

Housing Allocations Policy

2016 Update



South Tyneside Council

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Part I - General Information

1. Introduction

This document explains South Tyneside Council's Policy for allocating its social housing. It forms part of a suite of Policies and Strategies including, the Tenancy Strategy and the Homelessness Strategy. These documents should be read in conjunction with one another.

The Policy will be implemented by South Tyneside Homes (the Council's Housing Company).

The Policy sets out who is eligible and qualifies for housing, the application process, priority bandings and awards. It details what the Council's Housing Register is and how it operates.

In addition to the Council's housing stock, we can also help people access housing from other housing providers.

South Tyneside Homefinder brings together a range of professional services from South Tyneside Homes and South Tyneside Council, including homeless prevention, the lettings service offered through Tyne and Wear Homes and Private Sector Housing.

2. What is the Housing Register?

The Housing Register is an electronic database of those Applicants who qualify for social housing within the Borough. All successful Applicants, including existing tenants are placed on the Register. The housing stock is allocated from the Register which is organised according to priority and need.

3. Legislative Framework

The legislative framework is set out in the Housing Act 1996 (as amended) and the associated statutory codes of guidance.

4. What is an Allocation?

An allocation is where a Local Authority:

1. Selects a person to be a secure or introductory tenant of accommodation held by that authority
2. Nominates a person to be a secure or introductory tenant of accommodation held by another housing authority
3. Nominates a person to be an assured tenant of accommodation held by a Private Registered Provider.

Social housing may only be allocated to 'qualifying persons' and through the Localism Act 2011, the council now has the power to determine those that are or not to be allocated housing.

These qualification requirements are in addition to the provisions on eligibility in respect of persons from abroad which continue to be set by Central Government.

The legislative framework applies to the Council, and requires Registered Social Landlords to co-operate in offering accommodation and to assist the Council in discharging its statutory duties to homeless people.

5. Policy Objectives

The objectives of this Policy are to:

- a. Provide housing that is suitable for those who are eligible and qualify.
- b. Prioritise housing to Applicants who are in the most need with a local connection to the Borough, who can demonstrate they have not been guilty of unacceptable behaviour, including housing related debt.
- c. Provide those looking for housing in South Tyneside with a fair, flexible and transparent system by which they are prioritised for social and affordable housing.
- d. Prevent homelessness and help people to solve their housing problems by giving advice and assistance.
- e. Treat everyone fairly to avoid discrimination.
- f. Make the best use of the housing stock.
- g. Create safe and sustainable communities.
- h. Enable people to make informed choices about their housing options.

6. Equality and Fairness

South Tyneside Council and South Tyneside Homes will ensure its Policies are non-discriminatory and will aim to promote equal opportunity by protecting and eliminating discrimination in line with the Equality Act 2010. This includes gender, transgender, colour, race, religion, nationality, ethnic origin, disability, age, HIV status, sexual orientation, marital status or pregnancy and maternity. Staff will value and promote equality and diversity in the delivery of the lettings service.

The Policy will be monitored and analysed to ensure it promotes equality of opportunity to individuals and minority groups. In order to achieve this, all Applicants will be asked to provide details of their ethnic origin and any other demographic information at the time of application.

7. Tyne and Wear Homes

The Council is working as part of the Tyne and Wear Sub Regional Choice Based Lettings Scheme, "Tyne and Wear Homes". This is a partnership between South Tyneside, Gateshead, Newcastle and North Tyneside Council's and their respective housing organisations along with many Private Registered Providers.

Tyne and Wear Homes allows Applicants to search and apply for homes across Tyne and Wear. For example, a resident in Gateshead could make an application for housing in South Tyneside.

Any application for housing made through Tyne and Wear Homes is subject to this Policy.

8. Review of the Policy

An annual review of the Housing Allocations Policy will be undertaken and presented by the Lead Member for Housing to the Council's Housing Performance Panel for approval. Any full review of the Housing Allocations Policy will be required to go to Cabinet for approval.

Part II - Applying for Housing

9. Assessing Applications

All applications to join the Housing Register are considered by South Tyneside Homefinder and details of how to apply to join the Register are included in paragraph 13. On receipt of the application, South Tyneside Homefinder will assess the application to determine:

1. whether the Applicant is eligible,
2. whether the Applicant qualifies and;
3. the level of housing need, the existence of a local connection and the priority banding they should be awarded.

In the case of joint applications both Applicants must be eligible for housing and must satisfy all qualification criteria, in order that a Joint Tenancy be granted.

