



Allocations Policy
September 2022

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Part 1: Introduction

1.1 Allocations and Lettings in Gateshead

We operate a housing register also known as a waiting list for applicants who require social housing in order to allocate properties fairly in accordance with priority need and also giving people already housed the opportunity to move. The Council has properties of its own and works with a number of other housing providers who own and manage stock of their own.

1.2 The Legal Framework

The Allocations Policy is a requirement of Part 6 of the Housing Act 1996. It has been framed in accordance with the Council's Homelessness and Rough Sleeping Strategy, Housing Strategy, and Tenancy Strategy and embraces the principles of the Council's Thrive Agenda.

We have followed and fully considered the following housing legislation, regulations, and statutory guidance:

- The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England)
- The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act 2017
- Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG) "the Code"
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) "Supplementary Code"
- Allocation of Housing (Procedure) Regulations 1997, SI 1997/483
- Allocation of Housing (England) Regulations 2002, SI 2002/3264
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 and all subsequent amendments
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
- 'The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)'
- Equality Act 2010.
- Data Protection Act 2018 and contained within the General Data Protection Regulation 2018 (GDPR).
- Care Act 2014
- Human Rights Act 1998

1.3 Allocation of a Tenancy

The allocation of housing by a housing authority is defined in s.159 of the 1996 Housing Act as:

- a) Selecting a person to be a secure or introductory tenant of housing accommodation held by them.
- b) Nominating a person to be a secure or introductory tenant of housing accommodation held by another housing authority.
- c) Nominating a person to be an assured tenant of housing accommodation held by a registered provider.

Social housing may only be allocated to ‘qualifying persons.’ Through the Localism Act 2011, the Council has the power to determine who qualifies for housing. Lettings outside of the Allocations Policy are summarised in [appendix 1](#).

1.4 Right to Move

We reserve the right to give preference to the residents of Gateshead when accepting applicants onto the Housing Register. However in accordance with the Right to Move statutory guidance on housing allocations for local housing authorities in England (Department for Communities and Local Government, March 2015), we removed local connection as a qualifying criteria for housing under Part 6 of the Housing Legislation thereby enabling people who need to move to Gateshead for work or education to be considered. [Further details can be found at: Right to Move and social housing allocations - GOV.UK \(\[www.gov.uk\]\(http://www.gov.uk\)\)](#)

1.5 Statement of Choice

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

1.6 Data Protection

We will ensure personal information of all applicants (new, existing and deleted) is:

- a) Stored lawfully
- b) Processed in a fair and transparent manner
- c) Collected for a specific, explicit and legitimate purpose
- d) The data will be kept up to date and held until it is no longer required
- e) Shared only with other organisations for legitimate processing, the prevention of fraud or with the person’s explicit consent.

Our Privacy Notice which can be located at: [URL required](#).

1.7 Equalities, Access and Monitoring

We are committed to ensuring this policy is non-discriminatory and that all applicants are able to access the service, especially taking account of any vulnerability or other specific needs, and also the needs of different groups protected by the Equality Act 2010; the Human Rights Act 1998; and for Children, Section 11 of the Children Act 2004. To identify the needs of our applicants the application contains specific questions relating to vulnerability, ethnic origin, sexual orientation, disability and other relevant criteria. The information obtained will be used to monitor the impact of the policy on minority and specific needs groups and to evidence the need for amendments, as may be required.

Under the Equality Act 2010 and in particular section 149 of the Public Sector Equality Duty, we are required to give due regard to eliminating discrimination, advancing equality of opportunity and fostering good relations between those who share a protected characteristic and those who do not, when exercising a public function such as an Allocations Policy. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. This policy complies with the Council's Equal Opportunities policy [Equal Opportunities Policy1.pdf \(gateshead.gov.uk\)](#) which sets out our commitments to ensuring in equality in service delivery.

This policy was subjected to an Integrated Impact Assessment (IiA) before it has been adopted. The impact will continue to be monitored throughout the administration of the policy.

1.8 Force Majeure

We will not be liable for any delay in performing our obligations under this policy if the delay is caused by a Force Majeure (chance occurrence or unavoidable accident for example), provided that reasonable action and notification to customers is taken by the Council. More fully, this means, circumstances beyond reasonable control of that party, including without limitation, strikes, lock outs, acts of God, the act or omission of any governmental or other competent authority, war or national emergency.

1.9 Changes to the Allocations Policy

We reserve the right to expand, change or alter any element of this policy, as and when required, to meet changes in housing need, capacity, resources and legislation. Where a change is considered an impact assessment will be undertaken, if the change is considered to be minor with no significant impact to individuals or communities, then it may be approved by senior management within the Council. Major changes will require approval by Cabinet with statutory consultation prior to the main decision with all known stakeholders.

Where we need to regularly review information on an annual basis and set targets, we will attach the information as an appendix. This is demonstrated within the current appendices.

Part 2: Allocations Delivery Model

2.1 Gateshead Housing Model

This section will be drafted as we expand the next phase of work within the next 12 months. We ask that Cabinet approve this subject to a further document being presented to them outlining the model in more detail, and that if it is then approved be merged with this document to comprise a single document.

2.2 Blended Lettings

We operate a blended lettings delivery system with the majority of our properties going through Choice Based Lettings and a small percentage via a direct let where circumstances require a faster or assisted move. We set annual percentages for adverts based on priority need and time waited depending on their property type. These are monitored for individual properties and estates. This is in order to balance the allocation of housing for those most in need with those who have waited for some time without priority.

2.3 Partnership Framework with Registered Providers

The social landlords with properties are part of a partnership framework that allows them to work collaboratively with the Council. They will use the Choice Based Lettings System to advertise and let their properties to people on the housing register.

Part 3: Nationwide rules on Eligibility

3.1 Eligibility

Gateshead ensures that that only those who are eligible for housing or homelessness and meet the qualification rules will be placed on the housing register. The government set this out in Regulations 3 and 4 of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 and all the subsequent amendments.

3.1.1 Special arrangements for 16 – 18-year-olds

- a) Anyone over the age of 16 is eligible to join the Housing Register if their current address is their only home, or sole residence, and they are not already registered through someone else's housing application.
- b) Applicants under 18 cannot legally hold a tenancy. If they are under the jurisdiction of social services and owed a duty under the Children Act, social services will act as a guarantor for those within 6 months of their 18th birthday under an existing protocol. This is subject to their ability to live independently and manage their tenancy. Social services will need to provide a support package to prevent the risk of losing the tenancy. The tenancy will be held in trust until they reach 18.
- c) Those not owed a duty of care under the Children Act, may still be granted a tenancy provided they can nominate a suitable person to act as a guarantor such as a parent, legal guardian or relative and also show a willingness to engage with the levels of support identified to help them sustain the tenancy. The guarantor will accept responsibility for the tenancy and for the support where necessary, whilst the tenancy is held in trust until the applicant reaches 18.

3.1.2 Persons from Abroad

Some persons from abroad may not be eligible to join the housing register.

These include:

- a) Under sections 160ZA (1), (2) and (4) of the Housing Act 1996 we cannot allocate a tenancy, or nominate a person for housing, if their immigration status makes them ineligible for public sector housing.
- b) Someone who does not live habitually in the Common Travel Area (UK, Channel Islands, the Isle of Man or Northern Ireland).
- c) Someone who does not have the right to live in the UK.
- d) Someone who does not have the right to reside in the UK as laid out in EU law unless they meet one of the exemptions such as provision of care to someone residing in the UK or Channel Islands or they have a temporary visa.
- e) Someone who is a Hong Kong National (oversees) status holder.
- f) Other categories of people who the Government may in the future, decide are not eligible for housing assistance.

3.2 Refugees and Asylum Seekers

We will comply with any government directives in the housing of people who are seeking asylum or refugees.

3.3 Gypsies and Travellers

Assessment of applications from gypsies or travellers for a Council pitch on a recognised travellers site is covered under a separate policy but will be in accordance with Gypsy and Traveller Site Management Good Practice Guide (Published by Communities and Local Government July 2009) and will include consideration of the balance and mix in the community, therefore prioritising the long-term cohesion of the site. This is overseen by our private sector team.

3.4 The Armed Forces Covenant



Gateshead Council is signed up to the North East of England Armed Forces Charter and the Armed Forces Covenant. It is a voluntary statement of mutual support between a civilian community and the local armed forces community.

We have created a Covenant Pledge to demonstrate our support, as an employer of choice, to the armed forces community. We believe that those who served in the Armed Forces, whether Regular or Reserve, those who were honourably or dishonourably discharged, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services. Special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved. We will disregard a local connection with respect to homelessness and accept them under a duty to refer.

Part 4: Registration for the Gateshead Housing Register

4.1 Help and Assistance

Advice and assistance is available to all applicants who apply for housing. You can get help to complete your application form and/or get support to bid for properties. Information will be made available in a format to suit you.

4.2 Who can apply to join the Housing Register

The Gateshead Housing Register is available to all applicants including existing social landlord tenants who have held their tenancy for a period of one year. If you have held your tenancy for less than a year but your housing need has changed since the start of your tenancy, you may be considered depending on your circumstances.

- You must be 18 or over. If you are under 18, [please see section 3.1.1](#).
- You can register alone, or jointly with your partner or another adult who lives or will be living with you. In most cases where the application is joint, the tenancy will also be joint. The property criteria may also dictate the named tenant, for example a couple who has been allocated to an age restricted property will be in the name of the partner who meets the age criteria.
- Carers cannot be a joint applicant unless they are already a member of the permanent household and are providing a carer role in addition to their prior and existing relationship with the applicant.
- Applicants without a fixed address can request for correspondence about their application to be sent to the care of another address. If no other address is available, the Council will hold the correspondence and take reasonable steps to contact the applicant to inform them that correspondence needs to be sent to them and to agree a way of sharing the correspondence.

4.3 Out of Borough Applicants

We will accept out of borough applicants in band 4 general needs priority.

Additional preference will be considered under the homeless legislation where the applicant can demonstrate that their own Council is not best placed to assist them.

Those leaving the armed forces will be exempt from the local connect rule under the homeless legislation and this will also be considered against all other housing need categories [listed in section 5.4 housing needs categories](#).

We will also consider additional preference for people with a medical need and where they can demonstrate that this need can only be met by being housed in Gateshead.

4.4 Financial Exclusion

With the exception of those showing a demonstrable hardship or where you may qualify for specialist accommodation, we may ask you to find your own housing solution if your savings, income, investments or equity levels exceed the thresholds in the table below. For those who need to be placed in extra care, you may be asked to pay for the cost of that care should you exceed the thresholds even if this means selling off property. This will be discussed with you at the time of application. These thresholds will not apply to former members of the armed forces.

Where you exceed the thresholds, we may consider you for low-cost home ownership schemes, such as rent to buy, shared ownership, discounted market sale and starter homes.

Type	Financial Threshold
Savings	Applicants (both single persons and couples) who have total savings of £25,000 or more.
Income	Applicants whose total gross household income from all sources exceeds an annual income of £45,000 or more (for single persons) or joint income of £60,000 or more (for couples).
Investments	'Sufficient financial resources' includes any assets or investments even if they are not immediately available to the applicant, such as any residential or non-residential property that they own, or part own anywhere in the UK or abroad. Applicants (both single persons and couples) who have total investments £25,000 or more.
Equity	Applicants who have equity £100,000 or more to the property. The threshold will be monitored annually by reviewing the average valuations for properties for the previous year.

4.5 Applicants Demoted under Reduced Preference

The Homelessness Reduction Act 2017 allows the Council to consider applicants under a reduced preference. In Gateshead we do this where we deem your behaviour is unacceptable in a current or former property. In accordance with s166A(5) of the Housing Act 1996 you will be considered to be guilty of unacceptable behaviour serious enough to make you unsuitable to be a tenant of a social landlord.

- a. Anti-social behaviour; where you or someone in your household perpetuates anti-social behaviour, thereby breaching the terms and conditions of your tenancy agreement and where you show an unwillingness to address this behaviour.

- b. Criminal behaviour; where you or someone in your household perpetuates criminal behaviour, thereby breaching the terms and conditions of your tenancy agreement.
- c. Housing related debt in excess of £500; where you are in arrears or persistent arrears of rent or mortgage rechargeable repairs, court costs, housing and council tax benefit overpayments, and any other debt related to any current or former home. Debts which are no longer legally recoverable including debt included in a Debt Relief Order or Bankruptcy order will still be taken into consideration when assessing an applicant's suitability to be a social landlord tenant.

We will assess your priority award, but where your behaviour is deemed unacceptable, we will demote your application and you will be placed at the bottom of your qualifying band. [We will not demote applicants who have been assessed under a critical or urgent priority; or where they are vulnerable need to move to accommodation that will alleviate their problems.](#)

If you willing to enter into an arrangement to address your behaviour, the demotion may be of short duration. This will be monitored, and we may consider removing your demotion and allowing you sit in your normal position within your qualifying band where you have met the conditions of the arrangement. The shortest arrangements are likely to be for a period of 6 months and these are likely to increase in duration depending on the severity of the behaviour. The arrangement will be made with your own landlord, and we will obtain reports or rent statements where relevant to verify your adherence to the arrangement.

4.6 Extreme Cases

There are times when an applicant requires careful handling, often needing extremely high levels of support. We will not house these applicants until we are confident that we have put in place the measures needed to mitigate any risks and they have shown a willingness to engage with those measures. We may consider suspending these applicants whilst we make the necessary arrangements. We may also consider assisted bidding or direct lets as mandatory with these types of cases.

4.7 Exceptional Circumstances

Each application will be assessed individually, and either accepted onto the housing register or demoted as an application under reduced preference. Your application will be assessed under this policy and only in the rarest of circumstances will it be deemed exceptional and then only after the policy has been exhausted.

4.8 Making an Application

You must complete a housing register application and if you wish to be considered under medical grounds a medical assessment form. When we register your application, we will provide you with a housing register application number and provide you with a list of evidence we need in order to verify your application. [Please see the Council's website for guidance on how to make an application.](#)

4.9 Verification Checks and References

When you register an application, we will undertake checks on all adult members of the household before you are made an offer of a new home.

- If any of you have held a tenancy in the last 2 years, we will ask the landlord to provide us with a reference on how you conducted your tenancy and 6 months' rent statement. If this is likely to cause problems, we will discuss alternative ways that we can check the information we need.
- We will ask to see documents that confirm your identity.
- We will carry out Police vetting checks under the Safer Estates Agreement where you have disclosed criminal convictions, or there are significant gaps in your housing history, or you have a history of anti-social behaviour or criminal activity.
- We may visit you in your current home.
- Existing tenants will receive a pre-termination visit at the point of an offer. This is to ensure that the property has been maintained and there are no tenancy breaches.
- Demoted applicants must be able to demonstrate that they can manage their tenancy in accordance with the terms of their tenancy agreement, with support and advice provided where it is needed.

We may verify your information again if we need to and originals of all documentation will need to be provided on request.

- a) At the point of making your application.
- b) At the point of a review to confirm the assessment.
- c) At the point of a change of circumstances to make a reassessment.
- d) At the point of offer of accommodation if either the last review was over 6 months or confirmation of new circumstances comes to light. If these are not supplied within the time requested, you may be bypassed for an offer.

If you fail to provide the information we have requested, your application may be suspended to allow you to produce it within a specific time. If you still not provide it your application will be cancelled. If you have extenuating circumstances, we may assess your application without the information and each case will be considered individually.

4.10 Household Splits

Where children are split between two households, the main carer will be considered to be the one in receipt of child benefit. The other carer will be considered to have access only. We will consider all evidence in relation to children including any residence orders, habitual residence, school records and the time spent with each carer. Where there are medical issues, we will consider the circumstances under our medical priority. Children may appear on the application of the main carer and will show as access only on any subsequent applications. A family home will only be considered for the main carer.

4.11 False Information

The application form states that under s171 Housing Act 1996, it is a criminal offence for anyone to knowingly give false information or to withhold relevant information if reasonably required to give it, on any matter regarding the allocation of housing. In addition, applicants will be advised that should an applicant be successful in obtaining a tenancy by knowingly or recklessly making a false statement then the landlord would seek possession of the property and may result in prosecution leading to a fine and/or imprisonment as laid out in s2 Fraud Act 2006.

4.12 Cancellation of Applications

Your applications will be cancelled if:

- a) You request it
- b) Your circumstances change, and you are no longer eligible to join the housing register.
- c) You fail to respond when we review your application.
- d) You are found to have made a false or deliberately misleading statement, or to have withheld information.
- e) You fail to provide the information needed for the verification checks despite a period of suspension and repeated attempts to contact you.
- f) You are rehoused or are assigned a social tenancy.
- g) You purchase a home.

It is your responsibility to keep us informed of any change of circumstance, including any forwarding addresses. If you do not, then we may cancel your application. It will not be reinstated, and if you still wish to be housed you will need to submit a new application and it will not benefit from any waiting time accrued from the previous application.

4.13 Change in Circumstances

It is your responsibility to notify the Council of all changes in circumstance and provide the necessary evidence and contact details. We rely on contact details in order to make an offer of accommodation. If we do not have up to date information, we may not be able to make an offer, or take any further housing need into consideration. Once we have received your updated information, we will reassess your application.

4.14 Deliberate or Worsening Circumstances

Where there is evidence that an applicant has knowingly and deliberately made their housing situation worse in order to gain a higher priority on the register, the assessment of their priority need will be based on the circumstances before their situation changed.

