

South Tyneside Council Allocations Policy 2022

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South Tyneside Council

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Contents

<u>Foreword</u>	4
<u>Section 1 - General Information</u>	
1. <u>Introduction</u>	5
2. <u>What is the Housing Register?</u>	6
3. <u>Legislative Framework</u>	6
4. <u>What is an Allocation?</u>	7
5. <u>What is a household?</u>	8
6. <u>Policy Objectives</u>	8
7. <u>Statement of choice</u>	9
8. <u>Equality and Fairness</u>	9
9. <u>Confidentiality statement</u>	9
10. <u>Choice Based Lettings</u>	9
11. <u>Review of the Housing Register</u>	10
12. <u>Review of the Policy</u>	10
13. <u>Social and affordable rents</u>	11
14. <u>Rehousing and domestic abuse (location)</u>	11
15. <u>Communication</u>	11
<u>Section 2 - Applying for Housing</u>	
16. <u>Assessing Applications</u>	12
<u>Suspension from Bidding</u>	12
17. <u>Eligibility</u>	13
<u>Local Connection Definition</u>	14
<u>Exceptions to the Local Connection Criteria</u>	14
18. <u>Qualification Criteria</u>	14
19. <u>Owner Occupiers with the Financial Resources to Meet Their Own Housing Need</u>	15
20. <u>Unacceptable Behaviour</u>	16
21. <u>Pre-tenancy Support – Affordability and Support Offered</u>	19
22. <u>Matching of Accommodation</u>	20
23. <u>Housing Plus Accommodation</u>	20
24. <u>Application Form</u>	21
25. <u>Verification</u>	21
26. <u>Giving False Information</u>	22
27. <u>Applicants who have Deliberately Worsened their Circumstances</u>	22
28. <u>Staff and Elected Members</u>	22
29. <u>Change in Circumstances</u>	22
<u>Section 3 - Assessing Housing Need</u>	
30. <u>Reasonable Preference/Housing Need</u>	24
31. <u>Medical, Welfare and Hardship Priorities</u>	25
32. <u>Homelessness</u>	26
33. <u>Priority Band Definitions</u>	28
<u>Band 1 + (Critical Need Category) – Awarded for up to 6 Weeks</u>	29
<u>Band 1 (High Need Category) – Awarded for up to 3 Months</u>	29
<u>Band 2 (Medium Priority Category) – Awarded for up to 6 Months</u>	30
<u>Band 3 (Low Priority Category)</u>	31
<u>Band 4 (General Category)</u>	32

Section 4 - Property Eligibility

34. <u>Bedroom Calculations</u>	33
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Section 5 – Allocations

35. <u>Advertising properties</u>	36
36. <u>Placing a Bid</u>	36
37. <u>Shortlisting and Selection</u>	36
38. <u>Failure to Bid</u>	37
39. <u>Offers</u>	37

Section 6 – Miscellaneous Allocations

40. <u>Local Lettings Policies</u>	41
41. <u>Sensitive Lets</u>	41
42. <u>Direct Lets for Exceptional Circumstances</u>	41
43. <u>Adapted Properties</u>	41
44. <u>Succession and Assignment</u>	42
45. <u>Review and Appeals Procedure</u>	43
<u>Further discretionary appeal</u>	44
<u>Elected members and allocations</u>	45

Section 7 – Additional Information

46. <u>Accessing Information and Data Protection</u>	46
47. <u>Accessing Information in Alternative Formats</u>	46
48. <u>Comments, Compliments and Complaints</u>	46

Section 8 – Appendices

<u>Appendix 1 Costs associated with running a home</u>	48
<u>Appendix 2 – Eligibility Criteria</u>	49
<u>Appendix 3 Medical, Welfare and Hardship Priorities</u>	56
<u>Appendix 4 Current Local Lettings Policies</u>	57

Foreword

Foreword by Councillor Jim Foreman, Lead Member for Housing and Community Safety

Welcome to our Housing Allocations Policy. I hope you will find it clear, helpful, and informative. This policy sets out who can apply for affordable housing in the Borough and how we set priorities for those who are housed. It ensures that all people have fair and open access to our housing register and assessment process, plus ensures that homes are let in a way that gives reasonable preference to those in greatest need. This is a living document; it will be kept under review to reflect changes locally or within Government Policy.

The Covid 19 pandemic has sent huge shockwaves across the North East, just as it has the rest of the country and world. The unprecedented scale and nature of the crisis has, and continues to have, major consequences for the region and for South Tyneside, with significant impacts felt by our communities. In addition, price rises, interest rate rises, choosing between 'heating and eating' mean that a spiralling cost of living is a terrifying reality. The provision of affordable housing and supporting sustainable communities in the borough has become even more important.

As Lead Member for Housing and Community Safety, I am confident that by continuing to work together we can tackle these economic and social challenges whilst effectively addressing the needs of the borough's residents.

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

In addition, the passing of Homelessness Reduction Act 2017 has placed greater obligations on Local Authorities to support those who are at risk of homelessness at the earliest opportunity. Similarly, the Domestic Abuse Act gained royal assent in 2021 and places new duties on local authorities, including supporting victims and their children fleeing domestic abuse. By working in partnership with a range of service providers we will carry out our duties to prevent homelessness and give housing priority and support to survivors of domestic abuse.

We want to make the best use of our housing stock for the benefit of the whole Borough. Social housing is a limited resource and therefore it is vital to strike a balance between creating sustainable communities and supporting those in greatest need of accommodation. The demand for many of our properties is high and this policy will enable us to ensure that those who are in the greatest housing need are given priority for suitable housing which will best address their situation.

“By working together, we can continue to make South Tyneside an outstanding place to live, invest and bring up families”

Section 1 - General Information

1.0 Introduction

- 1.1 This document explains South Tyneside Council's Policy for allocating its social housing. It forms part of a suite of Policies and Strategies including the Tenancy Strategy and Integrated Housing Strategy.
- 1.2 These documents should be read in conjunction with one another and will be kept under review.
- 1.3 The Policy will be implemented by South Tyneside Homes (the Council's Arm's Length Management Housing Company).
- 1.4 The Policy sets out who is eligible and qualifies for housing, the application process, priority bandings, bidding and offers of accommodation. It details what the Council's Housing Register is and its effective operation. It is divided into several sections to make the document more accessible; this also enables us to update the document more easily as required, for example, due to changes in allocation law or other related housing law.
- 1.5 In addition to the Council's housing stock, we can also help people access a range of housing options from other housing providers through our Choice Based Lettings Partnership.
- 1.6 Through South Tyneside Homes, the Housing Options service provides appropriate advice and support to find suitable accommodation depending on the specific needs of the individual household. This includes homelessness prevention, affordability, and the registration of applicants.
- 1.7 Following a full review of an applicant's housing needs and aspirations a range of suitable housing options will be set out so that an applicant can make an informed choice. This may include support to remain in a home, mutual exchange, private sector housing, shared ownership, low-cost home ownership or accommodation provided by other social housing partners.
- 1.8 We will also provide help and advice on alternative housing options and how to address any issues applicants may have with qualifying for the scheme.
- 1.9 One of the main aims of the policy is to offer choice. However, we have a duty to meet housing need and because of this we will band applicants according to their need. The banding system will ensure that those in the greatest housing need are given greatest preference for rehousing.
- 1.10 Health and housing are strongly linked; the right housing can help prevent people from being admitted to hospital, help people be discharged from hospital and can support people to remain independent in the community.
- 1.11 Allocating social housing based on need can improve health and wellbeing, support independent living, and save the NHS money.

- 1.12 We want to ensure we create age and dementia friendly communities in South Tyneside, wherever possible supporting people to continue to stay living in their homes, participate in the activities that they value, and contribute to their communities, for as long as possible. The demand for social housing in the borough is great; therefore, this Policy seeks to make the best possible use of all our housing stock and to prioritise social housing for those people in greatest need.

2.0 What is the Housing Register?

- 2.1 The Housing Register is an electronic database of applicants who wish to be rehoused and either qualify or are eligible for social housing within the Borough. All successful applicants, including existing tenants are placed on the Register once the appropriate checks have been undertaken, this would include identification and details of housing history. Applicants who are accepted onto the Housing Register can bid for homes they are eligible for, meet their household size and can afford. The list of applicants who bid for a property is organised according to priority and need.
- 2.2 Demand for social or affordable rented accommodation within the borough exceeds supply. Therefore, joining the housing register is not a guarantee that an offer of accommodation will be made. If appropriate, applicants are encouraged to also explore other housing options which may include:
- Low-cost home ownership (current government schemes include shared ownership, shared equity, First Homes, Right to Buy/Acquire and Help to Buy.
 - Existing social tenants can access mutual exchange services such as House Exchange.
 - Renting in the private sector.

3.0 Legislative Framework

- 3.1 The legislative framework is set out in the Housing Act 1996 (as amended) and the associated statutory codes of guidance.
- 3.2 The Homelessness Reduction Act 2017 placed new legal duties on local housing authorities (duties to prevent and relieve homelessness) and amended the existing homelessness legislation in the Housing Act 1996. These new duties apply to all eligible applicants (i.e., based on immigration status) and are blind to intentionality and priority need. The prevention duty is also blind to local connection.
- 3.3 The Council only have a statutory duty to secure suitable housing for unintentionally homeless households who are in priority need. There is no duty to secure accommodation for all homeless people.
- 3.4 The 'prevention' duty on local authorities means the Council must 'take reasonable steps' to prevent the threatened homelessness of anyone who is eligible. This does not mean the applicant has to be helped to prevent the loss of their current home – they can be helped to find a suitable alternative.

- 3.5 Similarly, the ‘relief’ duty does not require the Council to provide accommodation, but to help the applicant to find suitable accommodation.
- 3.6 Both the ‘prevention’ and ‘relief’ duties can be brought to an end if the Council consider that the applicant has ‘deliberately and unreasonably refused’ to take any step required of them.
- 3.7 If an applicant/household is in a priority need category and is homeless, the Council must secure temporary accommodation for them pending the outcome of inquiries.
- 3.8 The Children and Social Work Act 2017 discusses the role of local authorities as corporate parents (i.e. we must do the most we can for care leavers, to give them the same opportunities as other young people and promote the best possible outcomes). We have this responsibility until a former care leaver is 25.
- 3.9 The Domestic Abuse Act 2021 received Royal Assent on 29 April 2021. It places new duties on local authorities, including to assess need and provide support for victims and their children residing within relevant safe accommodation, gives automatic priority need for housing to people made homeless by domestic abuse; and ensures that survivors with lifetime or assured tenancies do not lose them if they need to move because of abuse.
- 3.10 In preparing, modifying, and operating this policy, we have followed the relevant legislation. We have also had regard to our Integrated Housing Strategy, our Tenancy Strategy, and the latest version of the Allocation of Accommodation Code of Guidance for local housing authorities in England that was issued by the Government. We have also considered relevant case law and regulations.

