

**Nomination Agreement
between
Leeds City Council
and
Leeds and Yorkshire Housing Association
April 2013 - March 2016**

1.0 General Terms

- 1.1 This Nominations Agreement has been developed in accordance with the Housing Act 1996 (s170), The Homes and Communities Agency – Framework for Social Housing in England 2012, the DCLG Code of Guidance for Local Authorities in England and the DCLG 2011-15 Affordable Homes Programme - Framework.
- 1.2 The agreement sets out nomination arrangements between Leeds City Council and **Leeds and Yorkshire Housing Association** . The agreement covers the following elements:
- § Scope of the Nomination Agreement
 - § Lettings included in the Nomination Agreement
 - § Percentage of lettings to be made to Nominations
 - § Prioritisation of Nominations
 - § Accessing details of Nominees
 - § Vacancy led Nominations
 - § Housing Association Nomination selection criteria
 - § Rejecting Nominations
 - § Recording lettings to Nominees
 - § Informing customers
 - § Duty Discharge
 - § Removal of Priority
 - § Resetting Date of Registration
 - § Date of Registration Quota (DORQ)
 - § Monitoring Nominations
 - § Equal Opportunities
 - § Reviewing the Agreement
 - § Arbitration

2.0 Background

- 2.1 Leeds City Council are responsible for setting and managing the Council's Lettings Policy and manage and monitor the Nominations Agreement between Leeds City Council and Registered Providers (RPs) operating in Leeds. The Leeds Homes Team will administer this on behalf of the council.
- 2.2 A nomination is defined as a letting made to a customer from the Leeds Homes Register who is in 'housing need' i.e. priority extra and priority bands or is in a 'Direct let' category. The Housing Act (1996) states an allocation made by an RP following a nomination is considered an allocation made by the council.
- 2.3 Where a Nomination Agreement is in place, RPs are expected to meet Nomination targets outlined in the agreement, which is normally 50% of all allocations being to Nominated cases.

3.0 Scope of the Nomination Agreement

- 3.1 This agreement between Leeds City Council and **Leeds and Yorkshire** relates to all properties let by **Leeds and Yorkshire** within the Leeds City Council Boundary.

3.2 The following property types are included in the Nomination Agreement:

- § General Needs units provided with public funding
- § General needs units provided without public funding
- § Affordable housing units provided as a result of planning gain
- § Affordable Rent homes
- § Sheltered housing
- § Other properties as agreed by LCC and **Leeds and Yorkshire**
- § Those with Local Letting Plans

4.0 Lettings Included in the Nomination Agreement

4.1 All allocations made by **Leeds and Yorkshire** shall be included in the nomination agreement and considered a "true let", except the following:

- § Transfers (except where the customer has been awarded priority in line with Leeds City Council's Letting Policy)
- § Lettings by way of mutual exchange;
- § Tenancies created through assignment/ succession;
- § Supported housing projects subject to agreements with other statutory agencies;
- § Temporary lettings made as decants;
- § Other properties as agreed.

5.0 The Percentage of Nominations Covered by this Agreement

5.1 Leeds and Yorkshire have agreed to allocate 50% of all true voids to nominations.

5.2 For general re-lets on existing stock **Leeds and Yorkshire** will allocate 50% to Nominations, unless there is a site specific agreement under the arrangements below.

5.2 On new RP developments, social housing Units acquired through the Local Authority assistance (e.g. section 106 agreements) 100% of the first letting will be made to nominated cases in agreement with the authority and 75% will be made to nominated cases for any re-lets. The Council will require 2 months prior notification for Nominations to be provided.

5.3 On New RP developments, social housing units acquired without local authority assistance, 75% of the first letting will be made to nominated cases in agreement with the authority and 50% will be made to nominated cases for any re-lets

5.4 For Shared Ownership and the Low Cost Home Ownership properties, individual nomination rights will be set for each scheme at the development stage in collaboration with the Housing Association involved. These will be based in a range between 75% to 100% for initial lettings. Local Lettings Plans if used and nomination agreements will not apply to re-sales.