Some examples are listed below:

- a) Applicants who have allowed family members or others to move into their property, who previously had suitable accommodation or the financial means to secure their own accommodation, and this has resulted in the property being overcrowded.
- b) Applicants who have moved from previously suitable or more suitable accommodation which it was reasonable for them to continue to occupy, into a less suitable property.
- c) Homeowners who have intentionally transferred their property to another family member in order to join the housing register.
- d) Applicants who have given up affordable and suitable private rented accommodation which they are able to maintain, to move in with other relatives or friends, creating a situation of overcrowding and/or sharing of bathroom/kitchen and/or a split household.
- e) Requesting or colluding with a landlord or family member to issue them with a Notice to Quit.
- f) Homeowners who have transferred the title to their property to a trust but remain the beneficiaries of that trust.

4.15 Elected Members & Employees (incl: close relatives)

It is Gateshead Council's policy to carry out procedural checks on applications of people who may be related to Council employees or influential partners of the Council. This is to ensure that everyone is treated fairly.

High Risk

- Gateshead Council Employees & immediate family linked to Housing
- Former ALMO /Housing Services Employees
- Gateshead Councillors & MP's & their immediate relatives

Medium Risk

- Distant relatives to Gateshead Council employees linked to housing
- Employees of Gateshead partner agencies linked to housing
- Other Relatives of Gateshead Councillors
- Immediate family of former ALMO/Housing Services Employees

Low Risk

- Gateshead Council Employees not working in Housing
- Relatives of Gateshead Council Employees not working in Housing
- Relatives of employees of partner agencies linked to housing

	Approval Structure
High Risk	These applications will be assessed by a Director who is unrelated to the applicant.
Medium Risk	These applications will be assessed by the Head of Customer Service.
Low Risk	These applications will be assessed by the Lettings Manager.

Part 5: Assessment of an Application

5.1 Assessment of Housing Need

All applicants who are eligible and qualify to join the Housing Register will be assessed for housing need. The law requires that reasonable preference for an allocation must be made in the following cases:

- a) People who are homeless within the meaning of Part 7 of the Housing Act 1996 as amended by the Homelessness Reduction Act.
- b) People who are owed a duty by a housing authority under relevant housing and homelessness legislation.
- c) People occupying unsanitary (unhealthy) or overcrowded housing or otherwise living in unsatisfactory housing conditions with the exception of out of borough.
- 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 authority, where failure to meet that need would cause hardship (to themselves or others).
- f) We reserve the right to prioritise local housing for local people and will give additional preference to local connection specifically in relation to:
 - Properties built under a s106 agreement
 - Local lettings plans
 - Rural lettings schemes
- g) Applicants will be assessed for reasonable and additional preference.

5.2 Housing Priority Bands

Each application is assessed in accordance with their housing need as outlined in the previous section. Once they have been assessed they are placed into one of the four priority need bands.

Critical Priority	Urgent Priority	Substantial Priority	General Priority
households in emergency need with an immediate threat	urgent need but no immediate threat to the household	housing need with no requirement for urgent intervention	No priority housing need
s193 full homeless duty	homeless prevention duty	intentional homeless duty	all other applicants
s189 relief homeless duty	under occupation – by 2 or more bedrooms	under occupation – by 1 bedroom	out of borough
witness protection	fostering/social care placements	children – blocks with a lift	
public protection			
property condition – serious risk of harm	Property condition – serious disrepair or lacking essential amenities	property condition – disrepair or lacking amenities	
critical medical priority – discharge from/avoid being taken into hospital or respite care	urgent medical priority – serious and/or debilitating illness	substantial medical priority	
threatened with being taken into care	care leaver – ready to move		
ASB – threat to life	ASB – significant impact on health and wellbeing	ASB - ongoing	
decants - need to move in the next 6 months	decants – need to move is more than 6 months away		
overcrowded – by 3 or more bedspaces	overcrowded – by 2 or more bedspaces	overcrowded – by 1 bedspace	
	serious financial hardship	move on & key workers	
	adapted property – needed or releasing	move on from specialist accommodation	
	service accommodation – imminent end of contract	service accommodation – non imminent end of contract	
	succession		

- Accumulative Need:** We operate a banded system with accumulative need. This means that applicants who qualify on more than one ground are considered above those with a single need within the same band.
- Time Waited:** You will be placed in the priority band in effective band date order.
- Reduced Preference:** If you have a demoted application, we will place you at the bottom of band you qualify for.
- Application Review:** Your applications will be reviewed in line with the band you have been placed in, [please see section 7.3.1](#).

5.3 Determination of Effective Band Date

In order to determine your effective band date, and provided verification is not delayed, we use the following:

- a) The first assessment, we will use the date you submitted your application (or the date indicated in your housing needs criteria in section 5.4 onwards). For armed forces applicants this will be their discharge date.
- b) If there is a change of circumstances and your priority need changes and you go up a band, we will use the date you were assessed for your new priority.
- c) If you have more than one priority need award, the one that was awarded earliest and is the highest priority need will be your effective band date.
- d) If there is a change of circumstances and your priority need changes and you go down a band, we will use the same effective band date you had in your original band not the date we moved you down.
- e) An assessment and award of priority cannot take place without verification. If this is delayed, we will use the assessment date as the effective band date.
- f) If the applicant is statutory homeless, the effective band date will be the date you were assessed, and we accepted a duty under the homeless legislation.
- g) In the unlikely event more than one applicant bids for the same property and they have the same effective band date, we will consider the type of priority awarded and the urgency of the priority to determine who will be allocated the property.

5.4 Housing Need Criteria

5.4.1 Homelessness

Homelessness appears in more than one category. Where the Council has a Statutory Homeless Duty under the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017), we will award a housing need based on that duty. If you are homeless but do not habitually reside in Gateshead, you will be asked to present as homeless to your own Council, unless we owe you a homeless prevention duty. If you are experiencing domestic abuse and need emergency housing or a refuge placement, or the perpetrator needs to be rehoused urgently to allow you to remain in your home, you will need to request homelessness assistance. Homeless assessments are made by [our Homeless Assessment Team](#), please check the website for details.

- Critical Housing Need:** You will be placed in this category if the Council has a full duty s193 duty under the homeless legislation and/or a relief s189 duty to provide temporary accommodation for you. You will be expected to bid for a property, and we may identify a suitable property and make you one direct offer. You will be expected to accept whichever offer comes first and refusal may result in a loss or reduction in your priority.
- Urgent Housing Need:** You will be placed in this category if you awarded a prevention duty under the legislation which means you are threatened with homelessness within the next 56 days. You will be expected to bid for a property, and we may identify a suitable property and make you one direct offer. You will be expected to accept whichever offer comes first and refusal may result in a loss or reduction in your priority.
- Substantial Housing Need:** You will be placed in this category if you awarded an intentional homeless duty (with or without priority need) under the legislation. You will be expected to bid for a property.

Where a tenancy is failing but has not yet met the threshold for eviction, we may consider a safe surrender agreement if rehousing is the only way to assist you and we have exhausted all other ways to keep you safely in your home. The agreement is between the landlord, the homeless service and the tenant who surrenders their tenancy on a voluntarily basis and on the proviso that they are willing to accept support. Surrenders under this type of agreement allow the Council to assess your application under a homeless prevention duty rather than an intentional homeless. You must first speak to your landlord before surrendering your tenancy.

5.4.2 Witness Protection

Where a customer has been referred as part of the witness protection Scheme, a critical priority will be awarded.

5.4.3 Public Protection

Where an allocation is required to ensure protection of the public, for example, following a decision made by Multi-Agency Public Protection Arrangements (MAPPA) or to fulfil agreements made with offender management services, a critical priority will be awarded, and the placement of these individuals will be managed through assisted bidding.

5.4.4 Property Condition

Priority is awarded where the condition of the property meets the following:

Award	Medical Criteria
Critical	Where the condition of the property is such that it may cause a threat to life it will be deemed critical. An emergency prohibition order if applied for is usually given where the property is regarded as unsafe.
Urgent	Where the condition is serious but there is no immediate risk of harm, an urgent priority will be given.
Substantial	Where there is disrepair but there is no requirement for immediate intervention a substantial award will be given.

A surveyors report will be required in order to verify the level of disrepair.

5.4.5 Medical Priority

The Council will make an assessment of housing need in conjunction with health professionals and may include a home visit. The assessment will be based upon the criteria specified below. In order to qualify for rehousing on medical grounds, you must be asking for a home that will eliminate or substantially minimise the risks associated with your present home. Your assessment for priority will be made upon a long-term basis and not in response to a temporary condition.

If you are applying to move from outside the borough a medical award will only be considered in relation to support or in the case of mental health, a move to Gateshead will considerably alleviate the condition and this cannot be met by your own authority.

