

North Tyneside Council
Lettings Policy – DRAFT
2016

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1 Aims and Objectives of North Tyneside Council's 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 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 the 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 all legislative requirements, including the two primary Housing Acts, 1985 & 1996 and act in accordance with the statutory Codes of Guidance.
- Promote equalities in our service to help ensure that no customer or potential customer is unjustifiably treated less favourably on any grounds, subject to the protected characteristics as defined under s4 of the Equalities Act 2010.
- Contribute to preventing anti-social behaviour and nuisance and promote neighbourhood sustainability.

Our Lettings Service is designed to:-

- Offer as much choice as possible to applicants.
- Provide a fair and transparent service in which people receive the correct priority for housing.
- Meet housing need.
- 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.

1.1 An Applicant's Rights

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

- Free advice and assistance about their housing options.

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

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2 Choice Statement: Tyne and Wear Homes

The Authority is a partner of the Tyne and Wear Homes Sub-Regional Choice Based Lettings Scheme that allows applicants to search and apply for available homes 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.

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 its available homes.

2.1 Working with Registered Providers and Private Landlords

The Authority will work with Registered Providers and Private Landlords 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.

2.2 Shared Ownership

Tyne and Wear Homes may advertise shared ownership properties; however the Shared Ownership Organisation will consider any application using their set criteria.

3 Applying for a Home

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. Applicants can register for the scheme at www.tyneandwearhomes.org.uk

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

3.1 Sub-regional Applications

If an applicant has applied to the Tyne and Wear Sub-regional Scheme and North Tyneside is not the preferred area of choice and / or the application is awaiting an assessment by North Tyneside Council, applicants will still be eligible to bid for available homes during this assessment period. However, the application may not be assessed until the applicant is short-listed for a home they have applied for. In such circumstances the applicant is still capable of being deemed ineligible for housing within North Tyneside.

3.2 Information Required From Housing Applicants

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 needs to be completed. Applicants will be advised of the information required. This will include but is not limited to:-

- Proof of identity of the applicant, any joint applicant or any member of his or her household, including details of any living arrangements
- Photographic identification of applicant and any joint applicant
- National Insurance Number(s)
- Confirmation of nationality and immigration status
- Information on capital and interest and/or equity in a property
- Proof of financial resources
- Confirmation of residential arrangements for any children
- Confirmation from a medical practitioner of any limiting illness, disability or relevant medical circumstances
- Details of any previous and / or current tenancies and the contact details of the landlord(s). This must be provided for a minimum of the last 6 years or the time elapsed since the applicants 16th birthday
- Details of all unspent convictions

- Suitable references where appropriate. The Authority will request these before an application assessment can be completed and / 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 required information within 21 days of their form being received or their application will be closed.

Where forms are returned to the applicant for completion of information, if the form is returned within 21 days, the original application date will apply.

The Authority may seek references from existing and/or previous landlords or contact relevant agencies to decide whether or not an applicant or anyone registered on their application is ineligible.

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

- That the eligibility and qualification criteria are being met
- There is no evidence of anti-social behaviour, harassment or relevant criminal activity
- That there are no current or previous rent arrears or any outstanding housing debt owed 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 held a tenancy, they must provide, where possible, references from their current and / or previous landlord(s), in line with procedural guidance.

3.3 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 reserves the right to remove or suspend an applicant 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.

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 that is 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 will 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).

3.4 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 or level of priority awarded.

The applicant will be advised in writing of any change in the assessment of their application or eligibility for housing.

3.5 Annual Review of Applications (Renewals)

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 an annual basis.

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 closed.

An applicant may request re-instatement to the scheme. If an applicant requests this within three months they will not need to complete a new application, unless the applicant has changed address or their circumstances have changed. If the applicant does not request reinstatement within three months, they will be required to make a new application and a new application date will apply.

3.6 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 the Homefinder Team of their new address within 3 months
- Become ineligible, either through the statutory provisions for persons from abroad or through unacceptable behaviour
- Have provided false or incomplete information in or connected with their housing application
- Have exchanged homes through the mutual exchange scheme

Where an applicant has been removed from the scheme, where appropriate, they will be notified in writing.