- 5.5 For Registered Providers that agree to 100% re-lets to nominated cases on developments subject to Local Lettings Plans advertising in the Leeds Homes magazine and web site will be free.
- 5.6 The RP must inform Leeds Homes of all new developments at the land acquisition stage. For developments requiring a Local Lettings Plan, proceedings must commence at least 6 months before completion to allow sufficient consultation to take place with Ward Members. For developments which fall under the general nomination agreement, Leeds Homes must be notified 8 weeks before completion to allow enough time to put forward nominees.
- 5.7 Nominations will be sought across all eligible lettings that become available in **Leeds and Yorkshire** stock and will as far as possible cover a cross section of the Association's stock as stipulated below:
- § Property Category: At least 50% of each property category - general needs units and specialist sheltered units will be allocated to Nominees;
 - § Property Type : At least 50% of each property type - house, flats, bungalows, maisonettes, and bedsits will be allocated to Nominees;
 - § Property Size: at least 50% of each size of property - 1 bed, 2 bed, 3 bed, 4 bed+ will be allocated to Nominees;
 - § Adapted Properties: at least 50% of adapted properties will be allocated to Nominees.
 - § By Estate: at least 50% of lettings in each estate / community will be allocated to Nominees.
- 5.8 At quarterly review meetings, **Leeds and Yorkshire** and Leeds City Council will discuss increasing or decreasing Nomination percentages on individual schemes to reflect changing patterns of housing need.

6.0 Customers Suitable to be a Nomination.

- 6.1 These arrangements will be subject to variation depending on the priorities of LCC and **Leeds and Yorkshire**. Any variation will be agreed jointly between both parties to this agreement.
- 6.2 Any customer rehoused by **Leeds and Yorkshire** who is in the Priority Extra, Priority or Direct Let categories of the Leeds City Council's Lettings Policy should be considered as a Nomination. For Sheltered properties General needs customers may also be accepted as nominations with the agreement of Leeds Homes
- 6.3 Where an applicant is registered under an Extra Care Management scheme or Witness Mobility scheme, they will be considered as a nomination. If such an applicant does not have an active Leeds Homes Application they can still be considered as a nomination with Leeds City Council's approval.
- 6.4 If **Leeds and Yorkshire** is unable to find a customer in Band A, Band B or requiring a Direct Let on the Leeds City Council's Lettings Policy, meeting their allocation criteria for a property, the RP will be

advised to consider the CBL route and advertise the property in the Leeds Homes flyer and website

- 6.5 If a property has been advertised, a customer bids and is rehoused from a priority band this will be regarded as a nomination. If there are no suitable customers in the priority band the RP may rehouse a customer in Band C. This must be in agreement with LCC. Where a customer in Band C has been re-housed over other customers in the Priority band who were not suitable the RP must provide LCC with bypass reasons for the other customers on the shortlist. A letting to a customer in the general needs will then be considered a nomination with Leeds City Councils approval.
- 6.6 In the case of a cross tenure mutual exchange, if either party was under occupying then the exchange can be counted as a nomination provided the exchange did not result in over/under occupation for either party.
- 6.7 Leeds City Council does not accept assumed or reverse nominations. Where an RP rehuses someone from their own waiting list who is not on the LHR in Priority need Leeds City Council can not count this towards the nominations target. In exceptional circumstances such as emergency rehousing or failure of all existing nomination channels, a nomination may be considered

7.0 Local Lettings Plans.

Where there is a Local Lettings Plan in place for a scheme this is included as an appendix to the Nomination Agreement

8.0 Accessing Details of Nominees.

- 8.1 Leeds and Yorkshire can access customers suitable to be a Nomination through:
- § Membership of the Leeds Homes Register joint Housing Register.
 - § Advertising properties through the Leeds Homes Choice Based Lettings scheme.
 - § Contacting Leeds City Council, through the Leeds Homes Team, for vacancy led Nominations.
- 8.2 Vacancy led Nominations will be undertaken where there are resources available within Leeds City Council. If there are not sufficient resources available, **Leeds and Yorkshire** will be required to consider the other two options to obtain Nominees.
- 8.3 **Leeds and Yorkshire** will advise Leeds City Council of all new developments coming into management at least 8 weeks before hand over (see point 5). The percentage to be offered for Nomination will generally have been set at the development stage. Where this is not the case it will be agreed at this stage. Leeds City Council will negotiate with **Leeds and Yorkshire** to agree the time scale to ensure properties are let promptly on completion. Wherever possible, new developments will be advertised through the Choice Based Lettings scheme. Additional space will be made

available in the advertisements where possible to promote the development.

