



### TO COUNCILLOR:

Dr N Alam  
L A Bentley  
G A Boulter  
J W Boyce  
Mrs L M Broadley  
F S Broadley

M H Charlesworth (Chair)  
D A Gamble  
Mrs S Z Haq  
Miss P V Joshi  
J Kaufman  
Mrs L Kaufman

K J Loydall  
D W Loydall  
Mrs S B Morris  
Dr I K Ridley (Vice-Chair)

I summon you to attend the following meeting for the transaction of the business in the agenda below.

**Meeting:** Policy, Finance and Development Committee  
**Date and Time:** Tuesday, 28 March 2023, 7.00 pm  
**Venue:** Council Offices, Bushloe House, Station Road, Wigston, Leicestershire, LE18 2DR  
**Contact:** Democratic Services  
**t:** (0116) 257 2775  
**e:** democratic.services@oadby-wigston.gov.uk

Yours faithfully

Council Offices  
Wigston  
23 March 2023

**Mrs Anne E Court**  
Chief Executive



**Meeting ID:** 2304



It has cost **£6.46** to print, package and post this single agenda update pack for this meeting.  
A full cost breakdown for all agenda packs for this meeting is provided further down.

| <u>ITEM NO.</u> | <u>AGENDA UPDATE</u>   | <u>PAGE NO'S</u> |
|-----------------|--|------------------|
| 10.             | <b>Approval of Garage Management, Housing Allocations and Repairs &amp; Maintenance Policies (March 2023)</b><br>Report of the Housing Manager | 2 - 66           |
| 12.             | <b>Proposed Empty Homes Strategy (2023-2028)</b><br>Report of the Selective Licensing Team Leader  | 67 - 87          |

**You can access all available public meeting documents  
and audio-visual live streams and recordings electronically on:**



Our website **oadby-wigston.gov.uk** under 'Your Council' and 'Meeting Dates, Agendas & Minutes'



Your smart **iPad, Android** or **Windows** device with the intuitive 'Modern.Gov' app



Our **YouTube** Channel available at **bit.ly/3vji3FY** or smart device with the 'YouTube' app.



Our audio platform **soundcloud.com/oadbywigstonbc** or smart device with the 'SoundCloud' app



**The cost breakdown for printing, packaging and posting the agenda update pack for this meeting (excluding any carbon footprint impact) is calculated as follows:**

|   | <b>This agenda pack (1)</b> | <b>All agenda packs (9)</b> |
|---|-----------------------------|-----------------------------|
| <b>Paper, ink and envelope</b><br>(A4 white, colour, C4 envelope) | £4.72                       | £42.48                      |
| <b>Postage</b><br>(1st class, large)                              | £1.74                       | £15.66                      |
| <b>Officer time</b><br>(Pro rata hourly rate)                     | n/a                         | £12.50                      |
| <b>Total cost(s)</b>  | <b>£6.46</b>                | <b>£70.64</b>               |

Please contact Democratic Services to discuss the more cost-effective and environmentally-friendly options available for receiving this agenda pack, including any IT and/or training requirements.



|  |                               |  |
|--|-------------------------------|--|
| <b>Policy, Finance and Development Committee</b> | <b>Tuesday, 28 March 2023</b> | <b>Matter for Information and Decision</b> |
|--|-------------------------------|--|

**Report Title:** **Approval of Garage Management, Housing Allocations and Repairs & Maintenance Policies (March 2023)**

**Report Author(s):** **Chris Eyre (Housing Manager)**

|   |  |
|---|--|
| <b>Purpose of Report:</b>   | To seek the Committee’s approval to adopt and bring into effect an updated Housing Allocations Policy, Garage Management Policy and a new Repairs and Maintenance Policy.  |
| <b>Report Summary:</b>  | This report provides a summary of the three policies and, for the policies that are being updated, sets out the main changes, and the reasons for making the changes.  |
| <b>Recommendation(s):</b>   | <b>That the Council adopts and brings into effect the following new/updated Housing Allocations Policy, Garage Management Policy and Repairs and Maintenance Policy</b>  |
| <b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b> | <p>Tracy Bingham (Director S151 Officer)<br/>(0116) 257 2845<br/><a href="mailto:tracy.bingham@oadby-wigston.gov.uk">tracy.bingham@oadby-wigston.gov.uk</a></p> <p>Adrian Thorpe (Head of Build Environment)<br/>(0116) 257 2645<br/><a href="mailto:adrian.thorpe@oadby-wigston.gov.uk">adrian.thorpe@oadby-wigston.gov.uk</a></p> <p>Chris Eyre (Housing Manager)<br/>(0116) 257 2726<br/><a href="mailto:chris.eyre@oadby-wigston.gov.uk">chris.eyre@oadby-wigston.gov.uk</a></p> <p>Sunny Basran (Strategy and Performance Officer)<br/>(0116) 257 2853<br/><a href="mailto:sunny.basran@oadby-wigston.gov.uk">sunny.basran@oadby-wigston.gov.uk</a></p> |
| <b>Strategic Objectives:</b>  | Our Council (SO1)  |
| <b>Vision and Values:</b>   | Accountability (V1)<br>Customer Focus (V5)   |
| <b>Report Implications:-</b>  |  |
| Legal:  | There are no implications arising from this report.  |
| Financial:  | There are no implications arising from this report.  |
| Corporate Risk Management:  | No corporate risk(s) identified  |
| Equalities and Equalities Assessment (EA):  | There are no implications arising from this report.<br>Initial EA Screening (See Appendices).  |
| Human Rights:   | There are no implications arising from this report.  |

|                                       |   |
|---------------------------------------|---|
| Health and Safety:                    | There are no implications arising from this report.   |
| <b>Statutory Officers' Comments:-</b> |   |
| Head of Paid Service:                 | The report is satisfactory.   |
| Chief Finance Officer:                | The report is satisfactory.   |
| Monitoring Officer:                   | The report is satisfactory.   |
| <b>Consultees:</b>                    | <ul style="list-style-type: none"> <li>• Senior Leadership Team</li> <li>• List of consultees located within section 2.1</li> </ul>   |
| <b>Background Papers:</b>             | None.   |
| <b>Appendices:</b>                    | <ol style="list-style-type: none"> <li>1. Housing Allocations Policy (March 2023)</li> <li>2. Garage Management Policy (March 2023)</li> <li>3. Repairs and Maintenance Policy (March 2023)</li> <li>4. Equalities Assessment Housing Allocations Policy</li> <li>5. Equalities Assessment Garage Management Policy</li> <li>6. Equalities Assessment Repairs and Maintenance Policy</li> </ol> |

## 1. Background

1.1 The Council is committed to providing a cost effective and efficient service whilst meeting it's legal and contractual obligations. In 2021, the Housing Department commenced a programme of work to review the Housing Allocations Policy and the Garage Management Policy to ensure that housing services are being delivered in line with guidance and legislation; are delivering effective landlord services; and, are responding to recommendations made by the Internal Audit Team.

1.2 The Repairs and Maintenance Policy is a new policy.

## 2. Housing Allocations Policy

2.1 The current Policy was approved in July 2018 and describes the mechanisms by which the Council assesses applications to join the Housing Register. This enables the Council to allocate vacant properties from a shortlist of potential applicants.

2.2 Since the introduction of the current Policy, the Homelessness Reduction Act 2017 has come into effect. This was one of the main drivers for reviewing the Policy. The changes to the Policy will enable the Council to comply with legislation and reduce the risk of a legal challenge.

2.3 The review was also designed to strengthen the Housing Need Assessment so that those people experiencing financial difficulties are given a higher priority than was previously permitted through the Policy. In addition, it will improve working practices to ensure that the Housing Register prioritises those applicants in the greatest need and reflects significant socio-economic challenges.

2.4 The new Housing Allocations Policy is attached as **Appendix 1**.

2.5 **Table 1** provides a summary of the main changes to the Housing Allocations Policy with a brief description for the reason for the change.

| <b>Current Policy</b>                                | <b>Section/Paragraph Amended</b>  | <b>Reason for Amendment</b>  |
|--|---|--|
| Not addressed  | 9.2.2 Under 18 (New insertion)  | To identify the exceptional circumstances where an applicant under the age of 18 would be considered to join the Housing Register                |
| Not addressed  | 9.2.5 Lack of Capacity (New insertion)  | To enable the Council to treat applicants as non-qualifying if they are considered to lack the capacity to sustain a tenancy                     |
| Not addressed  | 9.2.7 Home Owners (New insertion)   | To enable the Council to treat applicants as non-qualifying if they own a residential property in the UK   |
| Not addressed  | 9.2.8 Fraud (New insertion)   | To enable the Council to treat applicants as non-qualifying if they have committed fraud in respect of their housing application                 |
| Not addressed  | 9.2.9 Deliberately Worsening Housing Circumstances (New insertion)                                  | To enable the Council to treat applicants as non-qualifying if they have deliberately worsened their housing circumstances                       |
| 5.8 Sheltered and Supported Accommodation            | 17.6 Sheltered Housing  | The age to be considered for sheltered accommodation has been raised from 50 to 60   |
| Not addressed  | 16. Sensitive Lets (New insertion)  | Enables the Council to operate outside of the banding framework where it may be inappropriate to let an applicant a vacant property              |
| Not addressed  | 21. 3 Offer Rule (New insertion)  | To enable the Council to suspend an application for 12 months where an applicant has refused 3 suitable offers                                   |
| Not addressed  | 22. Local Lettings Policies (New insertion)   | To inform that the Council may develop a local lettings policy to address neighbourhood concerns and/or ensure communities are mixed/sustainable |
| Not addressed  | 23. Reciprocals (New insertion)   | Enables the Council to enter into a reciprocal arrangement with another authority or registered provider   |
| Not addressed  | 24. Exceptional Circumstances (New insertion)   | Enables the Council to depart from policy where it considers an individual's circumstances warrant this  |
| Not addressed  | 20.7 Non-Bidders (New insertion)  | Enables the Council to review applications where no bids have been made in 6 months  |
| Not addressed  | 20.8 Direct Offers (New insertion)  | Enables the Council to make direct offers of accommodation   |
| Low Housing Need Band (page 18 - first bullet point) | 18.2.4 Joint Tenants  | To widen the criteria from housing association tenants to include all joint tenants irrespective of landlord type                                |
| 4. Welfare need to move (page 19)                    | 18.3.5 Welfare Need to Move<br>Criteria added in respect of applicants suffering financial hardship | Enables those applicants experiencing financial hardship to be considered for the medium housing need band under the welfare need to move        |

### 3. Garage Management Policy

- 3.1 The Council owns 229 garages and parking spaces throughout the Borough. The current Garage Management Policy was approved in 2014. The main purpose of the review was to ensure that optimum use is made of the garage sites, and to improve the allocation and management processes associated with the Council's garages.
- 3.2 The new Garage Management Policy is attached as **Appendix 2**.
- 3.3 **Table 2** provides a summary of the main changes to the Garage Management Policy with a brief description for the reason for the Change.

| Current Policy  | Section/Paragraph Amended  | Reason for Amendment  |
|---|--|---|
| Part 2: Aims (bullet point 3)<br>To prioritise lettings to existing tenants | Part 2: Aims (bullet point 3) Apply a local lettings approach  | To give priority to the applicants whose flat or house adjoins the available garage   |
| New insertion   | 2. Purpose (bullet point 5)<br>Ensure that garages are kept in a good state of repair, are well managed and fully occupied | The requirement to ensure that garages are kept in a good state of repair, are well managed and fully occupied has been enhanced to clarify awareness of responsibilities |
| Part 3: Roles and Responsibilities  | Part 3: Roles and Responsibilities   | Table of teams and officers removed   |
| Part 4: Waiting List  | 5. Eligibility (5.2 - bullet point 4)  | Clarification that an application may be refused for history of poor behaviour  |
| Part 5: Management (paragraph 2)  | 6. Use of Garage   | Amendments to improve awareness and clarity   |
| New insertion   | 11. Repairs, Management and Maintenance  | Amendments to inform responsibilities of licensee and the Council   |

### 4. Repairs and Maintenance Policy

- 4.1 The Housing Repairs and Maintenance Policy is a new policy and is attached as **Appendix 3**. The policy serves to define the principles that guide the repair and maintenance activities and the service standard that will be implemented to ensure tenants homes are well maintained by an efficient and effective Repairs and Maintenance Service.
- 4.2 The Housing Repairs and Maintenance Policy has been developed to meet the legislative and regulatory requirements, to respond to tenant's needs, and improve satisfaction with the homes they live in.
- 4.3 Additional and separate Policies in respect of Damp and Mould Management and Capital Works Programme are currently in development will be brought forward separately during 2023.



**Oadby & Wigston**  
BOROUGH COUNCIL

# Housing Allocations Policy

## 2023

|   |                                 |
|---|---------------------------------|
| <b>Policy Owner</b>                             | Louise Taylor                   |
| <b>Date approved by Housing Service Manager</b> |                                 |
| <b>Committee</b>                                | Policy, Finance and Development |
| <b>Committee Approval Date</b>                  |                                 |
| <b>Implementation Date</b>                      |                                 |
| <b>Review Date</b>                              |                                 |
| <b>Version</b>                                  | 10                              |

## Contents

|  |         |
|--|---------|
| 1. Introduction .....                          | Page 2  |
| 2. Legal Framework .....                       | Page 2  |
| 3. Statement on Choice .....                   | Page 3  |
| 4. Equalities Statement .....                  | Page 3  |
| 5. Data Protection .....                       | Page 3  |
| 6. The Housing Register .....                  | Page 3  |
| 7. Who can Apply? .....                        | Page 4  |
| 8. Eligibility .....                           | Page 4  |
| 9. Qualifying and Non-Qualifying Persons ..... | Page 4  |
| 10. Review of the Housing Register .....       | Page 9  |
| 11. Property Size and Type .....               | Page 9  |
| 12. Mobility Needs .....                       | Page 10 |
| 13. The Right to Move .....                    | Page 11 |
| 14. Transfer Applicants .....                  | Page 11 |
| 15. Nominations .....                          | Page 12 |
| 16. Sensitive Lets .....                       | Page 12 |
| 17. Application .....                          | Page 12 |
| 18. The Banding Scheme .....                   | Page 13 |
| 19. Advertising .....                          | Page 20 |
| 20. Bidding .....                              | Page 20 |
| 21. 3 Offer Rule .....                         | Page 22 |
| 22. Local Lettings Policy .....                | Page 22 |
| 23. Recipricols .....                          | Page 22 |
| 24. Exceptional Circumstances .....            | Page 23 |
| 25. Appeals .....                              | Page 23 |
| <br>   |         |
| Appendix 1 - Property Size and Type .....      | Page 24 |
| Appendix 2 – Banding Summary .....             | Page 25 |

## 1. Introduction

- 1.1 This is Oadby & Wigston Borough Council's Choice Based Lettings and Housing Allocations Policy. It explains the rules, criteria and procedure that determine how Oadby & Wigston Borough Council allocates social housing properties to Qualifying Registered Persons.
- 1.2 Amendments to the law have been designed to give applicants greater choice, to ensure that reasonable preference is given to applicants in the greatest need and to create an Allocation Scheme that can easily be understood by applicants. As such the main principles behind this policy are:
- to meet the legal requirements for the allocation of affordable housing
  - to ensure appropriate levels of priority are afforded to applicants
  - to let properties in a fair and transparent way
  - offer applicants choice about the areas where they want to live, within the constraints set by the availability of social housing in the borough
  - to encourage and support sustainable communities and social inclusion
  - to ensure applicants are treated fairly, individually and in accordance with the commitment to equality and diversity
  - to support and assist vulnerable applicants so that they are able to actively participate in the Oadby & Wigston Borough Council Choice Based Lettings Scheme
  - 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
  - give a higher priority for rehousing to eligible applicants who have a local connection to Oadby & Wigston Borough Council, than those with similar housing needs who have no such connection

## 2. Legal Framework

- 2.1 The Housing Act 1996 (Part 6), as amended by the Homelessness Act 2002 and Localism Act 2011, requires local authorities to have an allocations policy for determining priorities and for defining the procedure to be followed in allocating housing accommodation.
- 2.2 This Housing Allocations Policy has taken into account all legal requirements and gives due regard to the Government's 'Allocation of Accommodation; guidance for local authorities in England'<sup>1</sup>.
- 2.3 This Allocations Policy provides a framework for assessing housing need, priority and determining who will be nominated to Registered Providers for housing. Registered Providers have previously been known as Housing Associations.
- 2.4 An allocation of accommodation within the Housing Act 1996 (Part 6) is when the local authority either:
- selects a person to be a secure or introductory tenant of accommodation held by the authority

---

<sup>1</sup> <https://www.gov.uk/guidance/allocation-of-accommodation-guidance-for-local-authorities>

- nominates a person to be a secure or introductory tenant of accommodation held by another housing authority
- nominates a person to be an assured tenant of accommodation held by a Registered Provider

2.5 This Policy also has regard to the Domestic Abuse Policy 2022.

### **3. Statement on Choice**

- 3.1 Oadby & Wigston Borough Council seeks to give every eligible applicant choice in relation to accommodation and is committed to enabling applicants to play an active role in choosing where and in what type of property they want to live in.
- 3.2 This Housing Allocations Policy does ensure that those applicants who are in urgent housing need are given reasonable preference within the choice-based lettings scheme.
- 3.3 The Council may have to limit choice in certain circumstances, such as where there is limited availability or where the Council is discharging a statutory duty to a homeless household.

### **4. Equalities Statement**

- 4.1 The Public Sector Equality Duty requires public bodies and others carrying out public functions to have due regard to the need to eliminate discrimination, to advance equality of opportunities and foster good relations.
- 4.2 Oadby & Wigston Borough Council's allocation scheme promotes equal opportunities in the services it provides. Our aim is to implement and maintain services which ensure that no potential or current applicant 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.
- 4.3 Our allocations scheme operates in accordance with the Council's Equality and Diversity Statement, which can be found at [www.oadby-wigston.gov.uk/pages/equality\\_and\\_diversity](http://www.oadby-wigston.gov.uk/pages/equality_and_diversity).

### **5. Data Protection**

- 5.1 Any information provided as part of the application process will be treated in the strictest confidence and in accordance with current data protection legislation. The Council's corporate statement on data protection is available on the Council's website at [www.oadby-wigston.gov.uk/pages/data\\_protection](http://www.oadby-wigston.gov.uk/pages/data_protection).

### **6. The Housing Register**

- 6.1 Oadby & Wigston Borough Council maintain a register of applicants who are interested in being housed by the Council or Registered Providers operating in the Borough. Properties that become available to let will normally only be allocated to applicants on the Housing Register.

## **7. Who Can Apply?**

7.1 Any person aged 18 and over can apply to join the Housing Register provided that they:

- are eligible for an allocation of accommodation, and
- qualify for an allocation of accommodation

## **8. Eligibility**

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

8.2 Only applicants that are eligible can be included on the Housing Register. In respect of Immigration Control;

### **I. Applicants that are subject to Immigration Control**

A person that is subject to Immigration Control will be ineligible for an allocation of accommodation unless they fall within a category of persons as prescribed by regulations made by the Secretary of State.

### **II. Applicants that are not subject to Immigration Control**

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

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

## **9. Qualifying & Non-Qualifying Persons**

### **9.1 Qualifying Persons**

Applicants that do qualify for an allocation of social housing under this scheme are set out below.

#### **9.1.1 Members of HM Forces**

You will qualify for an allocation of social housing if you are a serving or former member of the:

- Regular Armed Forces
- Reserve Forces
- Territorial Army, or if

- You have left those forces in the last five years and you have not been dishonourably discharged

## 9.2 **Non-Qualifying Persons**

Even though an applicant may be eligible, there are certain applicants that do not qualify for an allocation of social housing under this scheme:

### 9.2.1 Without Local Connection

A local connection is defined as an applicant that;

- has lived in the Borough for the past 2 years
- has lived in the Borough for a total of 3 or more years out of the past 5 years
- is currently working in the Borough either on a permanent or temporary contract running for a minimum of 12 months (usually those working less than 16 hours a week will be treated as non-qualifying)
- needs to give or receive care or support to direct family members who have been living in the Borough for the past 5 years. Direct family members include husbands, wives, civil partners, parents, sons, daughters, brothers, and sisters.

Applicants will need to demonstrate the need to move nearer to the direct family member. This is only available to applicants whose main residence is outside of Oadby & Wigston Borough boundary at the point of application.

Banding awards for such cases will be determined by the Housing Options Team Leader who will take into consideration a variety of factors such as, but not limited to:

- the level of care/support required
- the impact the care/support will have
- the distance that any relatives are currently travelling
- can demonstrate other exceptional or special circumstances

### 9.2.2 Under 18

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

- where a young person has been accepted as being owed a statutory homelessness duty
- where a request has been made by the Leicestershire County Council Children's Services Department for one of their care leavers

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

### 9.2.3 Financial Resources

If it is considered that you have sufficient resources/equity in your home to resolve your housing situation, then you will not be eligible to join the housing register.

The Council needs to ensure that there is a balance between affordability and availability of accommodation in the Borough. Therefore, a range of factors based on your specific circumstances and your ability to access either the private rented sector, intermediate housing tenures (such as shared ownership & discount for sale) or owner occupation will be taken into consideration.

The following limits apply:

- 1) If the household has specialist needs that cannot be met within the local housing market, then these rules will not be applied. For example, if the need is for a wheelchair standard housing, or the applicant 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 this into account in assessing the cost of meeting the household's needs in the local housing market. For example, if the applicant 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 by renting or buying. Unless there are exceptional circumstances, if the household income, savings or equity exceed the threshold set, the applicant will not be eligible to join the housing register.

|           | Household Income limit (gross*) | Equity limit | Savings limit |
|-----------|---------------------------------|--------------|---------------|
| Threshold | £45,000                         | £32,000      | £17,000       |

#### *Notes*

- *figures are based on evidence within the Leicestershire Housing and Economic Development Needs Assessment 2017*
- *the threshold amounts will be reviewed annually to take into account of changes in housing market prices*
- *\*Gross income includes all income including DWP benefits, child maintenance payments, pensions and wages before any taxation or other statutory deductions are made, this includes income that is regularly disregarded for certain local taxation, universal credit, housing benefit and other purposes*

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

This qualification criteria does not apply to existing Oadby & Wigston Borough Council tenants.

#### 9.2.4 Housing Related Debt

Applicants who owe more than £300 in housing related debt (rent arrears, court costs, rechargeable repairs, rent deposit loans etc) to any Council or landlord (social or private) and who are not able to show that they have a payment plan in place that is up to date and shows at least 12 weeks consecutive payments. Debt through genuine hardship will not be included in this criteria.

#### 9.2.5 Lack of Capacity

Applicants who are considered to be unsuitable to be a tenant or lack the capacity to sustain a tenancy. This decision will only be made in light of strong evidence and then only if such a decision is considered reasonable and proportionate by Oadby & Wigston Borough Council.

#### 9.2.6 Unacceptable Behaviour

Applicants will be treated as non-qualifying to join the Housing Register if they, or a member of their household have caused unacceptable behaviour serious enough to make them unsuitable as a tenant such as:

- behaviour that is likely to result in the granting of an outright possession order on any ground
- behaviour which would entitle the landlord to gain an outright possession order
- committing certain criminal offences in or near the home or posing a threat to neighbours, the community, staff from the Council, the Council's contractors or Registered Providers or their contractors
- have been convicted of offences relating to; violence, harassment, racial harassment, threatening behaviour or any form of anti-social behaviour (ASB)
- committing social housing or benefit fraud such as illegal subletting or obtaining a tenancy by deception

When making this decision the Council will consider whether it is reasonable and take into account all relevant factors such as health, dependants etc. In addition, consideration will be given to the length of time that has lapsed since the unacceptable behaviour occurred, if there has been a factual change in the applicant's circumstances and whether the applicant can prove a change in their behaviour.

#### 9.2.7 Home Owners

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

The Council, at the discretion of the Housing Manager, may allow a home owner to join the Housing Register in exceptional circumstances, for example; where an owner occupier who has a disability and who is unable to meet their housing needs from their own resources and requires an adapted property.

### 9.2.8 Fraud

Section 171 of the Housing Act 1996 makes it an offence for anyone, in connection with the exercise by a housing authority of its functions under Part VI, to knowingly:

- give false information
- withhold relevant information which the Council has reasonably required the applicant to give in connection with the exercise of those functions

The circumstances in which an offence is committed could be:

- on an application form for social housing
- in response to a request for further information in support of the application
- during a review process
- failing to notify the Council of any relevant change to their situation

Any applicant found guilty of such an offence will be liable to a fine, which could currently be as much as £5,000.

Ground 5 in Schedule 2 of the Housing Act 1985 (as amended by s.146 of the 1996 Act) enables the Council to take action to repossess any tenancy obtained by the provision of false information or by the withholding of relevant information, by the applicant or a person acting on behalf of the applicant.

### 9.2.9 Deliberately Worsening Housing Circumstances

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

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

### 9.2.10 Joint tenants

In the case of an allocation to 2 or more persons jointly, at least one of the persons must be a qualifying person (section 160ZA(6)(b)) and all of them must be eligible.

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

9.4 Applicants treated as non-qualifying will be informed in writing of the reason why their application has been rejected. They will have the opportunity to appeal against the decision if they feel it is incorrect. Any applicant who has been refused entry onto the Housing Register and believes their circumstances have changed and that they should

now be considered as qualifying persons should complete a new housing application form.

The applicant will need to show that since their previous application was submitted their circumstances or behaviour have changed.

## **10. Review of the Housing Register**

- 10.1 The Council will undertake regular reviews of the Housing Register. Applicants will be contacted and asked to confirm whether they want to remain on the register and whether their circumstances have changed. Applicants will be expected to respond to the review within 14 days. Failure to respond will result in notification being sent advising the applicant that their registration will be cancelled unless the Council has received a response within a further 14 days.
- 10.2 Applicants can 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 an applicant has been in hospital for the duration of the review and does not have a contact who could have responded on their behalf.
- 10.3 A request to reinstate the application should be made in writing to the Council. If the applicant does not agree with the decision of the Council they have a right to request a review of this decision.

## **11. Property Size and Type**

- 11.1 The following rules will be used to determine the size of accommodation needed by a household. A separate bedroom is needed for each of the following:
- Every adult married or cohabiting couple or single parent
  - Every person aged 16 years or more
  - Two children aged 10-16 of the same sex (sharing a room)
  - Two children aged 10 years regardless of sex (sharing a room)
  - Any other child
- 11.2 Rooms that are in use for other purposes but could be used as bedrooms (including dining rooms, living rooms, studies etc) will also be included in the calculation.
- 11.3 The minimum size for a room to qualify as a bedroom is 6.5m<sup>2</sup>.
- 11.4 A single parent household is entitled to the same size accommodation as a two parent household with the same number of children.
- 11.5 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 date of delivery is within 3 months.
- 11.6 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.

- 11.7 A child must live at the address as their main home in order for them to be classed as a permanent resident. Usually the care giver at this address will be the person in receipt of child benefit or tax credits. Exceptions will be considered, for example, in circumstances where the child resides away from the applicant on a temporary basis but their permanent home is with the applicant.
- 11.8 Where a parent has access to their children but does not provide the main family home, an additional bedroom may be awarded to allow the children to sleep over. In order to qualify the parent would need to be providing at least two nights of secondary care on a regular basis and be able to afford the larger accommodation. Only a maximum of one additional bedroom would be granted regardless of the number of children involved. The Council will require evidence to support this.
- 11.9 Where the applicant 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 Leicestershire County Council Children's Services Department will approve the applicant as a foster carer subject to availability of suitable size accommodation.
- 11.10 Applicants awarded priority on the basis of having a bedroom shortage may be bypassed if they bid successfully on a like-for-like property. For example, if an applicant lives in a 3 bed house but only requires a 2 bed house and bids on another 3 bed house, they will be bypassed on the shortlist for that property.
- 11.11 Large families (i.e. those with five or more children) may be given additional priority over similar households for properties with four or more bedrooms.
- 11.12 Applicants will be allowed to bid for the size and type of property as shown in **Appendix 1**. In some circumstances the opportunity may be given to bid for larger properties where they are in low demand.

## **12. Mobility Needs**

- 12.1 There is a separate assessment process for people with some form of mobility problem. For example, where a member of the household:
- is no longer able to climb stairs or get into a bath
  - has a visual impairment
  - had an accident or illness that has affected their mobility
  - has a child whose mobility is restricted
  - has some other medical condition of which they have notified the Council

### **12.2 Mobility Needs Assessment**

Applicants with mobility problems are able to detail these in the medical section of the housing application form. It has questions about mobility problems, the type of property that would be suitable and any adaptations that would be required to the property. It may require further investigation which usually involves considering documentary evidence supplied by the applicant. There may be occasions when the Council has to request information from health practitioners. By completing the assessment the applicant is assumed to give consent for the Council to make additional enquiries and

to seek alternative medical options. This is an integral part of the Councils obligation under the Housing Act to process and make decisions.

12.3 There are three housing mobility categories for properties:

1. General – no specific adaptations or minor or low level adaptations i.e. grab rail
2. Level Access Shower – these properties have a ‘level access shower’ but fall short of being fully wheelchair accessible
3. Fully wheelchair accessible – however, it should be noted that these properties might not meet the full requirements of all wheelchair users

12.4 If the applicant is a wheelchair user or needs a wheelchair accessible property an assessment from a suitably qualified person such as an Occupational Therapist may be required.

12.5 The general principle is that the Council can allocate or nominate a household to a property that is suitable for their needs i.e. allocating a home with a Level Access Shower to a household requiring a Level Access Shower.

12.6 The Council cannot allocate or nominate to a home that does not meet the household’s needs currently unless the level of adaptation is relatively minor (e.g. a grab rail is needed).

### **13. The Right to Move**

13.1 Oadby & Wigston Borough Council expects 1% of lettings to go to social tenants exercising their ‘Right to Move’. This figure has been set at 1% for the following reasons:

The Borough is a compact geographical area of 9 square miles and is well served by transport including a train station, buses and a network of cycle-ways from the main residential areas both in and outside the Borough. As such claims to exercise the Right to Move on distance and travel grounds are anticipated to be lower than would be the case in a more extensive and rural area. In addition, whilst there are specialist employers in the Borough, much of the employment opportunities are of a type and nature which are abundantly available elsewhere such as the neighbouring City of Leicester which may also mitigate the number of successful claims under the Right to Move.

13.2 Accepted ‘Right to Move’ cases will normally be awarded the ‘medium band’.

### **14. Transfer Applicants**

14.1 The Council will advertise certain properties with preference given to existing Oadby & Wigston Borough Council tenants. This will not exceed 25% of anticipated annual vacancies.

14.2 A Registered Provider may also use the system to advertise properties to their existing tenants as long as the empty property does not come from the vacancies assigned to the Council under the agreed nomination arrangement.

## **15. Nominations**

- 15.1 Agreements exist between Oadby & Wigston Borough Council and the registered social landlords which operate within the Borough. Whilst the majority of registered providers vacancies are advertised through the choice based lettings scheme, there will be some registered providers who advertise vacant properties through their own website. Applicants need to apply directly to the registered provider for these vacancies.
- 15.2 When a registered provider wants to use our choice based lettings scheme to advertise a vacancy, they will ask the Council to nominate a person from the Council's own housing register for consideration for these vacancies. The nominee's application will have been assessed using the same criteria as other applicants on the housing register and the property advertised and shortlisted in the same way through the choice based lettings scheme. When a nomination is made, a registered provider may have additional criteria they wish to apply in line with their own policies.

## **16. Sensitive Lets**

- 16.1 In certain circumstances properties and applications will be considered outside of the banding framework set out in this Housing Allocations Policy. Such circumstances include:
- Where it may be inappropriate to let an individual vacant property in line with the usual letting arrangements – for example, where a property is vacant because the previous occupant was guilty of persistent anti-social behaviour
  - Where there has been behaviour on the part of an applicant which affects;
    - Their suitability to be a tenant in an area for which they have expressed a preference – for example where they have harassed or caused a nuisance
    - An individual or family living in that area
- 16.2 Decisions in such cases are authorised by the Housing Manager (or other council officer of same or higher grade).

## **17. Application**

- 17.1 To apply to the Housing Register, applicants are required to complete an online application form at [www.oadbywigstonhomes.org](http://www.oadbywigstonhomes.org).
- 17.2 In all circumstances the Council will require proof of identity along with other supporting proofs as detailed on the application form for the application to be fully registered.
- 17.3 You can only include the following people on your housing application:
- You and your partner
  - Children under 18 who are dependent on you or your partner\*
  - Your non-dependent children or parents who have lived with you for the past 12 months

- Those household members who were listed on the previous application that led to rehousing with Oadby & Wigston Borough Council

\*For the purposes of the Housing Allocations Policy, a dependent child is defined as being under 18 years and being the natural or adopted children of the applicant or his/her partner; under 18 years old and subject to a legal residence order; or under 18 years old and in the care of the Local Authority.

17.4 In addition, where there are extenuating circumstance for people who are not part of your immediate family but have an exceptional need to live with you as part of the household to give or receive care or support, consideration will be given to individual cases by the Council.

17.5 A person can only be on one application for housing at any one time.

17.6 Sheltered housing applicants will need to be aged 60 or above. Applicants aged under 60 with a defined disability for which they receive Disability Living Allowance or Personal Independence Payments and demonstrate a need to be in sheltered accommodation may also be considered.

## **18. The Banding Scheme**

18.1 The housing needs of each household will be considered and assessed. All applicants who are eligible to join the housing register will be placed in one of four priority bands. The four bands are as follows:

- Low Housing Need
- Medium Housing Need
- High Housing Need
- Priority Housing Need

### **18.2 Low Housing Need Band**

Applications will normally be accepted but placed in the lowest band in the following circumstances:

#### **18.2.1 Secure Housing**

The applicant has secure housing and has no welfare or medical need. This includes tenants (Tied, Secure, Assured or Assured Shorthold) of Local Authority or other Social Housing and Private Landlords, Shared Ownership owners, owner occupiers and applicants who have rights under family or matrimonial law.

#### **18.2.2 Like for like Transfers**

The applicant is a transfer applicant who is living in the Borough who requires a move to the same bedroom size of property and who does not have welfare, medical or other exceptional need to move. This is termed a 'like for like' transfer.

#### **18.2.3 Joint Tenants**

The applicant is a joint tenant of a property where the other party does not wish to move.

#### 18.2.4 Low Cost Homeownership Only

The applicant only wishes to be considered for low cost home ownership schemes.

#### 18.2.5 Private tenants and tied tenants

The applicant is a private tenant or a tied tenant who are adequately housed with no significant medical/welfare or exceptional need to move.

#### 18.2.6 Deliberate Worsening of Housing Circumstances

An applicant who has deliberately worsened their circumstances to gain an unfair advantage over other applicants on the housing register (e.g. selling a property that is affordable and suitable for the applicant's needs, moving from a secure tenancy or settled accommodation to insecure or less settled or overcrowded accommodation, requesting or colluding with a landlord or family member to issue them with a notice to quit) will normally remain in the Low Housing Need Band for a period of 12 months. The application will then be re-assessed. If there is a relevant change in the household's circumstances during the 12 month period the applicant can contact the Council to request that their housing need is re-assessed.

### 18.3 **Medium Housing Need Band**

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

#### 18.3.1 Homeless or at Risk of Homelessness

- Applicants who are at risk of becoming homeless and are owed the Prevention Duty under Section 195 of the Housing Act 1996
- Applicants who are homeless and are not owed (or have not been issued with a S184 Decision confirming that they will be owed) the Main Housing Duty under Section 193(2) of the Housing Act 1996 or the Accommodation Duty under Section 193C(4) of the Housing Act 1996 by Oadby & Wigston Borough Council

Applications are placed in Medium Band for an initial period of 12 months. After this period a re-assessment will be completed to confirm whether the applicants circumstances have changed, whether they still have a housing need and whether they still qualify for the Housing Register.

#### 18.3.2 Poor Housing Conditions

Households living in insanitary, overcrowded or otherwise unsatisfactory housing conditions. This includes:

1. Housing that is not in a reasonable state of repair

Housing falling within this description will be properties where one or more of the key building components are old, in a poor condition and need major repair or replacement. For example, external walls, roof, external windows/doors, chimneys, central heating boilers, gas fires, storage heaters, plumbing and electrics.

## 2. Housing that does not have reasonably modern facilities and services

Dwellings falling within this description are those that lack three or more of the following;

- a functional kitchen
- a kitchen with adequate space and layout
- a functional 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

## 3. 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 fall within this description.

*These criteria will be assessed in partnership with Environmental Health services. Where a home is found not to meet these standards, the Environmental Health Officer will consider using the powers available to them to ensure that the property is made to meet acceptable standards.*

Other poor housing conditions will be considered. These will be considered where there is evidence that the housing conditions are having a detrimental effect upon the welfare or health of the household.

### 18.3.3 Medical Need to Move

Applicants with a medical, disability or mobility problem. This could include:

- Verified high medical need where the applicant's condition(s) 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(s)
- Where level access accommodation is required and there is no prospect of adaptations to the applicant's current property within 12 months. Suitable proof will be required i.e. confirmation from a local Occupational Therapist and Landlord. The applicant may be referred to local agencies for assistance with adaptations.

### 18.3.4 Welfare Need to Move

This could include:

- An applicant 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 applicant has an emergency need to move.
- The 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. This will be assessed based upon the distance between the carer

and care receiver, how the care is currently provided, the level of care/support needs and any supporting documentary evidence.

- An evidenced need to move closer to a specialist educational or a similar organisation, agency or institution. This would only apply where not moving would cause physical, financial or emotional hardship to either party.
- Where the applicant has permanent employment within the Borough and needs to move closer to work, to prevent financial hardship. We will seek confirmation of your employment within the Borough.

*Applicants who have been assessed for these reasons may be restricted to bidding only in areas they have demonstrated a need to move to.*

- An applicant who is suffering financial hardship and having difficulty in meeting their housing costs. Examples could include adverse impact from Welfare Reform, Benefit Cap, redundancy, bedroom tax etc.

#### 18.3.5 Short Term Accommodation

This would include:

- An applicant living as a licensee/lodger or sharing accommodation with family, relatives or friends who do not have security of tenure
- Applicants accommodated for a limited period on non-secure tenancies or on license agreements in hostels or other supported accommodation
- An applicant who is the owner of residential property where a member of the household has a medical, social or economic reason to move. This will include applicants unable to maintain their current property but with insufficient equity to purchase or rent suitable accommodation, elderly people living in isolation and/or requiring an element of care

#### 18.3.6 Transfer Applicants

This would include:

- Transfer applicants seeking different size accommodation
- Transfer applicants seeking a like for like transfer who have a medical, mobility or social need to move

### 18.4 **High Housing Need Band**

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

#### 18.4.1 Multiple Need

An applicant who has been assessed as having two or more needs from the following sections of the Medium Housing Need Band.

1. Homeless or Risk of Homelessness
2. Poor Housing Conditions
3. Medical Need to Move
4. Welfare Need to Move

#### 18.4.2 Severe Overcrowding

An applicant where there is overcrowding by two or more bedrooms short of the assessed need (the applicant would not be considered eligible to bid for the same size property as currently occupied). An investigation will be carried out to ensure the overcrowding has happened as a result of natural growth of a family or through other reasonable circumstances.

#### 18.4.3 Ready to Move On

An applicant who is living in supported accommodation and the Council has a move on agreement with the housing provider or where their key worker has agreed that independent accommodation would now be appropriate.

#### 18.4.4 Transfers Under-Occupying

A transfer applicant living in the Borough who are under-occupying a home which is deemed to be high demand accommodation within the Borough from other applicants (the applicant would not be considered eligible to bid for the same size property as currently occupied).

#### 18.4.5 Transfers affected by Social Size Criteria

A transfer applicant living in the Borough who are under-occupying a home and are affected by the Social Size Criteria (Bedroom Tax).

18.4.6 An applicant in a High Housing Need category can remain in this category for up to 16 weeks. If no suitable properties come available during this period, or the applicant has not been successful in bidding, their application will be reviewed. In exceptional circumstances applicants can be granted an extension to the 16 weeks. The length of the extension will be determined by the Housing Manager.

18.4.7 An applicant in the High Housing Need category retain the right to respond to properties of their choice. Applicants will be expected to consider all suitable properties. Failure to respond to 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.

### 18.5 **Priority Housing Need Band**

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

#### 18.5.1 Homeless Households

- Homeless applicants who are owed the Main Housing Duty under Section 193(2) of the Housing Act 1996 or the Accommodation Duty under Section 193(4) of the Housing Act 1996 by Oadby & Wigston Borough Council

Applications will be placed in the Priority Housing Need category for an initial period of 8 weeks. If the applicant who has been placed in the Priority Band does not bid for suitable properties that are advertised during the initial 8 weeks, the Council may place bids on their behalf for properties until an offer of suitable accommodation is made. If an applicant who has been placed in the Priority Housing Need category refuses an offer of suitable accommodation, their application will be reassessed and moved down to the Medium Housing Need category.

If a homeless applicant who has been placed into Priority Housing Need category and is owed the Relief Duty under Section 189B of the Housing Act 1996, the Main Housing Duty under Section 193(2) of the Housing Act 1996 or the Accommodation Duty under Section 193C(4) of the Housing Act 1996 refuses a final offer of suitable accommodation, (which may be an offer of private sector accommodation), the relevant homeless duty will be discharged and their application will be re-assessed and moved down to the Medium Housing Need category. In such circumstances the applicant would have the right to request a review of the decision within 21 days of being notified – being a different review process to that described elsewhere in this document.

#### 18.5.2 Emergency Welfare Need

Circumstances could include (this is not an exhaustive list):

- An applicant who is subject to severe harassment, threats of violence or actual violence or threats of physical, emotional or sexual abuse
- A applicant living in a property where the conditions are classified as unsafe or risk of imminent harm which cannot be remedied within a reasonable time (not resulting from damage caused by the applicant)
- An applicant living in a property that is statutorily overcrowded
- A young person placed in care as a child by Leicestershire County Council and who wishes to live in the Borough of Oadby & Wigston that is having difficulty in securing settled accommodation (the applicant will have been through their housing options with Leicestershire County Council and all other options will have been exhausted)

#### 18.5.3 Emergency Medical Need

Circumstances could include:

- An applicant with a progressive or chronic medical condition combined with other difficulties such as the need for adapted accommodation
- An applicant who is unable to be discharged from hospital to their current accommodation

#### 18.5.4 Complex Housing Needs

Includes a number of high need factors which taken together create an urgent need to move. This could, for example, be a combination of severe physical and learning disabilities combined with stress caused by harassment.

### 18.5.5 Management Need

Circumstances could include (this is not an exhaustive list):

- Social housing tenants needing an emergency transfer because their current property is in need of urgent repair (includes demolition)
- An applicant succeeding to a tenancy that is not suitable to their needs who has lived in the property for at least the last twelve months
- An applicant who has no right in law to remain in their current Registered Social Landlord (RSL) or council accommodation, i.e. there is no right of succession but the applicant has lived in the property for at least the last twelve months
- A tenant occupying a wheelchair adapted property that they no longer need which could be used by somebody else

### 18.5.6 Displaced Agricultural Workers

Displaced agricultural workers who qualify for assistance under the Rent (Agriculture) Act 1976.

18.6 Applicants who have been assessed as having an emergency need to move will be placed in the Priority Housing Need category. Applicants can remain in this band for a period of 8 weeks. If no suitable properties have become available during the 8 week period, or the applicant has not been successful in their search for accommodation, their application will be reviewed. In exceptional circumstances applicants can be granted a further 8 weeks in the priority need category.

18.7 Applicants in a priority need category retain the right to respond to properties of their choice, however, if they fail to bid in any cycle within the priority period the Council reserves the right to place bids for the applicant on suitable properties to meet their housing need.

18.8 Applicants will be expected to consider all suitable offers of accommodation/properties. Failure to respond to 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. However, the Council retains the right to discharge its statutory homeless duty by one suitable offer of accommodation in week 8 of the priority period.

18.9 The relevant date for short-listing applicants placed in the Priority Housing Need Band will not be the date they joined the housing register, it will be as follows:

- homeless households – the date they presented as homeless
- all other priority households – the date a decision on priority was made

### 18.10 Moving between housing need bands

An applicant's housing need band will change if their level of need changes. When an applicant moves up to a higher need band their effective date will change to the date moved into the higher category. Applicants moving to the priority need band because

the Council has a full homelessness duty to them will have their effective date in that band changed to the date the duty was accepted.

Applicants who move to a lower band will retain their current effective date or the date they were previously in that category.

## 19. Advertising

- 19.1 Oadby & Wigston Borough Council has its own property listing detailing the properties available for applicants to bid for.
- 19.2 All properties are advertised online each week beginning on a Thursday at 12:01am and ending the following Tuesday at 11:59pm.
- 19.3 The listing will contain social rented properties which are in Oadby & Wigston Borough Council's area. These are advertised to applicants who have been accepted onto the housing register or who have a local connection to the Borough.
- 19.4 All adverts will give as much detail of the property as possible such as a photograph of the property, details of the rent, number of bedrooms and facilities at the property.
- 19.5 The Council takes no responsibility for the accuracy or content of the property advertisements placed by the landlords participating in the scheme. Complaints about adverts should be made to the Council which reserves the right to remove the advert.
- 19.6 Property adverts may be restricted to certain types of applicant. For example, property adverts may be restricted to applicants by:
  - applicant type i.e. transfers only
  - support needs i.e. Supported and Sheltered
  - banding
  - applicant age
  - household type and size

## 20. Bidding

- 20.1 Applicants will be allowed two bids per advertising cycle. Applicants can cancel bids and place them on other advertised properties at any time during the bidding period. Applicants can see their position on the shortlist at the time of bidding, this position can change throughout the 6 day cycle as people with a higher priority may bid later in the bidding cycle.
- 20.2 Applicants will only be able to place bids on properties that are the right size for their household and where all other criteria as set out in the advert are met. Please see **Appendix 1** for further details.
- 20.3 Where vulnerable applicants are unable to bid for themselves, the Council can place a bid on their behalf.
- 20.4 Shortlisting

Applicants bidding for properties will normally be shortlisted in the following order:

- 1) By band
- 2) By effective date (date of registration or more recent date of change of priority)

## 20.5 Refusals

Applicants who refuse/or fail to respond to three suitable offers of accommodation or fail to attend three arranged viewings will have their application suspended for 12 months (**See Section 22 – 3 Offer Rule**).

## 20.6 Non-Bidders

Applicants who do not place any bids in a 6 month period will have their application reviewed. Failure to respond to the review, give good reason for not bidding or failing to place bids in the following 6 months will lead to the application being closed.

## 20.7 Direct Offers

The Council may make a direct offer of accommodation to an applicant, for example where an applicant has a specialist need for adapted accommodation and the availability of suitable accommodation is limited or where an applicant poses a risk to individuals or the community.

Such offers will be made:

- Where the current accommodation is having a severe detrimental effect upon the day-to-day living
- An urgent move is essential to resolve or significantly improve the applicants circumstances
- The applicant cannot reasonably be expected to secure suitable accommodation for their household
- All potential alternative solutions have been explored and are not viable

Cases considered to be urgent and serious enough to require a direct allocation to be made outside of the Council's normal policy and procedure are defined as follows:

- Threats to life
- Racial or homophobic harassment
- Extreme anti-social behaviour
- Vulnerable witnesses
- Any other significant and/or immediate need for a move to more suitable, alternative accommodation (this could include move on from temporary accommodation where it has been agreed by the Housing Manager)

All potential alternative options must have been explored and assessed as not viable, making an urgent move essential in order to resolve or significantly improve the applicants circumstances. Urgent cases agreed through this policy will be awarded Priority Housing Need Band, or if requested, by a direct let outside of the Choice Based Lettings system.

20.8 The Council will monitor difficult to let properties, which are not receiving bids and consideration will be given to changing the eligibility criteria for these properties to ensure the best use of available housing stock.

## **21. 3 Offer Rule**

- 21.1 With some exceptions all applicants accepted on the housing register are entitled to receive three offers of accommodation with their full priority. An offer of accommodation may include an offer of a Oadby & Wigston Borough Council secure tenancy, introductory tenancy or a nomination to a Registered Provider (tenancy type may vary).
- 21.2 An applicant who refuses a third offer of accommodation will be suspended on the housing register for 12 months.

## **22. Local Lettings Policies**

- 22.1 In certain circumstances the Council may develop a Local Lettings Policy. These help the Council to address any issues or challenges within a neighbourhood and help to ensure that communities are mixed and sustainable. Local Lettings Policies can be used to help achieve a variety of housing management or policy objectives. Examples can include:
- where there is a high risk of a local community becoming unstable
  - where all other housing management tools to deal with unsettled communities or significant anti-social behaviour have been tried and failed
  - in a new or redeveloped area, where a more targeted approach to lettings is required to support the success of new tenancies
- 22.2 Local lettings policies will only be applied after consultation with relevant stakeholders (for example, the police, social services, and other relevant statutory and voluntary agencies and local residents in the area of the proposed local lettings policy). There must be evidence that a local lettings policy is needed, that its use is supported by the local community and that it is likely to address the problems identified. Local lettings policies should be reviewed regularly and should be relinquished as soon as the reason for them no longer applies.

## **23. Reciprocals**

- 23.1 The Council recognise the need for the allocation scheme to contain an element of social mobility whilst protecting social housing as a valuable and scarce resource. In order to strike a balance the Council may enter into reciprocal arrangement with another local authority or housing association.
- 23.2 All reciprocal arrangements are agreed on a discretionary basis and the Council retains the right to decline a request for a reciprocal arrangement.
- 23.3 The Housing Manager must approve all reciprocal arrangements both in and out bound.
- 23.4 Requests for a reciprocal arrangement will only be accepted if a person would otherwise meet the eligibility and qualifying criteria contained in this policy.
- 23.5 Reciprocal arrangements are only agreed when there is no material loss to the Council in terms of available housing stock. In most cases, this means that the Council will

expect back a property of equal or larger size than the unit offered. The unit must also be comparable in terms of quality and type.

23.6 The local authority or housing association concerned will be required to provide written commitment to the terms of the reciprocal arrangement, as agreed by the Housing Manager.

23.7 Applicants approved will be able to bid for the agreed housing appropriate to meet their needs for three months and if unsuccessful the reciprocal arrangement will be reviewed.

## **24. Exceptional Circumstances**

24.1 This policy may be departed from where a Housing Officer considers that an individual's exceptional circumstances warrant a departure from any part of this policy, has recorded reasons for that decision, and has the written/emailed agreement of the Housing Manager within Oadby & Wigston Borough Council.

## **25. Appeals Process**

25.1 If an applicant does not agree with a decision made by the Council in respect of their application or in respect of any decision that affects their housing application they have the right to appeal. Circumstances in which an appeal is likely to be submitted include:

- where an applicant has been advised they do not qualify/are not eligible to join the housing register
- where an applicant believes that their application has been assessed incorrectly and placed in the wrong housing need band
- where an applicant's application has been cancelled and their request to have the application reinstated has been refused

25.2 If an applicant has successfully been shortlisted for a property but has been refused the offer of accommodation by one of the Registered Provider partners they can ask the Registered Provider to review their decision. Each partner operates its own appeals process.

25.3 Applicants wanting to request a review of the decision made by Oadby & Wigston Borough Council will need to submit a written request to the address below. The appeal will normally need to be submitted within 21 days of the original decision letter.