Applicants wishing to transfer to another property will be assessed in the same way as all other Applicants.

10. Eligibility

The Housing Act 1996, as amended by Homelessness Act 2002, defines the categories of persons who may not be eligible for an allocation. For details see Appendix 2.

11. Qualification Criteria

Applicants are subject to a staged test.

Applicants will not qualify to join the Housing Register if:

1. they are an owner occupier with the financial resources to meet their own housing need
or
2. they have been guilty of unacceptable behaviour (including housing related debt)

Owner Occupiers with the Financial Resources to meet their own housing need:

You will not qualify for an allocation of social housing if you are an owner occupier and the equity in your home is estimated in excess of £80,000 unless it can be shown:

1. you have a medical condition that requires specialist medical accommodation for or
2. you are assessed by a Council approved Occupational Therapist as suitable for Band 1+ or Band 1 or
3. South Tyneside Council has decided that they require your home to allow demolition or redevelopment to take place.

Owner occupiers should note that where, according to the criteria above, they do qualify to join the Housing Register, only those owner occupiers with a local connection to South Tyneside will be awarded a priority banding above Band 4. See Appendix 4 for information.

Unacceptable Behaviour

Applicants will not qualify to join the Housing Register, or be allocated a home, if they have been guilty of serious unacceptable behaviour (including housing related debt and conduct) within the last two years from the date of the application or allocation. Each case will be considered on merit looking at the circumstances.

Examples of unacceptable behaviour may include:

1. Being made subject to or named in an Anti-social Behaviour Injunction
2. Being made subject to a Possession Order (including those suspended or postponed on terms)
3. Being made subject to an Criminal Behaviour Order or CRASBO
4. Being made subject to a Premises Closure Order
5. Rent arrears or housing related debt in excess of £500. Housing related debt is classed as serious unacceptable behaviour. Those Applicants who have existing rent arrears, ex-tenants arrears, re-chargeable repairs, mortgage debt would be classed as having housing related debt.
6. An Applicant, occupier or visitor to the property being involved in anti-social or criminal activity.
7. An Applicant being served with a Notice of Seeking Possession or Notice of Possession Proceedings concerning a tenant or anyone residing, occupying or visiting the property.

12. Housing Plus Accommodation

Housing Plus accommodation will normally only be awarded to those in need of the services provided and will not normally be awarded to those under 60 years or unless one of the Applicants is over the age of 55 and in receipt of Personal Independence Payment or a Local Lettings Policy is in operation.

13. Application Form

Applicants can complete an application for housing in a variety of ways:

- Online at www.tyneandwearhomes.org.uk
- Downloading an application form, completing it and returning it to South Tyneside Homefinder
- Completing an application over the telephone with South Tyneside Homefinder on 0300 123 6633
- In person by visiting South Tyneside Homefinder

Application forms that are incomplete will be returned back to the Applicant for completion.

14. Verification

Applicants will be required to provide all information in connection with the application to satisfy the qualification criteria. Incomplete applications will lead to a refusal to join the Housing Register.

Applications are reviewed again at Offer Stage to ensure the Applicant is both eligible and qualifies, in order that an appropriate offer is made. In awarding a Priority Banding local connection will also be re-assessed.

15. Giving False Information

It is an offence for anyone applying for housing to:

Knowingly or recklessly give false information relating to:-

- Their application for housing
- Subsequent review information
- Other updating mechanisms e.g. change in circumstances

Knowingly withhold information which has been reasonably requested.

Appropriate action may be taken against any Applicant who knowingly provides false information or as a result of a false statement provided by a person acting at the tenant's instigation. This could include, the Applicant (s) being removed from the Housing Register, a prosecution and / or taking action to recover possession of the property allocated.

16. Applicants who have deliberately worsened their circumstances

Applicants must not deliberately worsen their circumstances in order to move into a higher band or obtain priority within the band, for example, by moving into an unfit property when it was reasonable to continue to occupy previous accommodation. If an Applicant is found to have deliberately worsened their circumstances he / she will be placed in the band corresponding to his / her original circumstances and any additional priority will be revoked.

17. Staff and Elected Members

Applications for housing from the following Applicants will be processed by a Senior Manager at South Tyneside Homes (or those delegated to deputise):

1. An employee of South Tyneside Council or South Tyneside Homes
2. An Applicant who is a family member of an employee of South Tyneside Council or South Tyneside Homes
3. A South Tyneside Council Elected Member
4. An Applicant who is family member of a South Tyneside Council Elected Member
5. A South Tyneside Homes Board Member
6. An Applicant who is a family member of a South Tyneside Board Member

All offers of accommodation for the above must be approved by the Director of Housing (or equivalent level) at South Tyneside Homes.

18. Change in Circumstances

Applicants should contact South Tyneside Homefinder as soon as possible to inform them of any change in circumstances and provide relevant supporting information. The Applicant will receive a letter informing them of the outcome of the change. Failure to inform South Tyneside Homefinder of any change in circumstances may result in the Applicant being removed from the Housing Register.

Part III - Assessing Housing Need

19. Reasonable Preference / Housing Need

The law requires that reasonable preference for an allocation must be made in the following cases:

1. People who are homeless (within meaning of Part 7 of the Housing Act 1996);
2. People who are owed a duty by any local housing authority under section 190(2), 193(2), or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985, or who are occupying accommodation secured by any such authority under section 192(3);
3. People occupying insanitary (unhealthy) or overcrowded housing or otherwise living in unsatisfactory housing conditions;
4. People who need to move on medical or welfare grounds, including grounds relating to a disability; and
5. People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or others).

20. Medical, Welfare and Hardship Priorities

Council approved Occupational Therapists will award medical, welfare and hardship priorities based on whether the Applicant or any member of the household's condition / situation could be improved by re-housing. For example:

- A mental illness or disorder
- A physical or learning disability
- Chronic or progressive medical conditions for example, Multiple sclerosis
- Dementia
- Infirmary due to old age
- The need to recover from the effects of violence or threats of violence, or physical emotional or sexual abuse
- Young people at risk
- To give or receive care
- To access specialised medical treatment
- To take up a particular employment, education or training opportunity

This list is not exhaustive.

Supporting information may be required from medical professionals and other organisations as necessary.

It is normal practice that if any Applicant is awarded a medical priority, they will only be able to express an interest in the type of property that has been recommended to them. Generally Applicants will not be able to defer from this. Each case will be considered on its own merit.

Further guidance on medical, welfare and hardship priorities is contained in Appendix 3.

21. Priority Band Definitions

Applicants accepted on to the Housing Register are awarded a priority band based on their housing need. Please see Appendix 4 for information.

Where an Applicant falls in to more than one priority banding because of their housing need an award will be made on the highest of the bandings.

Applicants will be awarded a priority banding based on their housing need and local connection to South Tyneside. In the case of joint Applicants, only one Applicant is required to have a local connection to South Tyneside. Those without a local connection to South Tyneside will only be awarded Band 4 priority.

In respect of this Allocations Policy local connection is defined as:

- *Being a resident of permanent accommodation in South Tyneside for at least 6 months out of the last 12 months, or 3 years out of the last 5 years.*
- *Being in employment within the Borough.*
- *Having 'close family' living in South Tyneside for at least the previous 5 years. Close family means, parents, grandparents, children, siblings, step parents, step children, grand children or adoptive parents and children. In exceptional circumstances and where support is required, 'close family' may be extended to aunts, uncles and in laws.*

Exceptions to the Local Connection Criteria

No local connection is required for the following Applicants:

- *Former members of the Armed Forces*
- *Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service*
- *Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner*
- *Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.*
- *Certain cases involving domestic abuse.*

All of the above Armed Force cases will have the time they have served in the Armed Forces added on to the date they joined the Housing Register.

Part IV - Property Eligibility

22. Bedroom Calculations

The criteria listed below will usually be used when deciding what property Applicants can express an interest in. Applicants should be aware that if they are in receipt of Housing Benefit and will be under occupying a home using the Government's Department for Work and Pensions bedroom criteria, they will see a reduction in the amount of benefit received from April 2013. **The Applicant will therefore be required to make up the shortfall in rent.**

For example, a couple with two children of the same sex, under the age of 10 years old and in receipt of Housing Benefit will only be eligible for benefit for a two bedroom property. They may move in to a three bedroom property, but would have to make up difference from the Housing Benefit that is paid to the rent that is charged.

Household	Properties
Single Applicant under 60 years	Bedsit or 1 or 2 bedroom flat / maisonette, including Housing Plus accommodation*
Single Applicant aged 60 years or over	Bedsit, 1 or 2 bedroom flat / maisonette or 1 or 2 bedroom bungalow, including Housing Plus accommodation*
Household with two adults aged under 60 years	1 or 2 bedroom flat / maisonette
Household with one or both aged 60 years or over	1 or 2 bedroom flat / maisonette or 1 or 2 bedroom bungalow, including Housing Plus accommodation*
Family with a pregnant woman	2 bedroom flat / maisonette (not including flats in high rise blocks above four storey)
Family with one child	2 bedroom flat / maisonette or 2 bedroom house (not including flats in high rise blocks above four storey if the child is under the age of 16 years old)
Family with two children	2 or 3 bedroom flat / maisonette or 2 or 3 bedroom house (not including flats in high rise blocks above four storey if the children are under the age of 16 years old)
Family with three children	3 bedroom flat / maisonette or house (not including flats in high rise blocks above four storey if the children are under the age of 16 years old)
Family with four children	3 or 4 bedroom flat / maisonette or house (not including flats in high rise blocks above four storey if the children are under the age of 16 years old)
Family with five or more children	4 or 5 bedroom maisonette or house

*In some instances, Housing Plus accommodation will be allocated to Applicants under the age of 60 years, for example those 55 years old or over and in receipt of Personal Independence Payment or where a Local Lettings Policy has been introduced.

Applicants who have been awarded Band 2 priority for housing as they are suffering genuine financial hardship as a result of Welfare Reform and wish to downsize to a smaller property, will only be able to express their interest in properties as outlined in the Welfare Reform Act.

Children under 16 years will not normally be allowed to occupy high rise blocks above four storey. Each case will be considered on its merits.

Those who require an additional bedroom for a non resident carer to provide overnight care for the Applicant will be assessed on their individual needs.

Applicants or members of the household with a long term disability or illness may be allocated a home with an additional bedroom. Individual circumstances of the Applicant and their family will be assessed and will involve considering not only the nature and severity of the disability but also the nature and frequency of care required. Each case will be considered on its merit.

All awards of an additional bedroom where any occupier is in receipt of Housing Benefit may in certain circumstances be subject to the under-occupation charge.

Part V – Allocations

23. Advertising properties

Available properties will be advertised on a weekly basis. Properties will be advertised at:

- www.tyneandwearhomes.org.uk
- Local housing offices/ Community Hubs
- Via digital TV for Sky or Virgin customers.
- South Tyneside Homefinder office

Properties will be advertised from 00.01 on a Thursday until 23.59 the following Monday. This period is known as the lettings cycle. Lettings cycles are subject to change or cancellation to accommodate Bank Holidays and other holidays.

As part of our existing agreement with Tyne and Wear Homes, information about recent lets will be published (whilst respecting confidentiality). The information will show the priority band and registration date of Applicants to whom properties have recently been let.

24. Placing a Bid

Applicants can place up to three bids per lettings cycle:

- By telephoning the Housing Services Centre on 0300 123 6633
- By telephoning Tyne and Wear Homes on 0300 777 7245 (24 hour automated service)
- Via email to homefinder@southtyneside.gov.uk
- Via the website www.tyneandwearhomes.org.uk
- In person at any local housing office or South Tyneside Homefinder office
- Via text on 07537404367
- Via digital TV for Sky or Virgin customers. For more information please contact South Tyneside Homefinder.

25. Short-listing and Selection

Once the lettings cycle closes a shortlist of Applicants expressing an interest is drawn.

The property will be allocated to the Applicant who:

- meets the bedroom criteria, and
- is in the highest priority band, and has
- the earliest banding date

In the event of a tie breaker, the Applicant with the earliest registration date will be successful.

For those being re-housed to enable regeneration or refurbishment, the Applicants tenancy start date will be used as a third tie-breaker

26. Failure to Bid

Where an Applicant fails to bid within the timescale of their priority banding they will be demoted to a lower band. It is important for Applicants to note that South Tyneside Homefinder can in some circumstances make assisted bids on an Applicant's behalf.

Those not bidding within Bands 1+, 1 and 2 within the requisite timeframe will be demoted to Band 4. If suitable properties were available to bid on within the timeframe of the banding award.

Those placed in Bands 3 or 4, failing to bid within 12 months from the date they are awarded the priority will be removed from the Housing Register.

All decisions leading to an award of a lower priority or removal from the Register will have the right of review.

27. Offers

Successful Applicants will be contacted by letter usually within two working days of the closure of the shortlist.

Once the property has been viewed the Applicant has 48 hours to accept the offer. If it is declined or there is no response within 48 hours then the offer will be withdrawn and offered to the next suitable Applicant on the shortlist.