Support moves: you will need to demonstrate that you have no support where you currently live, and that the provision of that support will make a considerable improvement to your ability to manage in your own home. You will receive a double assessment, involving both the applicant and the person providing the support. Distance to support and the means of travel will also be a deciding factor in any award given.

Award	Medical Criteria
Critical	<p>You will qualify for critical priority, if you are currently in hospital and the hospital's occupational therapy service consider you unable to return to your present home, as your life would be at risk, or you may be unable to access essential amenities.</p> <p>This also includes where you may have been moved from a hospital bed to respite care, intermediate care or other short-term solution as a temporary measure. It also covers where "step up" arrangements have been made to provide additional support in order to prevent admission.</p> <p>This level of priority is only intended to address situations where you have been assessed, as having a critical risk to your life were you to move back into your existing home.</p> <p>Mental Health: A mental health or medical professional currently supporting you has confirmed that you are at imminent risk of hospitalisation as a direct result of the impact your current home has on your mental health, and that moving to another property will alleviate that need for hospitalisation. This award can also be used to resolve bed blocking where it has been confirmed that discharge cannot be made to your present home.</p>

Award	Medical Criteria
Urgent	<p>This priority applies where you have a degenerative illness or have an impairment, which may be physical, mental, learning or sensory which has progressed to a stage where you are no longer able to cope in your present home. You are unable to gain access to basic facilities within your home.</p> <p>An urgent award can be given to move closer to support or for a carer to move closer to provide support. The carer must be the main carer and be able to demonstrate this by being eligible for a carer's allowance. This award will only be given where it is evident that if the care is not provided the applicant will be in danger of being admitted to hospital.</p> <p>Mental Health: A mental health or medical professional has confirmed (and provided their clinical reasoning) that you are at imminent risk of significant harm to yourself or others as a direct result of your current home, and that risk will be considerably alleviated by a move to another property. The risk assessment will take into account a diagnosis and is unlikely to be awarded on environmental factors that can be resolved either through time such as a normal grieving period or by other actions, such as the resolution to ASB through the police and council.</p>
Substantial	<p>You will qualify for a substantial priority if have a degenerative illness or have an impairment, either physical, mental, learning or sensory which could be eased or improved by rehousing, but the severity is not enough to merit an urgent priority. It would apply where you have some difficulty gaining access to basic facilities within your home.</p> <p>Mental Health: A mental health or medical professional has confirmed that your present home is having a negative impact on your mental health and that a move to another property will significantly improve this. As in the urgent assessment, outside actions to resolve and time factors will be considered.</p>

Specific consideration when allocating a property to someone with a medical priority:

- a) The award you are given will specify what property type and size you are eligible for; it may also specify the type of adaptations that you require. If you were to be assessed as needing a level access shower, you will not be able to use your award for a property that does not have this. If you have a need for multiple adaptations and it is unlikely that we will be able to meet that need fully from a vacant property, we will assess on an individual basis if the property that you have applied for will be suitable, it should at least two of the recommended adaptations.

We reserve the right to withdraw an offer of property if we deem it to be unsuitable, this will take into account the cost and time to assess and fit new or alternative adaptations. If you have been assessed with a specific medical need that can only be addressed by a specific property type, we also reserve the right to withdraw offers of unsuitable properties that have been won by using other housing priorities or waiting time.

- b) Some properties have an age requirement. This can be waived on medical grounds if there is medical evidence to show that you would not be able to manage in any other property.
- c) The tenancy of an adapted property will be in the name of the person requiring the adaptations. If that person is under 18, a flexible tenancy may be used to ensure that the person requiring the adaptations can remain in that property on a long-term basis.
- d) If you are already living in a property that has been adapted by the Council and request to move to an alternative property that is not adapted to meet your needs, the Council may refuse to fund additional adaptations. You must give due consideration to your needs and how you will manage in your new home if it is not adapted. Upon applying for rehousing you must declare the fact that you are in an adapted property to ensure that your ongoing needs are considered and that you receive advice regarding your rights and responsibilities regarding provisions within your new home.
- e) Adapted properties are let firstly to those with a medical priority need, where there is no demand, it will be let to those requiring the adaptations but have no priority need. In this way we are able to house those who are suitably housed but need the adaptations.

5.4.6 People with Carers

Full-Time Carers: people with full-time, live in care provided by family or friends are required to include the carer on their application. The carer will be subject to registration checks and will be counted in terms of eligibility for property size and type. A carer will not be added to the application if the individual's details are not provided. The carer will need to provide evidence that they are in receipt of carer's allowance.

Where a Social Services 'Assessment of Need' has identified a need for overnight care, which is to be provided by a support provider and does not include "sleepover" i.e. the carer is working and required to stay awake: the carer will be looked upon as conducting a nightshift. As they would not be expected to sleep during this time additional bedroom requirements would not be recognised.

Where a Social Services ‘Assessment of Need’ has identified a need for regular, long term or permanent overnight care, which is to be provided by a support provider and includes “sleepover” duties. The eligibility for property size and type will be amended accordingly.

Part-time Carers: Carers who provide casual or occasional assistance when required will not be recognised as a household member and additional bedroom requirements will not generally be recognised.

Priority Award: The award looks at the bedroom requirement because of the need for a carer if there is a health priority and/or the locality of both households and their need to be in a particular area, they can:

- a. Live together and be assessed for an additional bedroom.
- b. Live in their own homes but relocate to be closer together. If one lives in Gateshead and the other lives in another borough, they may consider a home in each other’s areas to see who is successful first. Or it may be that one area is better for you both because it is near a particular doctor, or hospital, or other support.

5.4.7 Anti – Social Behaviour

We assess ASB in terms of priority need as follows:

Priority Band	ASB description
Critical	Where someone has experienced or been threatened with violence which poses a threat to life.
Urgent	Where the ASB has a significant impact on the health and wellbeing of the victim.
Substantial	Where the ASB is ongoing.

We will look at the circumstances of each case and consider whether housing the perpetrator, victim and/or any witnesses should be taken into consideration. The severity, the threat to life and the quality of life are all considered when making an assessment. We will investigate the nature of the case and may rely on third party reports to provide us with the evidence needed to assess the application.

Domestic abuse cases will be routed first to the homeless team for an assessment under the homeless legislation. This may entail rehousing the victim or the perpetrator whichever would safeguard the household the fastest.

5.4.8 Decants

Where a social landlord identifies a property for demolition, sale, regeneration or major repairs, and the tenant needs to be rehoused either permanently or temporarily, alternative accommodation will first be sought within the landlords own stock. If this is not possible, the tenant will be asked to complete an application in order to find them alternative accommodation of a size suitable to their household size. The move will be identified as permanent or temporary. If you need to move within 6 months, you will be placed in the critical band and if you have more time than 6 months you will be placed in the urgent band. We rely on landlord reports to evidence the level of priority.

In order to prioritise between bids from applicants within this category consideration will be given to the date that the priority was awarded. In circumstances where more than one applicant with the same award date bids for the same property, the applicant with the longest tenancy at their current home will be considered first. In the unlikely situation whereby the length of tenancy is equal, the length of registration on the housing register will be used as the deciding factor.

5.4.9 Overcrowding

[It is important to read section 5.5.1 first as this outlines how we allocate property by size and type.](#) You will only be deemed overcrowded if you exceed the allocation rules set out in this section. The severity of the overcrowding will be determined by the number of bedspaces you need.

Award	Overcrowding Criteria
Critical	If you require 3 or more bedspaces and/or you meet the definition of statutory overcrowding as defined in the Housing Act 1996.
Urgent	If you require 2 bedspaces, or a child is sharing a bedroom with a parent due to a lack of the bedspace.
Substantial	If you require 1 additional bedspace.

We will apply the following rules when making an overcrowding award:

- Members of a household will be included in overcrowding assessments once they have been living there on a permanent basis for 6 months. The exceptions to this rule are babies born into the household, people leaving institutional settings and people who have deliberately worsened their circumstances.
- If a member of the household has given up suitable housing they will **not** be included when an assessment of overcrowding is made for 6 months.
- An assessment would be carried out taking into account how many bed spaces are available to you, compared to how many bed spaces you need.
- Best use of space would be taken into consideration; therefore where an adult can sleep in a single room to free up a double room for two children this would be an expectation of the household and would be taken into account.

- Where larger homes are advertised, the council reserve the right to allocate to the largest families first.
- For families wanting to be housed together but who have to currently live apart, due to lack of space, an overcrowding assessment will be completed as though all persons were living in the largest home.
- Anyone living outside of Gateshead will not be eligible for an overcrowding assessment as they responsibility to meet housing need will remain with their own local authority.
- Where a household contains adult children who are requesting their own accommodation, they will be assessed as above and all members within the household will be taken into account. However if other members of the household are applying to move, only those members with a long-term intention to remain in the household will be counted. Those with their own applications who have been awarded an overcrowding priority will not be included.

5.4.10 Foster Carers and Safeguarding Children

A priority awarded will be given where a recommendation is made within the Council in the following circumstances:

- a) fostering arrangements have been confirmed but the home of the foster carer is too small - urgent.
- b) to prevent a child going into care - critical.
- c) to safeguard a child covered under the legislation - critical.
- d) placement of a child by the Council where the guardian/parent does not have a suitable property - urgent.

5.4.11 Care Leavers (age 16 + extended to age 24 if in further education)

Young people in local authority care will be assessed for housing into permanent accommodation when social services have agreed the young person is ready. An urgent priority will be awarded once we have been notified that the young person is ready to move, and an application has been submitted.

5.4.12 Financial Hardship

If you are experiencing financial hardship which is directly affected by the cost of your housing and a move to a property with a lower rent would alleviate or eliminate this problem, we will consider awarding an urgent priority. You will need to demonstrate that you have been in receipt of debt advice and provide us with an income and expenditure form which demonstrates that moving you is the only options and there are no other expenses that can be eliminated.

5.4.13 Under Occupation

It is important to read section 5.5.1 first as this outlines how we allocate property by size and type. If you are an existing tenant and are currently under occupying your home and wish to surrender it for a smaller property suitable to your housing need, you may be considered for an urgent priority award. The following criteria will be used to assess your suitability but may be disregarded (in part) if your home is needed urgently for another household.

- You have no breaches of tenancy and no pending investigations
- Your property is in a reasonable condition
- Your current home is not scheduled for sale or demolition
- You currently live in a house with at least one more bedroom than you require, and you will be moving to a smaller home.
- You are requesting a move to a property type that is frequently available or is of a lower demand than your own home.
- You will be bidding against other applicants some of whom may have a higher priority need than you.

5.4.14 Releasing or Needing a Specialist (adapted) Property

We will award an urgent priority in order to release adapted or supported housing which is in short supply in order to allocate it to someone who needs it and is currently on the housing register. The following circumstances apply:

- If you live in an adapted property and have no further need of the adaptations and would like to be rehoused.
- If you need an adapted property, it will be reviewed alongside your medical assessment, however if no medical award is given and wish to be rehoused.
- If you live in supported accommodation and have no further need of this type and wish to be rehoused.
- You are releasing a property type that is frequently available or is of a higher demand than the one you move to.

5.4.15 Service Accommodation

Council Officers who have accommodation as part of their employment are said to be in tied accommodation. They may join the housing register in one of the following situations:

- a) They are retiring, resigning or being redeployed.
- b) They have been dismissed.
- c) They have died and their partner or family member who have lived with them as a permanent member of the household for at least 2 years needs to be rehoused.
- d) The property has been identified for redevelopment, demolition or sale.

Officers or their families needing rehousing will be placed in a priority band that reflects the urgency of their need to move. If it is possible to allocate them to the property, they are in, and it meets their need this will be their permanent offer of accommodation. The property will become part of the general housing stock. Where they are moving to another property, they will pay a use and occupation charge in their current property following the end of their employment until they vacate.

Officers who have been dismissed will receive an offer of accommodation within 4 weeks of their dismissal date. If they refuse, it may result in legal action by the Council to possession the property.

5.4.16 Succession

There are two scenarios where a new tenancy may need to be granted to an existing tenant around succession and both will fall into the urgent priority band.

- a. An occupant is not entitled to succeed, but where they have applied for a discretionary succession where we may offer them a tenancy in the same or a different property.
- b. An occupant is entitled to succeed, but the property is underoccupied or reserved for older people or those needing adaptations. In these circumstances we can offer alternative accommodation and if they refuse to move, we can issue possession proceedings.

5.4.17 Children in blocks with lifts

Households with young children who live in blocks with a lift will be awarded a substantial priority.

5.4.18 Move On from Supported Housing and Key Workers

The Council provides permanent housing to people in specialist short term housing who have completed a period of support to allow them to live independently. When they are ready to live in a permanent home, their application will be referred to the support panel for consideration of a substantial priority award.

Key workers are defined as those people who provide essential services necessary for continued economic growth or to sustain the quality of life within the borough. They too will be awarded a substantial priority award in recognition of the difficulty in recruiting and retaining key workers. Where there is a skill shortage involving groups of people a strategic decision will be made at director level.

5.5 Allocation by Household Type and Property Size

The legislation states in order to allocate a property we must ensure all of the following:

- a) The size of the property must be suitable for the household need
- b) Landlords must make best use of their stock
- c) The property must be affordable for the applicant it is allocated to
- d) It should be possible for the applicant to sustain their tenancy if the property is allocated
- e) The household's circumstances must be fully considered
- f) The property is allocated in accordance with this policy.

5.5.1 Size Allowance

Gateshead uses the space standard when allocating a property by size as defined in the legislation. [Please see appendix 2.](#)

The current size allowance is shown below:

- A couple will be awarded a bedroom (2 bedspaces)
- Adult aged 18 and over will be awarded a bedspace.
- Same sex siblings can share provided they have a bedspace each.
- Opposite sex siblings under the age of 10 can share provided they have a bedspace each.
- An unborn child will not be considered for a bedspace until it is born.
- A parent will not be expected to share with a child.
- The date of birth will be used as the effective date of award.
- If you have overnight access to children, and they are part of your application and with you 4 or more nights a week, they will be allocated a bedspace. Evidence will need to be provided.
- If a child is the main carer for an adult with medical priority, they will be allocated their own bedroom. Evidence will need to be provided.
- For people living away from home, they will be considered as part of the household in alignment with the rules on the award of benefit.

Bedrooms large enough to hold a standard double bed and wardrobe will be counted as 2 bed spaces (or a double bedroom). Rooms smaller than this, but large enough to hold a standard single bed and wardrobe would count as 1 bed space (or a single room). Bedsits count as one bed space only. A parlour will be considered as a bedroom provided it is separate and not accessed through another room. [For the actual footage, please see appendix 2.](#)

Bungalows are mostly subject to a local lettings plan [see appendix 3](#) or age restriction [see appendix 4](#).

5.5.2 Property Allocation Table

The table below shows the type of property an applicant will qualify for. The green indicates a direct match. The white indicates that will only be considered if there are no qualifying green applicants.	Studio/ Bedsit	1 bed flat	1 bed bungalow	1 bed house	2 bed flat (own entrance)	2 bed flat/maisonette (shared entrance)	2 bed bungalow	2 bed house	2 bed maisonette (own entrance)	3 bed flat (own entrance)	3 bed flat/maisonette (shared entrance)	3 bed house	3 bed lower maisonette (own entrance)	3 bed upper maisonette (own entrance)	4 bed house/flat/maisonette (3 bed with separate parlour)	5 bed house
	Single person	Green	Green		Green	Green	Green			Green						
2 adults – couple	Green	Green		Green	Green	Green		Green	Green	Green	Green			Green		
2 adults – non couple					Green	Green		Green	Green	Green	Green			Green		
Household with 1 child					Green	Green		Green	Green	Green	Green			Green		
Household with 2 children					Green	Green		Green	Green	Green	Green	Green	Green	Green		
Household with 3 children										Green	Green	Green	Green	Green	Green	
Household with 4 children										Green	Green	Green	Green	Green	Green	
Household with 5 + children												Green	Green	Green	Green	Green
1 adult + overnight access to children	Green	Green		Green	Green	Green		Green	Green	Green				Green		
couple + overnight access to children	Green	Green		Green	Green	Green		Green	Green	Green	Green			Green		
Single person > 60	Green	Green	Green	Green	Green	Green	Green		Green							
2 adults – couple (at least one >60)	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green			Green		
2 adults - (at least one >60)					Green	Green	Green	Green	Green	Green	Green			Green		

5.6 Notification of your Assessment

Once an application has been assessed the applicant will be notified in writing of the following:

- a. The priority you have been awarded and the effective band date.
- b. The size and type of property you qualify for.
- c. How to place a bid for a property.
- d. Your housing register number.
- e. Your review date.
- f. What to do if you disagree with the decision. [See Part 7.](#)

Part 6: Advertising and Lettings

6.1 Choice Based Lettings (Advertised Properties)

The majority of properties will be advertised through the Choice Based Lettings System. Once advertised and anyone who is registered can express an interest in these properties by placing a bid.

A proportion of the properties will be advertised for households with a priority need and a proportion will be advertised to applicants with waiting time. The proportions may vary in order to enable the Council to meet its statutory duties. Adapted homes are not included in this proportion. We will give consideration to property availability and demand before deciding the proportions.

Senior Officers will determine this proportion in conjunction with the Cabinet Portfolio Team and the current proportion is located in [appendix 5](#)

6.2 Direct Lets Protocol

If you have a critical housing need you will be expected to bid for properties that have been advertised. In **addition** to this we will consider a direct let on the basis of need rather than preference where this would:

- Rehouse you quickly where there is an imminent need
- Assist with the placement of vulnerable households
- Assist with the management of properties identified as sensitive
- Reduce the cost of temporary housing
- Reduce the risk of harm to a household

Only a small proportion of properties will be let in this way. The direct let will be made to households already on the housing register. Where someone is vulnerable or needs careful placement for their protection or the protection of the community, assistance will be provided when they bid to ensure the property is suitable. A direct let will be made only if necessary to meet the criteria listed above. For households that may benefit from a direct let, [please refer back to the table in 5.2](#).

6.3 How will you know which properties are available?

Properties will be advertised in a number of different ways. Upon registration you will be informed of how and where to find this information. Registered Providers will also advertise their properties on the same system. Each advert will contain the name of the landlord.

6.4 How will you know which properties you can express an interest in?

Applicants can express interest in up to three advertised properties per week. The advert will contain a description of the property, name the landlord so you know if it is council or another landlord, provide the rent and service charge so you will be able to assess if you can afford it and confirm any arrangements for pets. The advert will say if it is a priority need advert or a time waited advert; only applicants with a housing need can bid on properties advertised as priority need. Similarly if the property is to be targeted for someone with a medical need or adaptation only households that match the property criteria will be able to bid for these properties.

6.4.1 Assisted Bidding

Where someone is vulnerable or needs additional help placing bids to ensure the property is suitable for their needs, you will receive assistance, either from the homeless team, your support worker, your advocate, the probation service (if relevant) or the lettings service. This is because we recognise that it is important to manage the process to get the best result for you when bidding for a suitable property, especially when assisting homeless households. This is called assisted bidding.

6.4.2 Auto Bidding

Where some who is vulnerable or unable to bid for themselves and has no one to do it for them would like their assisted bidding to be done automatically we will allow them to register for auto bidding. The system is given instructions on the properties that will match your housing need and then it bids on your behalf. This will assist greatly with the rapid placement of bids for households that need to be housed quickly. The auto bids are like an advance expressions of interest.

6.4.3 Grouped Bids

We will use a single advert for identical properties. Where there are grouped advertisements, applicants who place one bid will be considered for all properties within the group.

6.4.4 Retrospective Bids

Where the choice based letting system is not working for 30 minutes or more, we may allow a retrospective bid to be placed after the closing date. A request must be made by calling the Lettings Team. A bid of this kind is an exception, and the landlord must agree as it requires the shortlist to be suspended, the bid placed, and the shortlist run again. Retrospective bids cannot be placed later than 24 hours after the closing date.

6.4.5 Failure to Bid

If you are registered in the critical, urgent or substantial bands, we have recognised your need to move to another property. If you do not bid for a suitable property, your application may be reassessed and assigned a lower priority award.

6.5 How are applicants' bids ranked?

For those properties advertised with preference to housing need, eligible bids are ranked by band and then the effective band date within it. We will give preference to those who have multiple priority awards over those with a single priority and last in the order are the demoted bids within the band. This starts with the critical band, then urgent, then substantial and then general.

Some properties advertised with preference to housing need may be reserved for applicants with a medical need. The advert will indicate where this is the case. We will also give preference for the largest families to be allocated the largest properties.

For those properties advertised with preference to longest waiting time, eligible bids are ranked in order of earliest date of registration, regardless of band. Bids from demoted applicants will only be considered and ranked after bids from non-demoted applicants have been considered first.

On the rare occasions where we exhaust the list and are unable to allocate a property from the bids, we will readvertise it and may consider a relaxation of the lettings criteria to enable us to let the property.

To ensure that best use is made of the housing stock, where an adapted property is advertised applicants will be ranked in order of the need for the adaptations, the need for the type and size of property and the effective band date. If there are no appropriate bidders, we will endeavour to identify other housing applicants who may benefit from the type and size of property as well as any adaptations installed before consideration is given to applicants with no recognised priority need.

6.6 How will you know if your expression of interest has been successful?

If your bid is successful, you will be contacted shortly after the closing date to arrange a viewing of the property. If the property belongs to a registered provider, you will follow their lettings process and they will contact you directly.

We will not contact you if you are unsuccessful. However, our publications will give general feedback on all lettings to help you make more informed expressions of interest in the future.

6.7 Offer of Accommodation

Only one property can be offered at a time - An applicant successfully bidding for more than one property in one week or across several weeks will be allowed to choose which property is to proceed to an offer. However that decision must be made at the point of being informed of the second or subsequent successful bid.

An offer is made in writing (often sent by email) containing all the details of the property. If you view before an offer is made an offer letter will be sent after the viewing.

Transfer offers are subject to a successful pre – termination visit to ensure they have adhered to the terms and conditions of their tenancy agreement when handing their property back to their landlord.

6.8 Sensitive Lets

Sensitive lets are rare and likely to be due to two main reasons:

1. Where a household requires careful placement for their safety or the safety of others, we may need to consider where we place in order to minimise any risks.
2. Where a property has a management history which requires the careful selection of the next tenant to ensure harmony in the area where it is located. In these cases we may target the advert and select only the most suitable applicants.

6.9 Housing with Support or Extra Care

Some accommodation is designed specifically for older people or people who need a specific type of care or support. There is a charge in addition to the rent. They may also have extra care provision. If the property is advertised as choice-based letting, the advert will be clear who can apply. Some schemes are not advertised and are subject to a direct let.

The older people schemes are designed for those with a minimum age. Gateshead actively sets age restrictions on some of its properties in order to meet demand. The properties with these restrictions are [listed in appendix 5](#)

In exceptional circumstances, younger people may be considered for older people schemes, if they require support, and other types of accommodation are not suitable. Applicants for these schemes will be subject to a landlord need and risk assessment to ensure they meet the eligibility for the scheme.

6.10 Local Letting Provision

Sometime areas or property types are subject to local lettings arrangements; agreed with the Council at the time the property was built or subsequently once they are in management. These are monitored annually and measured for their impact on the main policy.

a) Local Lettings Plans

Section 167(2E) of the 1996 Housing Act enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they have a priority need. Specific allocations may be considered when made to a particular estate or community. They are used to achieve a wide variety of housing management and other housing policy objectives and are usually developed where there is a wish to alter the balance of the community or ensure a balanced community. [For a list of the current local lettings plans see appendix 4](#)

b) Rural Letting Schemes

In areas which are officially defined as either villages or rural parish the rural lettings scheme may apply. The allocation will be made to the applicant with the highest priority, where there is equal priority, the allocation will be given to the applicant that demonstrates the greatest connection to the community which is assessed by:

- a) how long the applicant has resided in the community.
- b) how long the applicant has been employment in the community.
- c) how long the applicant has been involved in voluntary work within the community.

c) Section 106 Agreements

Section 106 Agreement Letting Scheme Properties developed on sites that incorporate a Section 106 agreement determining the allocation of housing on that site will be let in accordance with the terms of the agreement. Such agreements have been developed to ensure that secure mechanisms are in place to restrict the occupancy of the dwelling both on first occupation and in perpetuity to those who have a local community need for an affordable dwelling.

6.11 Tenancy Determination

A tenancy determination involves identifying what type of tenancy you will be granted. Each landlord will have a tenancy management policy which will outline the tenancies they grant. You will be told in advance of the tenancy type and the conditions attached to the agreement.

The general principles will be:

1. If you have never held a social tenancy before, or we feel you will benefit from support in the first year of your tenancy, you will be granted an Introductory Tenancy for 12 months; and provided you adhere to the terms of the tenancy agreement, this will convert to a secure tenancy at the end of the period. For registered providers this will be a starter tenancy for 12 months and if this has gone well, it will convert to an assured tenancy. Both introductory and starter tenancies are subject to periodic reviews and if things have not gone well, the landlord may extend this for a further 6 months provided they have given notice.
2. If you currently hold a lifetime tenancy, you will be granted another lifetime tenancy. This will be a secure tenancy for council tenants and an assured tenancy for registered providers.
3. If you have come through a homeless scheme and a flexible tenancy is one of the conditions, you will be granted a flexible tenancy for a period of time to allow you to settle in to your home and adhere to the conditions stated in your tenancy agreement. Flexible tenancies are usually short term and granted a fixed term ranging between 2 or 5 years. Provided the everything has gone well; a lifetime tenancy will be granted in the same property where possible.
4. Flexible tenancies may also be used in very large properties where they are in very short supply or adapted properties where the landlord has spent large amounts of money to install the adaptations. In most cases these will be for 5 years and as they approach the end, you will be assessed for your housing need. If you still need this type of accommodation a further flexible tenancy will be granted. If you no longer need this type of accommodation, your priority need will be assessed you will be placed back on the housing register so that you can bid for a more suitable property.

