

**Nomination Agreement
between
Leeds City Council
and
XXX**

April 2016 - March 2019

1.0 General Terms

1.1 This Nominations Agreement has been developed in accordance with the Housing Act 1996 (s.170 and s.213), The Homes and Communities Agency – Regulatory Framework for Social Housing in England 2012, the DCLG Code of Guidance Allocation of Accommodation: Guidance for Local Authorities in England and the DCLG 2015-18 Affordable Homes Programme.

1.2 RPs are regulated by the Homes & Communities Agency which, has issued guidance to RPs with respect to their management of housing accommodation. The Homes & Communities Agency Regulatory Framework for Social Housing in England 2012 requires housing associations to work with local authorities to enable them to fulfil their statutory duties to, among others, homeless people and people who have priority for an allocation of housing. Similarly the DCLG Guidance on Allocation of Accommodation, Chapter 6 sets out the requirements expected of RP's and their duties in rehousing customers under Nomination Agreements.

1.3 In particular, RPs must ensure that:

- their lettings policies are flexible, non-discriminatory and responsive to demand while contributing to inclusivity and sustainable communities;
- they can demonstrate their co-operation with local authorities on homelessness reviews, homelessness strategies and the delivery of authorities' homelessness functions;
- when requested, and to such extent as is reasonable in the circumstances, they provide a proportion of their stock (at least 50%) to housing authority nominations and as temporary accommodation for people owed a homelessness duty;
- following consultation with local authorities, criteria are adopted for accepting or rejecting nominees and other applicants for housing;
- applicants are excluded from consideration for housing only if their unacceptable behaviour is serious enough to make them unsuitable to be a tenant; and
- their lettings policies are responsive to authorities' housing duties, take account of the need to give reasonable priority to transfer applicants, are responsive to national, regional and local mobility and exchange schemes, and are demonstrably fair and effectively controlled.

1.4 Therefore, the overriding requirement for RPs in relation to homelessness is to demonstrate that they are co-operating with local authorities to enable them to fulfil their statutory duties.

1.5 This agreement sets out nomination arrangements between Leeds City Council and **XXX**. 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
- Registered Provider 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. Leeds Homes 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. Band A and Band B 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 **XXX** relates to all properties let by **XXX** 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
 - Extra Care housing
 - Other properties as agreed by LCC and **XXX**
 - Properties with Local Letting Plans

4.0 Lettings Included in the Nomination Agreement

- 4.1 All allocations made by **XXX** 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 For general re-lets on existing stock **XXX** 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 Local Authority assistance or built on Leeds City Council land (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 calendar months prior notification for Nominations to be provided.
- 5.3 On New RP developments, social housing units acquired without any 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 RP involved. These will be based in a range between 75% to 100% for initial lettings. Nominations will not be required for re-sales.
- 5.5 For RPs that agree to 100% re-lets to nominated cases on developments subject to Local Lettings Plans advertising through Leeds Homes Choice Based Lettings scheme will be free.
- 5.6 The RP must inform Leeds Homes of all new developments at the land acquirement stage. For developments requiring a Local Lettings Plan, proceedings must commence at least 6 calendar 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 **XXX** 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 annual review meetings, **XXX** and Leeds City Council will discuss increasing or decreasing Nomination percentages on individual schemes to reflect changing patterns of housing need. The percentages may also change at more regular intervals if both parties agree.

6.0 Customers Suitable to be a Nomination.

- 6.1 These arrangements will be subject to variation depending on the priorities of LCC and **XXX**. Any variation will be agreed jointly between both parties to this agreement.
- 6.2 Any customer rehoused by **XXX** who is in Band A, Band B or Direct Let categories of the Leeds City Council's Lettings Policy should be considered as a Nomination. For Sheltered properties customers in Band C may also be accepted as nominations with the prior 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 **XXX** is unable to find a customer in Band A, Band B or requiring a Direct Let from the nominations module the RP should advertise the property through the Leeds Homes CBL scheme.
- 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 all Band A and Band B customers have been exhausted and 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 and will be agreed on a case by case basis. Where a customer in Band C has been re-housed over other customers in the Priority band who were not suitable the RP must retain an audit trail with detailed bypass reasons for the other customers on the shortlist. A letting to a customer in Band C will then be considered a nomination with Leeds City Council's approval.
- 6.6 Leeds City Council does not accept assumed or reverse nominations. Where an RP rehouses someone from their own

waiting list who is not on the LHR in Priority need Leeds City Council cannot 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 **XXX** can access customers suitable to be a Nomination through:

- Advertising properties through the Leeds Homes Choice Based Lettings scheme
- Contacting Leeds City Council, through Leeds Homes, for vacancy led Nominations or generating nominations directly using the nominations matching module within the Housing Management system (see Section 9).

