time spent in any institution such as a refuge or rehabilitation centre
- Armed forces personnel (see para 21.1 above)

21.4 **Village or Parish Connection** - For some village housing schemes there are planning restrictions requiring that vacancies should go in the first instance to people who have a connection with the village or parish. The detail of the planning restrictions may vary from District to District and local lettings policies may apply. These vacancies will not feature in the sub-regional pool of properties.

21.5 The factors used to determine a village connection **in North West Leicestershire** will be as follows, where the main home seeker or joint home seeker can answer 'yes' to any one of the following:-

- I have lived in the village for the last 12 months
- I work permanently in the village (at least 15 hours a week)
- I was born in the village or previously lived in the village for 3 years or more
- I have close relatives who have lived in the village for at least 3 years (close relatives are defined as parents, children, siblings, grandparents, or grandchildren) Step equivalents will be allowed.

- I need to move to the Parish to be close to a relative or other person in order to provide or receive significant amounts of care and support

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

- 21.6 **Home seekers with a connection to more than one District** – Home seekers with multiple connections should have the same priority for property vacancies in any of the areas to which they have a local connection, including homeless households but see Section 20.4.

Only one housing register application need be made. The home seeker must choose which District register to apply to. The application form will identify those areas to which the home seeker claims an additional local connection. The housing register administrator will verify with the other Districts that the home seeker has a valid connection. The register will hold a record of each connection. The home seeker will be able to see and bid for all the locally advertised properties in each District as well as the sub-regional selection.

The host housing register administrator will determine the priority banding and all other relevant factors for the home seeker.

22. Complaints Procedure, Service issue

22.1 As part of our commitment to improve Customer Service, we have implemented a Corporate Complaints Policy. We want to make sure that any complaints we receive are dealt with:

- Fairly
- Honestly
- Quickly

We want you to be able to tell us where our services or policies are failing, because without your feedback we cannot improve the service we provide.

22.2 What is a complaint?

A formal complaint can be made when:

- The service has let you down
- We have not done something we said we would do
- We did something wrong
- The service we provided was unfair

22.3 What is not a complaint?

A request for service is not a complaint. For example, if you want to 'complain' about a noisy neighbour, we will treat it as a request for service because there are set procedures to follow. Your request could become a complaint if we do not take the appropriate action, or we do something wrong.

22.4 How do I make a complaint?

You can write us a letter, telephone us, send an e-mail, tell one of us verbally, or complete an [online form](#) we will treat your complaint seriously and professionally. For the complaint to go through our formal procedure, we will require your contact details.

We will need to contact you:

- If we need further information
- When we want to update you with the progress of your complaint
- When we have finished our investigation and need to provide you with a formal response.

22.5 What will happen after I have complained?

- Your complaint will be passed to the Corporate Complaints Officer who will monitor the progress of your complaint from start to finish.
- You will receive a written acknowledgement within two working days of making your complaint.

- Your complaint will be passed to the Head of Service of the Department concerned for investigation.
- We will keep you informed at all times of the progress of your complaint.
- At 10 working day intervals we will send you a progress update letter.
- If we have not been able to resolve your complaint after 20 working days, it will be referred to the Council's Chief Executive.
- When your complaint has been fully investigated, we will send you a formal response by letter.

22.6 **What if I am not satisfied with your response?**

If you are not satisfied with our response, you can take your case to your [local councillor](#) or the [Local Government Ombudsman](#) for independent judgement.

22.7 **What action will you take to ensure my problem is not experienced by others?**

When we have finished our investigation, we will identify where our service failed and make any necessary changes to procedures to ensure that our customers are not inconvenienced in the same way again.

Whilst we make every effort to get things right first time, we accept that there are occasions when our services will not meet your expectations. We want to actively encourage complaints and feedback to help our services improve.

If you have been let down by a service, or we have not met your expectations, please let us know as soon as you can so we can address any problems. Our contact details are listed on page 56.

SIZE AND TYPE OF PROPERTY HOME SEEKERS MAY NORMALLY MAKE BIDS FOR

GENERAL NEEDS HOUSING

	Single Person	Single person with access* to children	Couple	Couple/one parent plus one other	Couple/one parent plus two others	Couple/one parent plus three others****	Couple/one parent plus four or more others
Studio flat	√	√					
1 bedroom flat	√	√	√				
1 bedroom house	√	√	√				
1 bedroom bungalow	√	√	√				
2 bedroom flat	(√)	(√)	√	√	√		
2 bedroom house	(√)		(√)	√	√		
2 bedroom maisonette	(√)	(√)	√	√	√		
2 bedroom bungalow	(√)	(√)	√	√	√		
3 bedroom house **				(√)	√	√	√
3 bedroom flat/maisonette				(√)	√	√	√
3 bedroom parlour*** house					√	√	√
4 bedroom house							√

Notes

* Single person with children who do not live with them on a permanent basis.

** In some circumstances larger sized houses may be opened up to families with a two bedroom requirement.

*** A parlour house is a house with a separate dining room.

- **** Households with three dependents, with one or more over the age of sixteen, may be entitled to bid for four plus bedroom houses.
- () In some locations two bedroom property types may be opened up for households with a one bedroom requirement, three bedroom properties may be open to those with a two bedroom requirement and four bedroom properties for those with three dependents, at least one of whom is aged 21 years or over.
- Specific eligibility criteria for larger homes (5 bedrooms +) will be clearly stated on any advertisement member of the household within three months of the date of the expected birth.
 - If a home seeker needs an additional bedroom for a live-in carer then the carer can be added to the household.
 - There may be additional criteria for households wanting to share. Please contact the relevant landlord for more details.

PLEASE NOTE

Each of the partner landlords to the Leicestershire Choice Based Lettings scheme including Registered Provider partners may have slightly different eligibility rules. Home seekers are advised to check with the property landlord if they are unsure and to check the eligibility criteria on each property advert when bidding

SHELTERED ACCOMMODATION DESIGNATED FOR ELDERLY PEOPLE AND OTHERS WITH A SUPPORT NEED

Housing with support or scheme manager or with fitted alarm call system. Details of the support available will be given in the property advert.

	Single elderly person	Younger single person with support needs	Elderly Couple	Couple/lone parent + 1 other	Couple/lone parent + 2 others
Studio flat	√	(√)			
1 bedroom flat	√	(√)	√		
1 bedroom bungalow	√	(√)	√		
2 bedroom flat	√	(√)	√	(√)	(√)
2 bedroom bungalow	√	(√)	√	(√)	(√)

Age rules vary between 55 and 65 depending on the landlord. Age limits will be shown on the property advert. The age criteria normally only applies to the oldest partner in a couple. There may be additional criteria for households wanting to share. Please contact the relevant landlord for more details.

() In some locations, sheltered accommodation designated for elderly or others with a support need **may** be opened up to other household types with support needs.

PLEASE NOTE

Each of the partner landlords to the Leicestershire Choice Based Lettings scheme including Registered Provider partners may have slightly different eligibility rules. Home seekers are advised to check with the property landlord if they are unsure and to check the eligibility criteria on each property advert when bidding

AFFORDABILITY CALCULATIONS

The following limitations apply:

1. If the household has specialist needs that cannot be met within the local housing market then the rules will not be applied. For example, if the need is for wheelchair standard housing or the home seeker needs housing with support services, which is not available to buy or rent in the private sector.
2. If a household has support needs, the assessment will also take account of this in assessing the cost of meeting the household's needs in the local housing market. For example if the home seeker needs sheltered housing, which is available, but the level of the service charges is prohibitive.

The following thresholds will be used to assess whether a household has sufficient means to meet their needs in the private housing sector.

	Income limit £	Equity limit £	Savings limit £
Blaby	43,000	32,000	17,000
Charnwood	48,000	31,000	19,000
Harborough	56,000	36,000	22,000
Hinckley & Bosworth	43,000	29,000	17,000
Melton	49,000	31,000	19,000
North West Leicestershire	41,000	29,000	16,000
Oadby & Wigston	42,000	30,000	16,000

Figures are based on evidence within the Leicestershire Strategic Housing Market Assessment and updated to 2013 as follows:

Income limit - The lowest income required to buy an averagely priced home in the District with a 10% deposit and borrowing no more than 3.5 times combined income.

Equity limit - The Equity limit is based on the home seeker(s) having equity equivalent to 25% or more of the average price within the lower quartile of house prices in the District (i.e. the cheapest 25%). It is assumed this could be used to put down a deposit on a new home or be released and used to rent privately.

Savings Limit - The savings limit is equivalent to 10% of the cost of an average priced home in the District, or around 15% of the average price of a lower quartile priced home. It is assumed that the home seekers could use this as a deposit to buy a home or else use it to rent privately.

If the household fails **any** one of these three tests, then they will be excluded from the register.

The threshold amounts will be reviewed annually to take account of changes in housing market prices.

Contact Details

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

Visit us (Monday to Friday 8.45am – 5pm) at:

Housing Choices
North West Leicestershire District Council
Council Offices
Coalville
Leicester
LE67 3FJ

Write to us at:

Housing Choices
North West Leicestershire District Council
Housing Division
Council Offices
Coalville
Leicester
LE67 3FJ

Telephone:

0800 183 0357 (Monday to Friday 8.45am to 5pm)
01530 454789 - Out of Hours and weekends 24 hours 7 days a week

E- mail: housing.advice@nwleicestershire.gov.uk

Fax: 01530 454788

Website: <http://www.nwleics.gov.uk/housing%5Fhome/>