



# ***Gateshead Council***

## ***Lettings Policy***

**December 2012**

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## Introduction

The lettings policy is a set of rules by which all Council houses in Gateshead are let. Gateshead Council has developed these rules to address housing need by making better use of Council housing stock, and ensuring that those applicants with the greatest housing need are accommodated, whilst still recognising the desires of households who have been waiting longest. The policy strives to address housing need for households where failure to access housing within the borough would cause hardship to themselves or others.

A “Flexible Arrangement Statement” will be published alongside the lettings policy. This document will compliment the policy by advising of ongoing operational reviews, which are necessary in order to implement some sections of the policy that are affected by socio economic trends and changes.

## Section 1 - Help and Assistance

Advice and assistance is available to all applicants who apply for housing. You can get help to complete your application form and/or get support to bid for properties. Information will be made available to you upon application.

All information relating to the lettings policy can be provided in a range of formats to suit your particular circumstances. These might include audiotape, large print, Braille, translation into other languages, interpreting services and sign language. If you have any other requirements please ask.

## Section 2 - Registration

### **Who can apply for Council and Housing Association accommodation in Gateshead?**

Gateshead Council's Housing Register is available to all applicants including existing tenants.

If you are over 18 you can join our Housing Register. If you are under 18 see Section 3 for more details.

You can register alone, or you can register jointly with your partner or another adult who lives, or will be living with you.

If you live outside of the Borough you will be included on the Housing Register but you will only accrue "waiting time" in the General Needs Category. Gateshead residents will be considered before applicants from outside of the Borough, unless they have a local connection. The local connection criteria can be found in the "Flexible Statement Arrangement". Any housing priority will not be recognised unless you are able to provide proof of your "need" to move into the area and demonstrate why this "need" cannot be satisfied within your current location.

This criteria does not apply to ex military personnel who have left the armed forces within five years of applying to join the housing register. It is also disregarded for partners of military personnel who are leaving Ministry of Defence accommodation following the death of their partner in service or where applicants are in the reservists and become ill or disabled due to their service

The Council works in partnership with Housing Associations within Gateshead and, where appropriate, will supply them with your details (within the rules set out in this policy). However, Housing Association policies may differ from the Council's, and they will make the final decision relating to whom they offer their properties to.

### **Immigration Control**

If you are subject to immigration control within the meaning of the Asylum and Immigration Act 1996 you are not a qualifying person and therefore will not qualify for Council housing. The Secretary of State may prescribe other persons or classes of persons who are not qualifying persons.

Whilst every effort is made to ensure accurate assessments are undertaken, the responsibility to provide official documentation for the assessment remains with you. Failure to provide requested information will result in your application being cancelled.

### **Verification Checks and References**

When you register an application a number of checks will be carried out on you and any adult member of your household who is moving with you to verify details before you are made an offer of a new home.

## Checks carried out

- If you or any adult moving with you has had a tenancy in their own name or with a partner in the last five years you must supply a reference from that landlord to show how you have conducted your tenancy.
- We will ask to see documents that confirm your identity.
- We will carry out Police vetting checks under the Safer Estates Agreement regarding current and previous criminal convictions.
- We may visit you in your current home.

If you inform us that getting a landlord's reference is likely to cause problems we may ask for other information for example your rent book or Council Tax details.

## People who own their own homes

If you own your own home you will be asked to provide financial information to tell us how much equity you have in your property. If this amount is over the agreed "trigger" level, an individual assessment will be made to identify whether or not you are in a financial position to address your own housing need. If the assessment shows that you are able to do this, you will be placed in the General Needs Category.

Housing need will be determined by actual requirement and not preference.

The "trigger" level will be reviewed by senior officers, in conjunction with the Cabinet Portfolio team. Review details, and the trigger level will be reported within the "Flexible Arrangements Statement" which accompanies and supports this policy.

The offer of a council home will be subject to the sale of your home within a reasonable timescale.

## Council Employees (and their relatives)

It is Gateshead Council's policy to carry out procedural checks on applications of people who may be related to Council employees or influential partners of the Council. This is to ensure that everyone is treated fairly.

## Awaiting Information

Your application will not be activated:

- If we are waiting for information relevant to your application, including landlords references and proof of identity.
- Pending vetting by the Police, as outlined within the Safer Estates Agreement.

Once all of the information required is available your application will be registered from the date it was originally received.

## **Annual Review**

Every year you will be contacted to check if your circumstances have changed and that you still wish to remain on the Housing Register. If you do not respond within the required timescale your registration will be cancelled.

You must advise us immediately of any changes within your household.

As part of tenant/service user involvement the experiences of customers whilst using the lettings process will be used to review current policy and identify service improvements.



## Section 3 – Lettings Criteria

### What are Lettings Criteria?

Lettings criteria are the rules we use to decide who is eligible to be considered for a vacant property to:

- Enable the Council to make the best use of the housing stock.
- Assist you in making informed choices about the properties available to bid for.

### Minimum age for any offer of a property

An offer of property will not normally be made to you if you are under the age of 18 unless you:

- Have been awarded priority due to being accepted as statutorily homeless; or
- Have been given priority because the Council has a legal duty to accommodate you (this is usually if you are leaving care); or
- Are supported, and are fully engaging with a government or voluntary agency and the Council is satisfied with the level of support to be provided; or
- Are part of the Single Gateway Scheme

If you are assessed as requiring support, engagement with a support agency may be a condition of an offer of accommodation.

### What type/size of home do you qualify for?

The table below aims to show you what type of property you could normally qualify for in Gateshead. Please note that households not included in the green category may still be able to access those property types. Where there has been no demand for a property from eligible applicants the lettings criteria can be relaxed; for example in terms of property size. Demotion criteria will not normally be relaxed.

**GREEN** - You have an automatic right to apply for any of the properties marked green.

**White** - You can be considered eligible for these properties only if there is no demand from "green" applicants.

Multi storey flats will not be offered to households with children below the age of 16. This does not apply to households with access arrangements.

Properties with a flight of stairs to the front door will not be offered to households with a child below the age of 3. This does not apply to households with access arrangements.

Adapted properties, 3 bedroom bungalows, 3 bedroom ground floor flats and those properties suitable for people with disabilities will be advertised to applicants who have been awarded Urgent Housing Need status on health grounds although other applicants can bid for them but will only be considered after applicants with a relevant medical issue.

	Studio-Flat/Bedsit	1 Bed Flat	1 Bed Bungalow	1 Bed House	2 Bed Own Entrance Flat	2 Bed Shared Entrance Flat/Maisonette	2 Bed Bungalow	2 Bed House	2 Bed Own Entrance Maisonette	3 Bed Own Entrance Flat	3 Bed Shared Entrance Flat or Maisonette	3 Bed House	3 Bed own entrance Lower Maisonette	3 Bed own entrance Upper Maisonette	4 Bed House/Flat or Maisonette	5 Bed House
Single Person under 60																
Single Person over 60																
Single Person with overnight access to 1 or more children																
Couple under 60																
Couple under 60 with overnight access to one or more children																
Couple where oldest applicant is over 60																
2 adults (non-couple) under 60																
2 adults (non-couple) where oldest applicant is over 60																
Household with 1 child* over 16 years of age																
Household with 1 child*																
Household with 2 children* over 16 years of age																
Household with 2 children*																
Household with 3 children*																
Household with 4 children*																
Household with 5 or more children*																
* Children who are full time resident in the household rather than access arrangements.																