8.2 **XXX** will advise Leeds City Council of all new developments coming into management at least 2 calendar months beforehand over (see point 5). Leeds City Council will negotiate with **XXX** to agree dates for advertisements through CBL to ensure properties are let promptly on completion. All 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.

8.3 Partners of the Leeds Homes Register should record all allocations using Leeds City Council's Housing Management system. Partners using LCC's Housing Management system should ensure that any customers rehoused are stated as so on the system, to ensure the application is not left with a 'live' application. This should be done within 4 weeks of the customer's new tenancy commencing.

8.4 RPs wishing to advertise properties through Choice Based Lettings are required to submit property details by 12:00PM on a Thursday for the property to be advertised in the next cycle. After the 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. **XXX** will notify Leeds Homes of the successful customer.

8.5 The council will notify **XXX** of any changes to the weekly deadline by giving reasonable notice, for example, over the Christmas period.

8.6 RPs who have direct access to Leeds City Council's Housing management system can run shortlists directly. Any customers who are rehoused must have offers placed on their applications to prevent multiple offers from other parties. At point of tenancy commencement the RP is responsible for ensuring the customers application status is changed to 'rehoused' within the Housing

Management System. There will be a £10 discount entitlement on each CBL advertisement for all RPs who carry out these functions directly.

9.0 Vacancy Led Nominations

- 9.1 RPs who are not direct 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 vacant properties.
- 9.2 Vacancy led Nominations will be undertaken by Leeds Homes where there are resources available within Leeds City Council. If there are not sufficient resources available, **XXX** will be required to advertise all vacancies through the Leeds Homes CBL scheme.
- 9.3 **XXX** will have to inform the Council:
- Full address of property including postcode
 - Property Type
 - Number of bedrooms
 - Rent levels
 - Floor level
 - Bathroom standard
 - Level of adaptations
 - Additional features e.g. Garden/ Pets policy
- 9.4 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:
- Full 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.
- 9.5 **XXX** will notify the Council of the success or failure of the Nomination within 10 working days. 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 of the RP, Leeds City Council will provide a further five nominees.
- 9.6 If Leeds Homes provide five suitable nominees & one of them is made the offer of accommodation, the remaining nominees can be retained for future vacancies, without needing to contact Leeds City Council for additional nominees.

10.0 Registered Provider Nominee Selection Criteria

- 10.1 All lettings decisions taken by **XXX** 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 **XXX**. If LCC has a case that it would like to be considered for rehousing before the other nominees, this will be indicated.

11.0 Reference Requests

- 11.1 Where an RP has made an offer to a customer who has a tenancy with Leeds City Council a reference request may be sought from the local housing office. This must be done in writing using the agreed reference request pro forma. The local housing office will respond within 5 working days via email.

12.0 Rejecting Nominees

- 12.1 **XXX** is free to reject a customer as a nominee if they are unsuitable under the organisation's lettings policy.
- 12.2 RPs without direct access to Leeds City Council's 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 within 10 working days of receipt of the nominations.
- 12.3 The decision to refuse a nomination must be made on a case by case basis and reasons for refusal must be seen as reasonable by the Leeds Homes. There cannot be a blanket ban on nominations: The 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.
- 12.4 If **XXX** rejects 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.

13.0 Recording of Lettings to Nominations

- 13.1 RPs who have direct access to the Leeds Homes Register through Leeds City Council's Housing Management system should record all lettings through the Nominations Module or through the CBL module if the property has been advertised. If training is required on the Housing Management system, **XXX** should contact the Council.
- 13.2 Under procedures set up by Leeds City Council, all partner 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. Lettings to nominations

should also be recorded correctly through the CORE (Continuous Recording) system by the RP.

- 13.3 Where a property is advertised through the CBL scheme, **XXX** should inform Leeds City Council of the outcome of the letting within five working days of the final offer being accepted.
- 13.4 Details of lettings to social services extra care schemes, should also be included in nomination returns.
- 13.5 All RPs will be emailed a pro forma to complete nomination returns during the first week of the succeeding month. RP's are expected to return details of the allocations made during that month within 10 working days.

14.0 Informing Customers they are Considered Nominations

- 14.1 When **XXX** 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 by Leeds City Council. If the offer is refused, this could affect their priority status with the Council, as detailed in the following section xx.