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4 Eligibility – Who Can Register With the Scheme

Any person 18 years or older, together with those falling under paragraph 4.1 below, can be registered for the Tyne and Wear Homes Scheme, unless they are:-

- a) A person from abroad who:-
 - Is not already a secure or introductory tenant or an assured tenant of housing accommodation, allocated to them by a Local Housing Authority and
 - 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 section 4.2)

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

4.1 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, as defined by Section 17 of the Children's Act 1989, considered to be vulnerable and supported by Children's Services or other appropriate support agencies
- Pregnant or a parent with a dependent child

4.2 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.

North Tyneside Council reserves the right, when determining the suitability of an applicant, to assess the suitability of all proposed members of the household, not only the applicant(s). This determination can be re-assessed at any point to ensure the suitability of the application as a whole. This will include the way in which any applicant or household member has conducted any current or former tenancies.

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

- Any applicant or any member of the applicant's household 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

Unacceptable behaviour (including rent arrears) is defined as behaviour by the applicant(s) 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.

When it is decided an applicant is ineligible for the scheme, they will be given the reasons for this decision, in writing and will be advised of the conditions they must meet before they can re-apply for the scheme. The onus is on the applicant, not the Authority, to demonstrate in any new application that any unacceptable behaviour has ended.

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

An applicant can be made ineligible at any point and removed from the scheme under the criteria given above, for example if their arrears have increased and/or they have been involved in anti-social behaviour since being accepted onto the scheme.

4.3 Applicant's Financial Resources

Where a housing application is received from an applicant who owns their own home, the applicant will be considered to have the financial resources to meet their

own housing needs and will therefore not be accepted on to the Housing Scheme. Exceptions to this are:-

- Those at risk of homelessness or who are in financial hardship as assessed by the Authorities' Housing Options Team
- Those moving into older people's accommodation, where their equity is less than the average price of a similar type of accommodation in the Borough
- Other exceptional circumstances may be considered

If an applicant has sold or transferred ownership of their home within the last three years and the equity from their sale or transfer of ownership is greater than the average house price for similar accommodation, they may be considered ineligible, as it will be deemed that they have enough financial resources to meet their own housing needs. The exceptions given above may apply.

Average house prices in the Borough will be reviewed annually.

5 Assessing Housing Need / Reasonable Preference Categories

North Tyneside Council is required by Law to determine the relevant priority that housing applicants are awarded. The Law, as it applies to Local Housing Authorities, requires that reasonable preference must be given to those categories set out in s.167 (2) of the 1996 Housing Act and are as follows:-

- 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 local 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, this does not include short term or minor medical conditions; 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).

The Authority will use a banding system to allocate accommodation. In assessing housing need, the Authority will give Reasonable Preference to those applicants who fall into the statutory categories.

North Tyneside Council's Lettings Policy has been devised to ensure it meets the legal obligations to provide overall Reasonable Preference to the above categories of applicants, whilst also prioritising those with a local connection.

5.1 Local Connection

A 'Local Connection' exists where the applicant has a connection with the Borough of North Tyneside because:-

- They have been resident in the Borough, continuously for at least the last 2 years
- They are permanently employed in the Borough or attend a training establishment / college in the Borough
- Of family associations with others living in the Borough. A family member or family association is defined as parents, grandparents, children, brothers or sisters, stepparents, grandchildren, aunts or uncles. Family members must have lived in the Borough continuously for the last 2 years

- 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
- They have been accepted as a priority homeless applicant in North Tyneside and the Authority has a duty to re-house them
- 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

5.2 Band 1 - Urgent and High Housing Need (applicants with a local connection)

The Authority will place applicants with an 'urgent and high' housing need in Band 1. 'Urgent and High' housing need applies to the following:-

- a) People who need to move on medical or welfare grounds for one of the following reasons:-
 - i. 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.
 - ii. 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.

- iii. 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.
- b) 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
- c) 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
- d) 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.
- e) The applicant is living in insanitary or overcrowded or unsatisfactory housing conditions by virtue of:-
 - i. The household being statutorily overcrowded in their current home
 - ii. 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 scheme.
- f) People who need to move to avoid hardship:-
 - i. 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.
 - ii. Witnesses of crime who have been confirmed by the National Witness Mobility Scheme as being on a Witness Protection Scheme.

- iii. 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.
- iv. Applicants who are at immediate risk of serious harm or a Multi-Agency Risk Assessment Conference (MARAC) is recommending urgent re-housing.
- v. Witnesses 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.

Determination of Band 1 status will be made by a Team Leader or above.

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.

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.

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 for homeless applicants the status of their 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.

Other Band 1 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.

5.3 Band 2 - High Housing Need (applicants with a local connection)

High housing need applies to the following:-

- a) 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. This is time limited priority of 4 weeks. At the end of this period a Direct Offer of housing will be made, to discharge the Authority's duty under part VII of the Housing Act 1996.

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

The applicant or a member of their 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:-

- i. The ability to live in the community is at risk without suitable accommodation (and is confirmed by a health professional)
- ii. 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
- iii. 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
- iv. Applicant's 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

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

- i. 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 undergo a homelessness assessment and be seen to be in priority need but not determined to be intentionally homeless or seen to have deliberately worsening their circumstances
- ii. Occupying non-secure tenancies and is legally required to vacate their home. (Applicants would need to undergo a homelessness assessment and be seen to be in priority need but not determined to be intentionally homeless or seen to have deliberately worsening their circumstances). This includes people living in supported housing or in accommodation

provided as a condition of employment, such as those in Her Majesty's Forces or Tied Tenants of North Tyneside Council. If an applicant leaves the accommodation of their own accord or in circumstances of misconduct, this priority will not be applied.

For those in the Armed Forces, this applies where the applicant is either 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.

If the applicant is still in service, 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. The priority will only be awarded once.

- iii. The household being overcrowded and the applicant requires two or more bedrooms than they currently have, in line with the Local Overcrowding Definition.
 - iv. The applicant, who must be a North Tyneside Resident, has been approved for foster caring / adoption (by North Tyneside Council) and a larger home is required to facilitate the needs of the family and this is supported by the Adoption and Fostering Caring Service.
 - v. Lacking (not sharing) a bathroom, kitchen or inside WC.
- d) People who need to move to avoid hardship where:-
- i. 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.
 - ii. 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.
 - iii. 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.

- iv. 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 with the time limit of 3 months will have their application reviewed to ensure their needs still warrant a Band 2 and those who are not actively seeking re-housing or who have refused suitable offers of accommodation (regardless of the refusal limit), will have their application re-assessed and a lower priority may be awarded.

5.4 Band 3 - Medium Housing Need (applicants with a local connection)

Medium Housing Need applies where:-

a) 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.

b) 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.

- c) The applicant is living in insanitary or overcrowded or unsatisfactory housing conditions by virtue of:-
- i. 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).
 - ii. The state of repair or condition of the property, as confirmed by an Environmental Health Officer. However, due regard will be given to any remedial action that can be taken by the tenant, owner or landlord to make the property more satisfactory.
 - iii. Over-crowding and the applicant requires one bedroom more than they currently have, in line with the Local Overcrowding Definition (see section 5.12).
 - iv. 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.
 - v. Living in flat or maisonette above the ground floor, with a permanent household child who is aged 5 years or younger and the applicant is finding access to the home difficult due to the stairs.

5.5 Band 4 - Applicants with a reasonable preference but who do not have a local connection

This applies to applicants outlined in sections 5.2, 5.3 and 5.4 but who do not qualify for a local connection.

5.6 Band 5 – Applicants with a General Housing Need who have a local connection

This applies to those applicants who do not have Urgent and High, High or Medium Housing Need but who have a Local Connection.

5.7 Band 6 – Applicants with a General Housing Need with no local connection

This applies to those applicants who do not have Urgent and High, High or Medium Housing Need and do not have a Local Connection.

5.8 Re-assessment of Band 1 and Band 2 Applications

Applicants in Band 1 and Band 2 will have their application re-assessed after 3 months of the priority award date. Band 1 and Band 2 homeless applicants, who are owed a full housing duty and have not been restricted from bidding, will be reviewed after 4 weeks if no offer of accommodation has been made.

Band 1 applicants will be reviewed when they are not actively seeking re-housing and are not participating in the scheme. Certain categories of Band 2 applicants will be reviewed to ensure their needs still warrant a Band 2 priority.

Where it is identified that applicants are not participating in the scheme and / or have refused suitable offers of accommodation, an applicant's priority can be re-assessed.

5.9 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 bid on
- 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.

5.10 Additional 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 and to contribute towards the creation of sustainable communities.

Additional priority will 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 or Occupancy Agreement.

Additional priority will not be awarded if the tenant owns another property.

5.10.1 Band 2 Additional Priority

This will be awarded to North Tyneside Council Tenants 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. This priority will not apply if the household wishes to move to a similar sized accommodation. In such cases, the application will be re-assessed and any identified queue position may change.
- They have lived in their current home and have been a tenant for at least 10 years and wish 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 only be awarded if the tenant has complied with the Authorities' Tenancy or Occupancy Agreement. A pre-termination inspection may be carried out to verify the circumstances.

5.10.2 Band 3 Additional Priority

This will be awarded to North Tyneside Council Tenants 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 apply if the household wishes to move to a similar sized accommodation. In such cases, the application will be re-assessed and any identified queue position may change.

5.11 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.

Applicants who are ineligible to join the scheme but who have been accepted as homeless in priority need will only be made a direct offer of accommodation in order for the authority to meet its statutory duty under part VII of the Housing Act 1996.

If a homeless applicant in Band 1 or Band 2 is successful in a bid 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 bids on suitable properties have been 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.

5.12 Overcrowding

Statutorily Overcrowding is determined by a Senior Officer in line with legislation. An assessment will be carried out based upon room size and living space.

The local definition of overcrowding, regards a household 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

Children have to be permanent members of the household and the household must be their primary residence.

5.13 Unacceptable Behaviour (Not resulting in Ineligibility) / Factors Affecting an Applicant's Priority

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. This will be 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
- Demonstrated behaviour which was not serious enough to justify a decision to treat the applicant as ineligible
- Any other breach of the tenancy conditions where the behaviour is deemed unacceptable
- Not met the Pre-termination Inspection requirement (North Tyneside Council tenant's only)
- Intentionally worsened their housing circumstances without good reason. For example, a household that has moved into overcrowded accommodation, making their circumstances worse. 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.

This will be done by placing the applicant in the band below that of 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.

Applicants with a local connection, who fall into a reasonable preference category, will not fall below a Band 4.

Applicants with no local connection, who fall into a reasonable preference category, will not fall below a Band 5.

Where an applicant has their priority reduced, they will be notified in writing and may request a review of the decision. The applicant will be notified of any conditions they must meet for their application to be re-assessed. The onus is on the applicant, not the Authority, to request their application to be re-assessed.

In the circumstances where an applicant has an 'urgent and high housing need,' any decision not to reduce the applicant's priority will be made by a Senior Officer.

6 Bidding and Short-listing

All homes that are available for letting are advertised weekly at www.tyneandwearhomes.org.uk and in the local Customer First Centres in North Tyneside. Available homes are advertised from 00:01 on a Thursday until 23:59 the following Monday. This period is known as the Lettings Cycle. Bids can only be placed during a Lettings Cycle. Note: Lettings Cycles are subject to change or cancellation to accommodate Bank Holidays and other holiday periods.

On occasion, landlords may need to withdraw a property from advert, during or after a Lettings Cycle has closed. In this instance applicants have no right to an offer.

Each advertised home will contain information to inform applicants of any set criteria that applies. 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.

Applicants can place up to three bids per week on advertised homes (across the sub-region); this can be done on-line, by text, by telephone, in person or through an advocate, such as a care or support worker or family member.

If an applicant is in queue position one (top of the short-list) for more than one property, the applicant will be contacted to decide which property they would prefer. If the applicant cannot be contacted within 24 hours, an Officer will make the decision on what property is to be offered. The applicant is not able to put a hold on more than one property at any given time.

Where more than one applicant applies for an advertised home, the home will be offered to the applicant who is placed in the highest priority band, using the short-listing criteria below. Exceptions to this may apply.

Applicants who have an outstanding offer are not able to bid on other available homes.

Applicants are limited to three refusals within a 12 month period.

To assist applicants who have been unsuccessful in bidding, the Authority provides regular feedback on the criteria met by successful bidders. This allows applicants to make more informed choices about future bids they may place.

6.1 Short-listing Criteria

Shortlists are created in the following order:-

- Band 1
 - Date of Priority Award
- Band 2
 - Date of Priority Award
- Band 3
 - Under Occupation (North Tyneside Council Tenants only, who are effected by Welfare Reform)
 - Date of Application
- Band 4
 - Date of Application
- Band 5
 - Date of Application
- Band 6
 - Date of Application

There may be occasions where a home is advertised but is let outside of the normal short-listing criteria by way of a direct offer. In these instances, it will be clearly stated in the advert.

7 Matching Homes and Households

In order to make the best use of the accommodation, it is essential to let homes to those who need that size and type of property. When deciding the size and type of property for which applicants are eligible, the Authority will consider the Household Criteria and the Property Letting Criteria.

7.1 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 households that include a pregnant woman (proof of pregnancy will be required), the unborn child will be considered in determining the household's 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 which requires them to an adapted property to meet those needs. This needs to be confirmed by a health professional
- Applicants with a shared residence order or staying access for children are not entitled to additional bedrooms for their children, if there are already permanent children residing in the household. The general principle is that children need one home of an adequate size and the Authority will not accept responsibility for providing a second home for children. The shortage of housing locally means that where there are no permanent children in the household, only one extra bedroom will be allocated and will be restricted to certain property types

On advertising an available home 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.

7.2 Property Letting Criteria

The Property Letting Criteria will be used in advertising to determine the eligibility of applicants bidding for available homes.

Exceptions may apply, for instance:-

- Where a North Tyneside Council tenant is under-occupying their home by at least one bedroom and they are prepared to take smaller accommodation (this does not include bungalows where the age restriction eligibility remains at 60 years and over)
- If an increase in accommodation size on disability or medical grounds is recommended, for example, in response to the specific needs of a child or adult or a need for a live-in carer (criteria applies)

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	Bedsit	1 Bed NT Living	1 Bed Flat	1 Bed Bungalow	1 Bed House	2 Bed NT Living	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											●		●	●		●	●

● Black Dots A household can apply and be considered for any of these homes

No Dots A household may be considered for these homes, only if there is no demand from any eligible applicants and / or if there is no age restriction in place or the age restriction has been lowered

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

7.2.1 Bungalows

Bungalows will only be allocated to applicants aged 60 years and over, unless they are purpose built for disabled applicants. Bungalows may be offered to applicants under the age of 60 years, outside of the Letting's Policy, where a member of the household have been assessed as requiring ground floor accommodation and meets the Authority's Disability Criteria or where a mental health issue has been confirmed and no other accommodation type is deemed suitable. Therefore any applicants(s) not meeting these criteria will only be eligible for a ground floor flat.

In the allocation of bungalows 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 or to the applicant whose circumstances have led to the allocation of the home.

7.2.2 North Tyneside Living

North Tyneside Living offers high quality rented accommodation, exclusive for people aged 60 and over, allowing them to continue to live independently in their own home.

Apartments provide private living space, with their own secure front door and high specification interior. Communal areas include a hair salon / therapy room, laundry facilities and lounges, which can provide a focal point for social interaction and inclusion. This is an essential part of ensuring vibrancy and maintaining independence.

Where it is considered an applicant may not be suitable for North Tyneside Living accommodation, they will be advised accordingly in writing. The applicant will have the right to request a review of the decision.

In the allocation of North Tyneside Living homes 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 or to the applicant whose circumstances have led to the allocation of the home.

Children are not permitted to reside in North Tyneside Living accommodation.

7.2.3 Properties Suitable for People with a Disability

Where homes are specially built or have been significantly adapted for person(s) with a disability, only applications where at least one member of the household is regarded as having a physical disability will be considered.

In these cases the home may be allocated directly to the most appropriate applicant. The needs of the household and the type of home being allocated will be considered; therefore the shortlist position does not guarantee an offer.

7.2.4 Flats and Maisonettes

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.

7.3 Restrictions on Property Type and Location Requirements

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

The priority may be awarded with a recommendation for a specific type of property, e.g. ground floor accommodation. It may also be awarded with regards to support needs and / or the safety of the applicant. In such cases, there will normally be some restrictions on where the applicant can bid on, 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 bid on 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 applicant 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

8 Offers of Accommodation

All offers of accommodation are conditional upon the applicant continuing to meet the necessary criteria and qualification, up to the point of the signing of a Tenancy or Occupancy Agreement. Verification / eligibility checks in line with this policy will be conducted on all successful bids, to determine that the applicant(s):-

- Are still eligible under the scheme
- Their household size matches the property
- Their household meets the advertised Letting Criteria

In addition to this, North Tyneside Council (and its partner Landlords), will be entitled to carry out an affordability assessment to ensure that any tenancy offered will be sustainable. The assessment will be based on the actual income and expenditure of the applicant(s). Where the Landlord considers the applicant cannot afford the level of rent attributed to a property, no offer of accommodation will be made and any existing conditional offer will be withdrawn. Applicants will have a right to request a review of the decision but such properties will not be held pending the decision.

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

- The internal condition by way of cleanliness and decorative standards are satisfactory
- The conditions of the gardens are satisfactory

This will be determined by a pre-termination inspection / home visit prior to an offer being made.

A 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 would then proceed.

Any outstanding housing debt will be considered before any offer of accommodation is made.

Prior to any offer of accommodation being made to a 'none' North Tyneside Council tenant; reference(s) will be sought from their current and / or previous landlords(s) to determine that their tenancy has been conducted satisfactorily.

Any outstanding housing debt will be considered before any offer of accommodation is made.

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 and the withdrawal of any conditional offer of a property.

If there has been either

- material changes to the circumstances declared by the applicant (for example, in the household size 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; Or,
- The applicant or a member of their household is guilty of unacceptable behaviour

Then a review of the applicant's application will be carried out, which may result in ineligibility or a reduced priority and the withdrawal of any conditional offer of a property.

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 any point up to the signing of a Tenancy or Occupancy Agreement.

8.1 Offers to Applicants with Pets

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

8.2 Restricting Refusals

Applicants, who have refused three offers of accommodation made by North Tyneside Council within a 12 month period, will have their application suspended for three months. After the suspension period, it is the applicant's responsibility to request for their application to be reinstated. This must be requested within 3 months, otherwise a new application will need to be made and any previous priority awarded will no longer apply.

Where an applicant continues to refuse offers of accommodation, the application may be re-assessed and a lower priority awarded and or removed from the housing scheme.

9 Lettings outside of the Allocation Scheme

The Authority is permitted by law to allocate property outside of 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 Council property, the Authority needs 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. This will not apply if their employment is ending due to misconduct or if the employee is leaving of their own accord.
- 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 their 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 Service in consultation with the Cabinet Portfolio Holder.

9.1 Direct Offers / Direct Lets

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. There may also be circumstances where a home is advertised but later withdrawn.

A direct offer can be made regardless of the Band awarded.

Examples of when this may happen are:-

- 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 its substantive housing duty

- Witness Protection (Supported by the Police)
- Applicants who are assessed as being high-risk offenders
- 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 Service

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

When an applicant has a direct offer pending, no further bids can be made.

9.2 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 Local Lettings Policies

The Authority may adopt Local Lettings Policies for specific estates, types of property or areas.

The criteria for adopting a Local Lettings Plan are as follows:-

- The need for a Local Lettings Plan can be identified from local residents, officers of the Authority, local housing landlords, key stakeholders within the community or elected members.
- Full consultation with all key stakeholders, including residents must take place.
- The need for a Local Lettings Plan 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 on the proposed Local Lettings Policy with supporting evidence, must be considered and agreed by the Head of Service and the appropriate Cabinet Member.

Local Lettings plans will be reviewed on an annual basis.

11 Staff Lettings

Applications from:-

- Employees who work for North Tyneside Council
- Elected Members of North Tyneside Council
- Family of an employee 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.

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12 Right to Review

The Authority will inform an applicant, in writing, of any decision relating to their housing application.

Applicants will have a right to request a review (Housing Act 1996 s 166A (9) (c)) of any decision made by the Authority, this may include:-

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

An applicant must request a review in writing within 21 days of being notified of a decision. 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.

Reviews will be carried out by a Senior Officer who was not involved in the original decision. The Senior Officer will, where appropriate, seek information from all parties who provided information which contributed to the original decision.

The Authority will notify the applicant of the outcome of any review, including a full explanation of how the decision was arrived at. This will be sent to the applicant and any nominated representative.

If an applicant continues to be dissatisfied, they may make a complaint through North Tyneside Council's complaints procedure. If they consider that an injustice has been caused due to maladministration, they may contact the Housing Ombudsman. The contact details are: Housing Ombudsman Service, 81 Aldwych, London, WC2B 4HN; Tel: 0300 111 3000, email: info@housing-ombudsman.org.uk, www.housing-ombudsman.org.uk

13 Monitoring and Reviewing the Lettings Policy

13.1 Monitoring

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
- Monitoring all lettings by protected characteristics to eliminate discrimination
- Nominations will be monitored by the sub-regional partnership
- Publishing an Annual Report on lettings, including performance information on lettings
- 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.

13.2 Review

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