4.0 What is an Allocation?

- 4.1 An allocation is where a Local Authority:
- a) Selects a person to be a secure or introductory tenant of accommodation held by that authority.
 - b) Nominates a person to be a secure or introductory tenant of accommodation held by another housing authority.
 - c) Nominates a person to be an assured tenant of accommodation held by a Private Registered Provider.
- 4.2 ‘Secure tenant’ includes a person with a flexible tenancy granted under section 107A of the Housing Act 1985. The term ‘assured tenant’ includes a person with an assured shorthold tenancy.
- 4.3 Social housing may only be allocated to ‘qualifying persons’ and through the Localism Act 2011, the Council has the power to determine those that are or not to be allocated housing. The Council can set our own transfer policy for

those households who are currently social rented tenants and have no housing need and no reasonable preference.

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

4.5 The legislative framework applies to the Council and requires Registered Social Landlords to co-operate in offering accommodation and to assist the Council in discharging its statutory duties to homeless people. The council also has statutory duties to customers with medical and welfare need, Domestic Abuse, financial hardship and addressing the housing needs of residents in need.

5.0 What is a household?

5.1 South Tyneside Council defines households as follows:

- A child is a person under 16.
- A couple is two people living together as spouses or partners of either sex.
- A single parent household (in receipt of child benefit) is entitled to the same size accommodation as a two-parent household with the same number of children.
- A single adult.

5.2 Households with a disability refers to households where at least one of the members has an evidenced, severe and long term or degenerative medical condition or mobility issue (diagnosed by a health professional) which results in them struggling to access essential facilities within their home such as the bathroom and kitchen.

6.0 Policy Objectives

6.1 The objectives of this Policy are to:

- Provide housing that is suitable for those who are eligible and qualify.
- Prioritise housing to applicants who are in the most need with a local connection to the Borough.
- Provide those looking for housing in South Tyneside with a fair, flexible, and transparent system by which they are prioritised for social and affordable housing.
- Offer suitable and sustainable housing that meets the needs of the applicant.
- Prevent homelessness and help people to solve their housing problems by giving advice and assistance.
- Make the best use of the housing stock and reduce avoidable stock turnover.
- Create safe and sustainable communities.
- Offer choice within a fair and transparent process.

7.0 Statement of choice

- 7.1 We aim to give all applicants who qualify or are eligible to join the Housing Register choice in where they live. Applicants can express preference by being able to bid for areas and types of housing. However, this must be balanced with the need for the Council to meet its legal duties as a local authority in relation to addressing local housing need and ensuring the efficient management of its housing stock. This means we may give priority to households who need a particular property size or type when we place our adverts.

8.0 Equality and Fairness

- 8.1 South Tyneside Council and South Tyneside Homes will ensure its Policies are non-discriminatory and will promote equal opportunity by protecting and eliminating discrimination in line with the Equality Act 2010. No applicant will be treated less favourably on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation. Staff will value and promote equality and diversity in the delivery of the lettings service.
- 8.2 The Policy will be monitored and analysed to ensure it promotes equality of opportunity to individuals and minority groups. To achieve this, all applicants will be asked to provide details of their ethnic origin and any other demographic information at the time of application.
- 8.3 Although all information is kept confidential there may be need to share information with other departments or partners, such as the Department of Work and Pensions, Department for Levelling Up, Housing and Communities and other housing providers.

9.0 Confidentiality statement

- 9.1 We will treat the information applicants provide as confidential. It will only be available to those employees who are managing and monitoring allocations and lettings, which includes registered housing providers participating in our Choice Based Lettings system. Applicants' details are also subject to the controls of the General Data Protection Regulations regarding unauthorised disclosure. Any other sharing of information will only happen with an applicant's consent or in circumstances that the law provides to protect people from harm or prevent crime. Hence, if applicants wish someone to act on their behalf, they will be required to provide authorisation for this to happen.

10.0 Choice Based Lettings

- 10.1 We aim to give all applicants who are eligible to join the housing register choice in where they live. Applicants can express preference by being able to bid for areas and housing that are deemed suitable for their housing need.

- 10.2 Registered Housing Providers (including South Tyneside Homes) with properties in the Borough are part of a partnership framework that allows them to work collaboratively with the Council. They use our Choice Based Lettings System to advertise and let their properties to people on the housing register.
- 10.3 The Choice Based Lettings system allows applicants to search and apply for homes across the Borough.
- 10.4 Any application for housing made through the Choice Based Lettings system is subject to this Policy.
- 10.5 You can access the Choice Based Lettings system by following a link on the South Tyneside Homes website.

11.0 Review of the Housing Register

- 11.1 Each year, applicants who have been on the register for over 12 months may be contacted to ask if they wish to stay on the housing register and if there has been any change in their circumstances.
- 11.2 If no reply is received within 28 days, the application will be cancelled. If an applicant is known to be vulnerable every effort will be made to contact them, either by telephone, visiting them at home or contacting a relevant support agency to confirm whether they wish to remain on the register.

12.0 Review of the Policy

- 12.1 An annual review of the Allocations Policy will be undertaken by the Housing Strategy Team to ensure it meets the stated objectives and complies with relevant legislation and statutory guidance. It will be presented by the Lead Member for Housing to the Council's Housing Performance Panel for approval.
- 12.2 When an alteration is made to this document that reflects a major change of policy, we must ensure within a reasonable time that those likely to be affected by the change have the effect brought to their attention. A major policy change includes, for example, any amendment affecting the relative priority of a large number of applicants or a significant alteration to procedures. Before adopting an allocation scheme, or altering a scheme to reflect a major change of policy, we will:
 - Send a copy of the draft Allocations Policy, or proposed alteration(s), to every private registered provider with which we have nomination arrangements, and
 - Ensure they have a reasonable opportunity to comment on the proposals.

13.0 Social and affordable rents

- 13.1 Affordability is a big issue that applicants must consider before applying. Social and affordable rents are set at levels which are affordable to typical lower income households in the borough and others who cannot access satisfactory housing through the market.
- 13.2 Before renting you should think *can I afford this?* Please see [Appendix 1](#) for a list of typical outgoings most tenants have.
- 13.3 We strongly encourage all successful applicants for housing to pay their rent/charges by direct debit and they must keep 'up to date' rent accounts. Residents are encouraged to engage with their landlords if they are struggling with payments so they can be supported. We emphasise the importance of entering into and honouring any housing related debt repayment plans.

14.0 Rehousing and domestic abuse (location)

- 14.1 Victims will only be offered accommodation which is considered a safe distance from the threat.
- 14.2 The assessment will be made by a senior officer and will be based on evidence provided by the applicant and other appropriate statutory and voluntary agencies e.g. the Police, Social Services, referrals by a Multi-Agency Risk Assessment Conference (MARAC).
- 14.3 Perpetrators of domestic abuse will not be rehoused near their victims.
- 14.4 The Council reserves the right to refuse a successful bid made for one of its properties, for example:
- On risk or management grounds, where a victim of domestic abuse wants to be rehoused locally to the perpetrator or where a perpetrator of domestic abuse would be re-housed close to a previous victim.

15.0 Communication

- 15.1 In addition to following statutory guidance (e.g. where applicants have to be informed of decisions in writing); where we are aware of literacy or language problems or where an applicant indicates a particular disability such as a hearing, sight or mental health impairment etc we will provide appropriate support to ensure decisions are also explained verbally.

Section 2 - Applying for Housing

16.0 Assessing Applications

- 16.1 All applications to join the Housing Register are considered by South Tyneside Homes, Housing Options service.
- 16.2 On receipt of the application, the Housing Options service will assess the application to determine:
- a) Whether the applicant is eligible.
 - b) Whether the applicant qualifies.
 - c) The level of housing need, the existence of a local connection and the priority banding they should be awarded.
 - d) Affordability and whether there is need for pre-tenancy support and how this will be best delivered to support sustainable tenancies.
- 16.3 Anyone aged 16 years or over can apply whatever their current housing circumstances are. However, there will be some people who will not be eligible or qualify for housing in South Tyneside. If applicants are under 18, any offer of accommodation will be linked to a support package, and applicants may need a trustee who can hold the legal title of their tenancy.
- 16.4 In the case of joint applications both applicants must be eligible for housing and must satisfy all qualification criteria, in order that a Joint Tenancy to be granted.
- 16.5 Applicants wishing to transfer to another property will be assessed in the same way as all other applicants.

Suspension from Bidding

- 16.6 Applicants who are a tenant of a social housing landlord - either South Tyneside Homes or another landlord will make contact to ensure that tenancies have been conducted in an appropriate manner.
- 16.7 If an assessment shows an applicant has little or no housing need, having been placed in our lowest Band and found to have breached their tenancy, then they will be suspended from bidding until they can demonstrate that they have remedied any breach. Examples of the type of behaviour which could result in being suspended from bidding include:
- Any previous or current rent arrears (where an applicant has not 'signed up and stuck to' a repayment plan).
 - Any other housing related debt (where an applicant has not 'signed up and stuck to' a repayment plan).
 - Any outstanding work required to a property for which an applicant is responsible.
 - Failure to maintain a property to an appropriate standard, which would incur costs for the landlord for them to re-let the property.

- The applicant or a member of their household committing anti-social behaviour in or around their neighbourhood. For example, nuisance or annoyance to neighbours, discriminatory behaviour, harassment, violence, and intimidation.
- Unacceptable behaviour towards South Tyneside Council, South Tyneside Homes staff, elected members, board members as well as partners and their employees.

16.8 If applicants have housing need which results in them being awarded a higher band, we will not suspend an application as long as they remain eligible and qualify for the Scheme.

16.9 If we decide that an applicant should be suspended from bidding, the officer who made the decision will write to the applicant and tell them the reasons why, what information they have considered and what they can do to put right the problem and have the suspension lifted. Applicants have the right to appeal this decision and can request this within 21 days of the date of a decision. Applicants can also request a review at a later stage should they be able to provide evidence that the reasons for their suspension have been addressed.

17.0 Eligibility

17.1 People may be ineligible for a social housing allocation if they do not live in the UK or do not have a qualifying right of residence. In considering applications, it is important to find out:

- If an applicant is eligible for an allocation of accommodation, and
- If they qualify for an allocation of accommodation.

17.2 An applicants' eligibility will be considered both at the time of the initial application and again when considering making an allocation to them, particularly where a substantial amount of time has elapsed since the original application.

17.3 Further details of eligibility are discussed in [Appendix 2](#).

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

17.5 Applicants will usually be able to join our housing register if:

- They have a local connection to South Tyneside.
- They are at least 18 years of age.
- They are not deemed to be guilty of unacceptable behaviour (see below).

Local Connection Definition

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

- Being a resident with permanent accommodation in South Tyneside for at least 6 months out of the last 12 months, or 3 years out of the last 5 years (not including time spent living in hospital or hostel accommodation).
- Being in employment within the Borough.
- Being in training or education in the Borough.
- Having 'close family' living in South Tyneside for at least the previous 5 years. Close family means, parents, grandparents, children, siblings, stepparents, stepchildren, grand children or adoptive parents and children. In exceptional circumstances and where support is required, 'close family' may be extended to aunts, uncles and in laws.

Exceptions to the Local Connection Criteria

17.7 No local connection is required for the following applicants:

- Former members of the Armed Forces.
- Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained because of their service.
- Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner.
- Divorced or separated spouses or civil partners of Service personnel who need to move out of accommodation provided by the Ministry of Defence.
- Cases involving domestic abuse.