6.12 Tenancy Sustainment

We want people to be live happily in their homes and recognise that you may need support and assistance to sustain your tenancy. The Allocations Policy is designed to sort our longer-term solutions for people, and this means making it possible for them to stay in the home of their choice and one that meets their need.

We wish to ensure that we everything practically possible to promote tenancy sustainment by:

- Ensuring a household is correctly routed to the right team when they approach the Council for housing
- That we consider the support need, both immediately and longer – term when you have your new home
- We take all necessary measures to safeguard you and your household
- We signpost you to employment, education and health advice where you have indicated a need
- That we work across all landlords to promote this approach
- That we assess your housing priority correctly
- If your application is demoted that we work with you and your landlord to provide you with the support and skills to address the behaviour that resulted in the demotion.
- If your tenancy is failing and it is not possible to save it, that we work with you and your landlord to find a solution which may include a safe surrender agreement.
- That we us grant the right kind of tenancy for your needs
- Ensure you can afford the rent.
- Ensure the property suits your need
- If you need specialist housing that we assess this at the earliest opportunity
- We safeguard community balance when allocating properties.

6.13 Publicising Lettings

We will review our performance and use it to predict the type of accommodation needed by people on the housing register, and to provide you with information on the time you may wait for certain types of properties.

Part 7: Decisions, Complaints and Reviews

7.1 Making a Decision

When we make a decision in relation to your application we will do in writing/email, giving a reason for the decision and the information we used to base the decision. Listed below are the types of decisions we might make:

- The decision that confirms or denies your eligibility to join
- The decision that confirms or denies whether you qualify
- The decisions to accept or refuse a duty under the homeless legislation
- The decision that awards your priority housing need
- The decision that confirms the type of property your priority award makes you eligible to bid for
- The decision to reassess your application as reduced preference
- The decision to reassess your application following a change of circumstance
- If you are homeless and refuse a property; the decision as to whether that refusal was unreasonable and whether to limit future offers
- The decision to cancel your application
- The decision to deny or uphold a review.

It is important to understand the following:

1. If you provide evidence that you did not provide for your original assessment. ***This is a change in circumstance.***
2. If you think we failed to follow our policy or stated process, or you simply feel we could have handled your application better. ***This is a complaint.***
3. If you disagree with a homeless decision under Part 7 of the legislation. ***This is a statutory right of review s202.***
4. If you disagree with your priority award under Part 6 of the legislation or the decision to place you in reduced preference. ***This is a statutory right of review.***
5. If you have complied with terms applied to your reduced preference and we then reassess your application. ***This is a registration review.***

7.2 Complaints

If you think we failed to follow our policy or stated process, or you simply feel we could have handled your application better and you wish to make a complaint, then you should follow the Council's published complaints procedure, available on the Council's website at:

[Complaints and compliments](#) - Gateshead Council.

If you wish to complain about your landlord or the landlord of the property you have been allocated to, please use their complaints policy.

7.3 Reviews

Reviews fall into one of the following categories:

Review Type	Description
Application Review	This review is initiated by the Council in order to manage and maintain an application on the housing register and review your banding.
Statutory Right of Review (formerly known as appeals)	Where an applicant disagrees with a decision in relation to their housing application, you have a statutory right of review. Requests for reviews received after the 21-day timescale will be refused unless there are extenuating circumstances.
Legal Review	This review is initiated in Court where an applicant has taken legal action or lodged a s204 review following an upheld decision on a s202 review.

7.3.1 Registration Reviews

In order to ensure that applications on the housing register are maintained in accordance with their given priority need we review applications. It is important that you respond within the time permitted otherwise you risk having your priority removed and/or having your application cancelled. The table below shows the frequency of registration reviews.

Review Type	Review Frequency
Critical	These applications will be reviewed every 4 weeks. This ties in with homeless prevention and relief duties. These are critical cases and should not retain the highest level of priority indefinitely as factors in relation their circumstances usually change rapidly.
Urgent	These applications will be reviewed every 6 months. In this way the priority need can be monitored as circumstances often change rapidly.
Substantial	These applications will be reviewed every 12 months in line with good practice.
General	These applications will also be reviewed every 12 months in line with good practice.
Spontaneous Reviews	These arise from time to time as a result of being alerted to a change in circumstance.
Reduced Preference	Applicants on reduced preference terms will be reviewed at 6 months to see whether they now qualify.

7.3.2 Statutory Right of Review

All applicants who have received a decision in relation to their housing have the right to a statutory review which must be done in writing within 21 days of the decision setting out the reason(s) for the review. Typical decisions are covered in [section 7.1](#). New evidence will not be treated as a review but a change in circumstance. Statutory reviews will be handled by a senior officer who was not involved in the original decision and their findings will be approved by a senior manager in the Council. The decision is final.

The possible outcomes will be:

Outcome	Description
Decision Upheld	The reviewing officer agrees with the original decision, and it stands.
Decision Partially Upheld	The reviewing officer agrees with part(s) of the original decision which may force a reassessment, or it may be decided that there is no material impact and the original decision stands.
Decision Denied	The reviewing officer disagrees with the original decision and a reassessment will be undertaken.

The review types in relation to homeless decisions are called section 202 and are set out in section 19.3 of the Homeless Code of Guidance for Local Authorities which also outlines the timescales for each prescribed review.

7.3.3 Legal Review

Where an individual or organisation feels the council's Allocations Policy is unfairly prejudicial, or their case has been dealt with a prejudicial manner, they may wish to take legal action. They should seek independent advice before doing so.

Where an applicant is dissatisfied with the outcome of a s202 review, they should take legal advice.

Appendix 1: Lettings outside of the Allocations Policy

Lettings where a tenancy is created outside of the Allocations Policy include:

- a) **Conversion of an introductory tenancy:** to a secure tenancy under S125 Housing Act 1996).
- b) **Family intervention tenancies:** Introduced by the Housing and Regeneration Act 2008, these are a form of residential tenancy without security of tenure. They may be offered by either a local housing authority or a registered provider to anyone who is a tenant of a lifetime tenancy subject to or could in the future be subject to a possession order on the grounds of anti-social Behaviour or domestic abuse.
- c) **Discretionary succession:** Tenants who are awarded a new tenancy under the landlord's discretionary succession provision.
- d) **Non-Secure tenancies or temporary accommodation:** Any accommodation that is provided to meet an interim duty under Part 7 of the Housing Act 1996.
- e) **Temporary decants:** Tenants who need to be moved temporarily whilst major work is carried out on their home will be granted a license to occupy.
- f) **Mutual exchanges:** Between existing tenants under S92 of the Housing Act 1985 or under S158 of the Localism Act 2011.
- g) **Assignment:** To a person who would be qualified to succeed the tenant under S92 of the Housing Act 1985 (secure tenancies) or S134 Housing Act 1996 (introductory tenancies).
- h) **Transfers of tenancies by a court order:** Made under certain provisions contained within matrimonial, family, children, and partnership legislation.
- i) **Land Compensation Act:** Allocation to a person entitled to rehousing under section 39 of the Land Compensation Act 1973.
- j) **Repurchased Homes:** Allocation to a person whose home is repurchased under sections 554 or 555 of the Housing Act 1985 (defective dwellings).
- k) **Transfers:** Within a landlord's stock, where the unit has not been made available to the Council.

Appendix 2: Definition of Overcrowding

Under the legislation and regulation and for the purposes of defining overcrowding, two standards can be applied:

The Room Standard: The room standard is contravened when the number of persons sleeping in a dwelling and the number of rooms available as sleeping accommodation is such that two persons of opposite sexes who are not living together as partners must sleep in the same room. Children under the age of ten excluded from this definition. A room is available as sleeping accommodation if it is of a type normally used in the locality either as a bedroom or as a living room.

The Space Standard: The space standard is contravened when the number of persons sleeping in a dwelling is in excess of the permitted number, having regard to the number and floor area of the rooms of the dwelling available as sleeping accommodation. A child under the age of 1 year and a child aged 1 year or over but under ten shall be reckoned as one-half of a unit. A room is available as sleeping accommodation if it is of a type normally used in the locality either as a living room or as a bedroom.

No account shall be taken for the purposes of either standard of a room having a floor area of less than 50 square feet.

Floor Area of Room (square feet)	Number of Persons
110 or more	2
90 or more but less than 110	1.5
70 or more but less than 90	1
50 or more but less than 70	0.5

Appendix 3: Percentage of Advertised Properties

In order to meet the Council's statutory duties, a proportion of properties will be advertised indicating that preference will be given to those applicants with a recognised housing need.

The table below indicates the current proportion of advertised with preference to those who have a recognised housing need. The remaining properties are advertised and let based on longest waiting time (regardless of category of housing need).

The first figure in the proportion refers to the number to be advertised with preference to those with a recognised housing need. E.g., for every 5 two bed bungalows available to let, four will be advertised with preference to those in the highest category (4 in 5).

	Size	Proportion
Houses	4 Beds	100% to need
Houses	3 Beds	4 in 5
Houses	2 Beds	2 in 3
Houses	1 Bed	3 in 5
Bungalow	2 Beds	4 in 5
Bungalow	1 Beds	3 in 10
Flats	3 Beds	1 in 10
Flats	2 Beds	1 in 5
Flats	1 Beds	1 in 5
Bedsit Flat	0 Bed	1 in 4
Maisonettes	All	100% to waiting List
Sheltered	2 Bed	1 in 2
Sheltered	1 Bed	4 in 10

Appendix 4: Local Lettings Plans

Angel Court

To be considered for Angel Court applicants must:

- Be aged 60 or over.
- Have a need for supported housing.
- Have a daily need for assistance with personal care.

Applicants will receive written confirmation from the Council's Social Care Assessment Team stating if they meet this criteria.

Stage 2

Each customer will be assessed based on the information they provide and on the level of care required with the following award levels:

High need: Requiring support three or more times a day.
Medium need: Requiring support twice a day.
Low need: Requiring support once a day.

Allocation of individual apartments

Vacancies will be allocated based on a quota to all three levels of need. Most vacancies will be advertised but there will be discretion to allocate some as a direct let where appropriate to meet urgent and/or exceptional circumstances where care is needed.

Deneside and Westacres

8 x 2 bed bungalows at 31-33 Dene Side, 9-11 West Acres and 14-15 East Acres to be advertised and let to people over 60s or in medical need.

19 x 1 bed bungalows on the flatter part of the site at 5-11 Dene side, 34-37 Dene side, 10-13 East Acres and 12-15 West Acres to be advertised and let to people over the age of 50.

22 x 1 bed bungalows on the steeper part of the site at 16- 20 West Acres, 1-7 West Acres, 38-43 Dene Side and 1-4 Dene Side to be advertised and let to people aged over 40

Within the scheme residents over the age of 50 in the one-bedroom bungalows in Area 3 will be given preference for the bungalows on the flatter parts of the site in Area 2 over applicants who live outside the current scheme. Transfers would be allocated through ranked order of length of tenancy.

Emmaville

20 flats available to applicants over the age of 50. The properties are: 17 - 20, 21 - 24, 25 - 28, 29 – 32 and 33 - 36.

All tenants living in the first-floor flats will be given preference to move to the ground floor flats provided they have registered a transfer and the flats have been advertised in band 2.

Kibblesworth

There are 148 houses and bungalows built on the site of the council's Airey homes in Kibblesworth Village. 54 are being built for sale, and 94 for rent, of which 13 will be advertised as **intermediate tenancies**. **Do we need to cover this off in the tenancy determination?** The rent for the intermediate tenancies is set at 80% of market rent value and are intended for people who will buy them within 5 years. Existing Kibblesworth tenants were originally given the right to return, and the remaining units were advertised through choice-based lettings.

Preference is listed below and will give consideration to local connection which is classified as anyone:

- living in Kibblesworth **village** (and lived here for over 12 months)
- working in Kibblesworth
- needing to move into Kibblesworth to give support
- needing to move into Kibblesworth to receive support.

Bungalows

There are four specially designed disabled bungalows, and any vacancies will be advertised with preference to those with a medical need.

There are fourteen two bed roomed bungalows and vacancies will be advertised as follows:

1. Preference to housing need
2. Preference to housing need plus local connection
3. Preference to housing need
4. Preference to Kibblesworth tenant downsizing
5. Waiting time.

Two-bedroom Houses

There are nineteen two bed roomed houses and vacancies will be advertised as follows:

1. Preference to housing need
2. Waiting time
3. Preference to housing need plus local connection
4. Preference to housing need
5. Preference to housing need
6. Waiting time plus local connection
7. Preference to housing need
8. Preference to housing need plus local connection
9. Waiting time
10. Preference to housing need.

Three-bedroom Houses

There are 45 three bed roomed houses and vacancies will be advertised as follows:

1. Preference to housing need
2. Preference to housing need plus local connection
3. Waiting time
4. Preference to housing need

Every third waiting time advert will be advertised as waiting time plus local connection.

Four-bedroom Houses

There are ten four bed roomed houses and vacancies will be advertised as follows:

1. Preference to housing need (three or more children)
2. Preference to housing need (three or more children) plus local connection
3. Preference to housing need (three or more children).

Five-bedroom Houses

There are two five bed roomed houses and vacancies will be advertised for housing need to households with 5 or more children.

Regent Court

Properties within Regent Court are actively marketed and let to new tenants aged 40 or over. Existing tenants within Regent Court aged less than 40 have the ability if they wish, to respond to adverts and transfer within the block subject to compliance with their existing tenancy. In addition, properties in the block that have had the benefit of disabled adaptations will be advertised to applicants with medical need and will not be subject to an age restriction.

Bensham Court

Properties within Bensham Court are actively marketed and let to new tenants aged 50 or over. Existing tenants within Bensham Court aged less than 50 have the ability if they wish, to respond to adverts and transfer within the block subject to compliance with their existing tenancy. In addition, properties in the block that have had the benefit of disabled adaptations will be advertised to applicants with medical need and will not be subject to an age restriction.

Appendix 5: Property Age Restrictions

Due to changes in demand for property types throughout the borough of Gateshead age limits exist for certain property types. The table below shows the age restrictions.

PENSHER STREET	Bungalow	1BED	No Age Restriction
ELLISON MAIN GARDENS	Bungalow	1BED	No Age Restriction

DENESIDE	Bungalow	1BED	40
WEST ACRES	Bungalow	1BED	40
CHESHIRE AVENUE	Flat	1BED	50
EMMAVILLE	Flat	1BED	50
LEYBURN PLACE	Flat	1BED	50

BENSHAM COURT	Flat	All Flats	50
REGENT COURT	Flat	All Flats	40

CROCUS CLOSE	Bungalow	1BED	60
DAFFODIL CLOSE	Bungalow	1BED	60
LILY CLOSE	Bungalow	1BED	60
MOSSPOOL	Bungalow	1BED	60
BOLTONS BUNGALOWS	Bungalow	1BED	60
SIMPSON MEMORIAL HOMES	Bungalow	1BED	60
DENTON VIEW	Bungalow	1BED	60
A J COOKS COTTAGES	Bungalow	1BED	60
WILLIAM MORRIS AVENUE	Bungalow	1BED	60
SOUTH LEA	Bungalow	1BED	60
SPRINGWELL CLOSE	Bungalow	1BED	60
HAWESDALE CRESCENT	Bungalow	1BED	60
RYDAL CRESCENT	Bungalow	1BED	60

BURNSIDE ROAD	Bungalow	1BED	60
LEAZES VIEW	Bungalow	1BED	60
WOODLANDS ROAD	Bungalow	1BED	60
BROOM CLOSE	Bungalow	1BED	60
CONIFER CLOSE	Bungalow	1BED	60
WHINNEY CLOSE	Bungalow	1BED	60
KELLS WAY	Bungalow	1BED	60
SOUTH SHERBURN	Bungalow	1BED	60
GARESFIELD GARDENS	Bungalow	1BED	60
LILLEYCROFT	Bungalow	1BED	60
NORWOOD CRESCENT	Bungalow	1BED	60
SOUTHWOOD CRESCENT	Bungalow	1BED	60
THISTLEY GREEN	Bungalow	1BED	60
WOOD GREEN	Bungalow	1BED	60
HALL GARDENS	Bungalow	1BED	60
RECTORY ROAD EAST	Bungalow	1BED	60
SQUIRES GARDENS	Bungalow	1BED	60
GARVEY VILLAS	Bungalow	1BED	60
KAYS COTTAGES	Bungalow	1BED	60
SQUARE HOUSES	Bungalow	1BED	60
JOYCE CLOSE	Bungalow	1BED	60
YETHOLM ROAD	Bungalow	1BED	60
ALLERDENE WALK	Bungalow	1BED	60
LOWFIELD WALK	Bungalow	1BED	60
ALBERT PLACE	Bungalow	1BED	60
BOLDON GARDENS	Bungalow	1BED	60
EASINGTON AVENUE	Bungalow	1BED	60
EBCHESTER AVENUE	Bungalow	1BED	60
HEDWORTH PLACE	Bungalow	1BED	60

SIMONSIDE PLACE	Bungalow	1BED	60
WASHINGTON GARDENS	Bungalow	1BED	60
GREENFIELDS	Flat	1BED	60
MILVAIN CLOSE	Flat	1BED	60

- All other bungalows are available to anyone over the age of 50
- All other flats will be advertised to anyone over the age of 18