

# Allocations Policy

## 2018



South Tyneside Council

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# Foreword

## Foreword by Councillor Allan West, Lead Member for Housing and Transport Photo

Welcome to our new Housing Allocations Policy. I hope you will find it clear, helpful and informative. This is a living document which will be kept under review in order to reflect changes locally or within Government Policy.

Public services have seen significant changes over the last few years, many of which have affected how we provide our services and no doubt we will have many more challenges ahead of us. As Lead Member for Housing and Transport, I am confident that by continuing to work together and making the best use of resources we can tackle these challenges with innovation and creativity whilst effectively addressing the needs of the borough's residents.

In 2012 the Localism Act came into force, giving Local Authorities greater freedom to better manage their waiting lists. Since then we have had some fundamental changes in national legislation, in particular the changes brought about by welfare reform. Many of these changes have resulted in housing becoming less affordable for specific groups of people, and therefore we need to respond appropriately to support those seeking accommodation.

In addition, the passing of Homelessness Reduction Act 2017 has placed greater obligations on Local Authorities to support those who are at risk of homelessness at the earliest opportunity. By working in partnership with a range of service providers we will carry out our duty to prevent homelessness.

This policy has been written in order to support residents in a sustainable way to meet the housing and support needs of households as effectively as we possibly can. Our aim is to make the best use of our housing stock for the benefit of the whole borough. This includes working closely with our neighbouring authorities and other partners that make up Tyne and Wear Homes.

Social housing is a limited resource and therefore it is vital to strike a balance between creating sustainable communities and supporting those in greatest need of accommodation.

The demand for many of our properties is high and this policy will enable us to ensure that those who are in the greatest housing need are given priority for suitable housing which will best address their situation.

**“By working together we can make South Tyneside an outstanding place to live.”**

## **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
- Tenancy Policy
- Homelessness Strategy

These documents should be read in conjunction with one another, and will be kept under review.

The Policy will be implemented by South Tyneside Homes (the Council's Arm's Length Management 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 its effective operation.

In addition to the Council's housing stock, we can also help people access a range of housing options from other housing providers through the Tyne and Wear Homes Partnership, offering an Enhanced Housing Options advice service.

Through South Tyneside Homes, an enhanced housing option service provides appropriate advice and support to find suitable accommodation depending on the specific needs of the individual household. This includes homelessness prevention and the registration of applicants.

Following a full review of your housing needs and aspirations a range of suitable housing options will be set out in order for you to make an informed choice; this may include mutual exchange, private sector housing, shared ownership, low cost home ownership or accommodation provided by other social housing partners.

We will also provide help and advice on alternative housing options and how to address any issues you may have in order for you to qualify for the scheme.

One of the main aims of the policy is to offer choice. However, we have a duty to meet housing need, and because of this we will band people according to their need. The banding system will ensure that those in the greatest housing need are given greatest preference for re-housing.

### **2. What is the Housing Register?**

The Housing Register is an electronic database of those Applicants who wish to be rehoused and qualify for social housing within the Borough. All successful Applicants, including existing tenants are placed on the Register once the appropriate checks have been undertaken, this would include identification and details of housing history. Customers who are accepted onto the Housing Register can bid for homes they are eligible for. The list of customers who bid for a property is organised according to priority and need.  
Suspended applicants

### **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. The Local Authority has the ability to set their own transfer policy for those households who are currently social rented tenants and have no housing need and no reasonable preference.

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. The council also has statutory duties to customers with medical an welfare need, Domestic Abuse, financial hardship and addressing the housing needs of residents in need.

### **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.
- 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. Offer suitable and sustainable housing that meets the needs of the applicant
- e. Prevent homelessness and help people to solve their housing problems by giving advice and assistance.
- f. Make the best use of the housing stock and reduce avoidable stock turnover.
- g. Create safe and sustainable communities.
- h. Offering choice within a fair and transparent process.

## **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.

Although all information is kept confidential there may be need to share your information with other departments or partners, such as Department of Work and Pension, Department of Community, and Local Government and other housing providers.

## **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 who have stock within Tyne and Wear.

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 if they meet the local criteria.

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 Homes Housing Solutions Service and details of how to apply to join the Register are included in Section 13.

On receipt of the application, South Tyneside Homes Housing Solutions Service will assess the application to determine:

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

4. Whether there is need for pre-tenancy support and how this will be best delivered to support sustainable tenancies.

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 to be granted.

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

### **Suspension from Bidding**

If you are a tenant of a social housing landlord, either South Tyneside Homes or your landlord will visit you to ensure that you have conducted your tenancy in an appropriate manner.