17.8 When they are in urgent housing need, Armed Forces cases will have the time they have served in the Armed Forces added on to the date they joined the Housing Register and will be supported through the process by the Armed Forces Outreach Officer to best address their housing and support need.

18.0 Qualification Criteria

18.1 South Tyneside Council has decided that it will not consider certain applicants for social housing. Applicants **will not** qualify to join the Housing Register if:

- They are a homeowner* with the financial resources to meet their own housing need; or
- They have been guilty of unacceptable behaviour (including housing related debt).
- Current South Tyneside Council tenants who are not in housing need and have not met the criteria outlined above.
- Current South Tyneside Council Tenants who have lived within their current home for less than 12 months and their housing needs are being adequately met.

- 18.2 Even if applicants satisfy the reasonable preference requirements set out below, they will be disqualified from the Housing Register if they cause anti-social behaviour. Anti-social behaviour includes a range of nuisance and criminal behaviours which are causing distress to others. Behaviour that is more frequent or persistent is more likely to be considered as anti-social behaviour. The type and intensity of the behaviour also matters.
- 18.3 The Government believes that Councils should avoid allocating social housing to people who already own their own homes. Although homeowners do not usually qualify to join the Housing Register, the following exceptional circumstances apply:
- a) People who are in financial difficulty because their home is being repossessed.
 - b) People who meet the criteria for Housing Plus accommodation (applicants that qualify for Housing Plus accommodation (or similar) will not usually be able to apply for or be allocated to other 'types' accommodation on the register)
 - c) People who require accessible/adaptable housing because they have a disability or medical condition where their current accommodation cannot be adapted.
 - d) People who are fleeing domestic abuse and where a homeless duty has been accepted.
- 18.4 Assessments will be made on a 'case by case' basis and homeowners may be asked to market their property for sale before a social landlord will consider them.
- 18.5 In addition, we recognise that there may be exceptional circumstances where it is necessary to reconsider the eligibility of an applicant who would not usually qualify. The Council therefore retains the right to reconsider an individual's eligibility in extreme circumstances (e.g., a significant threat to life), subject to the agreement of a delegated Officer within the Council.
- 18.6 Where applicants have resources considered sufficient to access low-cost home ownership, they will be offered advice or assistance about home ownership and private sector renting options.

19.0 Owner Occupiers with the Financial Resources to Meet Their Own Housing Need

- 19.1 Ownership of, or an interest in, a property, whether locally or elsewhere (within the UK or outside) is a financial resource that will be considered in determining an applicant's ability to meet their housing costs.
- 19.2 The Council consider a combination of assets, income, savings, investments and/or capital of **£80,000 or more** is sufficient to help buy a home or pay market rent in the area.

19.3 Applicants who own their own home usually **do not** qualify for housing. However, as stated above, there are exceptions. All applications for housing from homeowners will be judged on a 'case by case' basis and homeowners may be asked to market their property for sale before a social landlord will consider them.

20.0 Unacceptable Behaviour

20.1 Applicants will not qualify to join the Housing Register, or be allocated a home, if they have been guilty of serious unacceptable behaviour (including housing related debt and conduct*), which is serious enough to make them unsuitable to be a tenant.

20.2 This will look at recent and relevant behaviour and the period which this behaviour was sustained. Each case will be considered on merit and individual circumstances will be fully considered when deciding if an applicant should be disqualified from the housing register.

20.3 The Council, its partner landlords and residents have a right to expect certain standards of behaviour. Therefore, before we accept applicants onto the housing register and/or make a firm offer of a property, we may seek references to help us decide whether they qualify. These will usually be from previous landlords.

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

20.5 Some examples of the type of behaviour that could result in an applicant not qualifying for the housing register could be as follows (this list is not exhaustive):

- Being made subject to or named in a Civil Injunction
- Being made subject to a Possession Order (including those suspended or postponed on terms).
- Being made subject to a Criminal Behaviour Order or CRASBO.
- Being made subject to a Premises Closure Order.
- Being prosecuted for an offence under s80 EPA.
- NOSP for absolute ground s84A.
- Rent arrears or housing related debt*. Housing related debt is classed as serious unacceptable behaviour.
- An applicant, occupier or visitor to the property being involved in serious anti-social or criminal activity in or in the area of the property. For example, nuisance or annoyance to neighbours, discriminatory behaviour or harassment, violence and intimidation. Domestic violence or abuse or threatening and controlling or coercive behaviour.
- A conviction for using or allowing a property to be used for illegal or immoral purposes, including offences involving illegal drugs.

- An applicant being served with a Notice of Seeking Possession, Demotion Notice, Notice of Possession Proceedings or Notice of Seeking Possession for the Absolute Ground for possession (s84A) concerning a tenant or anyone residing, occupying, or visiting the property.
- An applicant has been prosecuted for Fly tipping, untidy gardens which are a statutory nuisance, Noise, and any other relevant prosecution.
- Being prosecuted for a breach of a Civil Penalty Notice (CPN) – being served with a CPN.
- Previous/current property damage or other breaches of tenancy.
- A conviction for an offence in the property or in the area of the property.
- Making a false statement to obtain accommodation dishonestly or fraudulently.
- Failing to provide relevant information that has been reasonably requested to verify an application for housing.

20.6 **The test is whether an applicant or a member of their household was guilty of behaviour serious enough to make them unsuitable to be a tenant of the council (whoever a landlord was at the time).**

20.7 In some instances, we will obtain information from the Northumbria Police via the Safer Estates Agreement. We can request further information in the following circumstances:

- An applicant admits to criminal convictions.
- There are significant gaps in housing history.
- The applicant is known to the organisation, in that there is a history of anti-social behaviour/criminality.

20.8 If we decide an applicant should be suspended from bidding, the officer who made the decision will write to them and tell them the reasons why, what information they have considered and what they can do to put right the problem to have the suspension lifted. An applicant has the right to appeal this decision and can request this within 21 days of the date of a decision. They can also request a review at a later stage should they be able to provide evidence that the reasons for their suspension have been addressed.

20.9 It is for applicants to demonstrate that any unacceptable behaviour has improved or been addressed e.g. by successfully conducting a tenancy and avoiding engagement in criminal or antisocial behaviour since the serious unacceptable behaviour, or (in the case of serious rent arrears) by complying with an agreement to repay or reduce arrears.

20.10 Where an applicant cannot demonstrate that previous unacceptable behaviour has improved or been addressed, or where the applicant or member of their household would still present an unmanageable risk to themselves or other residents despite all available support being provided, they cannot join the housing register.

20.11 Officers must judge each application on a 'case by case' basis and use their discretion e.g. a 'build up' of arrears may not be the applicants fault (i.e. there

could be an issue with delayed/incorrect benefit payments or arrears caused by furlough/redundancy and there is a commitment to a repayment plan).

20.12 Where the Council has reason to believe that an applicant's unacceptable behaviour is due to a physical, mental, or learning disability, we will consult with relevant agencies.

20.13 The Council may also choose not to apply these rules to applicants seeking housing to receive care and support from a Council approved scheme or Government programme or where the Council is required to meet a statutory requirement.

20.14 Applicants who do not qualify for affordable housing must still be offered advice by the Housing Options service to access an alternative housing solution. This could include private rented accommodation, supported housing, low-cost home ownership, or help to remain in their current home.

***Housing related debt**

When assessing applications, the Council will take into consideration all housing related debts.

Each application is assessed on an individual basis and any exceptional circumstances will be considered.

Housing related debt includes but is not limited to:

- Any current or former tenant rent arrears or charges for use and occupation owed to any local authority, registered provider, or private sector landlord.
- Unpaid sundry debts owing to any local authority, registered provider, or private sector landlord, including rechargeable debts or court costs.
- Any unpaid Right to Buy discounts from previously owned property.
- Unpaid rent that was lawfully due to be paid to any local authority or registered provider landlord or any private sector landlord, but such unpaid rent is now unrecoverable in law because of bankruptcy proceedings.
- Outstanding council tax debts.

If an applicant disputes that they owe a housing related debt, the onus will be on them to prove that they are not responsible for the debt or to reach a resolution to the dispute through any appropriate means, such as their registered providers complaints procedure, the housing or financial ombudsman. Consideration will be given to backdating an applicant's date of qualification for the housing register if it is shown that they were not responsible for the debt.

If an applicant has been disqualified for unacceptable behaviour because of housing related debt, they will remain disqualified from the housing register until such time as the arrears are at an acceptable level and a repayment agreement has been established and maintained.

The onus will be on the applicant to prove that they have maintained any repayment plan or cleared any debt if the monies are not owed to the Council.

Applicants to whom the Council has a legal duty to rehouse will be considered for an allocation despite any rent arrears. An agreement to repay any housing related debt will still be sought.

21.0 Pre-tenancy Support – Affordability and Support Offered

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

21.2 The assessment will include a review of:

- An applicant's ability to pay their rent now and in the future, including help with setting up a bank account so they can pay their rent by Direct Debit.
- Working in conjunction with welfare support to undertake a benefit check.
- An applicant's ability to meet all obligations under the tenancy agreement.
- Any support needs an applicant may have to meet their obligations.
- Any tenancy training needs an applicant may have.

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

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

22.0 Matching of Accommodation

22.1 Restriction from bidding on unsuitable properties - an assessment will be made so we can best meet an applicant's needs based on elements such as, their health and affordability.

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

22.3 If an applicant has a housing need which results in them being awarded a priority banding, their application will not be suspended if they remain eligible and qualify.

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

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

23.0 Housing Plus Accommodation

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

24.0 Application Form

- 24.1 Applicants can complete an application for housing online by visiting <https://www.southtynesidehomes.org.uk/> and clicking on **Search and bid on homes**.
- 24.2 Should an applicant require any support they can complete an application:
- Over the telephone with South Tyneside Housing Options Service on 0300 123 6633
 - In person by visiting the Housing Options Service.
- 24.3 Application forms that are incomplete **will not** be assessed and will be deleted once our retention period has been reached.

25.0 Verification

- 25.1 To ensure that we are correctly assessing applications for housing, applicants will be required to provide information to verify their circumstances - for example proof of identity, address, income, savings, and custody/access to children.
- 25.2 Some of the things we may ask for are:
- Proof of identity and household details.
 - Information about where applicants have lived (references).
 - Information about eligibility or qualification and suitability to be a tenant.
 - Information about financial circumstances.
 - Evidence of a local connection to South Tyneside.
 - A passport or photo driving licence.
 - An acceptable recent photo of yourself.
- 25.3 It is an applicant's responsibility to provide the information required to carry out verification checks. Failure to do so may mean an application cannot be progressed and will be closed.
- 25.4 We recognise that some applicants may struggle to obtain proof of their identity and circumstances – please ask the Council what documents you need to show them.
- 25.5 Supporting information will help us to deter and detect fraud and ensure that housing is allocated to those who are entitled to it.
- 25.6 Applications are reviewed again at Offer Stage to ensure the applicant(s) remain eligible and qualify and there has been no change in circumstances, in order that an appropriate offer is made. In awarding a Priority Banding, local connection will also be re-assessed.