The appeal should be addressed to:

The Housing Options Service  
Oadby & Wigston Borough Council  
Council Offices  
Station Road  
Wigston  
Leicestershire  
LE18 2DR

25.4 The officer considering the appeal will not have been directly involved with the original decision.

## Appendix 1 – Property Size and Type

The following table is a guide only.

|                          | Single Person | Singe Person with access* to children | Couple | Couple or lone parent plus 1 other | Couple or lone parent plus 2 others | Couple or lone parent plus 3 others**** | Couple or lone parent plus 4 or more others |
|--------------------------|---------------|---------------------------------------|--------|------------------------------------|-------------------------------------|---|---|
| Studio flat              | ✓             |                                       |        |                                    |                                     |   |   |
| 1 bed flat               | ✓             | ✓                                     | ✓      |                                    |                                     |   |   |
| 1 bed house              | ✓             |                                       | ✓      |                                    |                                     |   |   |
| 1 bed bungalow           | ✓             | ✓                                     | ✓      |                                    |                                     |   |   |
| 2 bed flat or maisonette |               | ✓                                     |        | ✓                                  | ✓                                   |   |   |
| 2 bed house              |               |                                       |        | ✓                                  | ✓                                   |   |   |
| 2 bed bungalow           |               |                                       |        | ✓                                  | ✓                                   |   |   |
| 3 bed house **           |               |                                       |        |                                    | ✓                                   | ✓                                       | ✓   |
| 3 bed flat or maisonette |               |                                       |        |                                    | ✓                                   | ✓                                       | ✓   |
| 3 bed parlour*** house   |               |                                       |        |                                    | ✓                                   | ✓                                       |   |
| 4 bed house              |               |                                       |        |                                    |                                     | ✓                                       | ✓   |
| 5 or more bed house      |               |                                       |        |                                    |                                     |   | ✓   |

Notes:

- \* Single person with children who do not live with them on a permanent basis
- \*\* In some circumstances lager sized houses may be opened up to families with a 2 bedroom requirement
- \*\*\* A Parlour House is a house with a separate dining room
- \*\*\*\* Household's with three dependents, with one or more over the age of sixteen, may be entitled to bid for four plus bedroom houses

## Appendix 2 – Banding Summary

| <b>PRIORITY HOUSING NEED</b>   | <b>Meaning</b>  |
|--------------------------------|---|
| Homeless                       | Where a council has accepted a full statutory duty to provide accommodation, or has accepted a Relief Duty under s189b of the Homelessness Reduction Act 2018   |
| Emergency Medical Need         | Progressive chronic condition plus need for adapted property or hospital discharge  |
| Emergency Welfare Need         | <ul style="list-style-type: none"> <li>• Severe harassment, threats, acts of violence</li> <li>• Statutorily overcrowded</li> <li>• Care leavers and other vulnerable applicants who will have difficulty securing settled accommodation</li> <li>• Other emergency housing situations</li> </ul>             |
| Complex Housing Needs          | A combination of needs that together create an urgent need to move  |
| Management Need                | <ul style="list-style-type: none"> <li>• Property needs urgent repair</li> <li>• Successor tenant needs more suitable property</li> <li>• Applicants left in occupation with no right of succession</li> <li>• In wheelchair accommodation but do not need it</li> <li>• Other urgent need to move</li> </ul> |
| Displaced agricultural workers | In accordance with the Rent (Agriculture) Act 1976  |

| <b>HIGH HOUSING NEED</b>  | <b>Meaning</b>   |
|---|--|
| Has 2 or more Medium Housing Need categories  | No more than one factor to be taken from each of the main banding categories |
| Overcrowding by two or more bedrooms  |  |
| Ready to Move On  | In supported accommodation and approved for move-on                          |
| Transfer applicants living in the Borough occupying a home that is in high demand or under-occupying a home and affected by bedroom tax | Households in family houses who have more bedrooms than they need            |

| <b>MEDIUM HOUSING NEED</b> | <b>Meaning</b>  |
|----------------------------|---|
| Other homeless households  | <ul style="list-style-type: none"> <li>• Applicants who have had a Prevention Duty accepted under s195 of the Homelessness Reduction Act 2018</li> <li>• Other homeless households i.e. non-priority cases, those who have been found intentionally homeless</li> </ul> |

|                                  |  |
|----------------------------------|--|
| Poor Housing Conditions          | <ul style="list-style-type: none"> <li>• Housing that is not in a reasonable state of repair</li> <li>• Housing that does not have reasonably modern facilities and services</li> <li>• Housing that does not have a reasonable degree of warmth</li> <li>• Other poor conditions</li> </ul>   |
| Medical need affected by housing | <ul style="list-style-type: none"> <li>• High medical need</li> <li>• Level access required</li> </ul>   |
| Welfare need affected by housing | <ul style="list-style-type: none"> <li>• Harassment or neighbour nuisance</li> <li>• Need to be near relatives to give or receive support</li> <li>• Need to be near specialist educational or other institution</li> <li>• Need to move closer to place of permanent employment</li> <li>• Financial hardship</li> <li>• Other need to move on welfare grounds</li> </ul>   |
| Short Term Accommodation         | <ul style="list-style-type: none"> <li>• Applicants living as a licensee/lodger or sharing accommodation with family, relatives or friends who do not have security of tenure</li> <li>• Applicants being accommodate for a limited period on non-secure tenancies or on license agreements in hostels or other supported accommodation</li> <li>• Owner of a residential property where a member of the household has a medical, social or economic reason to move</li> </ul> |

| <b>LOW HOUSING NEED</b>   | <b>Meaning</b>   |
|---|--|
| A new applicant with security of tenure and no welfare or medical need  | This may include home owners or joint home owners with statutory property rights under the Family Law Act 1996         |
| Transfer applicant living in the Borough who requires a move to the same bedroom size property and has no medical or welfare need to move | Known as 'like for like' transfers. Mutual exchange may be more effective method of securing alternative accommodation |
| Private tenants and Tied tenants adequately housed with no particular need to move  |  |
| Only interested in Home Buy/Shared ownership options  |  |
| Deliberate worsening of housing circumstances   | Can apply to be reassessed after 12 months   |



**Oadby & Wigston**  
BOROUGH COUNCIL

# Garage Management Policy

## 2023

|   |                                 |
|---|---------------------------------|
| <b>Policy Owner</b>                             | Louise Taylor                   |
| <b>Date approved by Housing Service Manager</b> |                                 |
| <b>Committee</b>                                | Policy, Finance and Development |
| <b>Committee Approval Date</b>                  |                                 |
| <b>Implementation Date</b>                      |                                 |
| <b>Review Date</b>                              |                                 |
| <b>Version</b>                                  | Final Draft                     |

## Contents

|   |        |
|---|--------|
| 1. Introduction .....                         | Page 2 |
| 2. Purpose .....                              | Page 2 |
| 3. Equalities Statement .....                 | Page 2 |
| 4. Data Protection .....                      | Page 2 |
| 5. Eligibility .....                          | Page 2 |
| 6. Use of Garage .....                        | Page 3 |
| 7. How to Apply .....                         | Page 4 |
| 8. Registration .....                         | Page 4 |
| 9. Garage Register .....                      | Page 4 |
| 10. Garage Allocations .....                  | Page 5 |
| 11. Repairs, Management and Maintenance ..... | Page 5 |
| 12. Rent Charges .....                        | Page 6 |
| 13. Ending a Garage Licence .....             | Page 6 |
| 14. Complaints .....                          | Page 7 |

## **1. Introduction**

- 1.1 Oadby & Wigston Borough Council (The Council) owns garages in the Wigston, South Wigston and Oadby areas within the Borough. The garages are let on a weekly basis and the charges are reviewed annually.
- 1.2 When a garage becomes available, it will be let to an applicant on the Council's Garage Register in accordance with this Garage Management Policy.
- 1.3 This policy sets out how the Council manage the applications to rent a garage and the priorities used when allocating.

## **2. Purpose**

- 2.1 The purpose of this policy is to:
  - Ensure garages are let in a fair, transparent and consistent way
  - Maximise income from the garages ensuring rent is collected in a timely and efficient way
  - Apply a local lettings approach to give priority to the applicants whose flat or house adjoins the available garage
  - Manage the use of garages to prevent Council tenants and the wider community from being subjected to unnecessary inconvenience
  - Ensure that garages are kept in a good state of repair, are well managed and fully occupied
  - Inform the measures that will be considered when licence terms are broken

## **3. Equalities Statement**

- 3.1 The Public Sector Equality Duty requires public bodies and others carrying out public functions to have due regard to the need to eliminate discrimination, to advance equality of opportunities and foster good relations.
- 3.2 Our aim is to implement and maintain services which ensures that no potential or current applicant is treated less favourable 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.

## **4. Data Protection**

- 4.1 Any information provided as part of the application process will be treated in the strictest confidence and in accordance with current data protection legislation. The Council's corporate statement on data protection is available on the Council's website at [www.oadby-wigston.gov.uk/pages/data\\_protection](http://www.oadby-wigston.gov.uk/pages/data_protection).

## **5. Eligibility**

- 5.1 In order to be considered for a garage, applicants must first join the Council's Garage Register by submitting a garage application online.

- 5.2 Anyone who is aged 18 or over is entitled to apply to join the Garage Register. However, an application may be refused (and the applicant may be considered not eligible to join the Garage Register) if:
- They have a history of poor behaviour. This may include, for example, criminal or anti-social behaviour, vehicle nuisance and/or previous breaches of tenancy conditions and/or garage licence conditions
- 5.3 Applicants with outstanding debts to the Council can apply to join the Garage Register, but an offer of a Garage will not be made whilst debts remain unpaid.
- 5.4 Applications will be accepted from persons residing outside of the Borough of Oadby and Wigston.
- 5.5 If Oadby & Wigston Borough Council decides that an applicant is not eligible to join the Garage Register, it will inform them in writing, setting out its reasons.

## **6. Use of Garage**

- 6.1 The licensee shall not be permitted to use the garage or the land surrounding the garage for the following purposes including, but not limited to:
- The operation of a business or charity
  - Displays of advertising
  - Residential use (including temporary overnight/daytime accommodation)
  - Accommodation for animals
  - Repairs, servicing, modifying or re-spraying any vehicle (minor routine maintenance of the nominated motor vehicle may be carried out)
  - The use of power tools and/or any equipment requiring a flame (whether protected or not)
  - The storage of combustible or volatile substances other than those within the fuel tank or mechanisms of the motor vehicle kept in the garage
  - Any criminal, immoral or illegal purposes
- 6.2 The licensee shall not be permitted to make any structural alterations to the garage.
- 6.3 The licensee shall not do or permit to be done anything which may be, or become a nuisance or annoyance to the residents in the local area.
- 6.4 The licensee shall not be permitted to assign, sub-let or part with the possession of the garage.
- 6.5 The Council will not be held liable in respect of loss or damage to any property brought into the garage. Licensees are expected to take out adequate insurance to cover their property and belongings.

## **7. How to Apply**

- 7.1 To apply for a garage, applicants are required to complete an online application form at [www.oadby-wigston.gov.uk/pages/renting\\_a\\_garage\\_or\\_parking](http://www.oadby-wigston.gov.uk/pages/renting_a_garage_or_parking).
- 7.2 Applicants should identify the areas in which they would be willing to rent a garage, and provide the Council with all of the information that it needs in order to assess their application.
- 7.3 Applicants will be required to provide proof of their identity and home address.
- 7.4 The registration of a garage application may be delayed or cancelled if the Council has not been provided with all of the information it has requested.

## **8. Registration**

- 8.1 As part of the application process applicants must state the purpose they wish to rent a garage.
- 8.2 Notification will be sent to successful applicants registering them on the waiting list to confirm their application has been accepted.
- 8.3 If an applicant is unsuccessful in their application, notification will be sent to them advising them of the reason for declining their application. For example, they have a debt to the Council.

## **9. Garage Register**

- 9.1 Garage licenses will be offered to applicants on the Garage Register in order of the date of their application.
- 9.2 Applicants who hold 2 garages licences will not be selected for additional garages unless there are unlet garages available.
- 9.3 For garages that are adjoining properties, we will apply a local lettings approach to give priority to the applicants whose flat or house adjoins the available garage.
- 9.4 Prior to an offer of a garage being made, a check to ensure that the applicant has no outstanding debts with the Council will be made. If an applicant has a debt, they will be given the opportunity to clear the debt and if this is done within 7 days a formal offer of the garage will be made. If the debt is not cleared then the next applicant on the list will be considered for an offer.

## **10. Garage Allocations**

- 10.1 All vacant garages will be advertised for applicants to register their interest. If there is no interest, the Council will reserve the right to make a direct offer to the applicant at the top of the register and work down the list until the offer is accepted.
- 10.2 The Council will contact the applicant with an offer of a licence and will invite a response within 7 days. If there is no response within this time the offer will be withdrawn.

- 10.3 Applicants who accept an offer of a garage will be asked to sign a Garage Licence Agreement within 7 days of accepting the offer.
- 10.4 Once a Garage Licence Agreement is agreed the licensee will be asked to pay the first 4 weeks charges in advance .
- 10.5 Once the Garage Licence Agreement has been signed and the first 4 weeks payment received, the keys to the garage will be issued.

## **11. Repairs and Maintenance**

11.1 It is the licensee's responsibility to:

- Keep the garage in a clean and tidy condition, and to make good any damage that can be attributed to them
- Notify the Council immediately of any defect or repair needed to the garage or compound area, including the drains and other services
- Permit the Council and its contractors upon giving reasonable notice of 7 working days (except in an emergency) to enter the garage and inspect the state of repair, cleanliness and/or use of the garage, and do any repairs that are required to the garage and/or adjoining garages

11.2 It is the Council's responsibility to:

- Undertake urgent repairs when these are needed for health and safety reasons or to protect the integrity of a garage's structure
- Complete planned maintenance to garages on a cyclical basis

11.3 If a garage requires substantial repairs, the Council will endeavour to offer the licensee a suitable alternative garage.

## **12 Licence Management**

12.1 It is the licensee's responsibility to keep the garage closed and locked when not in use, and keep the gate to the garage compound (where one exists) closed and locked, and not provide anyone with the keys or copies of keys.

12.2 It is the Council's responsibility to manage those who may fall into arrears with their rent proportionately and inline with the Council's Rent Arrears Procedure.

12.3 If there is a breach of the licence agreement the Council will act proportionately in order to resolves the breach.

12.4 It may be necessary for the Council to serve a 7 day Notice To Quit to terminate the garage licence for a breach that cannot be resolved.

- 12.5 Notices to terminate garage licences will be delivered to the address given to the Council by the licensee and where practicably possible will be attached to the garage or parking space.

### **13 Rent Charges**

- 13.1 All garage rents are charged weekly, but must be paid in advance. Unless otherwise agreed with the Council, the licensee must pay their garage rent by direct debit.
- 13.2 Garage rents will increase in April each year subject to 4 weeks' notice being given.
- 13.3 The Council will pursue the recovery of any garage rent arrears, this may involve the repossession of the garage.

### **14 Ending a Garage Licence**

- 14.1 Licensees who wish to end the licence of a garage should do so by giving the Council 7 days written notice.
- 14.2 If the licensee does not return the garage keys by 12 noon on the last day of notice, a further weeks' rent may be charged to the rent account.
- 14.3 If the garage keys have not been returned by the end of the week in which they were due to be returned recovery action will commence if the licensee has not contacted the Council.
- 14.4 The licensee must leave the garage in a clean and tidy condition and, when it is handed back, any rubbish and/or items that are no longer required must have been removed from the garage. Failure to clear the garage may result in the licensee being charged for the clearance of items.
- 14.6 The Council may serve notice on a garage licensee if major works are required to the garage site, or it is decided to redevelop, dispose of, or change its use of the site. In such instances, the Council will serve at least 4 weeks' notice and offer an alternative garage if there is one available.

### **15 Complaints**

- 15.1 The Council welcomes feedback that enables it to improve services. The Council has a corporate Compliment, Comment and Complaints procedure for dealing with complaints.
- 15.2 If any applicant is dissatisfied with a decision made concerning their garage application, or any other aspect of the service provided by the Council, they may appeal via the Council's Compliment, Comment or Complaint procedure. Applicants can make a complaint in the following ways:
- Online: [http://oadby-wigston.gov.uk/pages/compliments\\_comments\\_and\\_complaints](http://oadby-wigston.gov.uk/pages/compliments_comments_and_complaints)
  - Telephone: 0116 288 8961
  - Email: [csc@oadby-wigston.gov.uk](mailto:csc@oadby-wigston.gov.uk)

- Letter: Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR



**Oadby & Wigston**  
BOROUGH COUNCIL

# Repairs & Maintenance Policy

## 2023

|   |                                 |
|---|---------------------------------|
| <b>Policy Owner</b>                             | Martin Crowther                 |
| <b>Date approved by Housing Service Manager</b> |                                 |
| <b>Committee</b>                                | Policy, Finance and Development |
| <b>Committee Approval Date</b>                  |                                 |
| <b>Implementation Date</b>                      |                                 |
| <b>Review Date</b>                              |                                 |
| <b>Version</b>                                  | 1                               |

## Contents

|   |         |
|---|---------|
| 1. Introduction .....                           | Page 2  |
| 2. Scope and Standards .....                    | Page 2  |
| 3. Performance and Monitoring .....             | Page 3  |
| 4. Legal and Regulatory Framework .....         | Page 3  |
| 5. Tenant or leaseholder Responsibilities ..... | Page 4  |
| 6. Council Repsonsibilities .....               | Page 4  |
| 7. Inspections .....                            | Page 4  |
| 8. Appointments .....                           | Page 5  |
| 9. Forced Entry to Complete Repairs .....       | Page 5  |
| 10. Out of Hours Service .....                  | Page 5  |
| 11. Responsive Repairs .....                    | Page 5  |
| 12. Right to Repair .....                       | Page 6  |
| 13. Planned Works and Maintenance .....         | Page 6  |
| 14. Void Property Repairs .....                 | Page 7  |
| 15. Right to Buy .....                          | Page 8  |
| <br>  |         |
| Appendix 1 – Re-let Standard .....              | Page 9  |
| Appendix 2 – Right to Repair Timescales .....   | Page 11 |

## 1. Introduction

- 1.1 This policy outlines Oadby & Wigston Borough Council's responsibilities for carrying out various works to the Council's owned housing and is divided into two distinct sections, Responsive Repairs and Asset Management. The work of these two sections will fall into one of the following categories:
- Responsive Repairs
  - Planned Works
  - Cyclical & Compliancy Works
  - Void Works
- 1.2 A responsive repair is a repair by or on behalf of a tenant or leaseholder, and is a repair to something that is already present within or around the property. These repairs are normally something that can't wait and therefore cannot be planned or included in a longer-term investment programme.
- 1.3 Planned works are those which are carried out when a component of the property (e.g. a kitchen, a roof, a boiler) has reached the end of its estimated lifecycle and needs replacing. In addition to information held on our systems, information obtained from surveys and inspections that we carry out on a regular basis is also used to create these programmes.
- 1.4 Cyclical works are those that are carried out on a periodic timeframe (e.g. external redecorations and servicing) and Compliancy is a term used to describe maintenance works and repairs which are required to meet any regulatory, legislative or Health & Safety requirements (e.g. Gas servicing, Electrical testing, Legionella, Fire protection, Stair lifts etc).
- 1.5 Void works is a term used to cover all works required to bring an empty property to a relet standard before a new tenant or leaseholder moves into the property. This is in line with the Council's re-let standard – **See Appendix 1**. This could be a new or improved property where a previous tenant or leaseholder has given notice, an abandoned property or a property becoming vacant following the death of a tenant or leaseholder.

## 2. Scope and Standards

- 2.1 The Council aim's to provide a Repairs & Maintenance Service that:
- Meets high standards of customer service
  - Ensures that properties are repaired to a reasonable standard
  - Ensures that planned works programmes are scheduled appropriately and within budget
  - Ensures that cyclical and compliancy works are completed within time
  - Fulfils its statutory duties and complies with the laws regarding repairs and maintenance
  - Gives value for money and is sustainable

2.2 To achieve this, the Council will:

- Meet our commitments within the Council Corporate Plan
- Carry out repairs in one visit where possible
- Arrange appointments to inspect and carry out work where necessary
- Set appropriate standards for the quality of work of our staff and our contractors
- Ensure that repairs and maintenance work is carried out in accordance with health and safety legislation
- Operate a system of quality assurance through the use of pre and post inspection by suitably qualified staff, and by conducting tenant or leaseholder satisfaction surveys
- Consult with residents where needed and possible
- Publish planned works and servicing programmes
- Set and regularly monitor key performance targets
- Continually monitor and manage the repairs and maintenance budget
- Continually monitor and performance manage contractors

### **3. Performance and Monitoring**

- 3.1 Feedback from customers on the quality of the service received is important to the Council to help in the continuous improvement of the service. Regular and random customer satisfaction surveys will be carried out following the completion of a repair and this data will be used to shape the service improvements in the future.
- 3.2 We will look to provide an early resolution to our tenants or leaseholders where possible by reviewing a decision prior to a formal complaint being submitted. The review of the decision will be undertaken by council officers that were not involved in the original decision making process.
- 3.3 Any tenant or leaseholder who feel's aggrieved or that they have been treated badly can make a complaint in accordance with our Council's complaints procedure.
- 3.4 To ensure that the Council maintains a high service standard, we will monitor the effects of this policy using a range of key performance indicators. Performance data will be shared on a regular basis with management, tenants and leaseholders.

### **4. Legal and Regulatory Framework**

- 4.1 This policy is based on the Council's legal obligations as a landlord and the Tenancy Conditions. The main legislation related to this policy is listed below:
- The Landlord and Tenant Act 1985
  - Environmental Protection Act 1990
  - Environment Act 2021
  - The Secure Tenant or leaseholders of Local Housing Authorities (Right to Repair) Regulations 1994
  - Leasehold Reform, Housing and Urban Development Act 1993
  - The Regulatory Reform (Fire Safety) Order 2005
  - Control of Legionella – Health and Safety Executive (HSE) Approved Code of Practice (ACOP) L8
  - The Control of Asbestos Regulations 2012

- The Lifting Operations and Lifting Equipment Regulations 1998
- Electrical Safety at Work Regulations 1989
- Gas Safety (Management) Regulations 1996
- The Construction (Design and Management) Regulations 2015

## **5. Tenant or Leaseholder Responsibilities**

- 5.1 The Tenancy Agreement sets out which repairs tenants or leaseholders are responsible for. This makes it clear that if the tenant fails to carry out his/her responsibilities covered in their tenancy agreement, any costs incurred by the Council to undertake repairs or maintenance work to the property will be recharged to the tenant.
- 5.2 The tenant's responsibilities for looking after their home are outlined in the Tenancy Agreement, specifically within the following sections:
- Section 6 – Repairs and Maintenance
  - Section 10 – Gardens
  - Section 11 – Boundaries, Paths and Driveways
  - Section 13 – Use of Communal Areas
- 5.3 The leaseholder's responsibilities for looking after their home are outlined in the Leaseholder Agreement.
- 5.4 The tenant or leaseholder is responsible for any damage, caused due to neglect or abuse by the tenant or leaseholder, a member of their family, visitors or pets.
- 5.5 The tenant or leaseholder also has a responsibility to inform the Council of any repair issue that may need attention so as not to incur more damage within the property.

## **6. Council Responsibilities**

- 6.1 Oadby & Wigston Borough Council is responsible for keeping the structure and outside of the property in good repair.
- 6.2 The Council will deliver services that do not unfairly discriminate on any basis.
- 6.3 Every year, by law, the Council must ensure all gas appliances and flues fitted by the Council are maintained in a safe condition by carrying out an annual safety check. These checks are recorded and the tenant or leaseholder will be given a copy of that record.
- 6.4 Every 5 years, the Council will ensure an electrical safety inspection is completed. These checks are recorded and the tenant or leaseholder will be given a copy of that record.

## **7. Inspections**

- 7.1 Some jobs will require an inspection before the repair appointment can be arranged, to establish the extent of the works. These will be where the scope of the job is not known or if the diagnosis given by the tenant or leaseholder is not detailed enough. Such inspections will be carried out by a Council Inspector or a nominated contractor.

7.2 Inspections of repair problems could be carried out in the following circumstances:

- a) The repairs cannot be properly diagnosed without an inspection
- b) The defect is one that is commonly diagnosed incorrectly
- c) The repair will require a detailed specification
- d) The item has been recently repaired
- e) The property has been the subject of an unusually high number of repair requests
- f) The repairs may be rechargeable to the tenant or leaseholder as a result of damage or neglect
- g) The repair is likely to cost over £500

7.3 We will aim to inspect repairs within 10 working days of the report being received from the tenant or leaseholder. Appointments will be arranged at the time of the repair being reported, where possible.

## **8. Appointments**

8.1 An appointment will be offered for responsive repairs that are in the 'right to repair' or 'routine' categories and we will endeavour to complete the repair on the first visit. There may be circumstances when this is not possible.

8.2 For right to repair issues, there are timeframes that need to be adhered to, and therefore an appointment will be allocated and the tenant or leaseholder will be expected to make themselves available.

## **9. Forced Entry to Complete Repairs**

9.1 We may require access to tenant or leaseholders' properties in an emergency and will make all reasonable efforts to contact the tenant or leaseholder or their representative to arrange access. We will provide not less than 24 hours' written notice to the tenant or leaseholder before attempting entry unless there is a serious and immediate risk to safety.

9.2 We will only enter a residence without permission or lawful authority in extenuating circumstances and with the agreement of a Senior Manager of the Council. We will in all cases of access ensure that the property is secured and the tenant or leaseholder is able to gain access without delay and will make arrangements to repair any damage caused by entering the home.

## **10. Out of Hours Service**

10.1 The Council operates an Out of Hours Service, to deal with emergencies that occur outside of normal working hours.

10.2 No work will be completed during the out of hours call out unless it is a genuine emergency, and the Council will only 'make safe' and arrange follow up works the next working day if needed.

## **11. Responsive Repairs**

11.1 For responsive repairs, our aim is to complete the repair right first time.

## 11.2 Emergency

We will respond within 4 hours and make safe (including out of hours). This category is used when there is an immediate danger to a person or serious risk of damage to the property. A follow up appointment will be booked if further work is required.

## 11.3 Urgent

We will respond within 5 working days. The tenant or leaseholder will be advised of the time and date of the appointment.

## 11.4 Routine

We will book an appointment with the tenant or leaseholder within 25 working days. Follow-up work may require an additional appointment.

11.5 If it is not a Responsive Repair then it is likely to be a Planned Works Programme.

## 12. Right to Repair

12.1 The Secure Tenant or Leaseholders of Local Housing Authorities (Right-to-Repair) Regulations 1994 came into force on 01 April 1994. It places an obligation to landlords to carry out some small urgent repairs if they are likely to affect someone's health, safety or security.

12.2 Right to repair only includes repairs that cost less than £250. These are described in law as 'qualifying repairs' and must be carried out within a set time limit - **See Appendix 2**.

12.3 The time limits do not apply if the cost of the repair is more than £250. If the repair is not carried out within set time limits, the tenant or leaseholder has the right to ask the Council to get an alternative contractor to do the work. If the second contractor does not complete the work within the extra time allowed, compensation may be payable.

## 13. Planned Works and Maintenance

13.1 Oadby & Wigston Borough Council will maintain all of its properties in good condition through responsive repairs and programmes of planned works. We will carry out regular surveys of our properties which will be used to plan a programme of works and we will consult with our tenants.

13.2 Estimates are based on a minimum lifecycle and no replacements will be considered until the component reaches its minimum expected life cycle. Near to the end of the expected life cycle, the Council will contact the tenant or leaseholder to arrange an inspection of the component at which point the surveyor will decide whether a replacement is needed at that point in time. If a component does not need replacing, the surveyor will estimate a revised life expectancy and the Council's systems will be updated. No replacements will be made if there is sufficient life left in the component or if the life expectancy can be extended by way of minor repair.

13.3 The Council will notify the tenant or leaseholder well in advance of any planned work programmes taking place and will ensure that the tenant or leaseholder is kept up to

date with all relevant information, including timescales. Should the tenant or leaseholder refuse for the work to be undertaken, or if they make accessing the property difficult for the Council or its contractors in order to complete the work they will be removed from the planned works programme.

## **14. Void Property Repairs**

- 14.1 To ensure that void rent loss is kept to a minimum, the process of selecting a new tenant for a property will begin as soon as possible after a tenancy termination notice is received from the outgoing tenant or the Council is made aware that the property is becoming vacant.
- 14.2 The Council will, wherever possible, inspect properties becoming vacant, both prior to and following the termination of a tenancy.
- 14.3 Once written notice has been received, a pre-termination visit will be undertaken. This visit will determine the condition of the property and highlight any repairs that the tenant will be required to undertake before leaving the property.
- 14.4 At this stage if the tenant has undertaken their own improvements, where permission has not been authorised, the inspecting officer will look for damage to the property. If the outgoing tenant is advised that they need to remove the improvement works they are liable for all costs associated with returning the property to the original state.
- 14.5 A post-termination inspection will be undertaken on all void properties as soon as possible after the tenant leaves. The purpose of this inspection will be to:
- Ensure the property is empty, and to remove any items that pose a risk to the health and safety of prospective tenant(s) or contractors
  - Determine whether prospective tenants can be allowed to view the property
  - Ensure the property is secure and change the front and back door locks
  - Identify any outstanding disrepair which may be the responsibility of the previous tenant
  - Arrange for electrical appliances and installations to be checked
  - Identify if the property requires a pre-clean or other works before the prospective tenants can view
  - Identify any major repairs
  - Identify works needed to comply with health and safety requirements
  - Identify necessary repairs which are required to enable a property to be let as soon as possible
  - Where necessary, to cap off the gas
- 14.6 In the event of a deceased tenant, where there are recharges calculated a charge will be made against the estate.
- 14.7 The outgoing tenant is responsible for removing all personal possessions from the property, but there could be instances where the tenant fails to give notice (either as result of eviction or abandonment) and belongings are left in the property. The Council does not take responsibility for any items left on its land.

- 14.8 The Council will service a notice under the Miscellaneous Provisions Act advising that there are personal belongings in the property and upon expiry of the notice any belongings in the property will be treated as abandoned.
- 14.9 The Council may recharge any outgoing tenant for the costs incurred as a result of storing or disposing of goods, making good or renewing any damage caused to the property (outside of normal wear and tear), undertaking repairs to poorly fitted tenant improvement works and for clearing any rubbish and/or belongings that have been left at the property.
- 14.10 The Council will make every reasonable effort to contact the previous tenant to inform them of any outstanding items for which they will be recharged. Further information on rechargeable items are contained in the Recharge Policy.

## **15. Right to Buy**

- 15.1 The Council has no obligation to carry out certain repairs and maintenance work once a property is subject to a Right to Buy application and will only carry out emergency or urgent works to the property. These are limited to repairs required by law:
- Repairing and maintaining the structure and exterior of the property
  - The landlord's heating and hot water appliances
  - Pipes and wiring within the property
  - Sanitary ware

## **Appendix 1 – Re-let Standard**

### **Kitchen**

- The sink-top and work surfaces will be in a clean and hygiene condition
- All units will be secure and doors and drawers will operate satisfactorily
- The water supply will be working
- The number of storage cupboards will depend on the size of the kitchen. The storage space will consist of wall and floor units
- Tiled areas will be sealed and free from cracked/broken tiles
- There will be a safe and compliant cooker space with a suitable gas and electric point if both are available. It is the incoming tenants responsibility to arrange the connection of the cooker by a suitably qualified person
- There will be a minimum of two double electrical sockets or four single sockets
- Where appropriate we will provide a space for a cooker, fridge and, washing machine with plumbing, taps, and waste. The connection of the washing machine and installation of the cooker is the tenants responsibility
- The kitchen floor will have a washable clean floor covering

### **Decoration**

- The redecoration of the property is the tenants responsibility, including filling small holes and cracks

### **Doors, internal woodwork, windows and glazing**

- All fire doors will be checked to meet agreed standards
- All internal and external doors will operate correctly and be fit for purpose
- The locks to all external doors will be changed
- All glazing will be intact and all windows that are designed to open will be in working order
- Where restrictors are required these will be installed (1<sup>st</sup> floor and above)

### **Ceilings and walls**

- Visible plasterwork will be of a decorable standard
- We will remove any polystyrene tiles throughout the property
- All walls and ceilings will be free from damp or mould
- Graffiti will be removed or decorated over (decoration vouchers may be provided)

### **Floors and stairs**

- Floors will be even and free from tripping hazards
- The flooring in the kitchen and bathroom will have clean and washable covering
- Timber floors will be secure and in acceptable condition
- Solid floors will have no major ongoing defects
- Stairs will have safe and secure handrails and balustrades

## **Bathroom and toilet**

- All existing bathroom elements will be operational and free from leaks
- All glazed tiled areas will be correctly sealed and free from cracked or broken tiles
- All toilets will work properly, and be securely fixed
- All extractor fans will be serviced and operational

## **Heating and mains service**

- If the property has a gas supply, we will have the gas and any appliances tested in line with current gas safety regulations to make sure they are safe and in working order
- We will give you a copy of the landlord's gas safety certificate and let you know where the emergency control valve is when you sign the tenancy agreement
- The mains water supply will be left working, the main stop tap (also called stopcock) will be checked and left operational. We will let you know where it is on the sign up visit
- We will have the electrical supply checked in line with the National Inspection Council for Electrical Installation Contractors (NICEIC) inspection procedure
- Appropriate smoke alarms will be installed at the property
- Any CO2 requirements will be completed

## **Outside**

- Recognised access paths will be left safe and hazard free
- External health and safety hazards will be removed
- Boundaries will be clearly defined
- Existing fencing installed by the Council will be repaired/replaced
- Roofs, walls, gutters and downpipes will be safe and in working condition
- We will remove rubbish from the front and back gardens, bin stores and any sheds
- We will remove sheds, greenhouses and other similar garden structures unless they are in good condition. In the event that any of these items are left, the ongoing maintenance and replacement of these items would become the tenants' responsibility
- We will cut back any overgrown hedges, lawns and trees to an acceptable height. The ongoing maintenance and replacement of these items including trees would become the tenants' responsibility

## **Cleaning**

- The property will be clean and free from rubbish including the loft space
- Surfaces and cupboards will be cleaned
- Kitchen and bathroom floors will be mopped
- The sink, wash hand basin, bath/shower and toilet seat will be sanitised
- WC seat will be replaced
- Shower curtain, head and hose will be replaced

## Appendix 2 – Right to Repair Timescales

| Defect  | Prescribed Period<br>(in working days) |
|---|--|
| Total loss of electric power  | 1                                      |
| Partial loss of electric power  | 3                                      |
| Unsafe power or lighting socket, or electrical fitting  | 1                                      |
| Total loss of water supply  | 1                                      |
| Partial loss of water supply  | 3                                      |
| Total or partial loss of gas supply   | 1                                      |
| Blocked flue to open fire or boiler   | 1                                      |
| Total or partial loss of space or water heating between 31 <sup>st</sup> October and 1 <sup>st</sup> May                | 1                                      |
| Total or partial loss of space or water heating between 30 <sup>th</sup> April and 1 <sup>st</sup> November             | 3                                      |
| Blocked or leaking foul drain, soil stack, or (where there is no other working toilet in the dwelling-house) toilet pan | 1                                      |
| Toilet not flushing (where there is no other working toilet in the dwelling-house)                                      | 1                                      |
| Blocked sink, bath or basin   | 3                                      |
| Tap which cannot be turned  | 3                                      |
| Leaking from water or heating pipe, tank or cistern   | 1                                      |
| Leaking roof  | 7                                      |
| Insecure external window, door or lock  | 1                                      |
| Loose or detached bannister or hand rail  | 3                                      |
| Rotten timber flooring or stair tread   | 3                                      |
| Door entryphone not working   | 7                                      |
| Mechanical extractor fan in internal kitchen or bathroom not working  | 7                                      |



## EQUALITY ASSESSMENT

### PART 1 - INITIAL SCREENING

|   |   |  |
|---|---|--|
| <b>Name of Policy/Function:</b><br><br>Housing Allocations Policy<br>(Choice Based Lettings Scheme) |   | This is <b>new</b>   |
|   | X | This is a <b>change</b> to an existing policy                        |
|   |   | This is an <b>existing</b> policy, Function, not previously assessed |
|   |   | This is an existing policy/function for <b>review</b>                |

|                          |                               |
|--------------------------|-------------------------------|
| <b>Date of screening</b> | 4 <sup>th</sup> November 2022 |
|--------------------------|-------------------------------|

#### 1. Briefly describe its aims & objectives

The Housing Allocations Policy describes how Oadby & Wigston Borough Council's Choice Based Lettings Scheme operates. It is designed to explain the rules, criteria and procedure that determine how the Council allocates social housing properties that become available to Qualifying Registered Persons.

The Housing Allocations Policy aims & objectives are to:

- meet the legal requirements for the allocation of affordable housing
- ensure appropriate levels are afforded to applicants
- to let properties in a fair and transparent way
- offer applicants a choice about the areas in which they wish to live
- encourage & support sustainable communities and social inclusion
- ensure applicants are treated fairly, individually and in accordance with the commitment to equality and diversity
- support and assist vulnerable applicants to enable them to actively participate in the Choice Based Lettings Scheme
- make best use of affordable housing
- let properties as quickly as possible
- give a higher priority to eligible applicants who have a local connection to the borough than those with similar housing needs who have no such connection

## 2. Are there external considerations?

*e.g. Legislation/government directive etc*

Equality Act 2010

Data Protection Act 2018

Housing Act 1996 (Part 6), as amended by the Homelessness Act 2002

Localism Act 2011

Housing Regulator Tenancy Standard

## 3. Who are the stakeholders and what are their interests?

The Council;

- to ensure that all Legal and Regulatory Framework is adhered to when registering applicants onto the Choice Based Lettings Scheme and when allocating affordable housing to qualifying persons
- to administer fair and transparent Housing Register
- to ensure equal opportunities are promoted within the Housing Allocations Scheme

Applicants;

- to ensure that their applications to join the Housing Register are considered and assessed fairly without any discrimination
- to ensure that they are placed into a banding category that reflects their current housing situation
- to ensure that applicants are able to view and access the Choice Based Lettings Scheme to submit their interest (by placing a bid) on available properties

Members;

- to ensure members are aware of the changes within the revised Housing Allocations Policy
- to enable members to explain the changes to their constituents and/or signpost them to the Housing Options Service appropriately

## 4. What outcomes do we want to achieve and for whom?

The Council will want:

- to ensure that it allocates affordable housing when it becomes available to applicant's and households in most need

- to ensure that the right property type and size is allocated in line with the applicant's requirements
- to avoid liability for discrimination against applicants in the registering and allocating process
- to ensure that housing applications to join the Housing Register are assessed in line with and considered fairly against the criteria set out within the policy
- to ensure properties that become vacant are re-let as quickly as possible

**5. Has any consultation/research been carried out?**

- Yes
- research into Housing Allocations Policies adopted locally by other local authorities has been completed
  - a consultation exercise has been completed

**6. Are there any concerns at this stage which indicate the possibility of Inequalities/negative impacts?**

*Consider and identify any evidence you have -equality data relating to usage and satisfaction levels, complaints, comments, research, outcomes of review, issues raised at previous consultations, known inequalities) If so please provide details.*

No

**7. Could a particular group be affected differently in either a negative or positive way?**

**Positive** – *It could benefit*  
**Negative** – *It could disadvantage*  
**Neutral** – *Neither positive nor negative impact or not sure.*

|                                    | Type of impact, reason & any evidence |
|------------------------------------|---------------------------------------|
| Disability                         | Neutral                               |
| Race (including Gypsy & Traveller) | Neutral                               |
| Age                                | Neutral                               |
| Gender Reassignment                | Neutral                               |
| Sex                                | Neutral                               |
| Sexual Orientation                 | Neutral                               |
| Religion/Belief                    | Neutral                               |

|                                |         |
|--------------------------------|---------|
| Marriage and Civil Partnership | Neutral |
| Pregnancy and Maternity        | Neutral |

**8. Could other socio-economic groups be affected?**

*e.g. carers, ex-offenders, low incomes, homeless?*

There are no specific groups that would be affected by the Housing Allocations Policy.

However, it is important to note that there are whilst certain applicants that will be eligible to apply they will not qualify for an allocation of social housing under this scheme. These are those:

- without local connection to the borough
- under 18's (unless they meet the criteria for exceptional circumstances)
- applicants with the financial means to meet their own housing needs
- applicants owing more than £300 in housing related debt to any Council or landlord
- applicants that lack the capacity to sustain a tenancy
- applicants that have caused unacceptable behaviour serious enough to make them unsuitable as a tenant
- home owners
- applicants that have committed fraud offences in connection with their housing application
- applicants that have either acted unreasonably or have deliberately worsened their housing circumstances

**9. Are there any human rights implications?**

*Yes/No (If yes, please explain)*

No

**10. Is there an opportunity to promote equality and/or good community relations?**

*Yes/No (If yes, how will this be done?)*

Yes

- the consultation exercise the Council will ensure potential applicants, local residents, members and relevant agencies are aware of the revised Housing Allocations Policy
- through creating an awareness of the changes to the Housing Allocations Scheme the Council anticipates it will naturally promote equality and good community relations

**11. If you have indicated a negative impact for any group is that impact legal?**

*i.e. not discriminatory under anti-discrimination legislation*

|     |
|-----|
| N/A |
|-----|

**12. Is any part of this policy/service to be carried out wholly or partly by contractors?**

|    |
|----|
| No |
|----|

**13. Is a Part 2 full Equality Assessment required?**

|    |
|----|
| No |
|----|

**14. Date by which a Part 2 full Equality Assessment is to be completed with actions.**

|     |
|-----|
| N/A |
|-----|

**Please note that you should proceed to a Part 2, the full Equality Impact Assessment if you have identified actual, or the potential to cause, adverse impact or discrimination against different groups in the community.**

We are satisfied that an initial screening has been carried out and a full equality assessment **is not required\*** (please delete as appropriate).

Completed by: Sunny Basran                      Date: 4<sup>th</sup> November 2022  
(Policy/Function/Report written)

Countersigned by: ..... Date:.....  
(Head of Service)

Screened by:..... Date:.....

Please forward an electronic copy to: [veronika.quintyne@oadby-wigston.gov.uk](mailto:veronika.quintyne@oadby-wigston.gov.uk)  
(Community Engagement Officer)

Equality Assessments shall be published on the Council website with the relevant and appropriate document upon which the equality assessment has been undertaken.



## EQUALITY ASSESSMENT

### PART 1 - INITIAL SCREENING

|  |   |  |
|--|---|--|
| <b>Name of Policy/Function:</b>                      |   | This is <b>new</b>   |
| Garage Management Policy<br>(garage lettings policy) | X | This is a <b>change</b> to an existing policy                        |
|  |   | This is an <b>existing</b> policy, Function, not previously assessed |
|  |   | This is an existing policy/function for <b>review</b>                |

|                          |                               |
|--------------------------|-------------------------------|
| <b>Date of screening</b> | 19 <sup>th</sup> October 2022 |
|--------------------------|-------------------------------|

#### 1. Briefly describe its aims & objectives

The Garage Management Policy sets out how the Council manage the applications to rent a garage and the priorities used when allocating.

The Garage Management Policy aims & objectives are to:

- ensure vacant garages are let in a fair, transparent and consistent way
- maximise income from the garages ensuring rent is collected in a timely and efficient way
- prioritise lettings to existing Council tenants
- ensure that garages are kept in a good state of repair, are well managed and fully occupied
- inform the measures that will be considered when licence terms are broken

#### 2. Are there external considerations?

*e.g. Legislation/government directive etc*

The Equality Act 2010

The Data Protection Act 2018

### 3. Who are the stakeholders and what are their interests?

The Council;

- to ensure that all garage applications are assessed fairly and transparently
- to ensure that applications from Council tenants are prioritised
- to ensure that license's are aware of their responsibilities in relation to the repairs & maintenance of the garage
- to ensure that garages are let quickly to minimise void times and maximise income

Tenants / Residents;

- to ensure that their garage application is considered fairly without any discrimination
- to be aware of the Council's responsibilities in relation to the repairs & maintenance of the garage
- to be aware on how to end their garage licence

### 4. What outcomes do we want to achieve and for whom?

The Council will want:

- to avoid liability for discrimination against applicants in the assessment and allocation of a garage within the Borough
- to ensure garages are kept in reasonable condition
- to ensure garages are used in the appropriate way
- to bring a garage licence to an end if there are breaches in any conditions

### 5. Has any consultation/research been carried out?

Yes

- research into Garage Management Policies adopted by other local authorities has been completed
- a consultation exercise has been completed

### 6. Are there any concerns at this stage which indicate the possibility of Inequalities/negative impacts?

*Consider and identify any evidence you have -equality data relating to usage and satisfaction levels, complaints, comments, research, outcomes of review, issues raised at previous consultations, known inequalities) If so please provide details.*

No

**7. Could a particular group be affected differently in either a negative or positive way?**

**Positive** – *It could benefit*

**Negative** – *It could disadvantage*

**Neutral** – *Neither positive nor negative impact or not sure.*

|                                    | Type of impact, reason & any evidence |
|------------------------------------|---------------------------------------|
| Disability                         | Neutral                               |
| Race (including Gypsy & Traveller) | Neutral                               |
| Age                                | Neutral                               |
| Gender Reassignment                | Neutral                               |
| Sex                                | Neutral                               |
| Sexual Orientation                 | Neutral                               |
| Religion/Belief                    | Neutral                               |
| Marriage and Civil Partnership     | Neutral                               |
| Pregnancy and Maternity            | Neutral                               |

**8. Could other socio-economic groups be affected?**

*e.g. carers, ex-offenders, low incomes, homeless?*

|    |
|----|
| No |
|----|

**9. Are there any human rights implications?**

*Yes/No (If yes, please explain)*

|    |
|----|
| No |
|----|

**10. Is there an opportunity to promote equality and/or good community relations?**

*Yes/No (If yes, how will this be done?)*

|   |
|---|
| <p>Yes</p> <ul style="list-style-type: none"> <li>the consultation exercise the Council will ensure tenants, local residents, members and relevant agencies are aware of the Garage Management Policy</li> <li>through creating an awareness of the revised Garage Management Policy the Council anticipates it will naturally promote equality and good community relations</li> </ul> |
|---|

**11. If you have indicated a negative impact for any group is that impact legal?**

*i.e. not discriminatory under anti-discrimination legislation*

N/A

**12. Is any part of this policy/service to be carried out wholly or partly by contractors?**

No

**13. Is a Part 2 full Equality Assessment required?**

No

**14. Date by which a Part 2 full Equality Assessment is to be completed with actions.**

N/A

**Please note that you should proceed to a Part 2, the full Equality Impact Assessment if you have identified actual, or the potential to cause, adverse impact or discrimination against different groups in the community.**

We are satisfied that an initial screening has been carried out and a full equality assessment **is not required\*** (please delete as appropriate).

Completed by: Sunny Basran      Date: 19<sup>th</sup> October 2022  
(Policy/Function/Report written)

Countersigned by: .....Date:.....  
(Head of Service)

Screened by:.....Date:.....

Please forward an electronic copy to: [veronika.quintyne@oadby-wigston.gov.uk](mailto:veronika.quintyne@oadby-wigston.gov.uk)  
(Community Engagement Officer)

Equality Assessments shall be published on the Council website with the relevant and appropriate document upon which the equality assessment has been undertaken.



**Oadby & Wigston**  
BOROUGH COUNCIL

## EQUALITY ASSESSMENT

### PART 1 - INITIAL SCREENING

|                                 |   |  |
|---------------------------------|---|--|
| <b>Name of Policy/Function:</b> | X | This is <b>new</b>   |
| Repairs & Maintenance Policy    |   | This is a <b>change</b> to an existing policy                        |
|                                 |   | This is an <b>existing</b> policy, Function, not previously assessed |
|                                 |   | This is an existing policy/function for <b>review</b>                |

|                          |                                |
|--------------------------|--------------------------------|
| <b>Date of screening</b> | 16 <sup>th</sup> November 2022 |
|--------------------------|--------------------------------|

#### 1. Briefly describe its aims & objectives

The Repairs & Maintenance Policy outlines Oadby & Wigston Borough Council's responsibilities for carrying out various works to the Council's owned housing through responsive repairs and asset management.

The Repairs & Maintenance Policy aims are to:

- Meet high standards of customer service
- Ensure properties are repaired to a reasonable standard
- Ensure that planned works programmes are scheduled appropriately and within budget
- Ensure that cyclical and compliancy works are completed within time
- Fulfils its statutory duties and complies with the laws regarding repairs and maintenance
- Gives value for money and is sustainable

#### 2. Are there external considerations?

*e.g. Legislation/government directive etc*

Landlord & Tenant Act 1985

Environmental Protection Act 1990

Environment Act 2021

The Secure Tenant or leaseholders of Local Authorities (Right to Repair) Regulations 1994

Leasehold Reform, Housing and Urban Development Act 1993

The Regulatory Reform (Fire Safety) Order 2005

Control of Legionella – Health and Safety Executive (HSE) Approved Code of Practice (ACOP) L8

Control of Asbestos at Work Regulations 2012

The Lifting Operations and Lifting Equipment Regulations 1998

Electrical Safety at Work Regulations 1989

Gas Safety (Management) Regulations 1996

The Construction (Design and Management) Regulations 2015

### **3. Who are the stakeholders and what are their interests?**

The Council;

- Meet high standards of customer service
- Ensure properties are repaired to a reasonable standard
- Ensure that planned works programmes are scheduled appropriately and within budget
- Ensure that cyclical and compliancy works are completed within time
- Fulfils its statutory duties and complies with the laws regarding repairs and maintenance
- Gives value for money and is sustainable

Tenants;

- To have an awareness of this policy
- To understand their responsibilities for repairs and maintenance as a tenant
- To understand the Council's repairs and maintenance responsibilities

### **4. What outcomes do we want to achieve and for whom?**

The Council will want:

- to avoid liability for discrimination against tenants in their repairs and maintenance service
- to ensure that repairs & maintenance are carried out fairly and transparently

- to ensure that its owned stock is repaired and maintained to a reasonable standard
- to ensure that it remains compliant with legislation and regulations

**5. Has any consultation/research been carried out?**

Yes

- research into Repairs & Maintenance Policies adopted by other local authorities has been completed
- a consultation exercise has been completed

**6. Are there any concerns at this stage which indicate the possibility of Inequalities/negative impacts?**

*Consider and identify any evidence you have -equality data relating to usage and satisfaction levels, complaints, comments, research, outcomes of review, issues raised at previous consultations, known inequalities) If so please provide details.*

No

**7. Could a particular group be affected differently in either a negative or positive way?**

**Positive** – *It could benefit*

**Negative** – *It could disadvantage*

**Neutral** – *Neither positive nor negative impact or not sure.*

|                                    | Type of impact, reason & any evidence |
|------------------------------------|---------------------------------------|
| Disability                         | Neutral                               |
| Race (including Gypsy & Traveller) | Neutral                               |
| Age                                | Neutral                               |
| Gender Reassignment                | Neutral                               |
| Sex                                | Neutral                               |
| Sexual Orientation                 | Neutral                               |
| Religion/Belief                    | Neutral                               |
| Marriage and Civil Partnership     | Neutral                               |
| Pregnancy and Maternity            | Neutral                               |

**8. Could other socio-economic groups be affected?**

*e.g. carers, ex-offenders, low incomes, homeless?*

No

**9. Are there any human rights implications?**

*Yes/No (If yes, please explain)*

No

**10. Is there an opportunity to promote equality and/or good community relations?**

*Yes/No (If yes, how will this be done?)*

Yes

- the consultation exercise the Council will ensure tenants, local residents, members and relevant agencies are aware of the Repairs & Maintenance Policy
- through creating an awareness of the introduction of a Repairs & Maintenance Policy the Council anticipates it will naturally promote equality and good community relations

**11. If you have indicated a negative impact for any group is that impact legal?**

*i.e. not discriminatory under anti-discrimination legislation*

N/A

**12. Is any part of this policy/service to be carried out wholly or partly by contractors?**

No

**13. Is a Part 2 full Equality Assessment required?**

No

**14. Date by which a Part 2 full Equality Assessment is to be completed with actions.**

N/A

**Please note that you should proceed to a Part 2, the full Equality Impact Assessment if you have identified actual, or the potential to cause, adverse impact or discrimination against different groups in the community.**

We are satisfied that an initial screening has been carried out and a full equality assessment **is not required\*** (please delete as appropriate).

Completed by: Sunny Basran                      Date: 16<sup>th</sup> November 2022  
(Policy/Function/Report written)

Countersigned by: .....Date:.....  
(*Head of Service*)

Screened by:.....Date:.....

Please forward an electronic copy to: [veronika.quintyne@oadby-wigston.gov.uk](mailto:veronika.quintyne@oadby-wigston.gov.uk)  
(*Community Engagement Officer*)

Equality Assessments shall be published on the Council website with the relevant and appropriate document upon which the equality assessment has been undertaken.

# Agenda Item 12



|  |                                   |  |
|--|-----------------------------------|--|
| <b>Policy, Finance and<br/>Development<br/>Committee</b> | <b>Tuesday, 28 March<br/>2023</b> | <b>Matter for<br/>Information and<br/>Decision</b> |
|--|-----------------------------------|--|

**Report Title:** **Proposed Empty Homes Strategy (2023-2028)**

**Report Author(s):** **Ben Clark-Monks (Selective Licensing Team Leader)**

|   |   |
|---|---|
| <b>Purpose of Report:</b>   | This report outlines the property strategy to engage and manage empty dwellings within the Borough.   |
| <b>Report Summary:</b>  | A robust empty homes strategy is an important element of the Authority's Private Sector Housing, Revenues, Housing and Planning functions and ensures a joint working approach to address empty homes within the Borough. This report will outline how this will be enacted operationally, how resource will be allocated and how progress will be measured, along with outlining the changes from the previous strategy and the reasons for those changes.   |
| <b>Recommendation(s):</b>   | <b>A. That the contents of the report be noted; and<br/>B. That the Proposed Empty Homes Strategy (2023-2028) (set out at Appendix 1 to this report) be approved.</b>   |
| <b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b> | <p>Philippa Fisher (Strategic Director)<br/>(0116) 257 2677<br/><a href="mailto:philippa.fisher@oadby-wigston.gov.uk">philippa.fisher@oadby-wigston.gov.uk</a></p> <p>David Gill (Head of Law &amp; Democracy / Monitoring Officer)<br/>(0116) 257 2626<br/><a href="mailto:david.gill@oadby-wigston.gov.uk">david.gill@oadby-wigston.gov.uk</a></p> <p>Jon Wells (Senior Strategic Development Manager)<br/>(0116) 257 2692<br/><a href="mailto:jon.wells@oadby-wigston.gov.uk">jon.wells@oadby-wigston.gov.uk</a></p> <p>Ben Clark-Monks (Selective Licensing Team Leader)<br/>(0116) 257 2883<br/><a href="mailto:ben.clark-monks@oadby-wigston.gov.uk">ben.clark-monks@oadby-wigston.gov.uk</a></p> |
| <b>Strategic Objectives:</b>  | Our Council (SO1)<br>Our Communities (SO2)<br>Our Economy (SO3)   |
| <b>Vision and Values:</b>   | "Our Borough - The Place To Be" (Vision)<br>Teamwork (V3)<br>Innovation (V4)<br>Customer Focus (V5)   |
| <b>Report Implications:-</b>  |   |
| Legal:  | There are no implications directly arising from this report.  |
| Financial:  | There are no implications directly arising from this report.  |

|  |   |
|--|---|
| Corporate Risk Management:                 | Decreasing Financial Resources / Increasing Financial Pressures (CR1)<br>Political Dynamics (CR3)<br>Reputation Damage (CR4)<br>Organisational / Transformational Change (CR8)<br>Economy / Regeneration (CR9)  |
| Equalities and Equalities Assessment (EA): | There are no implications directly arising from this report.<br>EA not applicable   |
| Human Rights:                              | There are no implications arising from this report.   |
| Health and Safety:                         | There are no implications directly arising from this report.  |
| <b>Statutory Officers' Comments:-</b>      |   |
| Head of Paid Service:                      | The report is satisfactory.   |
| Chief Finance Officer:                     | The report is satisfactory.   |
| Monitoring Officer:                        | The report is satisfactory.   |
| <b>Consultees:</b>                         | Due to the potential impact on other services, the following service managers and officers were invited to review and comment on the proposed strategy <ul style="list-style-type: none"> <li>• Mr Chris Eyre (Housing Manager)</li> <li>• Mr Jon Owst (Revenues and Benefits Manager)</li> <li>• Mr Jamie Carr (Planning Policy and Development Manager)</li> <li>• Mr Jeffrey Kenyon (Economic Regeneration Manager)</li> <li>• Mrs Louise Taylor (Housing Options Team Leader)</li> </ul>  |
| <b>Background Papers:</b>                  | <ul style="list-style-type: none"> <li>• <a href="#">Report entitled 'Oadby &amp; Wigston Empty Homes Strategy (2020-2025)' to Policy, Finance and Development Committee on 10 March 2020.</a></li> <li>• <a href="#">Selective licensing in the private rented sector: a guide for local authorities</a></li> <li>• <a href="#">Housing Strategy 2019 - 2024</a></li> <li>• <a href="#">Report entitled '41-43 Canal Street, South Wigston: Compulsory Purchase Order (CPO)' to Policy, Finance and Development Committee on 31 October 2017.</a></li> </ul> |
| <b>Appendices:</b>                         | 1. Proposed Amended Empty Homes Strategy (2023 - 2028)  |

## 1. Introduction

1.1 Within the Authority there are several strategy and guidance documents that refer to increasing the supply or quality of housing within the Borough, these include:

- a. Corporate Plan (2019 – 2024) – There are three KPIs within corporate plan that can be supported through the regeneration of empty homes, these include:
- GBE8 - Work with the Canals and Riverside Trust to develop housing on the important Kilby Bridge site. – One of the long term empty homes that has been empty since 2005 is on this site.
  - GBE11 - We will actively work to reduce homelessness and minimise the number of households in temporary accommodation, particularly given that the post pandemic could lead to an increase in homelessness – By proactively

offering an OWBC lease option to empty home owners, The Authority could increase its stock levels reducing waiting times for households in temporary accommodation.

- PES24 - Optimising our performance by maximising staff capacity through agile and flexible working practices – By establishing a working group the Authority is able to allocate resource flexibility as required.
- b. Local Plan (2011 – 2031) – The strategy will assist with the delivery of Spatial Objective 8 to deliver a balanced housing market by bringing more properties back to the market within the Borough.
- c. Our Vision (2022) – The amended strategy will help the Authority achieve multiple factors within the new draft vision if it is adopted, such as
- To provide a clean and safe place for everyone – Reducing empty homes further will help to make the Borough a cleaner and safer place to live.
  - To provide good, affordable and efficient housing for everyone – Bringing empty homes back into use will increase the number of available properties in the Borough.
- d. Housing Strategy (2019 – 2024) – The Authority’s Housing Strategy has four priorities, two of which can be related to management of empty homes within the Borough, these are:
- Priority One: Increase the supply of housing, which could be achieved by leasing properties from empty home owners to increase our own temporary housing stock and remove an empty home from the district.
  - Priority Four: Create great places to live, which by targeting “eyesore” empty homes will make the Borough a more pleasant environment to live in.
- e. Selective Licensing in the private rented sector: a guide for local authorities – The guidance advises Authorities that Selective Licensing is not a tool to be used in isolation and should complement the Authority’s Borough wide strategies relating to homelessness, empty homes, regeneration and anti-social behaviour associated with privately renting tenants.

## **2. Why review the current strategy?**

- 2.1 Following the pandemic a number of the Authority’s strategic documents are being reviewed and it is important that our operational strategies support these documents, along with complimenting other functions the Authority is responsible for ensuring best service and value for money outcomes for the residents of the Borough and the Authority itself as outlined above.
- 2.2 There was a slight increase in empty homes across Leicestershire during the pandemic
- 2.3 It is essential that with the limited resources available to the Authority that we are ensuring best value for money within any service we deliver, it is therefore essential that unnecessary steps within a process are removed to ensure that limited officer time is used as effectively as possible, as outlined below.

## **3. Proposed Changes**

- 3.1 Proposed changes and the existing text and justifications are shown below:

### **a. Definition of an empty home**

- Original - Have been unoccupied for six months or more AND where there is little reasonable prospect that the owner will be able to remedy the circumstances without advice, assistance or support.
- Proposed - Properties that have been unoccupied for six months or more and where the Authority is concerned that the owner will not or be unable to remedy the circumstances without advice, assistance or support being offered.
- Justification – The revised definition allows for greater flexibility for the case officer to determine if a property may be at risk of becoming a long term empty home or may be detrimental to the area, as is the case with the Environmental Protection Act 1990, Prevention of Damages by Pest Act 1949 or Anti-Social Behaviour Crime and Policing 2014.

**b. Why bring long term empty homes back into use?**

- Original – The original strategy only referred to Spatial Objective 8 in the local plan.
- Proposed -The revised strategy refers to all documents noted in section 1 of this report
- Justification – Since the original strategy was brought to the committee there have been a number of changes within the Authority that need to be reflected within our strategic documents, such as the need to have Borough wide empty homes strategy to support Selective Licensing which was not referred to or adopted when the original strategy was approved.

**c. Identify**

- Original – Long term empty properties are initially identified via Council Tax records. With properties that have been empty for over 2 years being subject to a 100% empty property premium. Wherever possible, the Council contacts owners to obtain current information and to encourage at an early stage the property to be returned back into use.
- Proposed -This section has been expanded to include reports of empty homes received by Environmental Health in the event that revenues have not been made aware of an empty home, along with outlining the makeup of the empty homes officer working group and details of how properties will be identified, such as the annual empty homes survey.
- Justification – This has been amended to more accurately reflect how empty homes are discovered and also more accurately reflect how the Authority intends to work in relation to the management of empty homes.

**d. How the Private Sector Housing Team engage with home owners**

- Original – The original strategy stated a questionnaire would be provided to the owner.
- Proposed - the Council will endeavour to contact the owner by phone, email, letter or by visiting the owner to establish why the property is empty, and what steps if any the owner is taking to return the property back into use.
- Justification – These property owners are typically less likely to engage with us so by conditioning that contact further reduces the likelihood of contact, whereas the case officer can capture all the required data using whatever method the property owner chooses to communicate with us.

**e. OWBC private sector lease scheme**

- Original Text – In some instances the Council may consider purchasing or leasing the property itself in order to increase its portfolio of temporary or affordable housing.
- Proposed Text – Following the introduction of the Housing Options, private sector leasing scheme more detail has been added detailing on how the process may work and details of the scheme.

- Justification – Provides further clarity to customers.

**f. Reviewing the Strategy**

- Original Text – The Strategy will be reviewed every five years or sooner should there be any major changes in National or Local policy.
- Proposed Text - The Strategy will be reviewed every five years or sooner if required. Changes to the strategy can be made under the scheme of delegation with the approval of a Strategic Director (or equivalent post) and the Head of Law and Democracy. With the renewal of the strategy being brought to Policy, Finance and Development Committee for approval.
- Justification – Provision has been added to the strategy to allow it to be amended with the consent of two senior officers with the policy coming back to committee upon expiry.

**4. Operation and Resources**

- 4.1 The empty homes function has historically moved between the Environmental Health and Planning services and has been generally successful demonstrating a year on year reduction in empty homes within the Borough, along with having one of the lowest number of empty homes within Leicestershire.
- 4.2 The Authority has seen over a 50% reduction in empty homes when compared to 2004 levels and the current published rate (2022) shows that empty homes account for 0.56% of the Authority’s total stock which is the second lowest level in the County.
- 4.3 The current strategy was approved at the Policy, Finance and Development Committee on 10 March 2020 but was not fully implemented as a result of the Covid-19 pandemic. In addition there has been a considerable amount of staff turnover. It is felt that as a result it is opportune to review the strategy.
- 4.4 There are a number of officers within the Authority who come in contact with empty homes for a variety of reasons, it seems appropriate that a cross departmental working group is established to ensure the greatest value for money is achieved with the following people and departments being involved and their responsibilities:
- Private Sector Housing – Will lead the empty homes officer working group, complete the annual empty homes survey, provide updates to Service Delivery Committee in relation to empty homes level within the Borough on a quarterly basis and take enforcement action when appropriate.
  - Revenues – Will complete the annual empty homes survey, reporting figures for the purpose of Council Tax and Business Rates data.
  - Planning – Will provide support for properties that may be empty due to planning issues and provide owners with guidance on suitable changes of use or other applications.
  - Housing Options – Will provide updates on properties that are going forward with leasing to the Authority.
- 4.5 The Authority has 132 empty homes which equates to 0.56% of the housing stock in the Borough, the second lowest in the County.
- 4.6 As a result the allocation of a dedicated resource (an Empty Homes Officer) is neither warranted or financially viable and the cross departmental working group is considered to be the most economically efficient way to address the issue and deal with the significant volume of work generated such as the annual survey to be conducted between June and

September, any resultant inspections and the completion of the annual empty homes return.

## **5. Current figures relating to empty homes within the Borough (Empty Homes Survey 2022)**

- 5.1 As of October 2022 there were 132 empty homes within the Borough, these break down to:
- 31 Long term empty homes
  - 101 Empty Homes
- 5.2 Reports outlining progress will be provided to Service Delivery Committee for review.

## **6. How does OWBC compare to other districts in Leicestershire (Annual Return 2022)**

- 6.1 In a comparison with the other Leicestershire Districts the Authority has the lowest prevalence of empty homes in the County (using 2022 figures) a breakdown of these figures is shown overleaf:

| <b>Number of Vacant Dwellings within Leicestershire by District/Borough (2022)</b> |     |
|--|-----|
| Oadby and Wigston Borough Council  | 132 |
| Blaby District Council   | 243 |
| Charnwood Borough Council  | 642 |
| Hinckley and Bosworth Borough Council  | 301 |
| North West Leicestershire District Council   | 281 |
| Melton Borough Council   | 180 |
| Harborough District Council  | 377 |

- 6.2 This means that the Authority accounts for approx. 6% of the County's empty homes.

## **7. Reporting Progress**

- 7.1 An update of current levels will be provided within the Council Performance Update report presented to Service Delivery Committee using the information outlined above, so progress of the overall function can be monitored. Using the data outlined on pages 12-14 of appendix 1.
- 7.2 Where there are properties which members have specific concerns about enquiries can be raised through the member enquiry function. This will allow the Private Sector Housing team to address specific concerns regarding properties and provide further information and context that may not be appropriate or reasonable to share in a public meeting.

## **8. Conclusion and Recommendations**

- 8.1 In conclusion the Borough does not have an issue with long term empty homes (132) actually having the lowest number of empty homes in the entire east midlands with Rutland County Council having the second lowest (173) when reviewed against 2022 reported data.
- 8.2 OWBC has been successful at reducing empty homes in the district without the need to assign significant resource to a dedicated project.

- 8.3 An established working group will allow the Authority to further address what limited empty homes are within the Borough without the need for dedicated resourcing and will allow for flexible resourcing to be in place at times of high demand such as prior to the submission of the Authority's CBT1 form to confirm the number of empty properties that have been re-occupied and those that the Authority may be eligible to claim the new homes bonus for.
- 8.4 Whilst a range of enforcement options are available to the Authority these are often costly and time intensive for officers and are in some cases offer no guarantee of immediate results.
- 8.5 Therefore the use of these enforcement powers has a significant amount of corporate risk attached and should only be used in exceptional circumstances.
- 8.6 In conclusion a positive, informal and pro-active approach should be sufficient to deal with the majority of properties within the Borough and a risk rating system should be established to allow a consistent approach to be considered for more long term empty homes where the owners can either not be identified or located or have failed to engage with the Authority. This risk rating and the officer recommendations will then assist the Head of Law and Democracy in making any final decision on the action to be taken at the property.
- 8.7 This risk rating system will be prepared by the Selective Licensing team leader using existing systems in operation as a benchmark to operate from, brought to the working group for consideration and comments and final sign off falling with the Head of Law and Democracy.

**Oadby and Wigston  
Borough Council  
Empty Dwelling Strategy  
2023-2028**

**Proposed Review and Amendment of  
Empty Homes Strategy 2020 -2025  
(March 2023)**

## Introduction

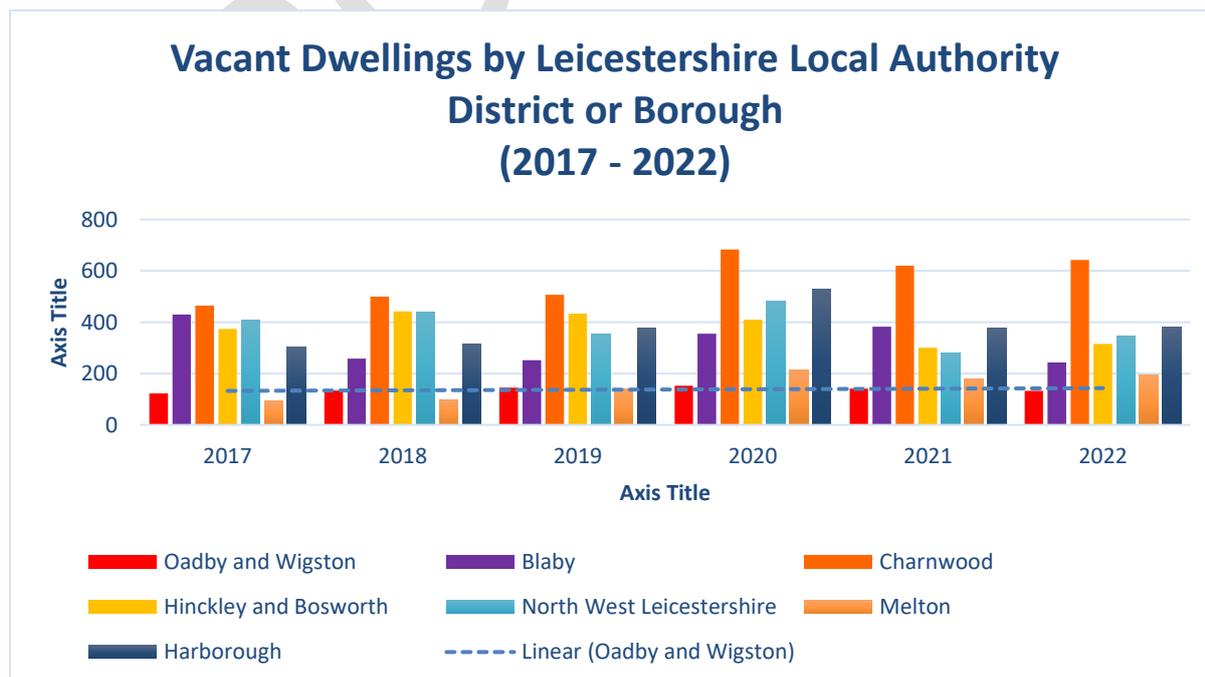
This Strategy sets out the Council's approach to returning empty dwellings back into use. Empty dwellings are a wasted asset and bringing them back into use can contribute towards increasing the supply of housing in the Borough, improving the quality of the environment and reducing anti-social behaviour.

Just one empty dwelling in a neighbourhood can attract fly tipping and vandalism and make neighbouring dwellings unattractive to let or sell. This effect of neglected empty dwellings on neighbourhoods is well known, and returning them to use can have a positive impact on the surrounding area whilst increasing overall housing supply and meeting demand.

Nationally there are approximately 237,340 dwellings which are classed as long term empty homes that equates to 0.95 per cent of the total housing stock ([action on empty homes](#)). The majority of this number is within the private sector.

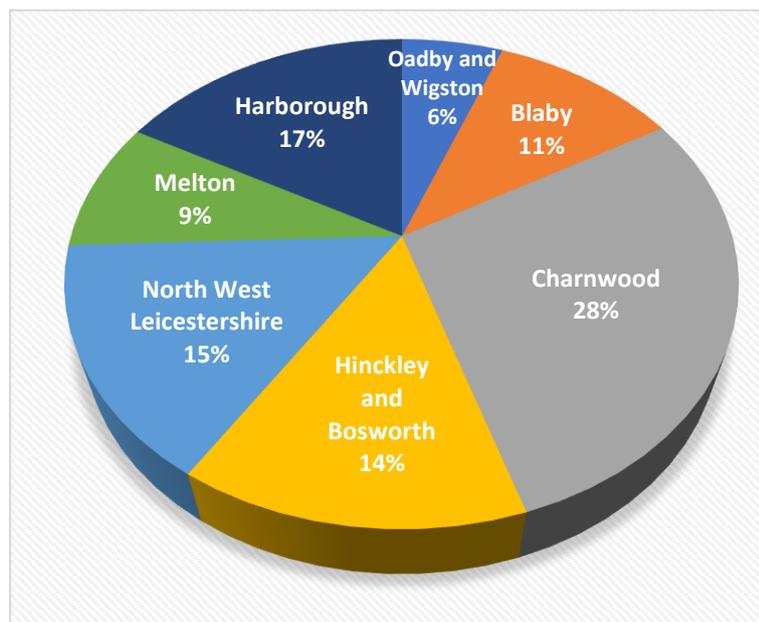
In October 2022 there were 101 dwellings in the Borough that had been empty for 6 months or more, of which 31 had been empty for 2 years or more.

Evidence from local authority returns indicate that the number of empty dwellings in the Borough of Oadby and Wigston has gradually decreased from 283 in 2004 to 2018 with a moderate increase in 2019 and 2020 but a further decrease was reported in 2021 and 2022. This is illustrated in the charts and tables below, which also shows empty homes levels for all Leicestershire Districts from 2004 as a local comparison and percentage split of Vacant dwellings by district/borough in 2022.



[Table 615: vacant dwellings by local authority district: England, from 2004](#) (October 2022)

| <b>Table 1 - Number of Vacant Dwellings within Leicestershire by District/Borough (2022)</b> |     |
|--|-----|
| Oadby and Wigston Borough Council  | 132 |
| Blaby District Council   | 243 |
| Charnwood Borough Council  | 642 |
| Hinckley and Bosworth Borough Council  | 301 |
| North West Leicestershire District Council   | 281 |
| Melton Borough Council   | 180 |
| Harborough District Council  | 377 |



Percentage split of Vacant Dwellings within Leicestershire (2022)

Table 1 illustrates the number of long term vacant dwellings within the Leicestershire area which shows that Oadby and Wigston have the lowest occurrence of empty dwellings of any District or Borough in the Leicestershire area, this is demonstrated further by the chart showing that Oadby and Wigston only account for 6% of the County's long term vacant dwellings.

| <b>Table 2 - Fluctuation in number of long-term vacant dwellings in Leicestershire (2004 to 2022)</b> |             |             |                         |
|---|-------------|-------------|-------------------------|
| <b>Local Authority</b>  | <b>2004</b> | <b>2022</b> | <b>+ / - change (%)</b> |
| Oadby and Wigston Borough Council   | 283         | 132         | -53.36%                 |
| Blaby District Council  | 277         | 243         | -12.27%                 |
| Charnwood Borough Council   | 937         | 642         | -31.48%                 |
| Hinckley and Bosworth Borough Council   | 371         | 316         | -14.82%                 |
| North West Leicestershire District Council  | 346         | 346         | 0.00%                   |
| Melton Borough Council  | 166         | 195         | 17.47%                  |
| Harborough District Council   | 279         | 383         | 37.28%                  |

\*Figure from 2005 because 2004 figure was not published\*

Table 2 illustrates the percentage change in the prevalence of long term vacant dwellings in Leicestershire when comparing 2004 figures to 2022, with Oadby and Wigston showing over a 50% reduction in the level of long term empty dwellings.

| <b>Local Authority</b>                     | <b>Long Term Vacant Dwellings</b> | <b>Total Stock</b> | <b>Percentage of total stock currently long term vacant</b> |
|--|-----------------------------------|--------------------|---|
| Oadby and Wigston Borough Council          | 132                               | 23,664             | 0.56%   |
| Blaby District Council                     | 243                               | 44,251             | 0.55%   |
| Charnwood Borough Council                  | 642                               | 77,466             | 0.83%   |
| Hinckley and Bosworth Borough Council      | 316                               | 51,303             | 0.62%   |
| North West Leicestershire District Council | 346                               | 46,969             | 0.74%   |
| Melton Borough Council                     | 195                               | 23,892             | 0.82%   |
| Harborough District Council                | 383                               | 41,771             | 0.92%   |
| Leicestershire                             | 2,257                             | 309,316            | 0.73%   |

Table 3 shows the percentage of long term vacant dwellings as a percentage of total stock, this shows that 0.56% of the total housing stock within Oadby and Wigston is currently classed as long term vacant which is below the Leicestershire rate of 0.73% and is the second lowest rate in Leicestershire.

### **Oadby and Wigston Borough Council Corporate Plan 2019-2024**

The benefits of returning long term empty homes into use is recognised by the Council's Corporate Plan which seeks to 'bring existing long-term empty homes back into the market through collaborative working and direct Council interventions'. The Corporate Plan includes a Key Performance Indicator that aims to return a specified number of empty homes in to use annually.

Returning empty homes into use links directly with the Vision and Objectives of the Corporate Plan in relation to 'Improving the lives of our communities' and to 'be proud of your Borough as a place to live'.

## Corporate Plan

### **Aims and Objectives**

The aim of this Strategy is:

To reduce the number of Long Term Empty Homes in Oadby and Wigston by working with owners to encourage them to return empty homes back into use and to provide decent homes for occupation within the Borough.

The objectives of this Strategy are:

- To identify long term empty dwellings
- To engage with the owners of long term empty dwellings
- To provide advice and assistance to those wishing to bring empty dwellings back into use.
- To use enforcement action to bring the dwellings back into use, where necessary and appropriate to do so.

### **Defining an Empty Dwelling**

It is important to define which dwellings are affected by this Strategy, and those which are not. For the purposes of this Strategy long term empty dwellings are those:

***“Dwellings that have been unoccupied for six months or more and where the Authority is concerned that the owner will not or be unable to remedy the circumstances without advice, assistance or support being offered”***

Dwellings which have been empty for less than six months are not considered to be long term empty dwellings. Such dwellings may still be investigated as empty dwellings if the Authority has a concern regarding their condition and management, at the case officers discretion.

### **Why bring long term dwellings back into use?**

#### **Planning Policy**

Spatial Objective 8 of the adopted Oadby and Wigston Local Plan states that ‘A mix of housing opportunities will be provided to positively meet the housing needs of the local community, including private rented and affordable homes. A mix of type, tenure and affordability will be provided to ensure that all residents of the Borough have access to appropriate homes. The primary focus for new housing will be the three main centres, the

rest of the urban area, as well as the allocated 'direction for growth' areas. Support will be given to proposals or schemes that realise these primary focus locations and the needs of the local community'.

### Local Plan

#### **Selective Licensing**

Selective Licensing in the private rented sector: a guide for local authorities, produced by the Ministry for Housing, Communities and Local Government (MHCLG) and updated by the Department for Levelling Up, Housing and Communities (DLUHC) states that

'Selective licensing is not a tool that can be used in isolation. The local housing authority will have to show how such a designation will be part of the overall strategic borough wide approach and how it fits with existing policies on:

- homelessness
- empty homes
- regeneration
- anti-social behaviour associated with privately renting tenants'

### Selective Licensing in the private rented sector: a guide for local authorities

#### **Our Vision**

The Authority's new draft vision "Our Borough the place to be" includes the following points

- To provide a clean and safe place for everyone.
- To provide good, affordable and efficient housing for everyone.
- To make our Borough an inviting place to visit.

### Our Vision

#### **Housing Strategy**

The Authority's Housing Strategy has 4 priorities these are

- Increase the supply of housing
- Manage the demand for housing
- Provide high quality local authority landlord services
- Create great places to live

## Housing Strategy 2019 – 2024

Therefore a pro-active empty dwelling strategy is essential to complement the Authority's existing policies and strategies along with the future vision for the district by working to achieve the key points noted above.

Bringing empty dwellings back into use offers the following benefits:

### **For the homeowner:**

- An increased income or capital value associated with the dwelling.
- Reduced costs for example, Council Tax liability and empty home insurance.

### **For the Council:**

- A reduction in the number of complaints associated with empty dwellings.
- Reduction in debts owed to the Council arising from empty dwellings.
- Increases the supply of housing potentially in both the private and social housing market by referring suitable empty dwellings to the Housing Options team to explore the potential of leasing the dwelling from the owner.

### **For the Community:**

- An improved environment by removing 'eye-sores' and reducing opportunities for anti-social behaviour with associated benefits to house prices in the vicinity.
- The provision of a wider range of housing options and a balanced housing market.
- Making the Borough a more inviting place to visit and live.

### **Our Approach**

The Borough Council's general approach to bringing empty dwellings back into use is a three step approach:

- Identify
- Encourage and Assist
- Enforce

## Identify

Long term empty dwellings are initially identified via Council Tax records or through Environmental Health service requests from residents who have a concern in relation to a dwelling.

There are a number of reasons dwellings could be empty that would prevent re-occupation, such as an occupier either entering a long term residential care placement, awaiting the grant of a probate or other sensitive factors that need to be considered by officers.

Information will be shared between relevant departments as part of a cross departmental working group with participants meeting quarterly to review progress and discuss individual cases and ensure collaborative, efficient and sensitive working, this group will consist of:

**Private Sector Housing** – Monitoring number of dwellings and taking enforcement action when appropriate.

**Revenues** – Monitoring number of dwellings and reporting figures for the purpose of Council Tax and Business Rates data.

**Planning** - Providing support for dwellings that may be empty due to planning issues or being able to provide owners with guidance on suitable changes of use or other application processes.

**Housing Options** – Provide update on dwelling that are going forward with leasing to the Authority following a successful referral to the Housing Options team to take over control of the dwelling on either a long or short term lease agreement.

The Council will endeavour to identify and contact owners to obtain current information and enquire about their plans for the dwelling and encourage engagement and action at an early stage to ensure the best chance for the dwelling to returned back into use.

There will also be an annual survey of all empty dwellings in the district conducted between July and September each year by officers from the Private Sector Housing and Revenues team to assess the condition of all empty dwellings within the Borough.

## Encourage and Assist

If the dwelling is found to be empty the Council will endeavour to contact the owner by phone, email, letter or by visiting the owner to establish why the dwelling is empty, and what steps if any the owner is taking to return the dwelling back into use.

The aim is to provide the owner with ideas that can provide more than one solution to an empty home. Having a flexible range of solutions is intended to achieve greater success in reducing the number of empty dwellings . Once contact is made owners are advised of the options available to them.

Potential options include:

## **Let, Sell or Lease the Dwelling Vacant**

The Borough Council will endeavour to provide advice on housing standards, good housing management practices, setting up tenancies, and finding suitable tenants for the dwelling or guidance and support in relation to selling a dwelling.

## **Oadby and Wigston Borough Council, lease or purchase**

In some instances the Council may consider leasing or purchasing the dwelling itself in order to increase its portfolio of temporary or affordable housing. Any owners interested in exploring the option of leasing the dwelling would be referred to Housing Options and the dwelling would be assessed on a case by case basis against the demand for that size and style of dwelling and the level of renovation work required to bring the dwelling to an acceptable letting standard. The dwellings will be assessed inline with the current private sector leasing process already in place for leasing dwellings from private landlords and developers.

Key information regarding the process

- The dwelling would be subject to a statutory overcrowding assessment to confirm the maximum capacity of the dwelling in line with the Housing Act 1985.
- The dwelling would be assessed using the Housing Health and Safety Rating System to ensure that there are no category 1 Hazards identified within the dwelling and any identified hazards are mitigated to an acceptable level in the opinion of the assessing officer.
- All required safety checks would be undertaken as is standard practice in all of our Housing Stock.
- Owners would be offered the Local Housing Allowance rate (LHA) as payment to ensure that renting the dwelling is cost neutral to the Authority.
- Renovation costs would be paid by the Authority but the cost of the work would be deducted from the rent paid to the owner until the renovation costs are repaid.
- Dwellings would either be leased on a 3 year lease and used as temporary accommodation or on a 10 year lease and released into the general stock for bidding on the Choice Based Letting System.
- Tenants securing a leased dwelling from general stock would be granted a non secure tenancy as outlined Part VII Housing Act 1996 (housing the homeless) and are exempt from secure tenancy status.
- An agreed condition schedule would be included within the lease to establish what condition the dwelling should be returned to the owner in should either party choose to terminate the lease.

Further to this a clause can be added to lease subject to the agreement of both parties giving the Authority an option to purchase the dwelling at any stage within the lease should the Authority wish to do so and a price can be agreed.

## **Advice on external grants**

If work or repairs are needed to the dwelling prior to a sale or let then the Council may be able to advise of any external grants that are available.

## **Assistance with renovation works (where suitable and appropriate)**

If the empty dwelling is adjacent to any of the Council's own housing stock then it may be possible to combine any works proposed to take place to the Council's stock with the empty dwelling. Whilst the owner of the empty dwelling would be liable to pay for the cost of any works undertaken to their dwelling through this approach they may be able to benefit from any economies of scale achieved by working in partnership with the Council.

## **Convert the Dwelling or Change of Use**

Empty space over shops, redundant town centre office accommodation, former schools, traditionally constructed commercial buildings or other vacant facilities may lend themselves to conversion to some form of accommodation. The Council can advise on the planning implications for such premises and whether such proposals might be considered permitted development.

*\*This is not an exhaustive list and further options may have become available following the introduction of this strategy for a full list of support offered by the Authority and further information please visit our website\**

## **Enforce**

The Council will endeavour to encourage and facilitate owners of empty dwellings to bring them back into use. However, it is recognised that the Council may have to undertake enforcement action to deal with certain dwellings .

A combination of housing, environmental health, planning and building control legislation may be used if necessary to either improve the visual appearance, safety and security of the building, pending its reoccupation or to force the owner to bring the dwelling back into use. This action will follow the informal education and advice offered during initial contact with the owner.

## **Enforcement methods are highly labour intensive, lengthy and can be expensive for the Council.**

The Council is keen to work with owners and in all instances will use encouragement and assistance before enforcement options are considered. Where the owner may be un-cooperative or, the Council after a thorough investigation is unable to trace the owner of the empty dwelling there are a number of enforcement options open to the Council. Enforcement will usually take the form of one or more of the following:

- Town and Country Planning Act section 215 Notice

- Building Act 1984 section 79 Notice
- Enforced Sale
- Empty Dwelling Management Order
- Compulsory Purchase Order
- Enforcement of any Council Tax liability by a charging order leading to an order for sale

### **Town and Country Planning Act Section 215 Notices/Enforced Sale**

Where a dwelling is having a detrimental impact on the amenity of an area, a notice may be served requiring the owner to address the unsightly external appearance. Where an owner fails to comply with such a notice the Council may either prosecute the owner for non-compliance with the Notice or undertake the works in default, and register a charge against the dwelling.

The use of s.215 notices improves the amenity of an area, and also allows the recovery of Council costs incurred; this can form the basis of an enforced sale. When a debt is owed to the Council and all reasonable attempts have been made to recover this debt, the Council can force the sale of the empty dwelling under The Law and Property Act 1925 (Power of Sale) as a means of debt recovery. The debt is recovered on sale of the dwelling.

Whilst this method does not guarantee that the dwelling will be bought back into use a new owner would be found (usually via auction) and it is likely this would result in the dwelling being re-occupied.

### **Building Act 1984 Section 79 Notice**

If the Empty Home is in a ruinous or dilapidated condition and is seriously detrimental to the amenities of the neighbourhood, the Local Authority can order the owner:

- To execute works of repair or restoration
- To demolish the building and remove any associated materials

Whilst this option will not return the dwelling back into use, it can assist to manage its impact on its environment and the local community.

### **Empty Dwelling Management Orders**

The Council can take over the management of the dwelling using an Empty Dwelling Management Order (EDMO) under Part 4 of the Housing Act 2004. A management agreement or framework should be in place before any EDMOs are made. An interim EDMO allows the Council 12 months to secure the occupation of the home. If no progress is made within 12 months, the Council can apply for a final EDMO which lasts up to 7 years, but can go up to 21 years and involves the Council taking over full management of the dwelling. Whilst an EDMO is in force the Council may carry out maintenance and renovation work. This would be at the Council's cost and recoverable from the rental income of the dwelling. It is therefore necessary for the Council to consider the likely income from the dwelling against

the costs associated with bringing it up to habitable standard. An EDMO is most suitable where the cost of the works to bring the dwelling up to standard can be recovered within the period of the EDMO.

### **Compulsory Purchase Order Under section 17 of the Housing Act 1985 or section 226 Town & Country Planning Act 1990**

The Council has the power to compulsorily purchase the dwelling, the dwelling is then sold on. They are only used in appropriate cases, where, an owner has consistently failed to bring an empty dwelling back into use despite other Council interventions. Compulsory Purchase Orders are a lengthy legal process that the Council will not undertake lightly. It is considered one of the strongest powers available to tackle empty dwellings and consequently requires approval of the Secretary of State. Compulsory purchase proceedings are often not completed because owners have been prompted by the process to bring the dwelling back into use themselves. Though Compulsory Purchase Orders are a useful device for local authorities, this type of action tends to shift the 'burden of responsibility' to a third party.

### **Enforcement of any Council Tax liability**

Empty dwellings attract a council tax premium which is designed to encourage owners to bring the dwelling back into use. Where that liability is not paid the Council will enforce the liability through the Magistrates Court and obtain a liability order. If that liability order exceeds £1,000 then the Council can convert the Liability Order to a Charging Order which gives a right to an enforced sale of the dwelling.

### **Most Acceptable Course of Action**

All enforcement methods are highly labour intensive, lengthy and can be expensive for the Council. The Council is keen to work with owners and in all instances will use encouragement and assistance before enforcement options are considered.

At the point where enforcement action is considered necessary a report will be prepared for the Head of Law and Democracy for consideration, with an environmental and cost benefit analysis of all of the enforcement actions, including an analysis of taking no action. Using a set risk rating system to ensure a consistent approach. A decision will then be made once all of the information has been gathered and financial and legal implications have been considered.

### **Reporting**

Reporting in relation to the number of empty homes and their current status would be provided to Service Delivery Committee as part of the Council Performance Update Report. The information would be provided to members using the metrics below.

**Condition Assessment** – The condition assessment of the property will be established by an external inspection and for ease of reporting will be split into the following categories:

- Overgrown – There is no obvious disrepair to the property but the property appears to be generally unkempt and untidy.
- Disrepair and overgrown – There are signs of the damage to the property and the grounds appear to be generally unkempt and untidy.
- Development site – The property is currently subject to renovation or construction works.
- Derelict – The property is uninhabitable and there is no sign of ongoing work.
- Well Managed – Whilst the property may be empty there are no signs of damage and the grounds are well kept.
- Occupied – The property is no longer empty.

**Type of property** – The property types have been split into the following categories to try and provide as much information as possible in a succinct manner:

- Detached
- Semi-detached
- End Terrace
- Mid Terrace
- Flat
- Bungalow - Detached
- Bungalow – Semi-detached
- Other

**Current status and/or action plan for the property** – This section will be split into two sections, the first reflecting the most recent action that has been taken in relation to the property and the second showing the current status of the case.

**Action Taken** – the actions have been split into the following categories to try and provide as much information as possible in a succinct manner:

- Initial Letter sent
- Contact Established
- Confirmed plan for re-occupation
- Leased to OWBC
- 2nd Attempt at Contact
- 3rd Attempt at Contact
- Enforcement case being prepared
- Enforcement Action being taken
- Empty Dwelling Management Order (EDMO)
- Compulsory Purchase Order (CPO)

**Case Status** - the case status options have been split into the following categories to try and provide as much information as possible in a succinct manner:

- Awaiting Reply from Owner
- Engaged and working with OWBC
- Engaged and has own action plan
- Renovation works underway
- Occupied Privately
- Demolished
- Occupied by OWBC tenant

This will ensure a clear and quantitative break down of the number of empty homes and their current status within the Borough.

Where there are properties that members have specific concerns about and would like a more detailed update, these requests can be raised through the existing members enquiry function.

### **Reviewing and Renewing the Strategy**

The Strategy will be reviewed every five years or sooner if required. Changes to the strategy can be made under the scheme of delegation with the approval of a Strategic Director (or equivalent post) and the Head of Law and Democracy (or equivalent post). With the renewal of the strategy being brought to Policy, Finance and Development Committee for approval.

PROPOSED