## **Pets**

Some pets are not allowed in properties that share a communal entrance. This generally applies to cats and dogs; consideration may be given to other animals.

## **Access to children**

Access arrangements can only be applied to children under the age of 18 years. Where there is joint parental responsibility for children, usually the parent with primary care responsibility will be offered a family home. Access arrangements are not included in overcrowding assessments or when considering the shared entrance policy for flats.

## **People with Carers**

### **Full-Time Carers**

People with full-time, live in care provided by family or friends are required to include the carer on their application. The carer will be subject to registration checks and will be counted in terms of eligibility for property size and type. A carer will not be added to the application if the individual's details are not provided.

Where a Social Services 'Assessment of Need' has identified a need for overnight care, which is to be provided by a support provider and does not include "sleepover" i.e. the carer is working and required to stay awake: the carer will be looked upon as conducting a nightshift. As they would not be expected to sleep during this time additional bedroom requirements would not be recognised.

Where a Social Services 'Assessment of Need' has identified a need for overnight care, which is to be provided by a support provider and includes "sleepover" duties. The eligibility for property size and type will be amended accordingly.

### **Part-time Carers**

Carers who provide casual assistance when required will not be recognised as a household member and additional bedroom requirements will not generally be recognised.

## **What size property you can get if your home is being demolished**

Normal eligibility criteria will apply however the Council reserve the right to introduce individual criteria where appropriate.

## **Age requirements**

Some of our homes have age requirements; this will be clearly stated in the advert.

We may consider members who do not specifically meet this requirement in the following situations:

- To meet medical need (where there are no other suitable homes available).

- Homes are adapted, adaptable or suitable to meet the needs of those with either a disability or specific need on medical grounds.

Records regarding these cases will be maintained to ensure fairness and consistency and to demonstrate that all other property types have been considered.

## **Supported Housing Schemes and Extra Care Housing Schemes**

Some groups of properties come with a high level of support to enable people to remain in their own home. The Council will work with support providers to ensure that people requiring this support are prioritised to access this housing.

## Section 4 – Exceptional Circumstance Protocol

Under exceptional circumstances the Council may deem it necessary to act outside of the lettings policy. This will be to address an unforeseen need or situation that cannot be resolved reasonably within policy criteria. The Exceptional Circumstance Protocol will be brought into effect to tackle such situations. Where this occurs, records will be kept of why the allocation took place

## Section 5 - Advertising

Properties that are available to let will be openly advertised and anyone who is registered can express an interest in these properties by placing a bid.

A proportion of the properties will be advertised as giving preference to households with housing need. There may also be a proportion of properties advertised with preference given to the substantial “under occupation” category. The remaining properties will be advertised with no preference given to households in need. The proportions may vary in order to enable the Council to meet its statutory duties. Adapted homes are not included in this proportion.

Senior officers of the Council will determine this proportion in conjunction with the Cabinet Portfolio Team and details will be included in the “Flexible Arrangements Statement”, which accompanies and supports this policy.

There will be instances when homes become available that are not advertised, this happens when there is a need to make a “direct let” (see Section 13). We will give consideration to property availability and demand before deciding which properties will be advertised.

### **How will you know which properties are available?**

Properties will be advertised in a number of different ways. Upon registration you will be informed of how and where to find this information.

### **How will you know which properties you can express an interest in?**

Adverts will explain:

- How to express an interest in a property.
- The closing date for expressions of interest.
- The details of each property including location, rent, number of bedrooms, adaptations or special features.
- If preference is to be made to households in housing need.
- If preference is to be made to a specific type of housing need e.g. “Medical” or the substantial “Under occupation” category.
- The lettings criteria.

Applicants can express interest in up to three properties per week.

### **How are applicants’ bids ranked?**

A proportion of the properties advertised, will be prioritised in accordance with housing need. This means that the people in the most need will be ranked highest. Applicants bidding, who meet the lettings criteria will be prioritised in accordance with their category of need (in order of Critical, Urgent, Substantial and General) and within each category, applicants will be ranked in order of the date that their specific housing need was identified. This means that the bid from the applicant within the highest category of need with the longest time within this category will be selected.

Within each of the categories, people who qualify for more than one qualifying type of need will be ranked higher than those with only one. The date that the second need was identified will be used to identify the successful bidder i.e. the one with the longest time with both recognised needs will be ranked highest.

Homes advertised without preference to housing need will be offered to the eligible bidder with the earliest registration date. People who live in Gateshead or have a local connection will be given priority over those who do not. Different rules apply when ranking excluded or demoted applications. See Section 8.

To ensure that best use is made of the housing stock, where an adapted property is advertised applicants will be ranked in order of the need for the adaptations, the need for the type and size of property and the category start date. If there are no appropriate bidders we will endeavour to identify other housing applicants who may benefit from the type and size of property as well as any adaptations installed before consideration is given to applicants with no recognised housing need.

## **How will you know if your expression of interest has been successful?**

If your bid is successful, you will be contacted shortly after the closing date to arrange a viewing of the property.

We will not contact you if you are unsuccessful. However, our publications will give general feedback on all lettings to help you make more informed expressions of interest in the future.

## **Offer Conditions**

If you are a current tenant, your current home must be left in a good condition (including gardens and external areas).

Only one property can be offered at a time - An applicant successfully bidding for more than one property in one week or across several weeks will be allowed to choose which property is to proceed to an offer. However that decision must be made at the point of being informed of the second or subsequent successful bid.

## Section 6 – Lettings Information and Feedback

We will let you know how Council properties are allocated by providing you with information. This information will include how we allocate to different groups of people with differing levels and kinds of housing need and waiting time. This information will not relate to individual properties but will instead give you an insight into how we deal with housing issues across the borough and communities.

To help you decide which type of property you are more likely to be successful for, we will publish regular feedback on past lettings. This will help you to understand how often particular properties are available to let in particular areas. We will tell you the number of people who expressed an interest in that property, and the category of the successful applicant and/or the waiting time..



## **Section 7 – What will happen if you do not bid for any properties?**

If you are registered in Critical, Urgent or Substantial Need categories, we have recognised your need to move to another property. If you do not aim to eliminate that need, by bidding for advertised properties, your housing application may be re-designated to a lower category.

The majority of adapted homes will be advertised, and the adverts will clearly state that preference will be given to those who need to move on health grounds. The Council reserves the right to allocate such homes on the basis of need in relation to the specific adaptations and property type/size, rather than on the basis of waiting time.

## Section 8 – Exclusion and Demotion of Applicants

### Applicants excluded from joining the Housing Register

If the behaviour of a person applying for housing is deemed “unacceptable” in terms of perpetrating serious anti-social/criminal behaviour or damage to property, or in owing high levels of rent or other tenancy related debt, then they may be excluded from joining the Housing Register.

A decision to exclude will only be made where there is evidence that a person’s behaviour is such that (had they been a tenant) a judge would have been likely to evict them from their home.

Every case will be considered in relation to personal circumstances. Extenuating or unusual circumstances should be highlighted to officers to ensure that vulnerable people are not excluded or demoted due to issues beyond their control.

### What does it mean if your application is excluded from the Housing Register?

If your application is excluded from the Housing Register your details would not be recorded on the register and you will not qualify for council housing.

The length of time the exclusion will last will depend upon your individual circumstances, and any agreement reached in order to address the situation. (See notification and review procedure below).

### Why your application might be excluded

#### Exclusions due to arrears or tenancy related debt

We would consider excluding your application if you (or any of your intended household) owe current or former rent arrears or other tenancy related debt. We will identify a level of debt (in line with current court proceedings), to establish cases, which may fit these criteria. If your debt is lower than this amount, your application may be demoted (see below).

#### Exclusions due to Criminal or Anti-Social Behaviour

Your application would be considered for exclusion if you or anyone from your intended household, have been a perpetrator of Criminal or Anti-Social behaviour. This includes deliberately or negligently causing serious damage to a previous or current property. If your behaviour is not deemed serious enough to warrant exclusion your application may still be demoted (see below).

### What does it mean if your application is demoted?

If you have tenancy related debt or have committed Criminal or Anti-Social Behaviour but have not been excluded from the Housing Register, your application may be demoted.

If your application is demoted, you will still be allowed to appear on the Housing Register but your housing need will not be taken into account when applications are ranked in order of need. Also when properties are advertised that will be ranked in order of waiting time, your application will not be considered until the list of people who are not demoted have been considered first.

The length of time the demotion will last will depend upon your individual circumstances, and any agreement reached in order to address the situation. (See notification and review procedure below).

### **Demotions due to arrears or tenancy related debt**

We would consider demoting your application if you (or any of your intended household) owe current or former rent arrears or other tenancy related debt. We will identify a level of debt that will result in assessment for demotion.

### **Demotions due to Criminal or Anti-Social Behaviour**

Your application would be considered for demotion if you or anyone from your intended household, have been a perpetrator of low level Criminal or Anti-Social behaviour. This includes deliberately or negligently causing damage to a previous or current property, which is not considered serious enough to warrant exclusion.

## **Notification and review and appeal procedure**

Within One week of a decision to exclude or demote your application to the Housing Register, you will be notified in writing . The letter will explain:

- Why you have been excluded or demoted and how the decision was reached. Where appropriate this will include how we used the “Unacceptable Behaviour Test”.
- What you need to do to have the exclusion or demotion removed.
- Where to gain independent advice.
- How to get support from agencies who will help you to make plans to enable you to access council (or alternative) housing in the future.
- How to request a review of the decision to exclude or demote your application (see Section 10).
- That whether or not you request a review against the decision now, you may also apply for your case to be reviewed every 6 months.

### **Review Process**

If you are excluded or demoted you are entitled to request a review of the decision (see Section 10).

## Exclusion Appeals Process

If you are excluded and have exhausted the review process you are entitled to request a Member's appeal. Appeal forms must be returned complete within 21 days of the date that you received your notification. Your request for an appeal will be considered within 28 days by an independent appeals panel made up of three elected members.

## Section 9 – Cancelled and Invalid Applications

### When is your application no longer valid?

Your current application is no longer valid and will be cancelled if:

- You accept a Council tenancy as a sole or joint tenant;
- You accept a Housing Association tenancy (allocated by Council). Applicants who move to another private property are not cancelled.
- You become a joint tenant with an existing tenant;
- You are assigned a tenancy;
- You buy a property in a build for sale or shared ownership scheme;
- You buy a Council property under the Right to Buy scheme.
- You ask us to do so.
- You do not respond to a review letter or other correspondence relating to your application.
- You move and do not update your address.
- You leave the country and are subsequently prevented from being registered because of the restrictions within the Asylum and Immigration Act.
- We find that you have supplied false or incomplete information connected with your registration.
- You have mutually exchanged with another Council or housing association tenant.

Please note it is your responsibility to tell us of any changes to your circumstances, if you do not do this, your application may be cancelled.

Once cancelled your application will not be re-instated, if you would like to continue to look for housing you will need to register a new application. New applications will not benefit from waiting time accrued from previous applications.

## Section 10 – Review Procedure (Officer Reviews)

If you are unhappy with a lettings decision you can request a review of the following issues:

- Date of registration
- Application placed in the incorrect category.
- Removal of priority
- Exclusion or demotion of your application

Specific policy applies if you wish to request a review relating to the exclusion of your application (See Section 8) or a Homeless decision or offer of property to address homelessness (See Section 12).

Individual circumstances of applicants will always be considered.

### Procedure

A request for a review must be made in writing within 21 days from the day on which you were notified of the decision and the reasons for it. Should you wish you might instruct someone to request a review on your behalf. A review can be made by letter, fax or email.

A review request must include the reason for the review and also the extenuating circumstances. A review that effectively requests that the policy be over ridden can only be considered where the circumstances of the case are urgent and immediate.

The officer carrying out the review will carry out an investigation in accordance with the Council's Lettings Policy and taking careful note of relevant legislative requirements, Statutory Instruments and the prevailing Code of Guidance.

If the reviewing officer finds that you have given additional information that had not been taken into account when the original decision was made, your case will be referred back to the officer that dealt with your case and they will be asked to reconsider their decision in view of the new information provided.

The reviewing officer will notify you of their decision within 28 days of the request for a review (although this time limit may be extended by agreement with yourself).

### Possible Outcomes of Review

For all decisions we will write to you with the outcome. The three options are:

**Original Decision Upheld:** the letter will give the reasons supporting the review decision.

**Original Decision Rejected:** the letter will explain what action we will take as a result and the reasons for doing so.

**Applicant Provides the Reviewing Officer with New Information** (i.e. information not known to the officer who took the original decision) the review will end and the file will be returned to

the officer who took the original decision for new enquiries to be made and a fresh decision to be issued. In such cases you will be advised of your right to request a review of the new decision.

This process is in addition to your general right to complain about any Council service. If you are dissatisfied with the outcome of the review you can still make a formal complaint.

Cases regarding exclusions from the Housing Register may also request a Members' Appeal once the review process has been exhausted (Section 8).

## Section 11 – Categories of Need

### Summary of Categories

The table below illustrates the types of personal circumstances that make up the four housing need categories.

<b>Critical Housing Need</b> <i>(Applicants who qualify on more than one ground would be considered first)</i>	<b>Urgent Housing Need</b> <i>(Applicants who qualify on more than one ground would be considered first)</i>	<b>Substantial Housing Need</b> <i>(Applicants who qualify on more than one ground would be considered first)</i>	<b>General Housing Need</b>
<ul style="list-style-type: none"> <li>• Applicants with a critical medical need who must be rehoused in order to be discharged from hospital or a care home</li> <li>• Applicants who are experiencing severe harassment, and have been assessed as being at risk unless rehoused</li> <li>• Applicants who must be rehoused to prevent a child being taken into care or to ensure the safety of children under the terms of current legislation</li> <li>• Urgent homeless cases, where Gateshead Council needs to discharge its statutory duty as a matter of urgency.</li> </ul>	<ul style="list-style-type: none"> <li>• Statutorily homeless</li> <li>• Applicants threatened with homelessness</li> <li>• Applicants with a severe medical need who are at risk in their current home</li> <li>• Cases of severe overcrowding</li> <li>• Proposed demolition of home / change of use agreed by Gateshead Council</li> <li>• Single Gateway</li> <li>• Leaving Care – where Gateshead Council has parental responsibility to minors</li> <li>• Leaving a Gateshead Council Tied Tenancy (imminently)</li> <li>• Leaving Armed Forces -within 3 months</li> <li>• Applicants who are entitled to alternative accommodation – instead of succeeding to a tenancy</li> <li>• Best use of housing stock – to release a property in high demand, and move to one in lower demand</li> <li>• Domestic Violence</li> <li>• Under Occupation (Council criteria)</li> </ul>	<ul style="list-style-type: none"> <li>• Non-priority homeless (but not intentionally homeless)</li> <li>• Applicants with a medical need that may be worsened by living in current home</li> <li>• Overcrowded (but not severely)</li> <li>• Leaving a Gateshead Council Tied Tenancy (but not imminently)</li> <li>• Leaving Armed Forces (but not imminently)</li> <li>• Children in multi storey flats</li> <li>• Intentionally homeless in a priority need group. You are homeless but as a result of your own actions (only considered after other applicants within this category)</li> <li>• Under Occupation (in accordance with the Local Housing Allowance size criteria).</li> </ul>	<ul style="list-style-type: none"> <li>• Out of Borough cases</li> <li>• All other applicants</li> </ul>



You will be placed into one of 4 Categories to reflect your housing requirements and level of need.

Some types of housing need (e.g. medical need) may fit into more than one category. The criteria to establish which category an applicant will be placed in are described in Section 12.

If you are placed within a housing need category and then refuse a property, which would have alleviated your housing need, your application may be redesignated to an alternative lower category.

Where you qualify for more than one element of need within any category you will be ranked above those with only one element.

**Critical Housing Need** applicants are households whose housing needs present a risk to the household, the community or the Council if not addressed imminently.

**Urgent Housing Need** applicants have a recognised urgent housing need but circumstances do not present an immediate threat to the household, community or the Council.

Urgent Need status is awarded to address a serious need for re-housing and not because of preference. Priority will only be given to you for an initial three-month period and you will be expected to apply for suitable accommodation within that timescale (separate rules apply to homeless applicants see Section 12). After this three-month period the priority level will be reviewed. If the priority is withdrawn, you have the right to request a review.

We will contact you four weeks after your priority was awarded to see what help or advice you will need to enable you to actively participate in choosing a home for the remaining two months of your priority. If you have not expressed interest in any vacancies and are homeless the Council may make you a formal offer. If you feel that this offer is unreasonable you have the right of appeal.

Where Urgent Need status is used to make inappropriate bids for properties that would not alleviate the housing need, they will be disregarded e.g. an applicant who is awarded Urgent Need status because they are unable to climb stairs could not use their Critical Need status to secure a home with stairs (unless suitable adaptations were in place).

The Council reserve the right to make a direct let rather than award Urgent Need priority where it is deemed to be in the best interests or more appropriate to the circumstances of an individual.

**Substantial Housing Need** applicants have reasonable housing needs. This means that their current housing does not ideally meet their needs but does not require urgent intervention.

**General Housing Need** applicants who would like to move for a variety of reasons, which have not been classified as critical, urgent or substantial.

## Section 12 – Housing Need Criteria

### Medical

The Council will make an assessment of housing need in conjunction with health professionals and may include a home visit. The assessment will be based upon Critical and substantial medical criteria. Reference will be made to the “Fair Access to Care eligibility criteria”. Cases will be regularly reviewed.

In order to qualify for rehousing on medical grounds, you must be asking for a home that will eliminate or substantially minimise the risks associated with your present home.

Your assessment for priority will be made upon a long-term basis and not in response to a temporary condition.

An applicant, who is a main carer, who needs to move to be nearer to the person with a critical or substantial condition, (as defined above), may also be included, following an assessment by the Council.

If you are applying to move from outside the borough with “Urgent Need status” you will need to provide proof of your “need” to move into the area and demonstrate why this “need” cannot be satisfied by your current housing

### Medical Category Criteria

#### Critical Housing Need

You would qualify for Critical Housing Need Category, if you are currently in hospital and the hospital’s Occupational Therapy service consider you unable to return to your present home, as your life would be at risk.

This also includes where you may have been moved from a hospital bed to respite care, intermediate care or other short-term solution as a temporary measure. It also covers where “step up” arrangements have been made to provide additional support in order to prevent admission.

This level of priority is only intended to address situations where you have been assessed, as having a critical risk to your life were you to move back into your existing home.

#### Urgent Housing Need

This category applies where you have a degenerative illness or have an impairment, which may be physical, mental, learning or sensory which has progressed to a stage where you are no longer able to cope in your present home. You are unable to gain access to basic facilities within your home. A health professional has recommended that an urgent move is necessary and re-housing would resolve the difficulties experienced.

There is an urgent need for support, which cannot be provided in their current area or home and can be provided by a move to a different area.

## **Substantial Housing Need**

You would qualify for Substantial Housing Need if you have a degenerative illness or have an impairment, either physical, mental, learning or sensory which could be eased or improved by re-housing but the severity is not enough to merit Urgent Need status. It would apply where you have some difficulty gaining access to basic facilities within your home.

There is minimal support in your current area and a move to an alternative area or home would provide significant additional support from others that could not otherwise be provided.

## **People living in adapted properties, wishing to move to another**

If you are already living in a property that has been adapted by the Council and request to move to an alternative property that is not adapted to meet your needs, the Council may refuse to fund additional adaptations.

You must give due consideration to your needs and how you will manage in your new home if it is not adapted. Upon applying for re-housing you must declare the fact that you are in an adapted property to ensure that your ongoing needs are considered and that you receive advice regarding your rights and responsibilities regarding provisions within your new home.

## **Severe Harassment**

This category applies where you or a member of your household is a victim of serious anti-social behaviour that the Council or its partners cannot resolve.

This includes harassment as a result of "Hate Crime", which is crime motivated by prejudice.

Harassment will include actual violence, serious threats of violence or intimidation significant enough to be deemed unreasonable for you to remain in your current home.

Evidence will be investigated and corroborated by the Council using intelligence gathered from its partners and the local Police authority at a senior level.

This level of priority will only be awarded to enable you to be removed from the locality of the harassment and housing should be to an area where you would be sufficiently distant to avoid a re-occurrence of the problem.

## **Safeguarding Children**

Applicants who meet this criterion must be rehoused to prevent a child being taken into care or to ensure the safety of children under the terms of current legislation.