- 8.4 Partners of the Leeds Homes Register should record all allocations using the Orchard system. Partners using Orchard should ensure that any customers rehoused are stated as so on the Orchard system to ensure the application is not left 'live'.
- 8.5 RPs wishing to advertise properties through Choice Based Lettings in the Leeds Homes flyer and website are required to submit properties details by 12:00PM on a Thursday for the property to be advertised in the next weekly flyer. After the week long bidding cycle, Leeds Homes will make available details of customers who have made expressions of interest in the property, from which the allocation should be made. **Leeds and Yorkshire** will notify Leeds Homes of the successful customer.
- 8.6 Leeds and Yorkshire should aim to rehouse a customer who has bid for the property from the advert and is in a priority need category. Where a property has been advertised Leeds Homes may agree to accept a nomination for a customer in Band C who has been rehoused. This will only be agreed if no suitable priority case customers had bid for the property or made available through the nomination route, and in this instance the RP must provide Leeds Homes with by pass reasons for the customers they chose not to rehouse.

9.0 Vacancy Led Nominations

- 9.1 RPs who are not members of the Leeds Homes Register and are not wishing to advertise properties through the CBL scheme can request Nominations from Leeds City Council for particular properties.
- 9.2 **Leeds and Yorkshire** will have to inform the Council:
- § Full address of property
 - § Property Type
 - § Number of bedrooms
 - § Rent levels
 - § Additional features e.g. Garden/ Adaptation
- 9.3 The council will provide details of five nominations where possible. This will be done within five working days. Information provided regarding the Nominees will include where possible:
- § Name
 - § Address
 - § Date of Birth
 - § Details of all people to be rehoused
 - § Telephone/ E mail contact details where available
 - § Priority under the council's lettings policy
 - § Information relevant to the customers & their needs, e.g. medical needs, support packages, any risk issues.
- 9.4 **Leeds and Yorkshire** will notify of the success or failure of the Nomination. If the Nomination is rejected by the association,

reasons for the rejection will be outlined. If the reasons for rejection are due to customers not meeting the letting criteria under the **Leeds and Yorkshire**, Leeds city council will provide a further five nominees.

- 9.5 If Leeds and Yorkshire are wishing to rehouse a case which they feel is suitable to be a nomination - i.e. the customer has advised the HA that they are in the Band A or Band B of the LHR, or waiting for a Direct let- they can contact the council to see if this can be classed as a nomination.
- 9.6 If Leeds Homes provide five suitable nominees, one of whom is made the offer of accommodation, the other nominees can be retained for future vacancies, without needing to contact Leeds City Council for additional nominees.

10.0 Housing Association Nominee Selection Criteria

- 10.1 All lettings decisions taken by **Leeds and Yorkshire** regarding Nominees will generally be made on the basis of their own lettings policy. If the association has to prioritise between two Nominated cases, it can do so on the basis of its own lettings policy.
- 10.2 Leeds City Council will send details of nominees in priority order, although the final decision on the allocation rests with **Leeds and Yorkshire**. If LCC has a case that it would like to be considered for rehousing before the other nominees, this will be indicated.

11.0 Rejecting Nominees

- 11.1 **Leeds and Yorkshire** is free to reject a customer as a Nominee if they are unsuitable under the organisations lettings policy.
- 11.2 RPs without the IT connection to the Orchard Housing Management system will inform Leeds City Council in writing of any Nominees who have been rejected with the reason for that rejection. This information will be provided with the lettings information.
- 11.3 The decision to refuse a Nomination must be made on a case by case basis, reasons for refusal must be seen as reasonable by the Leeds Homes. There cannot be a blanket ban on Nominations: Housing Act 1996 states "any application for an allocation of social housing under Part 6 of the Housing Act must be considered on its own merit, with all relevant matters considered". A nomination is an allocation under part 6 of the Housing Act.
- 11.4 If **Leeds and Yorkshire** reject all nominees, they should contact Leeds City council for additional nominations within five working days. Leeds Homes will send details of further nominees within five working days of any request.

12.0 Recording of Lettings to Nominations

- 12.1 RPs who have access to the Leeds Homes Register should record all lettings on the Orchard system, through the Nominations Module and through the CBL module if the property has been advertised. When the customer rehoused is considered a nomination, this should be flagged on Orchard. If training is required on the Orchard system, **Leeds and Yorkshire** should contact the Council.
- 12.2 Under procedures set up by LCC RPs should provide monthly details of all lettings , indicating which cases are lettings to Nominees. When the customer has been successfully rehoused, the full address of the customer and the tenancy commencement date should be indicated. The nationality and ethnicity of customers rehoused should also be completed on the monthly performance returns for each customer where this information is available. Lettings to Nominations should also be recorded correctly through the CORE (Continuous Recording) system by the RP.
- 12.3 Where a property is advertised through CBL, **Leeds and Yorkshire** should inform Leeds City Council of the outcome of the letting within a week of the final offer being accepted.
- 12.4 Details of lettings to social services extra care schemes, should also be included in Nomination returns.