If your application has been assessed and you have little or no housing need, having been placed in our lowest Band and are found to have breached your tenancy, then you will be suspended from bidding until you can demonstrate that you have remedied any breach. Examples of the type of behaviour which could result in you being suspended from bidding include:

- Any previous or current rent arrears.
- Any other housing related debt.
- Any outstanding work required to your property for which you are responsible.
- Failure to maintain your property to an appropriate standard, which would incur cost to your landlord in order for them to re-let the property.
- A member of your household committing anti-social behaviour in or around your neighbourhood. For example, nuisance or annoyance to neighbours, discriminatory behaviour, harassment, violence and intimidation.
- Unacceptable behaviour towards South Tyneside Council, South Tyneside Homes staff, elected members, board members as well as partners and their employees.

If you have housing need which results in you being awarded a higher band we will not suspend your application as long as you remain eligible and qualify for the Scheme.

If we decide you should be suspended from bidding, the officer who made the decision will write to you and tell you the reasons why, what information they have considered and what you can do to put right the problem and have the suspension lifted. You have the right for this decision to be reviewed. You can also request us, at a later stage, to review such a decision should you be able to provide evidence that the reasons for your suspension have been addressed.

## **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.

Anyone aged 16 years or over can apply whatever their current housing circumstances are. However, there will be some people who will not be eligible or qualify for housing in South Tyneside. If you are under 18, any offer of accommodation will be linked to a support package and you may need a trustee who can hold the legal title of your tenancy.



## Who is Not Eligible?

Housing law sets out who can and cannot be considered for social housing under what is called “eligibility”.

You may not be eligible to join the scheme if you are from abroad or subject to immigration control. The terms ‘person from abroad (PFA)’ and ‘person subject to immigration control’ (PSIC) have a housing specific meaning. There are two categories of person from abroad:

- Persons subject to immigration control within the meaning of the Asylum and Immigration Act (AIA) 1996.
- Persons who are not PSIC but are ‘other persons from abroad’ for example a British or Commonwealth citizen who has failed the habitual residence test.
- Applicants in either category may be eligible as determined by the Secretary of State.

Further details of the eligibility criteria are detailed within Appendix 2.

## 11. Qualification Criteria

South Tyneside Council has decided that we will not consider certain applicants for social housing. 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).
3. Current South Tyneside Council tenants who are not in housing need and have not met the criteria outlined above.
4. Current South Tyneside Council Tenants who have lived within their current home for less than 12 months and their housing needs are being adequately met.

### **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; 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 and you do not have the financial means to purchase an alternative property.

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**

This means any person who the Council decides should not qualify for the scheme, because they, or a member of their household, have been guilty of behaviour serious enough to make them unsuitable to be a tenant.

The Council, its partner landlords, and residents have a right to expect certain standards of behaviour. Therefore, before we accept you onto the scheme and/or make a firm offer of a property, we may seek references to help us decide whether or not you qualify for the scheme. These will usually be from previous landlords.

South Tyneside Council has decided that the test of unacceptable behaviour is behaviour which would, if the person was either a council tenant or a member of a council tenant's household, entitle the landlord to take possession proceedings under certain grounds contained in the Housing Act 1985.

Some examples of the type of behaviour that could result in you not qualifying for the scheme could be:

- Previous/current rent arrears, other housing related debt, or other breaches of tenancy.
- Previous/current property damage.
- Serious anti-social behaviour. For example, nuisance or annoyance to neighbours, discriminatory behaviour or harassment, violence and intimidation.
- A conviction for using or allowing a property to be used for illegal or immoral purposes, including offences involving illegal drugs.
- Domestic violence or abuse including harassment, threatening behaviour and controlling or coercive behaviour.
- A conviction for an offence in the property or in the area of the property.
- Making a false statement in order to obtain accommodation dishonestly or fraudulently.
- Failing to provide relevant information that has been reasonably requested to verify an application for housing.
- Your individual circumstances will be fully considered when deciding if you should be disqualified from the scheme.

**The test is whether you or a member of your household were guilty of behaviour serious enough to make you unsuitable to be a tenant of the council (whoever your landlord was at the time).**

If we decide you are not eligible or do not qualify for the scheme, the officer or manager who made the decision will write to you and tell you the reasons why, what information they have considered and what you can do to become eligible or qualify.

You have the right for this decision to be reviewed. You can also request us, at a later stage, to review such a decision should you be able to provide evidence that the reasons for your ineligibility or failure to qualify have been changed or addressed.

### **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). This will look at recent and relevant behaviour and the period which this behaviour was sustained. 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 a Civil Injunction.
2. Being made subject to a Possession Order (including those suspended or postponed on terms).
3. Being made subject to a Criminal Behaviour Order or CRASBO.
4. Being made subject to a Premises Closure Order.
5. Being prosecuted for an offence under s80 EPA.
6. NOSP for absolute ground s84A.
7. Rent arrears or housing related debt. 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.
8. An Applicant, occupier or visitor to the property being involved in anti-social or criminal activity.
9. An Applicant being served with a Notice of Seeking Possession, Demotion Notice, Notice of Possession Proceedings or Notice of Seeking Possession for the Absolute Ground for possession (s84A) concerning a tenant or anyone residing, occupying or visiting the property.
10. An Applicant has been prosecuted for Fly tipping, untidy gardens which are a statutory nuisance, Noise and any other relevant prosecution.
11. Being prosecuted for a breach of CPN – Being served with a CPN.

This list is not exhaustive.

## **12. Pre-tenancy Support – Affordability and Support Offered**

We will carry out a pre tenancy support assessment with all applicants to help determine whether they are able to financially manage and sustain a tenancy. This assessment helps determine appropriate housing options for you and whether any additional support services will be needed to help you maintain your tenancy.

The assessment will include a review of:

- Your ability to pay your rent now and in the future, including help with setting up a bank account so you can pay your rent by Direct Debit.
- Working in conjunction with welfare support to undertake a benefit check.
- Your ability to meet all obligations under the tenancy agreement
- Any support needs you may have in order to meet your obligations.
- Any tenancy training needs you may have.

Where the pre tenancy support assessment identifies any needs, help will be offered with the following:

- Maximising income and managing debt.

- Arranging for appropriate support services to be put in place.
- Providing tenancy training on how to manage a tenancy successfully.
- Recommending appropriate housing options to meet need.
- Setting up rent payment systems.
- Providing training on budgeting.
- Providing support to find employment.

### **Matching of Accommodation**

Restriction from bidding on unsuitability properties, following on from pre-tenancy assessment 'recommendations' will be made on accommodation will be made that best meets your needs based on elements such as, your health needs, affordability

There may be circumstances where your support needs are such that we may restrict your bidding to a particular housing option, and in some cases we may not have an appropriate housing solution to meet your needs. If this is the case we will offer advice and assistance on other services and agencies that may help you meet your needs.

If you have housing need which results in you being awarded a priority banding status, your application will not be suspended as long as you remain eligible and qualify.

All new and adequately housed council tenants will be disqualified until one year after their tenancy start date unless they have had a material change of circumstances since their tenancy start date.

It also may be determined from previous behaviour or due to perceived or actual threat; restrictions may be placed on applicants for the locations in which they can be rehoused.

### **13. 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.

### **14. Application Form**

Applicants can complete an application for housing online at [www.tyneandwearhomes.org.uk](http://www.tyneandwearhomes.org.uk).

Should an applicant require any support they may complete an application:

- Over the telephone with South Tyneside Housing Solutions Service on 0300 123 6633
- In person by visiting the Housing Solutions Service
- Or by contacting any partner of Tyne and Wear Homes

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

### **15. Verification**

Applicants will be required to provide all information in connection with the application to satisfy the eligibility and 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(s) remain eligible and qualifies, in order that an appropriate offer is made. In awarding a Priority Banding local connection will also be re-assessed.

## **16. 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.

Those on the register but suspended from bidding, you will be contacted and the reasons why will be outlined in writing, including what information has been considered and what you can do to put right the problem and have the suspension lifted. You have the right for this decision to be reviewed. You can also request us, at a later stage, to review such a decision should you be able to provide evidence that the reasons for your suspension have been addressed.

## **17. 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.

## **18. Staff and Elected Members**

Applications for housing from the following Applicants will be overseen 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
7. An employee of a Tyne and Wear Homes partner

All offers of accommodation for the above must be approved by the Director of Housing, Housing Solution Manager or equivalent at South Tyneside Homes.

## **19. 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**

### **20. 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).

### **21. 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. More detail is set out in Appendix 3 of this policy.

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.

## **22. Priority Band Definitions**

Applicants accepted on to the Housing Register are awarded a priority band based on their housing need. Please see below for details on priority banding.

A direct offer can be made for relevant cases and where appropriate, particularly to tackle homeless prevention. However, applicants are still entitled to a review of any direct offer and this will not affect their entitlement to be accessed for banding.

### **Band 1 + (Critical Need Category) – 6 Week Timescale**

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

- Applicants with a critical medical need and need to move to alternative accommodation.
- Applicants requiring immediate hospital discharge and not able to return to their previous residence.
- 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.
- Applicants who are experiencing severe harassment or fleeing abuse and are in imminent danger unless re-housed.
- 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:

- 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 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.

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

- j. Applicants leaving care.
- k. Applicants leaving supported accommodation (excluding Housing Plus or Extra Care) needing to move into independent settled housing.
- l. Applicants leaving South Tyneside Council/South Tyneside Homes tied accommodation.

## **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. Households residing in South Tyneside Council accommodation who must leave that accommodation because no-one is entitled to succeed to the tenancy.
- b. Applicants with a medium medical, welfare or hardship need. (This may apply to any member of the household).



- c. Applicants with disabilities needing to move into independent living and supported by the Council's Head of Adult Social Care.
- d. 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.
- e. 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.
- f. 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

### **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.

### **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.
- i. Tenants who wish to downsize due to current home being too large to manage

### **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. 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 (Not including time spent living in hospital or hostel accommodation).
- Being in employment within the Borough.
- Being in training or education in 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.
- 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 and will be supported through the process by the Armed Forces Community Outreach Officer to best address their housing and support needs.**

#### **Part IV - Property Eligibility**

##### **23. 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.

A bedroom assessment will be made, based on the make-up of the household and this will enable applicants to bid for suitability sized properties, subject to any Local Lettings Policies. An affordability assessment will also be undertaken to ensure that applicants can afford the properties which they are bidding for.

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 in accommodation that matches their bedroom requirements and is affordable following pre-tenancy assessment.

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**

### **24. Advertising properties**

Available properties will be advertised on a weekly basis.

Properties will be advertised at:

- [www.tyneandwearhomes.org.uk](http://www.tyneandwearhomes.org.uk)
- 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.

### **25. Placing a Bid**

Applicants can place up to three bids per lettings cycle:

- By telephoning Tyne and Wear Homes on 0300 777 7245 (24 hour automated service)
- Via the website [www.tyneandwearhomes.org.uk](http://www.tyneandwearhomes.org.uk)
- Via text on 07537404367

For those applicants who require support to make a bid they can bid:

- By telephoning the Housing Services Centre on 0300 123 6633
- By email to [Homefinder@southtyneside.gov.uk](mailto:Homefinder@southtyneside.gov.uk)
- In person at Homefinder office

## **26. 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
- Pre-tenancy assessment indicates sustainability
- 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

## **27. 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 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 automatically 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.

## **28. Offers**

Successful Applicants will be contacted by their preferred method. Applicants will be asked to provide an email or mobile number and in the first instance offers will be made via either

email or text to ensure viewings can take place as quickly as possible after a short list has closed.

**It is the applicants responsibility to keep their contact details up to date. If South Tyneside Homes does not receive a response to an offer within a reasonable timeframe the offer will be withdrawn and offered to the next suitable applicant.**

Once the property has been viewed the Applicant will be expected to make an immediate decision. However in some circumstances applicants may be given 48 hours to accept the offer. If it is declined or there is no response within 48 hours then the offer will be withdrawn as a refusal 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**

### **29. 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.

### **30. 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; this at the discretion of the Housing Solutions Manager (or more senior officer) at South Tyneside Homes in consultation with the Council.

### **31. 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. The Housing Solutions Manager or Operational Manager for Housing Strategy will determine whether it is appropriate in the circumstances to authorise a sensitive letting to be made.

### **32. 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 will be at the discretion of the Housing Solutions Manager (or more senior officer) at South Tyneside Homes in consultation with the Council. Direct Lets are only used in exceptional circumstances and only one offer of accommodation will be made.

### **33. Adapted Properties**

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

Properties with any 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. Examples of major adaptations include, ramped access, 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. Preference will however still be given to the Applicant that best fits the need of the property.

### **34. 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](http://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, therefore 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.

### **35. 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 1<sup>st</sup> 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, or offer an alternative tenancy. 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.

### **36. 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 21 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. There is no statutory right to a second appeal and will be a discretionary appeal and will only be considered within exceptional circumstances or where someone raises a point or principle or law that has not been included within the policy.

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.

### **37. 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](mailto:foi@southtyneside.gov.uk).

### **38. 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.

### **39. 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](http://www.southtyneside.info).





## Part VIII – Appendices

### 40. Appendix 1: Current Local Lettings Policies

Current Local Lettings Policies:

- **Durham Court, Hebburn**

Only Applicants aged 55 years or over would 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 to 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.

- **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.

- **Extra Care Schemes**

The allocation of accommodation to any of the Extra Care schemes in the borough is undertaken through an Extra Care panel, through the allocations protocol following on from a referral from Adult Social Care. The local lettings policy for this accommodation is covered separately within the Extra Care Allocations Protocol, which can be requested from Adult Social Care.

### 41. Appendix 2 – Eligibility Criteria

An eligibility criterion 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<sup>th</sup> October 2006)
  - A person with exceptional leave to remain, humanitarian protection (granted prior to 6<sup>th</sup> 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<sup>th</sup> 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 1<sup>st</sup> November 1995 as a result of the volcanic eruption.
  - A person who left Lebanon on or after 12<sup>th</sup> 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).

## **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.

### **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 applicant's current home is not suitable and it may not be reasonable to 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.

### **Medium Welfare or Hardship Need**

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