Assessments become appropriate when a placement or a child's welfare is at risk and is not covered by the lettings policy. An example of such a situation may be where a child cannot be discharged from Local Authority care due to the fact that their guardian/parent does not have a home for them to go to. In this case, their specific housing needs would not be covered within the general lettings policy, therefore Critical Need status would be granted under the "Safeguarding Children" category.

In all cases there will be a recommendation from the appropriate body within the Council.

The above is intended to give priority for housing where children are at risk for reasons such as family breakdown, child abuse etc. It is anticipated that these cases will be within the remit of the Child Protection Criteria.

## **Applicants Threatened with becoming homeless**

Applicants who are at risk of homelessness within 90 days may be awarded Urgent Housing Need status providing an assessment concludes that there would be a statutory homeless duty as defined by law, should a homeless application be taken at a later stage. Applicants qualifying for this category, who would normally be demoted, will still be made an offer of property; this is to avoid the household becoming statutorily homeless.

## **Statutory Homeless**

**(As defined by the Housing Act 1996 - as amended by the Homelessness Act 2002)**

## **Homelessness Category Criteria**

Homelessness appears in more than one category. The following circumstances will be taken into account when assessing which category should be applied.

### **Critical Housing Need**

Applicants will be placed in this category if the Council has an immediate need to fulfil its legislative duty toward you and/or failure to do so is likely to result in harm to yourself and/or a failure by the Council to meet its homelessness obligations.

### **Urgent Housing Need**

You will be placed in this category if you meet all of the following criteria:

- You are Homeless or Threatened with Homelessness within 28 days
- You are eligible for housing assistance
- You are not Intentionally Homeless
- You are in priority need
- You have a Local Connection with the Borough

*(Homelessness criteria, is defined by law and therefore not laid out in this policy. Additional information relating to criteria will be provided to you if you apply as a homeless person/household or upon request).*

You will be expected to bid widely and actively, as after 4 weeks your case will be reviewed. If you have not placed bids your Urgent Need status may be cancelled.

In cases where Urgent Need has been granted because you fulfil the criteria, the following will apply:

### **If you are awarded homelessness priority and your application would not normally be excluded**

You will be awarded Urgent Need status and can bid in the normal way. Whilst you are bidding we may try to identify a property suitable to your needs through a direct let. You would be expected to accept whichever offer comes first. If you do not, you will lose your homeless priority status.

### **If you are awarded homelessness priority but your application would normally be excluded (See Section 8)**

You will only be made one suitable offer (by way of a direct let) to discharge the Council's statutory duty to you as homeless.

### **If the property you are offered is not ready for habitation**

Where you have successfully bid for a property that is not ready for habitation the Council reserve the right to discharge their duty by making an alternative offer of a readily available property.

## **Substantial Housing Need**

### **Intentionally Homeless**

If following enquiries you are found to be homeless because of your own deliberate act or omission the Council will have limited duties towards you. You will be entitled to advice and assistance and if you are in Priority Need you will be entitled to temporary accommodation for a maximum period of 28 days to allow you some time to find alternative accommodation.

If you are intentionally homeless but fulfil priority need criteria and your application is not excluded from the Housing Register, you will be placed in the Substantial Need Category. Within this category people who qualify under different criteria (e.g. medical or overcrowding) will be given priority over applicants who are "intentionally homeless".

### **Non-Priority Homeless who are not intentionally homeless**

If you are homeless through no fault of your own, but are not in priority need you will be awarded Substantial Need status.

## **Homeless Appeals**

As a homeless applicant you have the right of appeal against the decision made regarding your homelessness case.

Within 33 working days of making an application you will receive a letter (called a Section 184 notification), which will advise you of the decision reached. In order to request an appeal you must complete a proforma by stating why you are unhappy with the decision.

If you are accepted as homeless and are then offered a property that you feel is unsuitable, you can appeal against the "reasonableness" of the offer. You can do this even if you accept the property and move into it.

Appeal forms must be returned complete within 21 days of the date that you received your Section 184 notification. Your request for an appeal will be considered within 28 days by an independent appeals panel made up of three elected members.

## **Domestic Violence/Abuse**

You may be awarded Urgent Housing Need status if you are suffering Domestic Violence and remaining in your current home is likely to result in ongoing or escalating abuse.

Applicants needing to move immediately by requiring the Council to provide temporary emergency accommodation or a Refuge placement, will need to request homelessness assistance.

## **Overcrowding**

Members of a household will be included in overcrowding assessments once they have been living there on a permanent basis for six months. The exceptions to this rule are babies born into the household and people leaving institutional settings. Other people may also be included and dealt with under the "Exceptional Circumstance Protocol".

Unborn babies will be considered once the pregnancy has reached the 6-month stage and proof of pregnancy has been provided.

If a member of the household has given up suitable housing they will not be included when an assessment of overcrowding is made.

An assessment would be carried out taking into account how many bed spaces are available to you, compared to how many bed spaces you need.

For the purposes of calculating bed spaces available within a property the following will be used:

Bedrooms large enough to hold a standard double bed and wardrobe will be counted as 2 bed spaces (or a double bedroom). Rooms smaller than this, but large enough to hold a standard single bed and wardrobe would count as 1 bed space (or a single room).

Sexes and ages would impact upon needs recognised and will influence the number of bedrooms required.

- Children over 5 years of age that are of opposite sex would be recognised as requiring separate bedrooms.
- Where children under the age of 11yrs are sharing a bedroom with a same sex adult (16yrs +) who are not a parent or sibling, they will be recognised as requiring separate bedrooms.
- Best use of space would be taken into consideration; therefore where an adult can sleep in a single room to free up a double room for two children this would be an expectation of the household and would be taken into account.

## Urgent Housing Need

Urgent Housing Need will be awarded where there is a deficit of 3 bed spaces or more (minimum of two bedrooms).

Due to the limited living space available to people living in bed sits and 1 bedroom flats Urgent Housing Need will be awarded where there is a deficit of 2 bed spaces or where children are sharing a bedroom with their parents.

## Substantial Housing Need

Substantial Housing Need will be awarded where there is a minimum deficit of 1 bed space.

## Demolition or Change of Use of Property

Each time properties are identified for demolition either as part of a clearance area or on an individual basis, the Council will consider by a separate process whether residents qualify for Urgent Housing Need.

In order to prioritise between bids from applicants within this category consideration will be given to the date that the category was awarded. In circumstances where more than one applicant with equal priority (the same category award date) bids for the same property, the applicant with the longest tenancy at their current home will be considered first. In the unlikely situation whereby the length of tenancy is equal, the length of registration on the Housing Register will be used as the deciding factor.

Where a property is being withdrawn from the general use of stock (i.e. will no longer be available to let by the current tenant), the outgoing tenant will be awarded access to the Urgent Housing Need category.

## Leaving Forces

The date of your housing application will be recorded as the date you entered the forces (continued service). You will initially be placed in the Substantial Housing Need category. Personnel leaving the armed forces will be awarded Urgent Housing Need status **three** month before their discharge date. You will be responsible for advising us once this date has been established. This will not apply to people who are discharged due to poor behaviour.

You will be able to apply this criteria to your registration for up to five years of leaving service providing you haven't found settled accommodation during this period. If you have been left more than five years and have not been able to find (or successfully manage) settled accommodation you should bring this to our attention as you will be offered support and assistance.

## People Leaving Gateshead Council Tied Accommodation

This policy applies:

- Where the current employee is retiring, resigning or is redeployed from their current job

- Where the current employee has died and their partner or family member who resided with them as a permanent member of the household for at least 2 years needs to be re-housed.
- Because the property has been identified by the Council for redevelopment, demolition or sale.

*(If the property is not required for a new employee, then the former employee can request to remain in their home if the property would form part of the general housing stock and they meet the letting criteria for the property)*

Where an employee is wishing to register an application but is not due to leave their current employment they will be placed in the Substantial Housing Need category and their registration date will be the date that they commenced employment within their role.

Where an employee has been granted a tenancy as part of their working arrangements, to enable them to carry out their duties and this arrangement is due to cease:

A request for re-housing will be registered from the date that employment commenced. The applicant will be placed in the Substantial Housing Need Category. Whilst bidding for properties that are ranked in accordance with “date of registration”, the employment commencement date will be used. Whilst bidding for properties that are ranked according to need, the date of award of “Housing Need Category” will apply.

Employees should commence bidding no later than six months prior to termination of employment.

- Urgent Housing Need status will be applied one month before employment is due to terminate.
- A review will be carried out no longer than 3 months after the employment is terminated. At this point a direct let may be made to ensure that homelessness does not occur
- Employees may start bidding for properties sooner but should seek advice prior to commencement of the new tenancy, as they may be responsible for rent payments for two tenancies.

Where an employee of the Council or one of its partners holding a service tenancy is dismissed from their employment, they will be made a reasonable offer of accommodation within four weeks of their dismissal date. If they refuse this offer, the Council may take legal action to repossess the service tenancy.

Service tenants will be charged for use and occupation equal to the weekly rent from the day after their job ends until they leave the service tenancy.

## **New Tenancy Upon Death of Householder**

Where someone would normally have been allowed to succeed a tenancy but is required to give the property up due to the fact that they are not eligible for the property type (see Section 12) they would be awarded Urgent Housing Need categorisation to enable them to access alternative accommodation.



## Best Use of Stock

There are circumstances where Urgent Housing Need category will be awarded to ensure best use of the Council's housing stock.

Although people qualifying for this may not be in housing need, they are recognised within this category due to the fact that they will be releasing a property to be allocated to someone else with greater need.

### Release of property for relet to address urgent housing need

There are instances where in order to resolve an urgent housing situation we will approach an existing tenant (living in a property that they may not need) and request that they consider a move to another home in order to free up their current home for someone else who needs it.

This may include people living in supported accommodation where they no longer require the support.

## Under Occupation

### Urgent Housing Need

If you are an existing Gateshead Council tenant and are currently under-occupying your home, you may be considered for access to the Urgent Housing Need category. The following criteria will be used to assess your suitability, but may be disregarded (in part) if your home is needed urgently for another household.

- Your rent account is clear and there are no outstanding debts to the Council
- You have no breaches of tenancy, including investigations for anti-social behaviour
- Your property is in a reasonable condition
- Your current home is not scheduled for sale or demolition
- You currently live in a house with at least one more bedroom than you require, and you will be moving to a smaller home.
- You are requesting a move to a property type that is frequently available and there is more demand for the home that you are leaving than the one that you are requesting.

Being given Urgent Housing Need categorisation may not enable you to access your preferred property type if your choice of home is required to meet housing need by other higher need groups.

Council tenants may be offered incentives to free up larger properties when they no longer need them.

## Substantial Housing need

Substantial Housing Need will be awarded where a council tenancy has become unaffordable due to under occupation, which has reduced the element of housing related benefit that the household is entitled to. In order to qualify for this category the applicant must be applying to move to a smaller property that will address this situation and must not have created this situation knowingly e.g. accepted a property that was larger than Local Housing Allowance size criteria defines. Assessment criteria are detailed within the Statement of Flexibility, which supports this policy document.

In the event of a tie on length of time within this category, the applicant with the higher degree of under occupancy will be selected. In the event of a further tie at this stage, the person who has the longest length of unbroken council tenancy within Gateshead will be selected.

## Single Gateway

Single Gateway applicants will generally be categorised as Urgent Housing Need. There will be instances where a direct let is made to the applicant to ensure they secure an environment that is appropriate to their circumstances and needs as well as those of the community.

To be part of the Single Gateway Scheme you will have been excluded (or are likely to be excluded) from the Housing Register but can demonstrate a need to be re-housed in the Gateshead area and a willingness to accept a full support package.

You will have been working for three months with a designated support provider who is specifically linked to the Single Gateway Scheme and be in a position to maintain a tenancy.

You cannot be an existing Council, private rented or housing association tenant) and must not be involved in anti social behaviour or offending. If there is a specific issue i.e. substance misuse, you will be receiving treatment or specialist support for this.

You can be re-housed from supported housing provision but you should have lived there without any issues for at least 3 months and have your application endorsed by your key worker.

You must be prepared to provide full information about yourself, your current circumstances and agree to a Police vetting check.

You will not be able to bid for property but will have a designated officer working with you who will identify a property in consultation with you, your support worker and the estate officer from The Gateshead Housing Company.

You must be seeing your support worker at least once a week to qualify for re-housing under this scheme and continue to do so when you are re-housed for a minimum period of three months.

## Children leaving care (age 16-21 extended to 24 years if in further education)

Where you are a child in the care of Gateshead Council, you will be placed in the Urgent Need Category. This will also apply to children outside of Gateshead who have been accepted by the Leaving Care Team as being the responsibility of Gateshead.

Where the initial tenancy is of a supported nature or is a non-secure tenancy, your status will apply up until you have been given a secure tenancy. If you move on from a secure tenancy, you will not be given Urgent Need Status unless you qualify under an alternative qualifying criteria as covered under other headings within this section.

## **Children in Flats**

Households living in multi storey flats with children under the age of 16 (in permanent full time residence) will be recognised as having Substantial Housing Need.

Any household with a child under the age of 3 years who must access their own front door by way of a flight of stairs (e.g. upstairs flat with communal downstairs entrance or upper maisonette) will also be recognised as having Substantial Housing Need.

## Section 13 – Direct Lets

If you have an urgent or immediate need for re-housing due to circumstances, which are not covered by the lettings policy. A direct let may be considered necessary.

This course of action will only be approved if re-housing cannot be resolved or resolved quickly enough through the Housing Register to avoid serious detriment to either the Council, the community or yourself. A move granted under this category will generally be approved under the most serious circumstances. An offer will therefore be made that meets needs and whilst preference will be taken into account, the availability of accommodation will be the deciding factor.

Where a reasonable offer that would have met the identified need is refused, your housing application will revert to the appropriate category on the Housing Register.

### Emergency

Where emergency, interim or temporary accommodation is required for an existing Council tenant. This criterion is likely to be used in the case of fire, flood or circumstances that render an existing Council tenancy uninhabitable.

In such cases the tenant's initial tenancy will continue and the tenant will return to their home once the work is complete. Exceptions may be made whereby return to the initial tenancy is likely to cause harm to the household e.g. if the household are of ill health and cannot cope with the upheaval of a second move.

These criteria may also be applied to owner-occupiers and tenants of other landlords as part of the Council's Emergency Plan following a local disaster.

### Multi-agency Public Protection Arrangement (MAPPA)

Where housing requirements have been identified as part of MAPPA arrangements. Exclusion criteria will not apply to these cases.

### Request for or Release of Adapted or Adaptable property

Where an adaptable property is identified which would meet an urgent need, which cannot be met by existing adapted housing stock.

### Threat of or Fear for Life

Where a household has been referred to the Council by the Police Authority as needing urgent relocation.

A direct let will not be granted where safe accommodation has already been provided. This may comprise of temporary accommodation provided by partner agencies, (including the Police Authority), in this instance Critical Need status will be awarded within the "Severe Harassment" Category.

## **Key Workers**

Key workers are defined as those people who provide essential services necessary for continued economic growth or to sustain the quality of life within Gateshead.

Direct lets will be deployed for this group of people when there is a recognised difficulty in recruiting and retaining key workers.

A senior officer of the Council will approve direct lets for key individuals required to fulfil a specific role within Gateshead.

Where there is a skill shortage involving groups of people a strategic decision will be made at director level.

## **Domestic Violence/Abuse**

Where there is a need to remove a perpetrator of domestic violence (usually a joint tenant) from a family home, into alternative accommodation to enable a victim to remain.

## **Social Care Preventative Lettings**

This category will apply where following a social care assessment it is deemed that failure to provide suitable accommodation would result in the requirement of a social care package or could lead to a permanent admission to institutional care. This would also apply to applicants returning from supportive living schemes where failure to provide suitable accommodation would determine a need to return to a care setting and loss of independence for the individual.

## **Homelessness**

Direct Lets may be given to homeless applicants to enable the Council to discharge its legal duty.

## **Extenuating or Unusual Circumstances**

You have an urgent or immediate need for re-housing due to extenuating or unusual circumstances, which are not covered by the lettings policy. A move will only be approved if re-housing cannot be resolved or resolved quickly enough through the Housing Register to avoid serious detriment to either the Council or yourself. A move granted under this category will generally be approved under the most serious circumstances.

## Section 14 – Local Lettings Plans

### What are Local Lettings Plans?

Local Lettings Plans (LLP) are additional policies that complement Gateshead's Lettings Policy by addressing barriers to accessing housing and delivering better outcomes to improve life chances for current tenants and future residents in particular localities.

### How will the need for a LLP be identified?

In identifying the need for a LLP, a stock and demand profile of the area will be developed. Demographic studies will be carried out and neighbourhood issues will be considered such as sustainability, social trends and equality and diversity implications.

If clear grounds are identified, consultation of partner landlords and local tenant and resident groups will be carried out to involve them in further development of plans.

### Possible outcomes of LLPs

The following criteria are examples that may be included in a LLP but is not exhaustive:

- Maximum or minimum age limits for properties.
- Preference to tenants/applicants with a local connection or who already live or work in that area.
- Preference to people who are employed.
- Preference to household types who would not normally be eligible under the Council's Lettings Policy - this could be to attract smaller households to areas where a high density of large families is causing disharmony within the neighbourhood due to noise nuisance.
- Preference to people from BME and religious cultures.
- Providing furnishing to encourage the inclusion of specified groups/types of household.

### Impact of Local Lettings Plans on the Lettings Policy

Once a report with recommendations has been agreed by the Council, the eligibility criteria established, will be implemented within the designated area and will override the Lettings Policy eligibility criteria except where:

An age restriction is imposed, which prevents a household awarded medical priority, from accessing a certain type that would meet their needs or where a property is required to meet the Council's statutory duty and including MAPPA arrangements.

## **Review of Local Lettings Plans**

The introduction of LLPs will be publicised. The plans will be monitored periodically and reviewed with timescales set by the Council. Tenants and residents will be consulted as part of the review.

## Section 15– Succession, New tenancy upon death of householder, Assignment or a Mutual Exchange

The table below shows the smallest household size allowed to remain in the property following a succession, a new tenancy upon death of the householder, assignment or a mutual exchange.

Property type	Smallest household size allowed
Bedsit	Single person
One bedroom house, flat or maisonette	Single person
Two bedroom house, flat or maisonette	Single person
Three bedroom house, flat or maisonette	Household of two people Single person subject to criteria *(see below)
Four bedroom house or maisonette	Family with three children or household of five people
Five bedroom house or maisonette	Family with five children or household of seven people

\*Single Persons eligibility for a three-bedroom property:

- A single person would not normally be permitted to exchange into a 3 bedroom property (see section 16)
- A single person with a right to succession on the death of the tenant would be permitted to occupy a 3 bedroom property (see below)
- A single person without the right to succession but meeting one of the criteria in section 'What if you do not qualify for a succession by law' may be granted a new tenancy of a three-bedroom property in which they had been living. However this would not apply to a three-bedroom 'parlour' type house, when alternative accommodation would be offered instead.

### Succession

Succession is where you take over a tenancy when the tenant dies. The rules around succession are written in law and clearly state when you are entitled to "succeed" a tenancy. Where reference is made to "partners", this includes same sex partnerships.

### When can a person succeed a tenancy?

A succession will only be allowed once, i.e. the tenancy has not previously been succeeded to. The successor must be the tenant's husband, wife, partner or civil partner or another member of the tenant's family. If the person wishing to succeed is not the husband, wife, partner or civil



partner, they must have lived with the tenant continuously for the twelve months before their death.

Joint tenancies will not be granted on succession.

If you have the right to succeed the tenancy of a property, which is larger than you need or was built or adapted for a person with medical needs, or there is an age criteria and you do not qualify; we may require you to move to another suitable home by awarding you a “direct let”. If you are asked to move to a more suitable property, you will be given notice no sooner than six months, but no later than 12 months after the death of the tenant.

If you succeed to the tenancy of a larger property than you need, and would prefer to move to a property with fewer bedrooms you may be given a “direct let” under “Best use of Stock”.

## **How will a decision be made if more than one person wishes to succeed?**

The tenant’s husband, wife, partner or civil partner will be given priority over any other member of the family.

In the absence of a husband, wife, partner or civil partner the member of the family who has continuously lived in the home the longest (in excess of 12 months) will succeed to the tenancy.

If the household decide that a different member of the family (who has lived continuously within the home for at least 12 months) should succeed the tenancy, this will be allowed.

## **What if you do not qualify for a succession by law?**

The law states that there is only one legal right to succeed to a tenancy. Therefore if someone has already succeeded to the tenancy a further succession would not be granted. However, the Council may grant you a new tenancy under certain circumstances as follows:

- You are a partner or relative who has lived in the property for at least the last two years of the tenant’s life.
- You have accepted responsibility for the tenant’s dependants.
- You have lived with the tenant for at least the last ten years of the tenant’s life and were not paying money to the tenant as rent.

In circumstances where you qualify for a new tenancy (as outlined above) but the property is too large for you and you would prefer to move to a smaller home we will offer you an alternative suitable property.

## **Properties set-aside for older people or people with mobility needs, four bedroom homes and 3 bed parlour type homes.**

If the property is larger than you need or was built or adapted for a person with medical needs or has an age criteria, and you do not qualify for this property type you may be made a reasonable offer by way of a ‘direct let’ to enable you to move into another more suitable

property. If you refuse re-housing a final offer will be made to you before legal action is taken to repossess the property.

## Assignment

There are legal requirements relating to when you have the right to assign or sub-let your home.

Assignment in general is prohibited however if you are a secure tenant and have not succeeded to that tenancy you may apply to assign the tenancy to a member of your household. The person you wish to assign to must have lived with you for a continuous period of twelve months prior to assigning the tenancy.

Assignment may be allowed in the following circumstances:

- Where the assignee could have succeeded to the tenancy if the tenant had died immediately before the assignment.
- Where the assignment is required in order to ensure that children are safeguarded under the Matrimonial and Family Proceedings Act. This is where the family home (or tenancy) has been awarded by the court to the parent taking sole responsibility for children.
- The current tenant is transferring for medical or disability reasons and the new home is not large enough for the potential assignee to live there with them;
- The tenant is transferring to somewhere to be cared for, such as a residential home and the potential assignee is not permitted to go;
- The tenant is going to live with a new partner and the partner's home is not large enough for the potential assignee to live there; or
- The tenant is moving to a different part of the country and the potential assignee has strong links with Gateshead, for example they work or study here.

If the assignee would not qualify for the property because it is larger than they need or was built or adapted for a person with medical needs or has an age criteria which is not met for this property type they will be made one reasonable offer by way of a "direct let" to enable them to move into another more suitable property.

The current tenant and the potential assignee must meet the requirements on debt, anti-social behaviour and condition of the home as set out at Section 8.

## Joint tenancies

Joint tenancies will be granted if:

- You are married.
- You are living together as a couple (cohabiting). (Including same sex couples).
- Two or more people have originally joined the Housing Register together.

## Sole to joint tenancies

As a sole tenant you can ask for a new joint tenancy to be granted if both parties are eligible to be on the Housing Register, are not subject to exclusion (see Section 8) and the other person:

- Is your husband or wife or civil partner; or
- Has lived with you as a partner (cohabited) for the last 12 months; or
- Would be offered that property on their application.

## Section 16 – Mutual Exchanges

If you hold a secure tenancy with Gateshead Council, you can apply for permission to mutually exchange your home with another Council tenant, a housing association tenant, or a tenant from another Council.

As a Gateshead Council tenant you can exchange like for like (that is, the same size of property or the same number of people living there). A mutual exchange must not result in you worsening your circumstances relating to overcrowding, e.g. an overcrowded household requiring a four bed house may move from a 2 bed property into a 3 bed property where overcrowding will still exist but to a lesser degree.

### Your application may be refused if:

- o You, or the person you wish to exchange with has to give up the tenancy under a court order
- o You or the person you wish to exchange with has been served with a Notice of Seeking Possession.
- o An injunction, an Anti-social Behaviour Order or a possession order granted on the grounds of nuisance is in force. Or if court action to obtain such an order or a demotion order is pending against the tenant, the proposed assignee or a person who resides with either of them.
- o Your home is larger than the needs of the household you wish to exchange with unless like for like.
- o Your home has been let to you as a "tied tenancy" and was allocated to enable you to carry out your job.
- o Your home has been adapted for a person with a physical disability and if the exchange were to go ahead, a disabled person requiring the adaptations would no longer live in the property. (This excludes minor adaptations such as grab rails).
- o Your home would normally be let to people over 60 and if the exchange were to go ahead, such a person would no longer live in the property.
- o Your home is one of a group of properties let to people with support needs or a special facility and if your exchange was to go ahead someone needing those services or facilities would no longer be living in the property. This includes sheltered housing, and properties normally offered to people with mobility needs.
- o Your property is the subject of a management agreement with a RSL and at least half the tenants of the properties within the agreement are members and the assignee is not willing to become a member.
- o Your home is too small for the needs of the household you wish to exchange with and would result in overcrowding or would break the normal letting criteria.

- o Your landlord has not granted written permission.

You will be notified in writing of the decision within 42 days of your application.

Conditional consent may be granted where you are breaking the tenancy conditions and will be able to proceed once the matter is addressed.

Your home must be in a lettable condition before the exchange will be allowed.

If you are a Council tenant and you mutually exchange with another Council tenant your housing application will be cancelled.

## Section 17 – Sensitive Lets

Sensitive lets are for those homes that have been directly affected by the anti-social behaviour of the previous household. This behaviour would have been serious and ongoing and would have resulted in a possession order made by the court or legal restrictions having been in force immediately prior to termination of tenancy.

It is recognised that to properly address disputes around ASB the legal process can be very lengthy and this can adversely affect neighbour lives. To try and ensure that similar problems do not arise with the new letting a sensitive let will be made.

To agree the criteria for this an analysis will be made based on the grounds for possession used and that same criteria will be used to assess the applicants who bid for the vacancy to ensure that anyone who had a history of a similar behaviour is not considered.

Homes can be let in this way either through the advertising process, or as a direct let, but successful applicants will be subject to a more robust vetting.

The criteria for each individual sensitive let will be recorded and any reason for bypassing an applicant during the ranking process will be recorded.

## Section 18 – Garage Lettings

Anyone applying for either a garage or parking bay will be placed in Critical Need or Urgent Need depending on their circumstances.

Critical Need Tenants of Gateshead Council property  
Urgent Need Other residents of Gateshead

All applicants wishing to rent a Council garage must complete a garage application form. There will be periodic reviews of the garage waiting list when applicants wishing to remain on the waiting list will be required to re-state their interest.

The garages will be let to the applicant with the oldest application date from Critical Need. If no one from Critical Need applies it will be let to the person with the oldest application date from Urgent Need.

You can only apply for a vacant garage or parking bay if you have a clear rent account (Council tenants) and owe no debt to the Council (all applicants).

Applications received from tenants (including joint tenants) who already rent a Council garage will be placed in Critical Need by date of application. Where a tenant or applicant wishes to apply for more than one garage they must register separate applications.

Due to availability, a customer may sometimes need to accept a garage tenancy in an area, which is some distance away from their home. In these circumstances the customer will be given the option of continuing their original garage application to enable the possibility of a transfer to a nearer garage at a later date. The tenancy of the first garage must be given up.

Council tenants in Critical Need who buy their home through the Right to Buy scheme, or who cease to become Council tenants for whatever reason will revert to Urgent Need but will keep their original date of application.

Where an applicant rents a garage which is to be demolished they can reapply and will be given the same date of application as the date of their original garage tenancy. People who own their own homes will be placed in Urgent Need and no additional priority will be given for second garages.