13.0 Informing Customers they are Considered Nominations

- 13.1 Information regarding the Nominations Policy and agreement is available in the **Leeds and Yorkshire** and Council Lettings Policy and the summary booklet in the LHR Membership Pack.
- 13.2 When **Leeds and Yorkshire** makes an offer of accommodation to a Nominee, the customer should be informed that the offer is being made as a result of a Nomination. If the offer is refused, this could affect their priority status with the Council, as detailed in the following section

14.0 Duty Discharge for Statutory Homeless customers

As part of the nomination procedure for statutory homeless customers Registered Providers are asked to carry out the following:

- 14.1 **Leeds and Yorkshire** will notify Leeds Homes at the time of offering a property to a customer with a Statutory Homeless priority status so Leeds Homes can send out the appropriate correspondence to the customer to discharge its legal duty.
- 14.2 **Leeds and Yorkshire** will update Leeds Homes of the outcome of the offer to the customer, advising whether it has been accepted, refused or not replied to.

15.0 Removal of Priority

15.1 In cases where a customer with Band A or B priority unreasonably refuses a suitable offer of accommodation **Leeds and Yorkshire** will inform Leeds Homes. Leeds Homes will remove the customer's priority. The customer has the right to appeal against the Council's decision.

16.0 Date of Registration Reset

16.1 In cases where a customer in the Band C unreasonably refuses a suitable offer of accommodation **Leeds and Yorkshire** will inform Leeds Homes. Leeds Homes will reset the customer's date of registration to the date of refusal of the offer. The customer has the right to appeal against the Council's decision.

17.0 Date Of Registration Quota Nominations

17.1 Providers that use CBL for 95% of their lettings have the option to adopt the same policy as LCC under the date of registration quota (DORQ). Under the date of registration quota, up to 25% of properties can be advertised to give preference to customers with a connection to the locality with the longest date of registration on the Leeds Homes Register, regardless of their priority band. Lettings under the Date of Registration Quota will be treated as a nomination. Under DORQ preference for offers of accommodation will be given to customers:

- with the longest date of registration on the Leeds Homes Register
- with a connection to the housing office area. Local Connection is defined in terms of residence, employment and/or close family association within the Ward boundary of the vacant property
- who can demonstrate a history of good behaviour and
- who meet the lettings criteria (e.g. in terms of bedroom requirements, local lettings plan etc.)

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

The date of registration quota will apply to properties advertised across all geographical areas and property types, other than adapted and sheltered properties which will be advertised to give preference to customers requiring the adaptations and are excluded from the procedure.

18.0 Monitoring Nominations

18.1 To ensure the Nomination Agreement is working effectively , annual Nomination performance meetings will be held between the **Leeds and Yorkshire** and Leeds City Council.

18.2 Key areas to be discussed are:

- § Nomination performance over the last year
- § Quality of information provided on nominees
- § RP rejection of nominees
- § The Nomination Agreement
- § New schemes (where relevant).

18.3 Nomination performance shall be based on information recorded by Leeds City Council supplied by the RP and the Orchard Housing Management System.

18.4 Leeds Homes will report quarterly on **Leeds and Yorkshire** Nomination performance.

19.0 Equal Opportunities

19.1 Both **Leeds and Yorkshire** and Leeds City Council will ensure that within the rehousing and Nominations process there is no direct or indirect discrimination against any applicant on the grounds of race, sex, sexuality, mental health, physical disability, learning disability, religion or because they have HIV or Aids.

19.2 The council will monitor cases suitable to be Nominated to ensure there is no potential discrimination as outlined above. **Leeds and Yorkshire** must ensure there is no discrimination in the lettings process and will monitor lettings accordingly.

20.0 Reviewing the Nomination Agreement

20.1 This agreement lasts from 1st April 2013 until 31st March 2016

20.2 The agreement can be reviewed and modified at the Account Meetings if both parties agree.

20.3 Representatives from Leeds City Council and **Leeds and Yorkshire** will meet on an annual basis to review the Nomination Agreement.

21.0 Arbitration

21.1 Both parties will endeavour to work within the spirit of co-operation and partnership working to ensure the Nomination Agreement is met to the mutual benefit of both agencies.

21.2 If a dispute arises which cannot be resolved within this agreement, an appropriate organisation agreed by both parties will be called as arbiter.

Leeds and Yorkshire

Date:

Signed:

Leeds City Council

Date:

Signed: