

# North Tyneside Council's Lettings Policy

## November 2012 Review

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# **HOW THE AUTHORITY LET HOMES IN NORTH TYNESIDE**

## **1. Aims and Objectives of the Lettings Service**

To help people access secure, suitable and affordable homes within North Tyneside the Authority will:-

- Work with our Registered Provider Partners and Private Landlords registered with the Authority, to ensure that people seeking a home or those who need to move from their current home, have as much choice as possible over where they live.
- Be an effective partner in Tyne and Wear Homes Sub-Regional Choice Based Lettings Scheme, to enhance opportunities for existing tenants to move homes within our own Borough and between that of our Tyne and Wear Partners.
- Recognise the support needs of vulnerable people and work with organisations providing care and support, in order that they can access the help they need and where relevant provide help for them to stay in their own home or obtain support in moving home.
- Meet the requirements of the two primary Housing Acts, 1985 & 1996, the Homelessness Act 2002 and the Code of Guidance on the Allocation of Accommodation and statutory guidance on social housing allocations.
- Promote equalities in our service to help ensure that no customer or potential customer is unjustifiably treated less favourably on the grounds of religion, age, gender, marital status, ethnic or national origin, colour or disability, sexual orientation, pregnancy and maternity or gender re-assignment.

Our Lettings Service is designed to: -

- Offer as much choice as possible to applicants
- Provide a fair and transparent system in which people receive the correct priority for housing
- Support and assist customers to understand how the service works, in order that they can access and use the service
- Create more sustainable communities, as people who exercise choice over where they want to live are more likely to want to stay there
- Make efficient use of our resources and those of our partners

## **2. An Applicant's Rights**

Upon request, applicants for housing have the following rights to information. The right to: -

- i) Free advice and assistance about their housing options.
- ii) Be informed in writing of any decision about their housing application; what facts were taken into account in assessing their application; how their application was treated; what preference is to be given and whether appropriate housing to meet their needs is likely to become available.

- iii) Be notified in writing of any decision that preference will not be given because of unacceptable behaviour.
- iv) Request a review of decisions made on their application and subsequent priority.

### **3. Choice Statement**

#### **Tyne and Wear Homes**

The Authority is a partner of the Tyne and Wear Homes Sub-Regional Choice Based Lettings Scheme. Tyne and Wear Homes is a lettings partnership that will allow applicants to search and apply for properties from across Tyne and Wear. The four main authorities - Gateshead, Newcastle, North Tyneside, South Tyneside and their respective housing organisations - have joined together to bring applicants an easier way to access all of the housing options available.

The scheme aims to promote greater choice and wider housing options through a gateway for accessing affordable housing in the social and private rented sectors and for shared ownership.

It provides the applicant with a choice of landlords and tenures including the Authority, Registered Providers and private landlords registered with the Authority, as well as owner occupation and shared ownership. Mutual exchanges within and between social sectors for existing tenants will be promoted through our Lettings Service.

The Authority must make sure it makes the best use of the available homes by specifying which homes are considered suitable to meet various needs.

### **4. Scheme Overview**

Anyone who wishes to be considered for an advertised home must complete a housing application and be accepted onto the Tyne & Wear Homes Scheme.

North Tyneside's Council's Lettings Policy and Service have the following key features:

- i) A banding scheme where applicants are placed in one of four bands according to their level of housing need.
  - Band 1 for those with 'urgent and high' housing need
  - Band 2 for those with 'high' housing need
  - Band 3 for those with 'medium' housing need
  - Band 4 for those with 'general' housing need
- ii) All homes that are available for letting through the scheme are advertised weekly.
- iii) Each advertised home will contain information to advise applicants of any set criteria that applies, relating to the category of applicant that may apply. It will also include information such as the property type, size, area, type of heating and weekly rent, so that applicants can make an informed choice.

- iv) Applicants can express their interest in up to three homes per week, on-line, by text, by telephone, in person or through an advocate, such as a care or support worker or family member.
- v) Where more than one applicant applies for the advertised home, the home will be offered to the applicant who is placed in the highest priority band.
- vi) Where more than one applicant who meets the set criteria within a priority band applies for a vacant home, the Authority have adopted a clear transparent process that reflects customer views and is perceived as fair. The following arrangements will apply:

#### **For those in Band 1 and Band 2**

- Band
- Local Connection
- Date of Priority Award

#### **For those in Band 3**

- Band
- Local Connection
- Under Occupation (North Tyneside Council Tenants Only)
- Date of Application

#### **For those in Band 4**

- Band
  - Local Connection
  - Date of Application
- vii) To assist applicants who have been unsuccessful in an expression of interest, the Authority provide regular feedback on the criteria met by the successful bidders. This can allow applicants to make more informed choices about future expressions of interest.

## **5. Applying for a Home**

### **5.1 Registering for the Scheme**

To register for the Tyne and Wear Homes Scheme, all applicants must complete an application form and they must be registered and accepted before they can participate in the scheme.

North Tyneside Homefinder is part of the Tyne and Wear Homes Lettings Scheme but allocations will be made in line with North Tyneside Council's Lettings Policy.

### **5.2 Information Required From Housing Applicants / Verification Checks**

Housing applicants have a responsibility to provide, either as part of their application or upon request, information which allows a full assessment of their housing need to be completed. Applicants will be advised of the information required. This will include but is not limited to providing:

- Proof of identity of the applicant, any joint applicant or any member of his or her household, including details of any living arrangements
- National Insurance Number(s)
- Confirmation of nationality and immigration status
- Information on capital and interest or equity in a property
- Proof of financial resources
- Confirmation of residential arrangements for any children
- Confirmation of any limiting illness, disability or medical circumstances
- Details of any previous or current tenancies and the contact details of the landlord. This must be provided for a minimum of the last 5 years or the time elapsed since the applicant's 16<sup>th</sup> birthday
- Details of all previous unspent convictions
- Suitable references where appropriate. The Authority will request these before an application registration can be completed or at any point prior to an offer being made

All applicants must complete the housing application in full, which means answering all of the questions asked. Where either:

- the application is not completed in full, to allow a full housing assessment to be made or;
- any other information which is requested or needed as part of the housing application is not provided,

the applicant will be advised that they must submit the information within 28 days of their form being received or their application will be cancelled.

Where forms are returned to the applicant for completion of information, as long as the form is returned within the 28 days, the application will be registered with the original date on which it was received, otherwise it will be cancelled and the applicant will be notified in writing.

The Authority may seek certain references from existing or previous landlords or contact relevant agencies to decide whether or not an applicant or anyone registered on their application is ineligible (see section 6).

Checks can be carried out at any stage of the lettings process to confirm:

- That eligibility criteria is being met
- Evidence of anti-social behaviour, harassment or relevant criminal activity
- That there are no current or previous rent arrears or any outstanding debt to any landlord(s)
- The applicant's financial resources
- That there are no other current or previous breaches of tenancy
- There has been no current or previous damage to properties

Where an applicant has previous tenancies, they must provide, where possible, references from their current and / or previous landlord(s) for the last 5 years or from the applicant's 16<sup>th</sup> birthday, if they are aged 21 or under, before they can be registered for the scheme.

### **5.3 Applicant's Obligation to be Truthful**

It is an offence for an applicant to knowingly withhold information that is reasonably required to assess their application or to knowingly or recklessly provide false information that may lead to the applicant being granted a tenancy.

The Authority will take appropriate action against any applicant who is successful in obtaining a Council tenancy after knowingly providing false information or withholding information reasonably required to assess their application.

A person guilty of an offence under this section (s171 of Housing Act 1996) is liable, on summary of conviction, to a fine not exceeding Level 5 (the maximum level of fine, imposed for an offence by law) on the standard scale. In addition the Authority may take action to recover possession of any property to which a tenancy has been granted (Ground 5 of schedule 2 of the Housing Act 1985).

The Authority reserves the right to remove or suspend the application from the scheme. Where this happens the applicant will be notified in writing of the decision and of the reasons why. The applicant can request a review of this decision. (See section 12)

### **5.4 Annual Review of Applications**

Applicants are required to renew their application on an annual basis to remain registered on the scheme. Applicants will be notified of this requirement on the month of the anniversary of the registration of their application.

Where applicants fail to respond within 28 calendar days, it will be assumed that they no longer wish to be registered on the scheme and their application will be cancelled. Notification of cancellation will be sent to the applicant at their last known address.

An applicant may request re-instatement to the scheme, without the necessity of a fresh application (unless they have been re-housed through the scheme or have had a change in address), if such request is received within 12 months of cancellation. If 12 months have elapsed, other than under exceptional circumstances, it will be necessary to re-apply to the scheme.

### **5.5 Change of Circumstances**

Applicants are required to notify North Tyneside Council's Homefinder Team of any change in their circumstances that may affect their housing needs.

The applicant will be advised in writing of any change in the assessment of their application or eligibility for housing. The applicant may request a review of this decision. (See section 12)

### **5.6 Cancelled Applications**

An applicant will be removed from the scheme where they:

- Request to be removed
- Accept a tenancy through the scheme as a sole or joint tenant
- Do not respond to correspondence relating to their application that requires a response
- Move and do not advise us of their new address
- Become ineligible either through the statutory provisions for persons from abroad or through unacceptable behaviour. (See section 6)
- Have provided false or incomplete information in or connected with their housing application
- Have exchanged homes through the mutual exchange scheme

Where an application has been removed from the scheme they will be notified in writing and may request a review of the decision. (See section 12)

## **5.7 Band 1 and Band 2 Applications**

Applicants in Band 1 and Band 2 will have their application re-assessed by a Senior Officer after 3 months. Band 1 and Band 2 homeless applicants, who are owed a full housing duty, will be reviewed after 4 weeks.

Band 1 applicants will be reviewed when they are not actively seek re-housing and are not participating in the scheme.

Band 2 applicants will be reviewed to ensure their needs still warrant a Band 2 priority.

## **6. Eligibility – Who Can Register With the Scheme**

**6.1** Any person 18 years or older, together with those falling under paragraph 6.2 below, can be registered for the Tyne and Wear Homes Scheme unless they are:

a) A person from abroad who:

- i) Is not already a secure or introductory tenant or an assured tenant of housing accommodation allocated to them by a Local Housing Authority and
- ii) Is ineligible because they are either: -
  - Subject to immigration control within the meaning of the Asylum and Immigration Act 1996 and not in a class prescribed as eligible by the Secretary of State or
  - In a class prescribed by the Secretary of State as ineligible

b) A person treated by the Authority as ineligible because of ‘Unacceptable Behaviour.’ (See 6.3)

Additionally, the Authority is prohibited from allocating accommodation to two or more persons jointly, if any of them is a person who is ineligible or treated as ineligible under the categories set out above.



Information as to the classes of person currently prescribed by the Secretary of State as ineligible for housing, can be obtained from Communities and Local Government at [www.communities.gov.uk](http://www.communities.gov.uk)

## **6.2 16 and 17 Year Olds**

The Authority will accept a housing application from a young person, aged 16 or 17 who is: -

- Homeless, in priority need and owed a duty under Part VII of the 1996 Housing Act
- A child in need, considered to be vulnerable and supported by Children's Services or other appropriate support agencies and North Tyneside Homes is satisfied with the level of support provided
- Pregnant or a parent with a dependent child

## **6.3 Assessment of Ineligibility**

Before an applicant is considered to be ineligible, the circumstances of their case will be considered in line with the procedural guidance for staff. Information may be sought from any agency to help inform the assessment.

Unacceptable behaviour is behaviour by the applicant or a member of their household which would, if that person had been a secure tenant or residing with a secure tenant of the Authority, have entitled the Authority to a Possession Order under the Housing Act 1985 s84, on any of the grounds mentioned in Part I of Schedule 2 to that Act other than ground 8.

The Authority may treat an applicant as ineligible if satisfied that:

- The applicant or a member of the applicant's household and/or their visitors, has been guilty of unacceptable behaviour in or around the property or in the locality of the property
- The behaviour is serious enough to make the applicant unsuitable to be a tenant under the scheme, and
- In the circumstances at the time the application is considered, the applicant is unsuitable to be a tenant by reason of that behaviour

Applicants will, once the decision is made, be advised of the reasons for the decision and where applicable, will be advised of the conditions required to be demonstrated before an applicant can re-apply to the register or ask for the original decision to be re-assessed.

An applicant will be advised when a fresh application can be made, which will normally be after a minimum of 12 months. However, this is a guide only, as an individual's circumstances will be assessed to determine if the necessary change in their behaviour has occurred during the 12 months.

Applicants must demonstrate that their behaviour has improved and there are no further incidents of unacceptable behaviour or that their circumstances have sufficiently changed, as to warrant a "fresh" application. The applicant will be required to support this by supplying appropriate evidence, including positive engagement with agencies.

## **6.4 Notification**

Written notification of the decision, including grounds for the decision, will be sent to the applicant.

Any applicant considered ineligible will be advised what they must do to improve the behaviour which would be sufficient to consider them to be eligible. The onus is on the applicant, not the Authority, to demonstrate in any new application that the unacceptable behaviour has ended or their behaviour has improved sufficiently.

## **7. Factors Affecting an Applicant's Priority**

This section applies to applicants who have been accepted onto the scheme and are entitled to 'reasonable preference' but whose priority will be affected because:

- Of the behaviour of the applicant or a member of their household, which was not serious enough to justify a decision to treat the applicant as ineligible.
- Within any priority need band, consideration will be given to applicants who have a local connection with North Tyneside ahead of those who do not have a local connection. (See 7.2)
- The applicant has sufficient means to satisfy their own housing needs. (See 7.3)
- The applicant has intentionally worsened their housing circumstances without good reason. For example, a household that has moved into overcrowded accommodation, making their circumstances worse. (See 7.4)

Applicants will be assessed in accordance with the provisions of the scheme. However, where one of the above factors applies, an applicant's priority will be reduced. This will be done by placing the applicant in the band below that which they would normally have been placed. This will not apply to applicants who are owed the full homelessness duty under section 193 of the Housing Act 1996.

Where an applicant has their priority reduced they will be notified in writing and may request a review of the decision. (See section 12)

### **7.1 Unacceptable Behaviour (Not resulting in Ineligibility)**

An applicant's priority may be reduced where they or a person registered on their application to be re-housed has:-

- A history of rent arrears or other housing debt, which affect their suitability to be a tenant, determined by the seriousness of the arrears and whether this was the result of wilful behaviour
- A history of anti-social behaviour in their neighbourhood or deliberate damage to their own or another's property
- Any other breach of the tenancy conditions where the behaviour is deemed unacceptable

- An application can be removed from the register, if for example, their arrears have increased and/or they have been involved in anti-social behaviour since being accepted onto the scheme

Procedural guidance has been produced for staff in the operation of this part of the policy.

## **7.2 Local Connection**

Applicants with a local connection will be given greater priority within their band for any vacancies ahead of those who do not have a local connection. A 'local connection' exists where the applicant has a connection with the Borough because:

- i) They are or were within the last 5 years, normally resident in the Borough and that residence was of choice. The Authority considers residence as occupying a property in the Borough for at least 6 months out of the last 12 months or 3 years out of the last 5 years
- ii) They are permanently employed in the Borough or at a training establishment / college in the Borough of North Tyneside
- iii) Of family associations with others living in the Borough\*
- iv) The applicant was / is a member of the Armed Forces or former Service Personnel and the application is made within five years of discharge or where a bereaved spouse or civil partner of members of the Armed Forces is leaving Service Family Accommodation, following the death of their spouse or partner or where a serving member or former member of the Reserve Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of being in the forces
- v) Has been accepted as a priority homeless applicant in North Tyneside and the Authority has a duty to re-house them

\*A family member or family association is defined as parents, grandparents, adult children, brothers or sisters, stepparents, grandchildren, aunts or uncles. Family members must have lived in the Borough for at least the last 5 years continuously.

Special Circumstances - Under special circumstances where an applicant has no local connection, a local connection priority may be awarded. Special circumstances may include the need to be near a special medical or support service within the Borough or the applicant or a member of their household is confirmed by the National Witness Mobility Scheme as being on a Witness Protection Scheme.

## **7.3 Applicant's Financial Resources**

Where a housing application is received which indicates the applicant's financial resources can meet their housing needs; for example, an owner occupier, an assessment will be carried out prior to the application being accepted onto the register.

If it is considered that the applicant has the financial resources then their application may not be accepted on to the register.

If the applicant is considered:-

- especially vulnerable
- to be in financial hardship
- not to have equity in the home
- unable to sell their home within a reasonable timescale

then their application may be accepted on the register.

If an applicant fails to complete the questions regarding their financial resources and their ability to meet their own housing needs, the application will not be accepted onto the register. The applicant must provide proof of equity for consideration as part of their application.

This requirement may only be waived in exceptional circumstances at the discretion of a Senior Officer.

Procedural guidance has been produced for staff in the operation of this part of the policy.

#### **7.4 Intentionally Worsening**

Applicants who have made worse their housing conditions without good reason or through an intentional or negligent act on their part, will have their priority reduced. This applies to new applicants or applicants who are already registered for re-housing; who have moved within the last 12 months to worse housing conditions than their previous accommodation or who have deliberately overcrowded their current residence without good reason.

Where it is considered that the applicant has intentionally worsened their housing conditions, they will be placed in the band below that which they would normally have been placed in.

They will remain in this band for 12 months, after which time they can request their application to be re-assessed. If during this period there are further changes in their housing circumstances that would affect their housing needs, an immediate reassessment will be done.

In the circumstances where an applicant has an 'urgent housing need' a decision to reduce the applicant's priority will be made by a Senior Officer.

#### **8. Expressions of Interest**

Available homes are advertised weekly and applicants are allowed 3 expressions of interest per advert cycle, across the sub-region.

Applicants who have a current offer outstanding are not able to express an interest in other available homes.

If an applicant is successful in more than one expression of interest and they cannot be contacted within 24 hours to determine which home they wish to be

considered for, a North Tyneside Homefinder Officer will make the decision of which home they are to be offered.

## **9. Assessing Housing Need**

The Lettings Policy will meet statutory requirements and the requirements of the Code of Guidance on Allocation of Accommodation, to give Reasonable Preference to:

- People who are homeless (within the meaning of Part 7 of the Housing Act 1996): this includes people who are intentionally homeless and those who are not in priority need;
- People who are owed a duty under section 190(2), 193(2) or 195(2) of the Housing Act 1996 (or under section 65(2) or 68(2), of the Housing Act 1985) or are occupying accommodation secured by any housing authority under section 192(3);
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- People who need to move on medical or welfare grounds, including grounds relating to a disability; and
- People who need to move to a particular locality in the district of the housing authority: where failure to meet that need would cause hardship (to themselves or others).

Short term or minor medical conditions will not be regarded as satisfying a medical need.

### **9.1 Band 1 - Urgent and High Housing Need**

The Authority will place applicants with an 'urgent and high' housing need in Band 1.

'Urgent and high' housing need would be determined, having regard to all the circumstances of the applicant's case.

Determination of Band 1 status will be made by a Team Leader or above, with the exception of homeless applications, which will be assessed by the Housing Advice Team.

All circumstances of the case will be considered and professional, statutory and voluntary agencies may be called upon to provide evidence to confirm the applicant's particular needs.

Band 1 status is time limited for 3 months, except for homeless households owed a full housing duty, for which the time-limit will be 4 weeks.

After the relevant timescale has elapsed, the status of the application will be reviewed and where appropriate a direct offer of accommodation may be made. Where applicable, this offer will discharge the Authority's duty to priority homeless under part VII of the Housing Act 1996.

Any Band 1 time limited priority may be extended, having regard to the specific circumstances of the applicant, for example, (See section 9.7)

Applicants with the time limit of 3 months who are not actively seeking re-housing and who are not participating in the scheme or have refused a direct offer of accommodation may have their application re-assessed and a lower priority may be awarded.

Urgent and high housing need applicants will be given priority for all homes they are eligible for, unless there is a Local Lettings Scheme in place or a Direct Offer is to be made.

- i) People who need to move on medical or welfare grounds for one of the following reasons: -
- There is a severe long term limiting illness or permanent and substantial disability where an appropriate specialist health professional has recommended that an immediate move is necessary because:
    - There is an immediate or substantial risk to life in their current home because of the combination of health and housing circumstances or;
    - It is impossible for the applicant to live in their current home and adaptation is not practical or existing adaptations are no longer effective.
  - The applicant is in hospital or residential care, awaiting discharge to a suitable home and the present home is unsafe or discharge is prevented by their housing situation.
  - An applicant's current home does not reasonably allow essential health treatment to be carried out e.g. renal dialysis and adaptation to the home is not possible.
- ii) There is a strong likelihood of a child being taken into care if re-housing is not made and this is confirmed by an appropriate social care professional.
- iii) There is a strong likelihood of admission to residential care of an applicant or member of his / her household, if re-housing is not made and this is confirmed by a health or social care professional.
- iv) A child experiencing abuse needs to be moved away, to protect their safety and reduce the risk of further abuse from the perpetrator. This has to be confirmed by a health or social care professional.
- v) The applicant is living in insanitary or overcrowded or unsatisfactory housing conditions by virtue of: -
- The household being statutorily overcrowded in their current home
  - The household occupying insanitary or unsatisfactory housing conditions that pose an ongoing significant threat or danger to health, well-being and safety, which is confirmed by an assessment by Environmental Health Officers. However, due regard will be given to any remedial action that can be taken by the tenant, owner or landlord to make the property satisfactory. In the case of owner-occupiers, due regard will be given to their financial circumstances and their vulnerability because of age or infirmity. This may result in

the applicant being awarded a lower priority, if they are accepted onto the register

vi) People who need to move to avoid hardship:-

- Applicants whose life is threatened or there is an immediate and substantial risk to life because of violence, including threats of violence or severe harassment. This includes victims of racially motivated attacks, harassment on grounds of disability, crime or witnesses of crime and where there are no alternatives to re-housing.
- Witnesses of crime who have been confirmed by the National Witness Mobility Scheme as being on a Witness Protection Scheme.
- Applicants who are suffering immediate potential domestic abuse with a serious risk of intimidation amounting to violence, threats of violence or serious harassment, if they were to remain in their current home.
- Applicants who are at immediate risk of serious harm or a Multi-Agency Risk Assessment Conference (MARAC) is recommending urgent re-housing.
- Witnesses of crime or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current home.

## 9.2 Band 2 - High Housing Need

- i) Homeless people who are owed a full housing duty under section, 193(2) (in priority need and unintentionally homeless or 195(2) (in priority need and unintentionally threatened with homelessness) of the Housing Act 1996. A time limited priority of 4 weeks will apply for homeless applicants falling into this category, after notification of the decision to the applicant, after which a Direct Offer of housing will be made to discharge the Authority's duty to priority homeless under part VII of the Housing Act 1996.
- ii) People who need to move on medical or welfare grounds:
- The applicant or a member of his / her household or for whom the applicant provides care, has a severe long term limiting illness or permanent and substantial disability, where their quality of life or health is severely affected by the accommodation occupied or by the place in which they live. An established medical need must be demonstrated such as mental illness or disorder, physical or learning disability, progressive or chronic medical condition.

Examples include but are not limited to: -

- a) The ability to live in the community is at risk without suitable accommodation (and is confirmed by a health professional)
- b) Where a household member is housebound or cannot reasonably access the essential facilities in the home and an adaptation to the home is not possible
- c) There are concerns about safety, for example through a high risk of falling due to difficulties with access and adaptation to the home is not possible
- d) Applicants with a diagnosed mental health condition and the applicant is living in conditions which are significantly contributing to a deterioration in their mental health, where a move would prevent deterioration, relapse or

exacerbation in their mental health condition and is recommended as being urgent by mental health professionals

iii) People living in insanitary or overcrowded or unsatisfactory housing conditions by virtue of: -

- Occupying a home on an assured short-hold tenancy for a minimum of 12 months, where a valid Notice of Seeking Possession has been served and where that Notice has no more than two full calendar months until its expiry date. The applicant would need to be seen as priority need but not determined to be intentionally homeless or seen as deliberately worsening their circumstances.
- Occupying non-secure tenancies and being legally required to vacate their home. This includes people living in supported housing or in accommodation provided as a condition of employment, such as those in Her Majesty's Forces\*, Tied Tenants, Caretakers or Wardens, Hostels or Bed & Breakfast.
- The household being overcrowded and the applicant require two or more bedrooms than they currently have, in line with the Local Overcrowding Definition. (See 9.7.1)
- The household has been approved for foster caring / adoption and a larger home is required to facilitate the needs of the family and this is supported by Adoption and Fostering Caring Service.
- Lacking (not sharing) a bathroom, kitchen or inside WC.

This applies to where an applicant is in the Armed Forces or has been a former member of Service Personnel and their application is made within 5 years of discharge; or the applicant is a bereaved spouse or civil partner of a deceased member of the Armed Forces and they are having to leave the Services' Family Accommodation following the death of their spouse or partner; or the applicant is a serving or former member of the Reserve Forces and needs to move because of a serious injury, medical condition or disability sustained as a result of being in the forces.

The Band 2 priority will be awarded 6 months prior to the date they are required to leave. This priority will also apply for those leaving of their own accord; however it will not apply to those that have been dishonourably discharged.

iv) People who need to move to avoid hardship where:-

- They are suffering from the effects of serious anti-social behaviour that is severely affecting their health and quality of life, which is supported by the Police.
- They are suffering domestic abuse, intimidation or harassment, including racial harassment amounting to threats of violence but who are not at immediate risk and can remain in their current home.
- Young people who are being supported by Children's Services, the Leaving Care Team or who are considered to be vulnerable by a recognised care or support professional and an appropriate care or support service is in place.
- Supported Accommodation is due to end within the next 3 months and the household is unable to provide their own permanent housing.



All circumstances of each case will be considered and professional statutory and voluntary agencies may be called upon to provide evidence to confirm the applicant's particular needs.

Band 2 applicants will be reviewed after 3 months to ensure their needs still warrant a Band 2 priority.

The Housing Act 1996 section 167(2E) allows the Authority discretion to allocate housing accommodation to particular types of applicants. The Authority considers it important to give additional priority to existing tenants in the circumstances set out below, to make best use of the stock and to enable existing tenants to exercise choice over where they live, to contribute towards the creation of sustainable communities.

Movement within the stock will create a vacancy for each home that is let to a transfer applicant. Larger family homes in particular are in high demand. This additional priority would only be given where the tenant has shown a history of being a responsible tenant and the Authority has not taken any action against them for breaches of their Tenancy Agreement.

**North Tyneside Council Tenants will be placed in Band 2 where: -**

- They are under occupying their current home by at least 2 bedrooms and they are prepared to take a smaller home that they are eligible for under the Authority's Property Letting Criteria.

Or

- They have lived in their current home for at least 10 years and wishes to move to another area of the Borough. The applicable date will be the date of application or after 10 years tenancy has been completed, whichever is latest. This priority will not be awarded if the tenant owns another property.

**9.3 Band 3 - Medium Housing Need**

i) People who are homeless:

- Homeless, as defined under Part VII of the Housing Act 1996 and are not owed a full statutory duty to secure accommodation by the Authority. This includes those applicants who are homeless and not in priority need but does not include those who are intentionally homeless. This includes households that are unintentionally homeless but not in priority need and are occupying accommodation secured under section 192(3) of the Housing Act 1996.
- Applicants who are homeless or threatened with homelessness as defined under Part VII of the Housing Act 1996, who are not owed a full statutory duty to secure accommodation by the Authority, as they have been determined to be intentionally homeless. This includes households that are intentionally homeless and in priority need and are occupying accommodation secured under section 190(2) of the Housing Act 1996.

ii) People who need to move on medical or welfare grounds:

- The applicant or a member of his household has a medical need that could be eased or improved by re-housing.
- iii) The applicant is living in insanitary or overcrowded or unsatisfactory housing conditions by virtue of: -
- Sharing a kitchen, toilet and bathing facilities with someone not part of the applicant's household (this does not include invited guests living within the household).
  - Overcrowding and the applicant requires one bedroom more than they currently have, in line with the Local Overcrowding Definition. (See 9.7.1)
  - The applicant or any joint applicant needs to move to the Borough to be near permanent employment or attends a training establishment / college within the Borough.

The Housing Act 1996 section 167(2E) allows the Authority discretion to allocate housing accommodation to particular types of applicants. The Authority considers it important to give additional priority to existing tenants in the circumstances set out below, to make best use of the stock and to enable existing tenants to exercise choice over where they live, to contribute towards the creation of sustainable communities.

This additional priority would only be given where the tenant has shown a history of being a responsible tenant and the Authority has not taken any action against them for breaches of their Tenancy Agreement.

**North Tyneside Council Tenants will be placed in Band 3 where: -**

- They are under occupying their current home by at least one bedroom and they are prepared to take a smaller home that they are eligible for, in line with the Authority's Property Lettings Criteria. This priority will not be awarded if the tenant owns another property.

**9.4 Band 4 - General Housing Need**

All other applications will be placed in Band 4 if they do not meet any of the criteria for Bands 1 to 3.

**9.5 Extending a Time-Limited Priority**

Band 1 and Band 2 applicants who are subject to a time-limited priority associated with the urgent nature of their housing circumstances may be granted an extension to their time-limit where: -

- A recommendation has been made for a specific type of accommodation which has not been available
- No suitable accommodation has become available
- The applicant has not come top of the list for any specific properties for which they have expressed an interest
- Personal circumstances have prevented the applicant from being pro-active e.g. after effects of threats of or actual violence or because of severe health reasons

- The applicant was incapable of accessing the scheme, without advice and assistance and this was not available

An extension of time-limited priority will not normally be authorised in any other circumstances. All extensions of time-limited priorities will be authorised by a Senior Officer.

## **9.6 Homeless Applicants**

In the case of those applicants where the Authority accepts a duty for accommodation, under the Housing Act 1996 s193 (2) and 195 (2), a time-limited priority of 4 weeks applies.

If a homeless applicant in Band 1 or Band 2 is successful in an expression of interest for a vacant home and it is suitable to their needs, this will be classed as a final offer under s193 (7A). If they then refuse the offer of accommodation, the Authority will have discharged its duty under s193 (2) of the Housing Act 1996.

Where no suitable properties have become available during the 4-week period or expressions of interest in suitable properties are unsuccessful, the time-limited priority may be extended.

At the end of their time-limited priority, where the applicant has not been successful in securing suitable accommodation, one offer of suitable accommodation may be made as a direct offer. This will also be classed as a final offer under s193 (7A). A refusal of a direct offer of accommodation will discharge the Authority's duty under s193 (2) of the Housing Act 1996.

## **9.7 Overcrowding**

Statutorily Overcrowded - this will require an assessment based upon room size and living space and will be determined by a Senior Officer in line with Legislation.

### **9.7.1 Overcrowding – Local Definition**

A household will be regarded as being overcrowded based on the following: -

- The applicant needs two or more bedrooms than they currently have
- The applicant needs one more bedroom than they currently have

In applying this definition a separate bedroom is required for:-

- A single parent
- A couple (including same sex couples)
- Anyone aged 18 years or over
- Anyone aged 18 years or over with a partner
- Up to 2 children under 10 years (regardless of gender)
- Up to 2 children under 18 years of the same gender
- Where there are 2 children of the opposite gender and one of them is aged 10 years or over, a separate bedroom is required for each child

## **10. Matching Homes and Households**

When a vacancy occurs the Authority will apply the set criteria that the successful applicant will have to meet, using the Household Criteria and the Property Letting Criteria.

The Authority will consider the size and type of the property and the size and type of household so that:-

- Overcrowding will not take place, and
- To ensure that best use is made of the housing stock

On advertising a property the Authority will set out the minimum size of household that can be considered. Applicants must meet the correct household criteria before their application is considered.

### **10.1 Household Criteria**

The following apply in relation to household criteria: -

- A child is a person aged under 18 years, a couple is two people living together as spouses, partners or civil partners
- A single parent household is entitled to the same size accommodation as a two parent household with the same number of children
- For housing requirements, households that include a pregnant woman (proof of pregnancy will be required) we are able to take into account the impending birth of your child when considering the applicant's housing requirements
- An older person is defined as someone who is aged 60 years or over
- For couples, only one of the partners has to meet any age requirement and only the person meeting the age requirement would be a tenant
- Households with a disability, refers to a household where at least one of the members has a medical or mobility need that they require an adapted property to meet those needs, which is confirmed by a health professional
- Applicants with children under 10 years, cannot be considered for flats with a shared / communal entrance
- This will not apply to applicants who have overnight staying access or shared residency to children, as the children are only resident for part of the time

### **10.2 Property Letting Criteria**

To make best use of the accommodation, the Authority will consider households for property types and size; examples are shown in the following table. The Property Letting Criteria will be used in advertising to determine eligibility of applicants expressing interest for vacant homes. It is deemed that bungalows and sheltered accommodation schemes are particularly suited for older persons. Children are not permitted to reside in sheltered accommodation.

**PROPERTY LETTING CRITERIA - What Type of Home Can You Apply For?**

- BLACK DOTS - You can apply and be considered for any of these homes
- NO DOTS - You may be considered for these homes, only if there is no demand from any eligible applicants or if there is no age restriction in place

	Bedsit	1 Bed Sheltered	1 Bed Flat	1 Bed Bungalow	1 Bed House	2 Bed Sheltered	2 Bed Flat	2 Bed Bungalow	2 Bed House	2 Bed Maisonette	3 Bed Flat	3 Bed Bungalow	3 Bed House	3 Bed Maisonette	4 Bed Bungalow	4 Bed House/ Flat/Maisonette	5/6/7 Bed House
Single person	●		●		●												
Single person aged 60 years or over	●	●	●	●	●												
Single person with overnight access to 1 child or 2 children of the same sex	●		●		●		●			●							
Single person with overnight access to 2 or more children	●		●		●		●			●							
Single person with a need for a resident / overnight carer							●	●	●	●							
Single person requiring level access accommodation (see note below)			●	●													
Couple with overnight access to 1 child or 2 children of the same sex			●		●		●		●	●							
Couple with overnight access to 2 or more children			●		●		●		●	●							
Couple			●		●		●		●	●							
Couple where one or both is aged 60 years or over		●	●	●	●	●	●	●	●	●							
Couple where one requires level access accommodation (ground floor)			●	●			●	●									
2 adults not living together as a couple							●		●	●							
3 adults where none are partners											●		●	●			
3 adults where none are partners and where one is aged 60 years or over											●	●	●	●			
Families with 1 child							●		●	●			●	●			
Families with 2 children							●		●	●			●	●			
Families with 3 children											●		●	●		●	
Families with 4 or more children, depending on family size & make-up											●		●	●		●	●

The above is only for guidance only and does not include all household types and sizes.

**Please note:**

In the case of the allocation of bungalows and sheltered accommodation to couples, where only one applicant is aged 60 years or over, the tenancy will be granted as a sole tenancy to the applicant who is aged 60 years or over.

Unless purpose built for disabled applicants, bungalows will only be allocated to applicants aged 60 and over. Therefore any applicants not meeting the defined disability criteria will only be eligible for a ground floor flat.

If there is no demand for a bungalow, the age restriction may be waived with agreement of a senior officer.

Exceptions to these criteria are as follows:-

- Where a North Tyneside Council tenant is under occupying their home by at least one bedroom and they are prepared to take smaller accommodation.
- An increase in size on disability or medical grounds is recommended, e.g. in response to the specific needs of a child or adult or a need for a live-in carer. (A carer is someone of any age who provides unpaid support to family or friends who could not manage without this help).

### **10.3 Restriction on Choice**

A choice of accommodation will be restricted to certain applicants such as high risk offenders, where the need to manage the risk which they pose to other individuals or the community in general, limits the amount of choice they can reasonably be allowed.

High-risk offenders will be made a 'direct offer' following the agreement between the Authority and other relevant agencies such as the Probation Service and/or the Police, where this is in the interest of public protection. This is intended to support the multi-agency approach to risk management, **Multi-Agency Public Protection Arrangements (MAPPA)**, adopted for such a category of applicant.

### **10.4 Restrictions on Property Type and Location Requirements**

Applicants who have been awarded priority on medical, health or fleeing harassment or violence grounds may require a specific property type as a result of their health or disability condition.

The priority may be awarded with a recommendation for a specific property type or size, heating type, floor level or for purpose built or adapted housing.

These apply to applicants who are eligible and will normally be related to the medical assessment but also the support needs and the safety of the applicant.

There will normally be some restrictions on where the applicant can express an interest, in relation to the location, property type or acceptance of support. Consultation may be necessary with appropriate agencies or health professionals in determining what these restrictions should be. These could include, only being able to express interest in a property, which is in: -

- A location specifically recommended by a health professional, support agency or statutory agency, where it would increase the chances of the customer maintaining a tenancy successfully.
- An area where the applicant's or a member of the household's personal safety will not be compromised, if they are being allocated priority due to risk of violence or harassment of

any kind.

## **11. Local Lettings Policies**

The Authority may adopt Local Lettings Policies for specific estates, types of property or areas. Whilst considering implementing such policies, supporting evidence will be required.

The criteria for adopting a local lettings plan are as follows:

- There must be a case prepared to adopt a Local Lettings Plan
- The need for a local lettings plan can be identified from local residents, officers of the council, local housing landlords, key stakeholders within the community, elected members.
- Full consultation with all key stakeholders, residents must take place and the need for a local lettings policy must be evidenced and demonstrated using a range of factors including demographics, property type demand, crime and anti social behaviour reports and complaints.
- A report must be considered and agreed by the Head of North Tyneside Homes and Cabinet Member responsible for Housing.

Local Lettings plans will be reviewed on an annual basis.

### **11.1 Properties Suitable for People with a Disability**

Where properties are specially built or adapted for a person(s) with a disability, only applications where at least one member of the household is regarded as having a physical illness, will be considered. Preference is given to the most suitable application, taking into account the needs of the household and the type of property being allocated.

### **11.2 Sheltered Housing**

The purpose of sheltered housing is to offer secure accommodation for older people, enabling them to continue to live independently.

Within sheltered housing there are a range of common areas and a common room, which is often the focal point for social interaction within the scheme. Good social interaction is seen as an essential part of ensuring the vibrancy of the scheme and promoting health and well being. It is for this reason that maintaining a balanced community within a scheme is important to overcome social isolation. Therefore, as part of the Lettings Policy, the Authority may prioritise applicants within the same band based on an 'assessment of need' and give greater or lesser priority to those with a higher dependency, to ensure balance within each sheltered scheme.

Where it is considered that an applicant may not be suitable for sheltered housing they will be advised accordingly in writing. The applicant will have the right to request a review of this decision.

### **11.3 Direct Offers**

It is our aim to advertise as many homes as possible through the Tyne and Wear Homes Scheme but there may be circumstances where the Authority will make a Direct Offer, which means allocating a home without advertising it.

Examples when this may happen include: -

- If a person who is statutorily homeless has not used their 'urgent and high' or 'high' housing need priority, within the time-period and it would have been reasonable for them to do so. The Authority may then make one direct offer of accommodation to discharge our substantive housing duty
- Witness Protection (Supported by the Police)
- Applicants who are assessed as being high-risk offenders. (See 10.3)
- Urgent and high need applicants placed in Band 1 may be made a direct offer in order to expedite re-housing
- Any other 'exceptional' circumstances will be considered at the discretion of the Head of North Tyneside Homes

When an applicant has a direct offer pending, no further expressions of interest can be made.

A designated Senior Officer must authorise any direct offer, prior to the offer being made.

### **11.4 Staff Lettings**

Applications from:-

- Employees who work for North Tyneside Council
- Elected Members of North Tyneside Council
- Family of employee and/or Elected Members

will be treated in same way as any other application, no undue favour will be shown and neither will it be disadvantaged. A designated Senior Officer must authorise any offer to an applicant falling into any of the above categories.

## **12. Right to Review**

The Authority will always inform an applicant of any decision relating to their housing application in writing. Applicants have a right to request a review (Housing Act 1996 s 167) of the Authority's decision. :-

A Senior Officer, who is independent of the original decision, will review the case of any applicant who requests a review against a decision made on any aspect of their application which could fall in to one or more of the following areas:-



- Ineligibility
- Reducing the priority of the application
- The preference or priority awarded to their application, including the removal of preference because of unacceptable behaviour

An applicant must submit their request for a review, in writing, within 21 days of the notification of the decision and their request must state all the aspects of the decision they wish to be reviewed. As an applicant is only entitled to ONE request for a review, any aspect of the decision letter not referred to in their request, cannot be referred to at a later date.

The Senior Officer will, where appropriate, seek information from all parties who provided information which contributed to the original decision.

Applicants will be offered the opportunity of a verbal hearing, with the support of a representative if required.

A written notification of the review decision, including a full explanation of how the decision was arrived at, will be sent to the applicant and any nominated representative.

If an applicant continues to be dissatisfied with the decision, they may complain to the Housing Ombudsman if they consider that an injustice has been caused due to maladministration. The Housing Ombudsman may investigate the way in which the decision has been made. The contact details are: Housing Ombudsman Service, 81 Aldwych, London, WC2B 4HN; Tel: 0300 111 3000, email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk), [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

### **13. Working with Registered Providers and Private Landlords registered with the Authority.**

The Authority work with Registered Providers and Private Landlords registered with the Authority, to meet housing need and to offer greater choice.

Applicants who have indicated their interest in Registered Provider's accommodation will be short listed for nominations using this policy but the Registered Provider may apply their own policies in determining which applicants will be offered accommodation or which applicants they may wish to exclude.

An offer of suitable accommodation from a Registered Provider or Private Landlord to a priority homeless applicant through this scheme, will be regarded as a final offer discharging the Authority's homeless duty under section 193(5) & (7) of the Housing Act 1996. (See 9.6)

### **14. Shared Ownership**

The Authority may advertise shared ownership properties; however the Shared Ownership Organisation will consider any application using their set criteria.

## **15. Offers of Accommodation**

**15.1** All offers of accommodation are conditional upon the applicant continuing to meet the necessary criteria and qualification to the point of 'acceptance of the offer.' Verification / eligibility checks in line with this policy will be conducted on all successful 'expressions of interest,' to determine that the applicant: -

- is still eligible under the scheme
- their household size matches the property
- their household meets the advertised Letting Criteria

Prior to any offer of accommodation being made to a North Tyneside tenant, the following conditions relating to the applicant's present home will be assessed :-

- The internal condition by way of cleanliness or decorative standards are satisfactory
- The conditions of the gardens are satisfactory
- Housing debt not associated with the original housing application

Prior to any offer of accommodation being made to a 'none' North Tyneside tenant, a report will be sought from their current landlord to determine that the tenancy has been conducted satisfactorily.

If any of the above are found to be unsatisfactory, a review of the applicant's application will be carried out which, may result in ineligibility or a reduced priority.

**15.2** Where, as a consequence of these checks, there is reason to believe that:

- The applicant or a member of their household is guilty of unacceptable behaviour and either may be considered ineligible for the scheme under section 6 of this policy or that their priority should be reduced under section 7, or
- There have been material changes to the circumstances declared by the applicant on the housing application, (for example, in the household membership or their health or medical condition) resulting in a likely change in the level of priority awarded to the application or the type and size of property for which they are eligible.

In the case of a North Tyneside Council tenant the above will be determined at a pre-termination inspection / home visit prior to offer.

The tenant will be given 3 days in which to remedy any default (discretion may be given to applicants with exceptional circumstances) and where the Authority is satisfied the offer can still proceed.

Where an offer is made, the applicant will be given up to 2 days to decide if they wish to accept. A longer period may be agreed with a Housing Officer at the time of the offer, where the circumstances of the applicant warrant a longer period.

An offer can be withdrawn at anytime up to the new Tenancy Agreement being signed.

### **15.3 Offers to Applicants with Pets**

Certain pets cannot usually be kept in properties with a shared entrance; customers will be informed of any restrictions in any property advert and at the time of the offer.

### **15.4 Lettings outside of the Allocation Scheme**

The Authority is permitted by law to allocate property outside the provisions of the Allocation Scheme in particular circumstances. Some examples have been included within the policy for completeness:

- If due to demolition or regeneration of a North Tyneside property, The Authority need to find a new home for the occupant.
- When employment ceases for Tied Tenants of the Authority and their accommodation is required for the continuation of the Service. (E.g. School Caretaker's Accommodation). This will apply to those leaving employment of own choice.
- To an existing tenant who has succeeded to a North Tyneside Council Tenancy on death of the previous tenant but the property is more extensive than is required according to his or her household circumstances and the Authority considers it reasonable to move them to a more appropriately sized property.
- To an existing tenant or joint tenants, who have requested a move to a smaller property because they occupy a property with substantial adaptations which are no longer needed by the household and the Authority believes a transfer to another property would assist with the more efficient use of housing stock.
- High-risk offenders will be made a 'direct offer' following the agreement between the Authority and other relevant agencies such as the Probation Service and/or the Police, where this is in the interest of public protection. This is intended to support the multi-agency approach to risk management (MAPPA), adopted for such a category of applicant.
- Direct offers to applicants with 'exceptional circumstances' that are not covered within the policy. Authorisation for these 'direct offers' can only be made by the Head of North Tyneside Homes in consultation with the Housing Cabinet Portfolio holder.

## **16. Monitoring the Lettings Policy**

To ensure that the policy and procedures are fair and non-discriminatory and that service standards are being met, standards and key performance indicators will be set in consultation with participants.

The Authority will monitor the effectiveness of the Lettings Policy by:

- Publishing the results of lettings made through the Lettings Scheme and by Direct Lettings (Direct Offers);
- Monitoring all lettings and nominations in an attempt to ensure the proportion of lettings made to black, minority and ethnic

customers and persons with a disability, is in the same proportion as applicants on the register:

- Publishing an Annual Report on lettings, including performance information on lettings;
- Monitoring nominations performance; and
- Auditing the implementation of the Lettings Policy

The Authority will use this performance monitoring information to analyse current and future housing needs and to inform future reviews of the Lettings Policy.

## **17. Review**

The policy will be reviewed periodically but at least bi-annually. The review will be conducted in consultation with applicants and key stakeholders.