26.0 Giving False Information

26.1 It is an offence for anyone applying for housing to give false information knowingly or recklessly or withhold information which has been reasonably requested in relation to:

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

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

27.0 Applicants who have Deliberately Worsened their Circumstances

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

28.0 Staff and Elected Members

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

- a) An employee of South Tyneside Council or South Tyneside Homes.
- b) An applicant who is a family member of an employee of South Tyneside Council or South Tyneside Homes.
- c) A South Tyneside Council Elected Member.
- d) An applicant who is family member of a South Tyneside Council Elected Member.
- e) A South Tyneside Homes Board Member.
- f) An applicant who is a family member of a South Tyneside Board Member.

28.2 All offers of accommodation for the above must be approved by a Senior Manager at South Tyneside Homes.

29.0 Change in Circumstances

29.1 Applicants whose circumstances change after the date of their application must advise South Tyneside Homes Housing Options Team of the change(s) immediately and provide relevant supporting information as it may affect their band. Once a change of circumstances is submitted applicants will be unable

to make any new bids until the re-assessment is completed. Re-assessments will be prioritised in these circumstances.

- 29.2 Applicants will receive a letter informing them of the outcome of the change. Failure to inform South Tyneside Homes Housing Options Team of any change in circumstances may result in an applicant being removed from the Housing Register.

Section 3 - Assessing Housing Need

30.0 Reasonable Preference/Housing Need

30.1 Housing authorities must ensure that reasonable preference is given to the following categories of people:

- (a) People who are homeless within the meaning of Part 7 of the 1996 Act (including those who are intentionally homeless and those not in priority need).
- (b) People who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s.192(3)10.
- (c) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- (d) People who need to move on medical or welfare grounds, including grounds relating to a disability.
- (e) 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).

30.2 Additional preference will be given to the following categories of people who fall within one or more of the reasonable preference categories and who have **urgent housing needs**:

- (a) Former members of the Armed Forces
- (b) Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- (c) Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
- (d) Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service

I.e. applicants in urgent housing need who have served in the Armed Forces are given greater priority for housing over those who have not.

30.3 Additional preference will also be given to the following:

- (e) Former relevant care leavers (plus they will not be regarded as intentionally homeless).
- (f) Victims of domestic abuse and their children.

31.0 Medical, Welfare and Hardship Priorities

31.1 Where an applicant or member of their household has a medical condition or disability that is affected by their housing circumstances, Officers will award medical, welfare and hardship priorities based on whether a condition/situation could be improved by rehousing. For example:

- A mental illness or disorder.
- A physical or learning disability.
- Chronic or progressive medical conditions e.g. Multiple sclerosis.
- Dementia.
- Infirmity due to old age.
- To give or receive care.
- To access specialised medical treatment.

This list is not exhaustive. More detail is set out in [Appendix 3](#) of this policy.

The Council must be satisfied that an applicant has a need to move (as opposed to a wish to move) and that failure to meet that need would result in hardship. Priority will not be awarded for a medical condition, however severe, if an applicant's housing does not affect their medical condition or their ability to live there.

31.2 To both support their application and demonstrate the impact of their current accommodation, **wherever possible applicants should provide evidence of a medical need** to the Housing Options service.

31.3 Evidence could be provided by a doctor or other health professional. The supporting evidence should detail how the applicant's current accommodation is adversely affecting their medical condition. The Council may write to the health professional where appropriate and request further information.

31.4 Medical priority will be awarded if a medical condition is aggravated as a direct result of an applicant's home, and rehousing is needed to solve or alleviate a medical condition.

31.5 If an applicant is assessed as having a medical need, the Council may limit the types of accommodation that are offered to meet their housing need. For example, if an applicant is assessed as benefitting from moving to an accessible home, they will only receive priority banding for moving to this type of accommodation. The Council will never allow the applicant or members of their household with a medical need to subsequently move to accommodation which would make their medical needs worse.

31.6 In assessing the medical circumstances of a household, any special circumstances will be considered to allow applicants to bid for and be allocated to a home with an additional bedroom. Individual circumstances of an applicant and their family will be assessed and will involve considering not only the nature and severity of the medical circumstances but also the nature and frequency of care required. Each case will be considered on its merit.

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

32.0 Homelessness

What is homelessness?

32.1 The legal definition of homelessness is that a household has no home in the UK or anywhere else in the world available and reasonable to occupy. The following circumstances are examples of homelessness:

- Rooflessness (without a shelter of any kind, sleeping rough).
- Houselessness (with a place to sleep but temporary, in institutions or a shelter).
- Living in insecure housing (threatened with severe exclusion due to insecure tenancies, eviction, domestic abuse, or staying with family and friends known as 'sofa surfing').
- Living in inadequate housing (in caravans on illegal campsites, in unfit housing, in extreme overcrowding).

What are the Council's duties?

32.2 All Councils have a statutory duty to secure suitable accommodation for **households who are unintentionally homeless and in a priority need category**, as set out in the Housing Act 1996. This is sometimes referred to as a 'main duty'.

32.3 A Council only has a duty to provide interim accommodation where they have reason to believe that an applicant is homeless, eligible and in priority need.

32.4 Homeless people whom the Council has no statutory duties to house are provided for within the banding scheme.

32.5 The Homelessness Reduction Act 2017 (HRA) placed additional duties on Councils to:

- Work to **prevent** homelessness for **all** eligible applicants who are threatened with homelessness, i.e., likely to become homeless within 56 days.
- Work to **relieve** homelessness for **all** eligible applicants who become homeless. The duty ends (because 56 days have passed or because of a specific event).

32.6 Eligibility is determined in relation to an applicant's immigration status.

32.7 The Council have a duty to provide or secure the provision of advice and information about homelessness and the prevention of homelessness, free of charge.

- 32.8 The Homelessness Code of Guidance, to which all authorities must have regard to when carrying out their homelessness duties, states that *every person applying for assistance from a housing authority stating that they are or are going to be homeless will require an initial interview.*
- 32.9 Where an initial interview indicates that someone is eligible and is homeless or threatened with homelessness, the Council must carry out a further assessment and *develop a personalised plan to provide a framework for housing authorities and applicants to work together to identify appropriate actions to prevent or relieve the applicant's homelessness.*
- 32.10 The Council has **discretion** to consider whether a homeless applicant/household has a local connection.

What does intentionally/unintentionally homeless mean?

- 32.11 A person would be homeless intentionally where homelessness was the consequence of a deliberate action or omission by that person. A deliberate act might be a decision to leave the previous accommodation even though it would have been reasonable for the person (and everyone in the person's household) to continue to live there. A deliberate omission might be non-payment of rent that led to rent arrears and eviction despite the rent being affordable.
- 32.12 Generally, applicants are unintentionally homeless if they became homeless through no fault of their own e.g. if they are a victim of domestic abuse.
- 32.13 Former relevant care leavers **will not** be regarded as intentionally homeless.
- 32.14 All applications will be judged on a 'case by case' basis.

Who is in priority need?

- 32.14 Section 189 of Housing Act 1996, as extended by statutory instrument sets out who has a priority need when making a homeless application.
- 32.15 The following categories of people must be accepted as in priority need:
- Pregnant women, or any person who resides with a pregnant woman.
 - Households with whom dependent children reside or might reasonably be expected to reside.
 - All 16- and 17-year-olds, provided they are not a 'relevant child' (relevant children remain the responsibility of social services) or a child in need to whom a local authority owes a duty under section 20 of the Children Act 1989.
 - All 18- to 20-year-olds (other than 'relevant students'), who 'at any time after reaching the age of sixteen, but while still under eighteen' were, but are no longer, looked after, accommodated or fostered.
 - Any person who has lost their accommodation as a result of an emergency such as flood, fire or other disaster.

- A person who is homeless as a result of being a victim of domestic abuse.

32.16 Others only have a priority need if we determine they are vulnerable as a result of:

- Old age, mental illness or disability, physical disability or other special reason.
- Having been looked after, accommodated or fostered and is aged 21 or over (other than 'relevant students').
- Having been a member of Her Majesty's regular naval, military or air forces.
- Having served a custodial sentence, been committed for contempt of court or similar offence, or been remanded in custody.
- Having had to leave accommodation because of violence or threats of violence from another person that are likely to be carried out.

32.17 A household member of a person who is vulnerable because of old age, mental illness, physical disability or other special reason also has a priority need. For example, if an application is made by a person whose partner is vulnerable due to a disability, the applicant is in priority need.

32.18 If the applicant is subject to immigration control, any household member who is a person from abroad who is ineligible for assistance is usually disregarded when determining whether the applicant has a priority need.

Discharging a homeless duty and banding reviews

32.19 If a homeless applicant refuses a suitable offer of accommodation, we will have fulfilled our duty to house them, and they will lose their priority. This will immediately prompt a reassessment of their application. We will reassess an applicant and place them in the appropriate priority band but without any further statutory duty to house them. This may result in an applicant being placed in a lower band. However, the Council must have regard to statutory guidance.

32.20 Each application decision will be made on a case-by-case basis to reflect differing levels of housing needs or relative priorities. Applicants are still entitled to appeal the suitability of any offer (direct or otherwise).

33.0 Priority Band Definitions

33.1 Applicants accepted on to the Housing Register are awarded a band based on their housing need. The priority bands are designed to give applicants with the greatest housing need greater priority for housing, while making best use of the available housing stock in the borough.

33.2 Please see below for details of the banding.

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

- 33.4 Applicants will be awarded a priority banding based on their housing need and local connection to South Tyneside. In the case of joint applicants, only one applicant is required to have a local connection to South Tyneside. Those without a local connection to South Tyneside will only be awarded Band 4 priority.
- 33.5 A Direct Offer can be made for relevant cases and where appropriate. Whilst this is likely to be one offer of suitable accommodation, applicants are still entitled to appeal the suitability of any Direct Offer.

Band 1 + (Critical Need Category) – Awarded for up to 6 Weeks

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

- a. Applicants with a critical medical need and need to move to alternative accommodation.
 - b. Applicants requiring immediate hospital discharge and not able to return to their previous residence.
 - c. Homeless cases where the Council needs to discharge its statutory duty as a matter of urgency. The Council may discharge its statutory duty by making a direct offer.
 - d. Applicants who are experiencing severe harassment, fleeing abuse, domestic abuse and are in imminent danger unless rehoused.
 - e. Other circumstances considered extreme or unique by the Council or South Tyneside Homes. (Those extreme needs not met through the Policy).
- 33.6 A Direct Offer can be made for relevant cases and where appropriate. Whilst this is likely to be one offer of suitable accommodation, applicants are still entitled to appeal the suitability of any Direct Offer, and this will not affect their entitlement to be assessed for banding.

Band 1 (High Need Category) – Awarded for up to 3 Months

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

- a. Those applicants at risk of becoming homeless unintentionally but not in immediate need within 56 days, or applicants who are actually homeless i.e. circumstances where a prevention/relief duty has been accepted by the Council.
- b. Applicants with a high medical, welfare or hardship need. (This may apply to any member of the household).
- c. Cases where the South Tyneside Council's Cabinet has resolved that South Tyneside Council needs possession of the applicant's accommodation to enable regeneration or refurbishment to be undertaken where the applicant is being rehoused on a permanent basis.

- d. Cases where it is decided that major works require the temporary decant of the tenant, where the tenant has ‘medical hardship’ and where it is assessed that more than one move would impact negatively upon their health. Tenants accepted under this criterion will normally be given Band 1 three months prior to the planned start of the programme’s scheme of works.
- e. Households living in statutorily defined overcrowded housing according to legislation. For example, if two people of the opposite sex who are not married or cohabiting and are over 10 years old living in a bedsit. Or those occupying insanitary (unhealthy) housing or otherwise living in unsatisfactory housing conditions.
- f. Cases where the Corporate Director of Children, Adults and Families has made a written recommendation that permanent accommodation must be provided to ensure that adoption can take place.
- g. Cases where the Corporate Director of Children, Adults and Families has made a written recommendation that accommodation must be provided to ensure that fostering can take place.
- h. Applicants living in private rented accommodation deemed as “prejudicial to health” as defined by the Environmental Protection Act 1990 or where a Prohibition Order or Emergency Prohibition Order has been made under the Housing Act 2004 on the dwelling.
- i. Members of the Armed Forces and former Service Personnel who have left the armed forces provided an application is made within 5 years of discharge.
Bereaved spouses and civil partners of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner. Or, serving or former member of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service.
When in **urgent housing need**, these applicants will have the time served in the Forces added to their date of application.
- j. Applicants leaving supported accommodation (excluding Housing Plus or Extra Care) needing to move into independent settled housing.
- k. Applicants leaving South Tyneside Council/South Tyneside Homes tied accommodation.
- l. Former relevant care leavers.

33.7 A Direct Offer can be made for relevant cases and where appropriate. Whilst this is likely to be one offer of suitable accommodation, applicants are still entitled to appeal the suitability of any Direct Offer, and this will not affect their entitlement to be assessed for banding.

Band 2 (Medium Priority Category) – Awarded for up to 6 Months

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

- a. Households residing in South Tyneside Council accommodation who must leave that accommodation because no-one is entitled to succeed to the tenancy.
 - b. Applicants with a medium medical, welfare or hardship need. (This may apply to any member of the household).
 - c. Applicants with disabilities needing to move into independent living and supported by the Council's Head of Adult Social Care.
 - d. Households that can prove they need to give or receive care that is substantial and ongoing. Each case will be considered on its own merit.
 - e. Tenants of South Tyneside Council who are required by the Council to leave their home because it has been built or adapted for a person with special needs who no longer lives there.
 - f. Tenants of South Tyneside Council who can demonstrate they are suffering genuine financial hardship because of Welfare Reform, who wish to downsize to a smaller property suitable for their needs. Applicants will be required to complete a financial assessment, tenancy check and property inspection.
 - g. Households who are living in an adapted Council property where the adaptations are no longer in use, but in good working order, and where there is a demonstrable need for the property and adaptations in situ.
 - h. Where an occupier (with the exception of a surviving spouse/civil partner) succeeds to a secure tenancy on the death of the previous Council tenant, and the dwelling is deemed to be larger than is reasonably required (i.e. an applicant may be required to move to alternative housing in accordance with their assessed housing needs).
 - i. Applicants that are found to be unintentionally homeless and do not have a priority need.
- 33.8 A Direct Offer can be made for relevant cases and where appropriate. Whilst this is likely to be one offer of suitable accommodation, applicants are still entitled to appeal the suitability of any Direct Offer, and this will not affect their entitlement to be assessed for banding.

Failure to Bid

- 33.9 Where an applicant is placed in either Band 1+, 1 or 2 and a suitable property is available to bid on during the timescale specified in the banding criteria above and they fail to place a bid, the applicant's priority may be demoted to Band 3. Such applicants will be entitled to request a review of this decision.

Band 3 (Low Priority Category)

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

- a. Intentionally homeless applicants with or without priority need.

- b. The departing partner of a couple with dependent children, at least one of the couple is a Council tenant, have lived together for at least 12 months and wish to separate with the children remaining in the family home.
- c. Applicants who have been, or will soon be, released from prison, to whom the Housing and Resettlement protocol applies and have been accepted by the Council.
- d. Applicants wishing to be housed independently who don't currently have security of tenure. For example, applicants living in who wish to live independently in their own home.
- e. Applicants living in non-statutorily overcrowded accommodation for example, an adult living with a child in a one-bedroom flat.
- f. Applicants from two different households sharing either a kitchen or bathroom.
- g. Applicants who have been approved by the Local Authority as foster carers within the last 12 months.
- h. Applicants who have been approved by the Local Authority as adopters within the last 12 months.
- i. Tenants who wish to downsize due to current home being too large to manage.

Band 4 (General Category)

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

Failure to Bid

33.10 Where an applicant is placed in either Bands 3 or 4 and a suitable property is available to bid on within 12 months from the date of being accepted on to the Register and they fail to place a bid, they will be removed from the Register and will be required to re-apply. Such applicants will be entitled to appeal this decision.

Section 4 - Property Eligibility

34.0 Bedroom Calculations

- 34.1 Applicants can express interest for homes according to their bedroom need. However, applications are judged on a 'case by case' basis.
- 34.2 We will make best use of housing by making sure applicants are matched to the specific property type that meets their needs.
- 34.3 A bedroom assessment will be made, based on the make-up of the household and this will enable applicants to bid for suitability sized properties, subject to any Local Lettings Policies. An affordability assessment will also be undertaken to ensure that applicants can afford the properties which they are bidding for. Applicants who would suffer genuine financial hardship will only be able to bid for properties that match their bedroom need requirements and is affordable following pre-tenancy assessment.
- 34.4 We will usually inform applicants of a minimum or maximum size of household that the property is suitable for. When deciding the size of home applicants can bid for, we will take into account the number of people included in the application that would reasonably be expected to live in the home, their sex, age and relationships. Our policy on bedroom entitlement is aligned to eligibility for welfare benefits and will be reviewed regularly to ensure that changes to the welfare system are appropriately reflected. One bedroom will usually be allocated for each of the following:
- A cohabiting couple.
 - An adult (over 16 years).
 - Two children under 16 years of the same sex (including future adoption or surrogacy).
 - Two children under 10 regardless of sex (including future adoption or surrogacy).
 - To allow for overnight care provision where a member of the household has a disability and a recognised care need.
 - For a child with a disability where there is medical evidence that they need their own room.
 - A foster child.
 - A bedroom is required for a child where there is shared care for more than half of a week. This does not include access arrangements.
- 34.5 In some circumstances, we may choose to under occupy properties where:
- A property is not in high demand.
 - A Local Lettings Plan is in place, and
 - An applicant has the financial means to under occupy a property.
- 34.6 There are specific management reasons why this might happen. This includes where:

- A property has special features that make it particularly suitable for certain applicants.
 - A property is in a neighbourhood which has a shortage of a particular property type.
 - An applicant can meet the rent for the property.
- 34.7 Only those applicants who bid and who fit the criteria will be considered. However, where no specific criteria are attached to a property, then any customer who bids will be considered.
- 34.8 One spare bedroom is allowed for:
- An approved foster carer who is between placements, but only for up to 52 weeks from the end of the last placement.
 - A newly approved foster carer for up to 52 weeks from the date of approval if no child is placed with them during that time.
- 34.9 Rooms used by students and members of the armed or reserve forces do not count as 'spare' if they're away and intend to return home
- 34.10 Applicants should be aware that if they are in receipt of Housing Benefit or Universal Credit and will be under occupying a home using the Government's Department for Work and Pensions bedroom criteria, they will see a reduction in the amount of benefit received. **The applicant will therefore be required to make up the shortfall in rent.**
- 34.11 In considering who is included in the bedroom calculation, only household members where there is evidence that their principal home will be with the household can be included. As part of this an unborn child will be included once the MATB1 form is provided.
- 34.12 A child is defined as being under 16 years of age and being the natural or adopted child of the applicant or his/her partner.
- 34.13 In order for a child/children to be considered as part of an applicant's household, the applicant must be the primary carer. The primary carer will be classified as the person who receives Child Benefit, in respect of the child/children. Proof of Child Benefit will need to be provided with the confirmation of the birth certificate of the child.
- 34.14 Bedroom eligibility of applicants who have staying/overnight access to children aged 16 and under will be assessed on the basis that there is one additional child in the household, irrespective of the number of children. Supporting evidence may be requested from other agencies or the court depending on the individual circumstances. Applicants who have access to children for a set number of nights will be eligible for a maximum of one additional bedroom (where the household makeup is such that no additional bedroom is required, none will be awarded). In cases when a child visits on an

'ad hoc basis', the Council will inform an applicant about other housing options.

- 34.15 Where there is a relationship breakdown and both partners state they have full-time parental responsibility for the children, they will only be considered for family housing where they can evidence they have full-time parental responsibility of the children e.g. a Solicitor's letter, Court documents or a Social Worker's letter detailing the arrangement.
- 34.16 Applicants will usually only be considered for a Council owned bungalow if they are over 60 years old, except if they have evidence of a medical need (an Occupational Therapist must assess a property as being suitable for the applicant's needs too). However, all applications will be judged on a 'case by case' basis.
- 34.17 Children under 16 years will not usually be allowed to occupy high rise blocks above four storeys. Each case will be considered on its merits.
- 34.18 Those who require an additional bedroom for a non-resident carer to provide overnight care for the applicant will be assessed on their individual needs. We will not make an offer of a property if it will result in statutory overcrowding. Applicants or members of the household with a long-term disability or medical condition may be allocated a home with an additional bedroom. Individual circumstances of the applicant and their family will be assessed, and this will involve considering both the nature and severity of the disability/medical condition, plus the nature and frequency of care required. Each application will be judged on a 'case by case' basis. To take account of medical advice, we will require the applicant to provide written evidence from health or social care professionals who have direct knowledge of their condition.
- 34.19 Families with foster children will be allocated the number of bedrooms as recommended by Children's Services.
- 34.20 In addition, if applicants have been approved for adoption, special guardianship or fostering, this will be considered when assessing their bedroom need.
- 34.21 All awards of an additional bedroom where any occupier is in receipt of Housing Benefit may in certain circumstances be subject to the under-occupation charge.

Section 5 – Allocations

35.0 Advertising properties

- 35.1 Available properties will be advertised on a weekly basis.
- 35.2 Properties will be advertised at:
- <https://www.southtynesidehomes.org.uk/> - on the Choice Based Lettings system
- 35.3 Properties will be advertised from 00.01 on a Thursday until 23.59 the following Monday. This period is known as the lettings cycle. Lettings cycles are subject to change or cancellation to accommodate Bank Holidays and other holidays.

36.0 Placing a Bid

- 36.1 To be considered for a property applicants will need to express an interest in it, This is referred to as 'making a bid' or 'bidding'.
- 36.2 Applicants can place up to three bids per lettings cycle:
- By telephoning South Tyneside Homes on **0300 123 6633**
 - Via the website <https://www.southtynesidehomes.org.uk/>
- 36.3 Where a person is unable to make an application online – due to age, disability, literacy, or other reasons – then help and assistance is available:
- By telephoning the Housing Services Centre on **0300 123 6633**
 - By email to housing.solutions@southtynesidehomes.org.uk
 - In person by visiting the
 - [South Shields Town Hall \(Customer Service Centre\)](#)
 - [Jarrow Town Hall \(Customer Service Centre\)](#)

37.0 Shortlisting and Selection

- 37.1 Once the lettings cycle closes a shortlist of applicants who have bid for the property is generated.
- 37.2 The property will be allocated to the applicant who:
- Meets the bedroom criteria, and
 - Pre-tenancy assessment indicates sustainability
 - Is in the highest priority band, and has
 - The earliest banding date.
- 37.3 In the event of a tie breaker, the applicant with the earliest registration date will be successful.

- 37.4 For those being rehoused to enable regeneration or refurbishment, the applicant's tenancy start date will be used as a third tie-breaker.
- 37.5 Where an applicant bids successfully for more than one property, the applicant will usually be offered one property only, in accordance with the order of preference of their bids.
- 37.6 Between the period of being successfully shortlisted for an offer of tenancy up to the point of tenancy sign up, the applicant will not be permitted to bid on other advertised properties.

38.0 Failure to Bid

- 38.1 Where an applicant fails to bid within the timescale of their priority banding or have refused suitable offers of accommodation, they may be demoted to a lower band. It is important for applicants to note that South Tyneside Housing Options Service can in some circumstances make assisted bids on an applicant's behalf.
- 38.2 Those not bidding within Bands 1+, 1 and 2 within the requisite timeframe will be demoted to Band 3 if suitable properties were available to bid on within the timeframe of the banding award.
- 38.3 Those placed in Bands 3 or 4, failing to bid within 12 months from the date they are awarded the priority will be automatically removed from the Housing Register.
- 38.4 All decisions leading to an award of a lower priority or removal from the Register will have the right of appeal.

39.0 Offers

- 39.1 Successful applicants will be contacted by their preferred method. Applicants will be asked to provide an email or mobile number and in the first instance offers will be made via either email or text to ensure viewings can take place as quickly as possible after a shortlist has closed.
- 39.2 Where an applicant fails to attend an arranged accompanied viewing of a property, they will not be permitted to make further bids until they have contacted the council.
- 39.3 It is the applicant's responsibility to keep their contact details up to date. If South Tyneside Homes or another registered provider does not receive a response to an offer within a reasonable timeframe the offer will be withdrawn and offered to the next suitable applicant.**
- 39.4 Once the property has been viewed the applicant will be expected to make an immediate decision. However, in some circumstances applicants may be given 48 hours to accept the offer. If it is declined or there is no response

within 48 hours, then the offer will be withdrawn as a refusal and offered to the next suitable applicant on the shortlist.

Suitable offers

- 39.5 A suitable offer of accommodation is an offer of a property that meets the applicant's assessed needs.
- 39.6 Every decision will be made on a case-by-case basis; however, the following factors will be considered when assessing the suitability of a home:
- Property size – based on the applicants assessed bedroom requirements.
 - Property type – based on the lettings policy criteria, medical housing, or council-approved occupational therapist's recommendation.
 - Property condition – whether the property meets the lettable standard or will meet it following repairs.
 - Whether the property has the potential to meet an applicant's needs following adaptation. With regard to Council owned accommodation, this will be based on the recommendation of a council-approved occupational therapist.
 - Geographical location of the property – whether the property is within a reasonable travelling distance for employment, support, schools and considering the reason for any priority award.
 - The demand for and supply of similar properties in the applicants preferred areas; and whether the offer was made as a direct offer or because of a supported bid.
- 39.7 All formal offers will be in writing. Notification in writing may be made by letter, e-mail or by text message.
- 39.8 If the applicant(s) accept an offer of accommodation in Council owned accommodation or with a Registered Provider through the CBL Scheme, then the application will be closed.

Refusing an offer

- 39.9 When an applicant refuses an offer of accommodation it must be considered whether the refusal was reasonable.
- 39.10 Where an offer is made of a suitable property in terms of size, type, condition, and geographical location (considering demand and supply), the council and partners will usually consider a refusal to be unreasonable.
- 39.11 An offer may not be deemed unsuitable if the Council was not made aware of certain facts and requirements prior to offer.
- 39.12 If an applicant refuses a suitable property that they have bid for, which would have alleviated their housing need, their application may be re-assessed, and a lower priority banding may be awarded. Applicants will be contacted to better understand their needs and discuss their options.

- 39.13 Applicants who are not actively seeking re-housing or have refused a suitable direct offer which would have alleviated their housing need, their application may be re-assessed, and a lower priority banding may be awarded. Applicants will be contacted to better understand their needs and discuss their options.
- 39.14 A refusal will include both verbal and written refusals, including those made prior to a formal written offer being issued.
- 39.15 We usually regard the failure to respond to a suitable offer as a refusal.
- 39.16 If an applicant refuses an offer or fails to respond within the given time, the property will be offered to the applicant with the next highest preference on the Housing Register. This process will be followed until the property is successfully allocated.
- 39.17 Where applicants withdraw their application for a property after a property advert has closed, and the shortlist places them at or towards the top of the shortlist for the property; and upon verification an offer would have been made to the applicant – in such circumstances the withdrawal of their application may be considered a refusal of an offer. Withdrawal of applications to circumvent the allocations process will not be tolerated.
- 39.18 Any applicant owed a statutory duty to re-house other than a duty under the homelessness legislation who refuses a suitable offer of a home resulting from a Direct Allocation may result in the ending of that housing duty.
- 39.19 All refusals are judged on a case-by-case basis and applicants have the right to appeal all decisions that are made. If the applicant remains dissatisfied with a decision following an appeal or review, they can pursue the matter through the Council's complaints procedure.

Homelessness and refusals

- 39.20 A statutorily homeless applicant will usually be entitled to only one suitable offer of accommodation. If a homeless applicant refuses a reasonable offer of accommodation, we will have fulfilled our duty to house them, and they will lose their priority. This will immediately prompt a reassessment of their application. We will reassess an applicant and place them in the appropriate priority band but without any further statutory duty to house them. This may result in an applicant being placed in a lower band. However, the Council must have regard to statutory guidance.
- 39.21 If an applicant is residing in temporary accommodation, bids successfully for a property and is offered it, then refuses it and requests a review, the application will be suspended while a review of the suitability of accommodation offered is being carried out. If the applicant does not request a review of suitability the Council will end the housing duty under homelessness legislation and bring the temporary accommodation to an end. The same applies in circumstances where the applicant requests a review of suitability, but the Council's decision is upheld.

39.22 Whether or not a homeless applicant accepts an offer, they have the statutory right to request a review of the suitability of the accommodation they have been offered. Any offer of a home will not be kept open while the homeless applicant's case is considered but may be let to another applicant who has bid. Homeless applicants are therefore encouraged to accept the offer that has been made to them, even if they intend to request a statutory review of its suitability.

39.23 Homeless applicants will be formally warned of these consequences at the point a property is formally offered to them.

Withdrawing an offer

39.24 There may be occasions when the council or registered provider may need to withdraw an offer of a tenancy. Reasons for withdrawal may include (this list is not exhaustive):

- A change in the applicant's circumstances.
- The applicant is found to be not eligible for the property.
- An error in the advertising details.
- Where the offer might put a vulnerable person at risk.
- Extensive works are required to the property.
- The applicant has attempted to obtain the property by deception.
- Officers discover that the information supplied by the applicant was incorrect.

Section 6 – Miscellaneous Allocations

40.0 Local Lettings Policies

40.1 The Council may introduce Local Lettings Policies in exceptional circumstances for housing management reasons. These may include the need to enable regeneration, to deal with specific property types and to encourage community cohesion or sustainability. Any new Local Lettings Policy will be subject to agreement by the Housing Performance Panel. Lettings will be monitored to ensure that each Local Lettings Policy is complied with. Please refer to [Appendix 4](#) for details of current Local Lettings Policies.

41.0 Sensitive Lets

41.1 There are certain circumstances, to ensure community cohesion and sustainability of estates, where a void property can be let outside the normal allocations system. The Assistant Head of Housing - Housing Solutions or Service Lead – Strategic and Supported Housing will determine whether it is appropriate in the circumstances to authorise a sensitive letting.

42.0 Direct Lets for Exceptional Circumstances

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

42.2 The Policy allows for any provision to be considered and waived in exceptional circumstances and registered providers are not required to advertise all vacant properties through the South Tyneside Choice Based Lettings system. Although it is anticipated that most of the available properties will be advertised, there will be circumstances where registered providers, including South Tyneside Homes, will need to allocate a property directly to an applicant without it being advertised. This is done where there are exceptional circumstances. For example, statutorily homeless cases where we may make one direct offer to discharge our housing duty. This is known as a Direct Let.

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

43.0 Adapted Properties

43.1 There are certain types of properties in the Borough that have been purpose built or adapted for people with disabilities. Examples of major adaptations include, ramped access, a stair lift, through floor lift and level access shower. Homes with disabled adaptations will usually* be matched to applicants who have a need for the adaptations and who are most suited to the vacancy. A

specialist Officer may need to be consulted on the suitability of a property for the applicant(s).

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

**When there is no applicant who can make best use of an adapted Council owned property, we may remove the adaptations or advertise it 'as is'. If the property was accepted 'as is' (i.e. when it had adaptations), the adaptations may not be removed after the tenancy starts. We will usually consider removing minor adaptations but will not remove major adaptations.*

Minor adaptations include items such as grab rails additional banister rails, plinths for WCs, floor to wall/ceiling rails, half height steps. door intercom systems, lever taps, adjustments to door handles/window latches, flashing doorbells, key safes (this list is not exhaustive).

Major adaptations include items such as level access showers, wet rooms, over bath showers, modular ramps, stair lifts/through floor lifts, specialist bath (this list is not exhaustive).

- 43.3 Households who are living in an adapted property where the adaptations are not in use are encouraged to 'free up' their accommodation for those in need; they will qualify for priority band 2 where the adaptations are in good working order and where there is a demonstrable need for the property and adaptations in situ.

44.0 Succession and Assignment

- 44.1 Succession occurs when a sole tenant dies and an eligible partner or qualifying member of his or her family takes over the tenancy. Succession also includes when a joint tenant dies and the surviving joint tenant succeeds to the tenancy, known at law as survivorship.
- 44.2 Within the current statutory framework there can only be one statutory succession to a council or housing association tenancy in England.
- 44.3 The Localism Act 2011 amended the succession rights of people living with secure council tenants in England where the tenancy was created after 1 April 2012. In these cases, a statutory right to succeed is limited to the spouse/partner of the deceased tenant. This has always been the case regarding succession to an assured housing association tenancy.
- 44.4 The potential successor must, at the time of death of the tenant have been occupying the property as their only or principal home. In the case of anyone other than a spouse/civil partner/partner it is also necessary for them to show that they have been residing with the late tenant throughout the 12 months

prior to their death. There can be no statutory succession if the deceased was already a successor.

- 44.5 For secure tenancies created before 1 April 2012, the right to succeed may, currently, be claimed by a member of the deceased tenant's family, subject to certain eligibility criteria.
- 44.6 Where an occupier (with the exception of a surviving spouse/civil partner) succeeds to a secure tenancy on the death of the previous tenant, and the dwelling is deemed to be larger than is reasonably required, e.g. a single person succeeds to a two-bed property or larger, the council can seek to move the tenant to a suitable alternative property. This is to make best use of the affordable housing stock in the Borough. Schedule 2 to the Housing Act 1985 sets out the 'Grounds' on which a council can seek to evict a secure tenant. Only a court can decide whether a particular Ground is established and whether to issue a possession order. Notice must be served, or proceedings started no sooner than six months after the death of the previous tenant and not later than 12 months after the death.
- 44.7 Evidence for all succession requests will be asked for to confirm the identity of the person who is claiming succession, their relationship to the deceased, the length of residence with the tenant and for their immigration status and entitlement to social housing.
- 44.8 The onus is on the potential successor to provide a sufficient level of evidence. Documents should cover the entire qualifying period. They must also provide the death certificate.
- 44.9 Statutory successions do not create new tenancies; the existing rent charge will continue to apply to the successor.
- 44.10 Registered providers are under no obligation to offer a spouse, partner, or family member a tenancy of the deceased's property, or any other property they own, if they have no statutory or contractual right to succeed. Registered providers will, entirely at their discretion, consider offering a new tenancy to the person left in occupation on the death of a tenant or offer an alternative tenancy. Each case will be considered on its own merit.
- 44.11 If an occupant of the property is not allowed to succeed to that tenancy, they will be asked to join the lettings scheme and be considered under this Policy.
- 44.12 Under some circumstances, customers are also allowed to assign their tenancy to someone else by way of a Mutual Exchange. Applicants can apply for a mutual exchange by visiting www.houseexchange.co.uk.

45.0 Review and Appeals Procedure

- 45.1 Applicants have the right to be informed about certain decisions that are taken about their application and the right to request a review of these decisions. We will notify applicants of our decisions in writing and provide the reasons why we have reached a decision.

45.2 An applicant can request a review in the following circumstances:

- A decision not to allow an applicant to join the Housing Register due to eligibility or qualification.
- A decision not to extend an applicant's banding.
- A decision not to award an applicant a Direct Let.
- A decision to remove an applicant from the Register other than at their request.
- A decision relating to being denied a local connection.
- A decision on the suitability of an offer of accommodation or a recommendation about the type of property an applicant can bid for.
- A decision to demote an applicant's banding following refusal of suitable offers of accommodation.
- A decision relating to an applicant who is deemed to have deliberately worsened their circumstances.
- A decision relating to an applicant's banding priority.
- A decision to suspend an application.
- Other exceptional circumstances.

45.3 **Applicants have 21 days from the date they are notified of the decision to request a review.** This request must be in writing to the person who made the original decision. Applicants should explain why they think the decision was wrong and provide evidence if available. Advice can be provided about external agencies where an applicant requires assistance to request a review.

45.4 The Officer will reconsider their original decision based on the applicant's written submission. If their decision remains the same, the review will automatically be forwarded as an appeal to be dealt with by a more senior independent officer not involved in the original decision.

45.5 This appeal will be completed in **21 days**. The applicant will be informed in writing of the outcome, setting out the reasons for the decision and what information has been considered.

45.6 Please note that the Council cannot hold up a nomination for a property whilst an appeal or review of banding or an applicant's circumstances is completed.

Further discretionary appeal

45.7 If the applicant remains dissatisfied with the decision of the Senior Officer, then they have the right to request a further discretionary appeal. There is no statutory right to a second appeal, and this will only be considered where it can be demonstrated that there are exceptional circumstances or where someone raises a point of principle or law that has not been included within the policy.

45.8 Applicants have **21 days** from the date they are notified of the appeal decision to request a further discretionary appeal. This request must be in writing to the person who made the original decision. Applicants should explain why they

think the decision was wrong and provide evidence of exceptional circumstances or points of principle of law that has not been included within the policy.

- 45.9 A Senior Officer, not involved in the original decision will determine whether there are grounds to grant a further appeal. Where this is not granted, they will write to applicants within **21 days** explaining their decision and what information has been considered.
- 45.10 Where an appeal is granted, the appeal will be considered by a panel of three elected members. At the appeal hearing the panel can decide to uphold the appeal or not or vary the review decision. It will only do so based on sound and reliable evidence.
- 45.11 If a customer is not happy with the outcome of their appeal, they can either seek a Judicial Review or complain to the Local Government Ombudsman.
- 45.12 The timescales that are mentioned above will be extended in exceptional circumstances and we will notify applicants of this in writing (by letter or email).

Elected members and allocations

- 45.13 The Allocation of Housing (Procedure) Regulations 1997 (SI 1997/483) prevent an elected Member from being part of a decision-making body at the time an allocation decision is made, when either:
- The accommodation concerned is situated in their electoral ward, or
 - The person subject to the decision has their sole or main residence there.
- 45.14 The regulations do not prevent an elected Member from representing their constituents in front of the decision-making body, or from participating in the decision-making body's deliberations prior to its decision. The regulations also do not prevent elected Members' involvement in policy decisions that affect the generality of housing accommodation in their electoral ward rather than individual allocations; for example, a decision that certain types of property should be prioritised for older people.
- 45.15 We will comply with these regulations.

Section 7 – Additional Information

46.0 Accessing Information and Data Protection

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

47.0 Accessing Information in Alternative Formats

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

48.0 Comments, Compliments and Complaints

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

Section 8 – Appendices

Appendix 1 Costs associated with running a home

There are lots of costs associated with running a home and living independently including:

Rent.	MOT and ongoing vehicle maintenance.
Service charges.	Vehicle hire purchase.
Contents insurance.	Pension.
Council tax.	Union fees.
Loans.	School uniforms.
Credit cards.	School meals.
TV licence.	After school clubs/school trips.
Household appliance purchase.	Groceries.
Electricity bills.	Meals at work.
Gas bills.	Alcohol.
Water bills.	Dry cleaning.
Prescriptions.	Nappies/baby items.
Dentist.	Smoking products.
Optician.	Vets' bills.
Childcare.	Telephone.
Child maintenance/support.	Internet.
Adult care.	TV.
Car insurance.	Mobile phone.
Road tax. Fuel.	Clothes.
Parking.	Toiletries.
Breakdown cover.	Hairdressing.

Appendix 2 – Eligibility Criteria

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

Joint tenancies

Under section 160ZA(1)(b), a housing authority must not grant a joint tenancy to 2 or more people if any one of them is a person from abroad who is ineligible. However, where 2 or more people apply and one of them is eligible, the authority may grant a tenancy to the person who is eligible. In addition, while ineligible family members must not be granted a tenancy, they may be considered in determining the size of accommodation which is to be allocated.

Existing tenants

The eligibility provisions do not apply to applicants who are already secure or introductory tenants or assured tenants of a private registered provider. Most transferring tenants fall outside the scope of the allocation legislation (section 159(4A)); while those who are considered to have reasonable preference for an allocation are specifically exempted from the eligibility provisions by virtue of section 160ZA(5).

Persons from abroad

A person may not be allocated accommodation under Part 6 if he or she is a person from abroad who is ineligible for an allocation under section 160ZA of the 1996 Act. There are 2 categories for the purposes of section 160ZA:

- (i) a person subject to immigration control – such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (section 160ZA(2)), and
- (ii) a person from abroad other than a person subject to immigration control – regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (section 160ZA(4)).

The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (as amended) ('the Eligibility Regulations').

Persons subject to immigration control

The term 'person subject to immigration control' is defined in section 13(2) of the Asylum and Immigration Act 1996 as a person who under the Immigration Act 1971 requires leave to enter or remain in the United Kingdom (whether or not such leave has been given).

The provisions of section 7(1) of the Immigration Act 1988 and the Asylum and Immigration Act 1996 have been saved for the purpose of housing legislation to

protect the rights of EEA citizens, and their family members, who have citizens' rights pursuant to the Withdrawal Agreement.

This will ensure that EEA citizens, and their family members, who:

- Have acquired limited leave to enter and remain in the UK (also known as pre-settled status) by virtue of Appendix EU of the Immigration Rules ("the EU Settlement Scheme"); or
- Were frontier working in the UK prior to 31 December 2020

will continue to be treated as 'persons not subject to immigration control' in the instances where they would previously have been, so that their eligibility for the allocation of social housing can be judged on the basis of regulation 4 of the Eligibility Regulations as was the case prior to 31 December 2020.

EEA citizens, and their family members, who have been granted indefinite leave to enter or remain (also known as settled status) under the EU Settlement Scheme, do not need the savings to apply to them. Their eligibility should be judged on the basis of Class C of Regulation 3 of the Eligibility Regulations, as is the case for persons subject to immigration control who have been granted indefinite leave to remain. In general, they should be eligible provided they can demonstrate habitual residence in the Common Travel Area.

References to "the Withdrawal Agreement" are to the [Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community \(2019/C 384 I/01\)](#). Equivalent provisions are to be found in separation agreements relating to the European Economic Area/European Free Trade Agreement and the EU/Swiss Free Movement of Persons Agreement, which are also given effect in domestic law by the [European Union \(Withdrawal Agreement\) Act 2020](#).

The following categories of persons do not require leave to enter or remain in the UK:

- (i) British citizens
- (ii) certain Commonwealth citizens with a right of abode in the UK
- (iii) Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area with the UK which allows free movement
- (iv) by operation of the savings provisions referred to above, EEA citizens, and their family members, who have established citizens' rights in accordance with Part 2 of the Withdrawal Agreement, i.e., those who were residents and exercised a right to reside in the UK derived from European Union law or any provision under section 2(2) of the European Communities Act 1972, and those who were frontier working, before 31 December 2020. Whether an EEA citizen (or family member) has exercised a particular right to reside in the UK or rights to be treated as a frontier worker will depend on their circumstances, at that particular time. For example, whether the EEA citizen is, for the purposes of the Immigration (European Economic Area) Regulations 2016 ('the EEA Regulations') (as preserved by the savings provisions) a jobseeker, a worker, a self-employed person and so on.

(v) persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK, and some military personnel

'EEA citizens' means citizens of any of the EU member states, and citizens of Iceland, Norway, Liechtenstein and Switzerland.

Any person who does not fall within one of the four categories above will be a person subject to immigration control and will be ineligible for an allocation of accommodation unless they fall within a class of persons prescribed by regulation 3 of the Eligibility Regulations (see below).

If there is any uncertainty about an applicant's immigration status, it is recommended that authorities contact the Home Office.

Persons subject to immigration control who are eligible for an allocation of social housing

Regulation 3 of the Eligibility Regulations provides that the following classes of persons subject to immigration control are eligible for an allocation of accommodation:

- (i) a person granted refugee status: normally granted 5 years' limited leave to remain in the UK
- (ii) a person granted exceptional leave to enter or remain in the UK granted outside the provisions of the Immigration Rules; and whose leave to enter and remain is not subject to a condition requiring them to maintain and accommodate themselves, and any person who is dependent on them, without recourse to public funds. Exceptional leave to remain now usually takes the form of 'discretionary leave'
- (iii) a person with current leave to enter or remain in the UK with no condition or limitation, and who is habitually resident in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland (the Common Travel Area): such a person will have indefinite leave to enter or remain and will be regarded as having settled status. However, where indefinite leave to enter or remain was granted as a result of an undertaking that a sponsor would be responsible for the applicant's maintenance and accommodation, the applicant must have been resident in the Common Travel Area for 5 years since the date of entry – or the date of the sponsorship undertaking, whichever is later – in order to be eligible. Where the sponsor has (or, if there was more than one sponsor, all of the sponsors have) died within the first 5 years, the applicant will be eligible for an allocation of accommodation
- (iv) a person who has humanitarian protection granted under paragraphs 339C-344C of the Immigration Rules
- (v) a person who is habitually resident in the Common Travel Area and who has limited leave to enter the United Kingdom as a relevant Afghan citizen under paragraph 276BA1 of the Immigration Rules
- (vi) a person who has limited leave to enter or remain in the United Kingdom on family or private life grounds under Article 8 of the Human Rights Act, such leave granted under paragraph 276BE (1), paragraph 276DG or Appendix FM of the Immigration Rules, and who is not subject to a condition requiring that person to maintain and accommodate themselves, and any person dependent upon them, without recourse to public funds

- (vii) a person who is habitually resident in the Common Travel Area and who has been transferred to the United Kingdom under section 67 of the Immigration Act 2016 and has limited leave to remain under paragraph 352ZH of the Immigration Rules
- (viii) a person who is habitually resident in the Common Travel Area and who has Calais leave to remain under paragraph 352J of the Immigration Rules (effective from 1 November 2018)
- (ix) a person who is habitually resident in the Common Travel Area and who has limited leave to remain in the UK as a stateless person under paragraph 405 of the Immigration Rules
- (x) a person who has limited leave to enter and remain in the UK as the family member of a 'relevant person of Northern Ireland' by virtue of Appendix EU to the Immigration Rules
- (xi) a person who has limited leave to enter or remain in the United Kingdom under Appendix Hong Kong British Citizen (Overseas) of the Immigration Rules, who is habitually resident in the Common Travel Area, and who is not subject to a condition requiring that person to maintain and accommodate themselves, and any person dependent upon them, without recourse to public funds
- (xii) a person who has been granted leave by virtue of the Afghan Relocations and Assistance Policy or the previous scheme for locally-employed staff in Afghanistan
- (xiii) a person with leave to enter or remain in the United Kingdom who left Afghanistan in connection with the collapse of the Afghan government that took place on 15 August 2021 and who is not subject to a condition of no recourse to public funds and has not been given leave to enter or remain as a result of an undertaking that a sponsor would be responsible for the applicant's maintenance and accommodation. However, a person who was sponsored will be eligible for housing assistance if the applicant has been resident in the Common Travel Area for 5 years since the date of entry (or the date of the sponsorship undertaking, whichever is later) or their sponsor(s) have died

Other persons from abroad who may be ineligible for an allocation

By virtue of regulation 4 of the Eligibility Regulations, a person who is not subject to immigration control and who falls within one of the following descriptions is to be treated as a person from abroad who is ineligible for an allocation of accommodation:

- (i) a person who is not habitually resident in the Common Travel Area (subject to certain exceptions)
- (ii) a person whose only right to reside in the UK is derived from his status as a jobseeker (or his status as the family member of a jobseeker). 'Jobseeker' has the same meaning as in regulation 6(1) of the EEA Regulations
- (iii) a person whose only right to reside in the UK is an initial right to reside for a period not exceeding 3 months under regulation 13 of the EEA Regulations
- (iv) a person whose only right to reside in the UK is a derivative right to reside to which they are entitled under regulation 16(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in regulation 16(5) of those Regulations
- (v) a person whose only right to reside in the Common Travel Area is a right equivalent to one of those mentioned in sub-paragraph (ii) to (iv) above

For the purposes of determining eligibility for an allocation of social housing, a person who is not subject to immigration control and who falls within categories (ii) or (iii) above should be treated as ineligible. This is regardless of whether such person has been granted limited leave to enter or remain in the UK by virtue of Appendix EU of the Immigration Rules; or a family permit issued under the EU Settlement Scheme granting them limited leave to enter the UK by virtue of the Immigration (Leave to Enter and Remain) Order 2000.

Persons exempted from the requirement to be habitually resident

The following persons from abroad are eligible for an allocation of accommodation even if they are not habitually resident in the Common Travel Area:

- (i) an EEA citizen who is in the UK as a worker (which has the same meaning as in regulation 6(1) of the EEA Regulations)
- (ii) an EEA citizen who is in the UK as a self-employed person (which has the same meaning as in regulation 6(1) of the EEA Regulations)
- (iii) a person who is treated as a worker for the purpose of the definition of 'qualified person' in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (as amended), (right of residence of an accession State citizen subject to worker authorisation)
- (iv) a person who is a family member of a person referred to in (i) to (iii) above and has been granted pre-settled status;
- (v) a person who is in the UK as a result of their deportation, expulsion or other removal by compulsion of law from another country to the UK
- (vi) a person who is in the United Kingdom as a frontier worker for the purpose of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020 (as defined below)
- (vii) a person who is a family member of a person referred to in (vii) above and has a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom, as a family member of a relevant EEA citizen, under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act
- (viii) a person who left Afghanistan in connection with the collapse of the Afghan government that took place on 15 August 2021

A person who is no longer working or no longer in self-employment will retain his or her status as a worker or self-employed person in certain circumstances. A person who is no longer working does not cease to be treated as a 'worker' for the purpose of regulation 6(1)(b) of the EEA Regulations, if he or she:

- (a) is temporarily unable to work as the result of an illness or accident; or
- (b) is recorded as involuntarily unemployed after having been employed in the UK, provided that he or she has registered as a jobseeker with the relevant employment office, and:
 - (i) was employed for one year or more before becoming unemployed; or
 - (ii) has been unemployed for no more than 6 months; or
 - (iii) can provide evidence that he or she is seeking employment in the UK and has a genuine chance of being engaged; or
- (c) is involuntarily unemployed and has embarked on vocational training; or

(d) has voluntarily ceased working and embarked on vocational training that is related to his or her previous employment.

EEA citizens who have established citizens' rights in accordance with Part 2 of the Withdrawal Agreement can be joined by close family members (spouses, civil and unmarried partners, dependent children and grandchildren, and dependent parents and grandparents) who live in a different country at any point in the future, if the relationship existed before/on 31 December 2020 and still exists when the family member wishes to join the EEA citizen in the UK. The family member will have 3 months from their date of arrival, to apply to the EU Settlement Scheme. If the family member is a third country citizen, they can apply for an EU Settlement Scheme family permit or EEA family permit. 'Family member' does not include a person who is an extended family member who is treated as a family member by virtue of regulation 7(3) of the EEA Regulations. When considering the eligibility of a family member, housing authorities should consider whether the person has acquired indefinite leave to remain in the UK in their own right, for example, a family member at the point they are eligible and are granted settled status under the EU Settlement Scheme.

The Habitual Residence Test

The term 'habitual residence' is intended to convey a degree of permanence in the person's residence in the Common Travel Area; it implies an association between the individual and the place of residence and relies substantially on fact.

Applicants who have been resident in the Common Travel Area continuously during the 2-year period prior to their housing application are likely to be habitually resident (periods of temporary absence, e.g. visits abroad for holidays or to visit relatives may be disregarded). Where 2 years' continuous residency has not been established, housing authorities will need to conduct further enquiries to determine whether the applicant is habitually resident.

Managing applications for social housing from EEA citizens from 1 July 2021

EEA citizens who have not applied to the EU Settlement Scheme and who do not have a different form of UK immigration status will be considered to have no lawful basis for remaining in the UK. They will need to obtain status under the EU Settlement Scheme or another UK immigration status to resolve this. In line with the Withdrawal Agreements, late applications to the EU Settlement Scheme will be accepted where there are reasonable grounds for missing the 30 June 2021 deadline. An applicant who has made a valid application for the EU Settlement Scheme and is awaiting a decision, who was resident and exercising a qualifying right to reside in the UK by 31 December 2020 should be treated as eligible if they have a permanent right to reside (normally acquired after 5 years), or are working, self-employed or a Baumbast Carer at the time of their application for social housing.

Newly arriving EEA citizens and their family members who have moved to the UK from 1 January 2021 will (unless they are eligible to apply to the EUSS in another capacity, such as being a joining family member) come under the new points-based immigration system. Under that system, access to social housing will be the same for EEA and non-EEA citizens. They will generally be considered eligible after indefinite

leave to remain is granted, usually after five years of continuous residence, unless they are within one of the exempted categories under regulation 3 of the Eligibility Regulations.

Qualification

Housing authorities may only allocate accommodation to people who are defined as 'qualifying persons' (section 160ZA(6)(a)). Subject to the requirement not to allocate to persons from abroad who are ineligible and the exceptions for members of the Armed and Reserve Forces and for social tenants who need to move for work related reasons, a housing authority may decide the classes of people who are, or are not, qualifying persons.

Authorities must not disqualify the following applicants on the grounds that they do not have a local connection with the authority's district:

- (a) members of the Armed Forces and former Service personnel, where the application is made within 5 years of discharge
- (b) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
- (c) serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service

These provisions recognise the special position of members of the Armed Forces (and their families) whose employment requires them to be mobile and who are likely therefore to be particularly disadvantaged by local connection requirements; as well as those injured reservists who may need to move to another local authority district to access treatment, care or support.

Joint tenants

In the case of an allocation to 2 or more persons jointly, at least one of the persons must be a qualifying person (section 160ZA(6)(b)) and all of them must be eligible.

Fresh applications

Applicants who have previously been deemed not to qualify may make a fresh application if they consider they should now be treated as qualifying, but it will be for the applicant to show that his or her circumstances have changed (section 160ZA(11)).

Appendix 3 Medical, Welfare and Hardship Priorities

Critical Medical Need

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

High Medical Need

A high medical need which results in a need to move because current accommodation is not suitable and cannot be made suitable. If there is an imminent risk of health deteriorating as a result of the unsuitability of an applicant's accommodation should they remain or the unsuitability is such that daily living is severely affected and a change of accommodation could be reasonably expected to alleviate the problem. There is a clear expectation, supported by relevant health professionals and where appropriate, that a change in their accommodation will have significant impact on their health and wellbeing.

High Welfare or Hardship need

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

Medium Medical need

A medical need to move where the applicant's current home is not suitable, and it may not be reasonable to be made suitable. The accommodation is causing the applicant significant problems, but they are managing to some extent. A change in accommodation could reasonably be expected to alleviate or significantly improve the problem.

Medium Welfare or Hardship Need

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

While considering information from other organisations and professionals, the assessment of housing need in relation to the scheme's bandings is made by South Tyneside Homes.

Appendix 4 Current Local Lettings Policies

Current Local Lettings Policies:

Durham Court, Hebburn

Only applicants aged 55 years or over would be considered for an allocation. Priority will however be given to applicants 60 years old or over.

Gibson Court, Boldon Colliery

Allocations to the flats in Gibson Court, Boldon Colliery to be restricted to persons aged 55 years or over unless the property is a first floor flat and there is no demand for it from such applicants, in which case it may be let only to a person or persons aged 40 years and over.

One Bedroom Bungalows, Whitburn

Applicants aged 50 years or over will be able to express their interest in vacant one-bedroom bungalows in Whitburn. Priority will however be given to applicants 60 years old or over.

Extra Care Schemes

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

Housing Plus Schemes

Applicants aged 60 years or over will only be eligible for Housing Plus accommodation. Applicants 55 years or above may be considered if they are in receipt of PIP (Personal Independence Payment).