15.0 Duty Discharge for Statutory Homeless customers

- 15.1 As part of the nomination procedure for statutory homeless customers Registered Providers are asked to carry out the following:
- 15.2 **XXX** 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.
- 15.3 **XXX** will update Leeds Homes of the outcome of the offer to the customer, advising whether it has been accepted, refused or not replied to.

16.0 Removal of Priority

- 16.1 In cases where a customer with Band A or B priority unreasonably refuses a suitable offer of accommodation **XXX** will inform Leeds Homes. Leeds Homes will consider removing the customer's priority. The customer has the right to appeal against the Council's decision.

17.0 Date of Registration Reset

- 17.1 In cases where a customer in the Band C unreasonably refuses a suitable offer of accommodation **XXX** will inform Leeds Homes. Leeds Homes may 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.

18.0 Date of Registration Quota Nominations

18.1 Providers that use the CBL scheme for 95% of their lettings have the option to adopt the same policy as Leeds City Council under the date of registration quota (DORO). 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.

Preference for offers of accommodation advertised in this way will be given to customers:

- with the longest date of registration on the Leeds Homes Register
- with a connection to the local Ward 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.)

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

18.3 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.

19.0 Monitoring Nominations and performance

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

19.2 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).

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

19.4 Leeds Homes will report quarterly on **XXX** Nomination performance and this information will be made available publicly.

19.5 Nominations performance will be reported to the Council's Housing Growth Team who will consider the level of performance when allocating Grant Funding for new developments, in partnership with the HCA.

20.0 RP employees and sub-contractors

20.1 The RP shall ensure its employees at all times are properly and sufficiently qualified, competent, careful, skilled, honest, experienced, instructed and supervised as the case may be with regard to their tasks and are suitable to perform the obligations of this agreement.

20.2 The RP warrants to the Council that it will use reasonable endeavours to ensure that the obligations of the RP under this agreement will be performed by appropriately qualified, trained and suitable personnel with reasonable skill, care and diligence.

20.3 All staff members employed by the RP must be signed up to the principles of the Information sharing agreement.
RPs are expected to conduct additional checks on allocations where the customer being considered for rehousing through a nomination is employed by the council or RP?

21.0 Confidentiality

21.1 All Registered Partners entering into this agreement will be expected to sign up to the joint Information Sharing Agreement which sets out requirements in terms of general information sharing.

21.2 Both parties shall treat as confidential all information it may obtain or receive in connection with this agreement and shall ensure that its employees, contractors and agents do the same.

21.3 Information obtained from the Housing Register shall only be used by the Registered Partner for the purposes of fulfilling the duties and obligations of this agreement.

21.4 Each party shall comply with the provisions of the Data Protection Act and shall be aware that any personal data shall not be disclosed except as required or permitted by the DPA or to prevent crime.

22.0 Equal Opportunities

22.1 Both **XXX** 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.

22.2 The council will monitor cases suitable to be nominated to ensure there is no potential discrimination as outlined above. **XXX** must

ensure there is no discrimination in the lettings process and will monitor lettings accordingly.

23.0 Reviewing the Nomination Agreement

- 23.1 This agreement lasts from 1st April 2016 until 31st March 2019
- 23.2 The agreement can be reviewed and modified at the Account Meetings if both parties agree.
- 23.3 Representatives from Leeds City Council and **XXX** will meet on an annual basis to review the Nomination Agreement.

24.0 Resolution of dispute

- 24.1 Section 170 of the Housing Act 1996 ("the 1996 Act") provides that where an RP has been requested by a housing authority to offer accommodation to people with priority under its allocation scheme, the RP must co-operate to such extent as is reasonable in the circumstances.
- 24.2 Similarly, s.213 of the Housing Act 1996 provides that where an RP has been requested by a housing authority to assist them in the discharge of their homelessness functions under Part 7, it must also co-operate to the same extent.
- 24.3 Both parties should work together in good faith and cooperation with a view to providing a high quality service.
- 24.4 RPs who fail to fulfil the obligations of this agreement will be expected to cooperate with Leeds City Council to improve performance.
- 24.5 RPs who continually fail to meet the obligations of this agreement will face appropriate sanctions and concerns will be reported back to DCLG and HCA.

25.0 Arbitration

- 25.1 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.
- 25.2 If a dispute arises which cannot be resolved within this agreement, an appropriate organisation agreed by both parties will be called as arbiter.

XXX
Date:

Signed:

Leeds City Council
Date:

Signed: