

FREEDOM OF INFORMATION ACT 2000

Your request for information has now been considered and the Council's response to your questions is shown below.

You asked:

"I am writing this email to request information under the freedom of information act concerning housing, could you please confirm to me that there has been in the past cases where tenancys from one property has been allocated to more than one member of family as long as they have lived in the said property and was doing so when the tennant passed away or. for example if a person lived with there parents and one passed away and then many years later the other parent passed away and the property was the same size that the tennant would need to be housed in has in the past been able to also take on the tenancy.i have asked the housing office who could not confirm that this has never been allowed to happen under special circumstances."

1. Succession:

Statute has to be followed in determining any succession to a secure tenancy. The law arises from the 1985 Housing Act.

The Act states that there can only be **one succession**, which is to the surviving spouse or civil partner or a member of the deceased tenant's family.

Only a qualifying person can succeed and in the case of anyone other than a spouse or civil partner, it is also necessary to show that the would be successor had been residing with the deceased for at least 12 months before the death of the tenant.

The law defines the following members of a tenant's family that can have a right of succession as:

Spouses, parents, grandparents, children, grandchildren, siblings, uncles, aunts, nephews and nieces; including step-relations, half-relations and illegitimate children and "persons living together as husband and wife".

Where there is more than one qualifying person to succeed, the late tenant's spouse/civil partner takes precedence but otherwise the qualifying persons must agree amongst themselves who is to take over the tenancy. If they cannot agree the landlord is entitled to choose the successor. There can be no joint succession.

The Localism Act 2011 has allowed statutory succession since April 2012 to be applicable to a spouse or a civil partner. However the Council at its discretion, can contractually provide for more extensive succession rights.

This law is followed when a request for succession is received.

We have looked at these requests for the past 12 months and can confirm the following.

Total number of requests received for succession 283

These can be classified as follows:

The Tenancy ended as there was no 'successor'	83
Successions approved under qualification criteria:	176
Unlawful Occupier following death of tenant:	1
Right to buy prior to death:	2
Administrative errors in creating Joint Tenancies	2
Still undergoing Investigation/not concluded;	16
2 nd successions refused:	3

2. Leicester City Council's Allocations Policy:

The City Council's Housing Allocation Policy is followed when we allocate Council homes. The policy sets out an applicant's priority, what type of home they are eligible for, based on their needs. It is administered through our Housing Registration and Leicester Home Choice services.

Applicants who have no **rights** to succeed to a tenancy have to register. They are then given their banding (priority) and then they can bid for properties which the allocation policy says they are eligible for (e.g. the size they need).

The Allocation policy can award band 1 status to people who are left living in family accommodation to which they have no succession rights. Priority will only be awarded in order that the applicant may be offered appropriate accommodation to meet their needs. In order to qualify for this priority the person(s) left in the accommodation would have qualified under the succession rules had there not already been a succession on that tenancy.

They are only eligible for the home of the right size. Often the person will be a single person, eligible for a one bedroom flat, living in a 3 bedroom house. We allow some time for them to find somewhere else e.g. by bidding through Leicester HomeChoice, but they do have to move.

In some circumstances the council will make an offer by a 'direct let' and not use the Leicester HomeChoice system. This means we make them an offer directly, and they will not have bid for it. This is used, for example where there are exceptional circumstances that merit rehousing associated in managing risks, emergencies and making best use of our stock. Under this criteria we have had one recent request for people left in a house after a death to stay in that house, where succession could not be allowed under statutory guidance. The circumstances involving the family were so exceptional that the allocation was approved.

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Not all the information that is supplied which is covered by copyright will be the Council's copyright, for example it may be the copyright of a government department or another Council. You should seek either the Council's consent or their consent as appropriate. The Council is willing to advise you of any such potential issues on request. In order to make a request to re-use the information please contact the Information Governance Manager using the details below.

If you are dissatisfied with the handling of your request please write to:

Information Governance Manager

Information and Support

Leicester City Council

FREEPOST (LE985/33)

New Walk Centre

LEICESTER LE1 6ZG

e-mail: info.requests@leicester.gov.uk

Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

You can also complain to the Information Commissioner at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow SK9 5AF

Telephone: 01625 545 700

www.informationcommissioner.gov.uk

Please be aware that the Information Commissioner does not normally consider appeals or complaints until the internal appeals and complaints processes of the public authority which is answering the request have been exhausted. You are therefore advised to complain or appeal to the Information Governance Manager before contacting the Commissioner.