Offers of accommodation may also be withdrawn if it is found that the information supplied by the Applicant was incorrect or if the customer has not informed South Tyneside Homes of any changes and their current situation does not accurately reflect their Priority Banding.

Part VI – Miscellaneous Allocations

28. Local Lettings Policies

The Council may introduce Local Lettings Policies in exceptional circumstances for housing management reasons. These may include the need to enable regeneration, to deal with specific property types and to encourage community cohesion or sustainability. Any new Local Lettings Policy will be subject to agreement by the Housing Performance Panel. Lettings will be monitored to ensure that each Local Lettings Policy is complied with. Please refer to Appendix 1 for details of current Local Lettings Policies.

29. Exceptional Circumstances

South Tyneside Council's Housing Allocations Policy sets out the general Policy assessment of applications and the allocation of housing in South Tyneside. To ensure fairness, the Policy is applied consistently. The individual circumstances of each Applicant are considered in every case using the information provided by the Applicant on their application form.

The Policy allows for any provision to be considered and waived in exceptional circumstances, at the discretion of the Director of Housing (or equivalent level) or Homefinder Manager at South Tyneside Homes or the Head of Development Services or Housing Strategy Manager at the Council who has the responsibility for managing the Housing Register.

30. Sensitive Lets

There are certain circumstances, in order to ensure community cohesion and sustainability of estates, where a void property can be let outside the normal allocations system. A Senior Officer will determine whether it is appropriate in the circumstances to authorise a sensitive letting to be made.

31. Direct Offers / Direct Lets

The Council is not required to advertise all vacant properties through Tyne and Wear Homes. Although it is anticipated that most of the available properties will be advertised, there will be circumstances where South Tyneside Council or South Tyneside Homes will need to allocate a property directly to an Applicant without it being advertised. For example, statutorily homeless cases where we may make one direct offer to discharge our housing duty. This is known as a Direct Let.

Each Direct Let case will be at the discretion of the Director of Housing (or equivalent level) or Homefinder Manager at South Tyneside Homes and the Head of Development Services or Housing Strategy Manager at the Council.

Direct Lets are only used in exceptional circumstances and only one offer of accommodation will be made.

32. Adapted Properties

There are certain types of properties in the Borough that have been purpose built or adapted for people with disabilities.

Properties with two or more major adaptations will firstly be matched against Applicants needing specialist type of accommodation using the information held by South Tyneside Council or South Tyneside Homes Occupational Therapy Teams. Examples of major adaptations include a stair lift, through floor lift and level access shower.

In the event of there being no suitable Applicants requiring this type of accommodation then it will be advertised in the normal way.

Adapted properties that are advertised will state what adaptations have been made to the property and that it is not always possible for the equipment to be removed / recycled. Preference will however still be given to the Applicant that best fits the need of the property.

33. Garage Allocations

The Council has garages to let in most areas of the Borough and maintains a waiting list for the allocation of vacant garages. Applicants can apply for a garage online at www.southtyneside.info or they can collect an application form from any local housing office.

Allocations will be made in strict date order. For example, if a garage becomes vacant, then it would be offered to the Applicant (regardless of tenure) from the waiting list, who has waited the longest for a garage in that particular location.

If the garage is refused, then it would be offered to the next in turn on the waiting list.

No garage will be offered to an Applicant who is in arrears with their housing rent (if applicable).

Applicants will be expected to provide proof of vehicle ownership (V5 registration document) as well as appropriate personal identification.

34. Succession

The Localism Act reduces the automatic statutory rights of succession for all new secure tenancies from April 2012. There is now only a statutory right of succession to a spouse or partner. There is no statutory right of succession for other family members.

These changes do not affect tenancies that began before 1st April 2012.

Where there is no statutory right of succession, the Council may exercise discretion to offer the tenancy to the person left in occupation on the death of a tenant. Each case will be considered on its own merit. The decision will be made by the relevant Area Manager.

For further information, please telephone South Tyneside Homes or visit one of the local housing offices.

If an occupant of the property is not allowed to succeed to that tenancy they will be asked to join the lettings scheme and be considered under this Policy.

35. Review and Appeals Procedure

The following decisions all have the right to request a review:

- A decision not to allow someone to join the Housing Register
- A decision to award reduced priority
- A decision to remove a person from the Register other than at the person's request
- A decision on the suitability of the offer of accommodation

Applicants have 21 days from the date they are notified of the decision to request a review. This request must be in writing. The review will be completed in 28 days and will be carried out by an Officer senior to the person who made the original decision. The Applicant will be informed in writing of the outcome, setting out the reasons for the decision.

In the event that the Applicant remains dissatisfied with the decision of the Senior Officer then he/she has the right to appeal.

The appeal will be considered by a panel of three elected members. At the appeal hearing the panel can decide to allow the appeal, accept the review decision or vary the review decision. It will only do so on the basis of sound and reliable evidence.

In order to comply with the provisions of S167 of the Housing Act 1996, no Elected Member may participate in a review when (a) the unit of housing accommodation concerned is situated in their electoral ward, or (b) when the person subject to the appeal has their sole or main residence in the Elected Member's electoral ward.

Part VII - Additional Information

36. Accessing Information and Data Protection

Applicants on the Housing Register have the right to see any information about them held on either manual or computer records, apart from information provided by a third party, for example a letter from a neighbour. This information can only be disclosed with the third party's consent. Applications should be made in writing. For more information on the Freedom of Information Act 2000 and the Data Protection Act 1998, please contact South Tyneside Council on 0191 424 6538 or email foi@southtyneside.gov.uk.

37. Accessing Information in Alternative Formats

Applicants who require this document in another language, format or require the use of an interpreter, should contact South Tyneside Council on 0191 424 7385.

38. Comments, Compliments and Complaints

We encourage feedback on all of the services offered by South Tyneside Council and South Tyneside Homes. You can do this by telephoning us on 0191 427 7000 or visiting our website www.southtyneside.info.

Part VIII – Appendices

39. Appendix 1: Current Local Lettings Policies

Current Local Lettings Policies:

- Durham Court, Hebburn
Only Applicants aged 55 years or over to be considered for an allocation. Priority will however be given to Applicants 60 years old or over.
- Gibson Court, Boldon Colliery
Allocations to the flats in Gibson Court, Boldon Colliery be restricted to persons aged 55 years or over unless the property is a first floor flat and there is no demand for it from such Applicants, in which case it may be let only to a person or persons aged 40 years and over.
- Croftside, Housing Plus accommodation, Whitburn
Applicants aged 50 years or over will be able to express their interest in vacant properties in Croftside, Whitburn. Priority will however be given to Applicants 60 years old or over.
- One bedroom bungalows, Whitburn
Applicants aged 50 years or over will be able to express their interest in vacant one bedroom bungalows in Whitburn. Priority will however be given to Applicants 60 years old or over.
- Cleadon Park estate, South Shields
A Local Lettings Policy was introduced to facilitate the regeneration of the Cleadon Park estate. All allocations will be made in accordance with the aims of the Local Lettings Policy.

To be eligible for a nomination, Applicants will be required to meet strict eligibility criteria. This includes having a clear rent account, no history or anti social behaviour and generally maintaining a tenancy (if applicable) in a satisfactory manner.

In accordance with the Policy, nominations will not be made where there is example of unacceptable behaviour that is serious enough to suggest someone may be unsuitable as a tenant, for example:

Evidence of a history of anti social behaviour by the Applicant or a member of their family, which has caused or would be capable of causing nuisance or annoyance to any person.

A history of persistent rent arrears as a result of not paying rent due in relation to any tenancy.

Evidence of serious criminal activity such as theft, violence, threatening behaviour.

Evidence of involvement in drug supply / dealing.

Evidence of harassment of any person.

This list is only indicative and not exhaustive.

The Council will make all nominations to Isos Housing Group for properties at Cleadon Park.

40. Appendix 2 – Eligibility Criteria

Eligibility criteria is set by Central Government and is subject to change. The information below is not exhaustive. Officers implementing the Allocations Policy will assess eligibility in accordance with the most up to date information.

Persons subject to Immigration Control

A person subject to immigration control is defined as a person who under the Immigration Act 1971 requires leave to enter or remain in the UK. A person subject to immigration control will be ineligible unless they are:

Already a secure or introductory tenant or an assured tenant of accommodation allocated by a local authority or
Falls within one of the following classes, as prescribed by regulations made by the Secretary of State:

A person granted refugee status in the UK or humanitarian protection (granted from 6 October 2006)

A person with exceptional leave to remain, humanitarian protection (granted prior to 6 October 2006), or discretionary leave and who is not subject to a 'no recourse to public funds' condition, or

A person with unconditional leave to remain in the UK (settled status) as long as s/he is habitually resident in the Common Travel Area, other than a person who has been given leave on the basis of a sponsorship undertaking and who has been resident in the UK for less than five years (unless the sponsor has died)

For applications made before 20 April 2006 only, persons who are nationals of a state that was signatory of the European Convention on Social and Medical Assistance (ECSMA) or of the European Social Charter, provided they are habitually resident in the Common Travel Area and lawfully in the UK (Class D) will be eligible. Of the signatories if ECSMA and/or CESC only Turkey, Croatia and Macedonia are not member states of the EEA. The Common Travel Area consists of the UK, the Republic of Ireland, the Channel Islands and the Isle of Man.

Asylum seekers are not eligible persons for allocations because they are subject to immigration control and are therefore not eligible persons unless they fall within the exceptions specified in the regulations.

Other persons from abroad

A person who is not subject to immigration control – principally British citizens and certain European Union (EU)/European Economic Area (EEA) nationals – must be habitually resident in the Common Travel Area in order to be eligible for an allocation of accommodation – unless they are exempt from the habitual residence test.

The following people are not subject to immigration control are exempt from the habitual residence test:

EEA nationals who are classed as workers or self-employed persons
the family members of EEA nationals who are classed as workers or self-employed persons

EEA nationals who have a right to reside permanently in the UK. These are:
those who have legally resided for a continuous period five years in the UK

workers or self-employed persons who have retired or are permanently incapacitated
the family members of the above two categories
a person who is in the UK because s/he was deported, expelled or compulsorily
removed from another country to the UK
a person who left Montserrat after 1st November 1995 as a result of the volcanic
eruption
a person who left Lebanon on or after 12th July 2006 because of the armed conflict
there
British people who were residents of Zimbabwe and who accepted an offer of
assistance from the UK Government to settle them in the UK, and who arrive in the
UK on or after 28 February 2009 but before 18 March 2011 (The offer of resettlement
was only made to people aged 70 years and over, and to younger people who are
not able to look after themselves due to health and social care needs).

41. Appendix 3: Medical, Welfare and Hardship Priorities

Critical medical need

Where the Applicant or a member of the Applicant's household has an immediately life threatening or progressive condition which is seriously affected by their current housing; Applicants requiring immediate hospital discharge and not able to return to their previous residence in the long-term

High medical need

A high medical need which results in a need to move because current accommodation is not suitable and cannot be made suitable. If there is an imminent risk of health deteriorating as a result of the unsuitability of the Applicant's accommodation should they remain or the unsuitability is such that daily living is severely affected and a change of accommodation could be reasonably expected to alleviate the problem. There is a clear expectation, supported by relevant health professionals and where appropriate, that a change in their accommodation will have significant impact on their health and wellbeing. While taking into account information from other organisations and professionals, the assessment of housing need in relation to the scheme's bandings is made by South Tyneside Homes.

High Welfare or Hardship need

A high welfare or hardship need where there is an urgent need to move and where a change of accommodation could be reasonably expected to alleviate the problem.

Medium Medical need

A medical need to move where the current home is not suitable and cannot be made suitable. The accommodation is causing the Applicant significant problems, but they are managing to some extent. A change in accommodation could reasonably be expected to alleviate or significantly improve the problem. While taking into account information from other organisations and professionals, the assessment of housing need in relation to the scheme's bandings is made by South Tyneside Homes.

Medium Welfare or Hardship Need

Medium welfare or hardship need where there is not an urgent need to move but a change of accommodation could be reasonably expected to alleviate the problem.

42. Appendix 4 - Priority Bandings

Band 1 + (Critical need category) – 6 week timescale

A Senior Manager designated by the Head of Development Services (or those delegated to deputise) will approve all of these cases for housing.

A local connection to South Tyneside is required for all awards of priority in this banding except paragraph c, d and e.

- a. Applicants with a critical medical need and need to move to alternative accommodation.
- b. Applicants requiring immediate hospital discharge and not able to return to their previous residence.
- c. Homeless cases where the Council needs to discharge its statutory duty as a matter of urgency. The Council may discharge its statutory duty by making a direct offer.
- d. Applicants who are experiencing severe harassment or fleeing abuse and are in imminent danger unless re-housed.
- e. Other circumstances considered extreme or unique by the Council or South Tyneside Homes. (Those extreme needs not met through the Policy).
In some instances an offer will be made directly to the Applicant where a suitable property can be matched to their needs.

Band 1 (High need category) – 3 month timescale

A local connection to South Tyneside is required for all awards of priority in this banding except paragraph i.

- a. Those Applicants at risk of becoming homeless unintentionally but not in immediate need within 28 days.
- b. Applicants with a high medical, welfare or hardship need. (This may apply to any member of the household).
- c. Cases where the South Tyneside Council's Cabinet has resolved that South Tyneside Council needs possession of the Applicant's accommodation to enable regeneration or refurbishment to be undertaken where the Applicant is being re-housed on a permanent basis.
- d. Cases where it is decided that major works under the Decent Homes programme require the temporary decant of the tenant, where the tenant has 'medical hardship' and where it is assessed that more than one move would impact negatively upon their health. Tenants accepted under this criterion will normally be given Band 1 three months prior to the planned start of the programme's scheme of works.
- e. Households living in statutorily defined overcrowded housing according to the legislation for example, if two people of the opposite sex who are not married or cohabiting and are over 10 years old living in a bedsit. Or those occupying insanitary (unhealthy) housing or otherwise living in unsatisfactory housing conditions;
- f. Cases where the Corporate Director of Children, Adults and Families has made a written recommendation that permanent accommodation must be provided to ensure that adoption can take place.
- g. Cases where the Corporate Director of Children, Adults and Families has made a written recommendation that accommodation must be provided to ensure that fostering can take place.
- h. Applicants living in private rented accommodation deemed as "prejudicial to health" as defined by the Environmental Protection Act 1990 or where a Prohibition Order or Emergency Prohibition Order has been made under the Housing Act 2004 on the dwelling.

- i. Members of the Armed Forces and former Service Personnel who have left the armed forces provided an application is made within 5 years of discharge. Bereaved spouses and civil partners of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner. Or, serving or former member of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service.
- j. Applicants leaving care.
- k. Applicants leaving supported accommodation (excluding Housing Plus or Extra Care) needing to move into independent settled housing.

These Applicants will have the time served in the Forces added to their date of application.

Band 2 (Medium priority category) – 6 month timescale

A local connection to South Tyneside is required for all awards of priority in this banding.

- a. Applicants leaving South Tyneside Council / South Tyneside Homes tied accommodation.
- b. Households residing in South Tyneside Council accommodation who must leave that accommodation because no-one is entitled to succeed to the tenancy.
- c. Applicants with a medium medical, welfare or hardship need. (This may apply to any member of the household).
- d. Applicants with disabilities needing to move into independent living and supported by the Council's Head of Adult Social Care.
- e. Households that can prove they need to give or receive care that is substantial and ongoing. Each case will be considered on its own merit.
- f. Tenants of South Tyneside Council who are required by the Council to leave their home because it has been built or adapted for a person with special needs who no longer lives there.
- g. Tenants of South Tyneside Council who can demonstrate they are suffering genuine financial hardship as a result of Welfare Reform, who wish to downsize to a smaller property suitable for their needs. Applicants will be required to complete a financial assessment, tenancy check and property inspection. Each case will be considered on its own merit by the Housing Solutions Manager or equivalent.

Failure to bid

Where an Applicant is placed in either Band 1+, 1 or 2 and a suitable property is available to bid on during the timescale specified in the banding criteria above and they fail to place a bid, the Applicant's priority may be demoted to Band 4. Such Applicants will be entitled to request a review of this decision as per paragraph 33 above.

Band 3 (Low priority category)

A local connection to South Tyneside is required for all awards of priority in this banding.

- a. Intentionally homeless Applicants with or without priority need.
- b. The departing partner of a couple with dependent children, at least one of the couple is a Council tenant, have lived together for at least 12 months and wish to separate with the children remaining in the family home.

- c. Applicants who have been, or will soon be, released from prison, to whom the Housing and Resettlement protocol applies and have been accepted by the Council.
- d. Applicants wishing to be housed independently who don't currently have security of tenure. For example, Applicants living in who wish to live independently in their own home.
- e. Applicants living in non statutorily overcrowded accommodation for example, an adult living with a child in a one bedroom flat.
- f. Applicants from two different households sharing either a kitchen or bathroom.
- g. Applicants who have been approved by the Local Authority as foster carers within the last 12 months.
- h. Applicants who have been approved by the Local Authority as adopters within the last 12 months.

Band 4 (General category)

All other qualifying Applicants. A local connection to South Tyneside is not required.

Failure to bid

Where an Applicant is placed in either Bands 3 or 4 and a suitable property is available to bid on within 12 months from the date of being accepted on to the Register and they fail to place a bid, they will be removed from the Register and will be required to re-apply. Such Applicants will be entitled to request a review of this decision as per paragraph 33 above.