



## **GATESHEAD HEALTH AND WELLBEING BOARD AGENDA**

**Friday, 15 July 2022 at 10.00 am in the Whickham Room - Civic Centre**

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From the Chief Executive, Sheena Ramsey

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Item	Business
1	<b>Apologies for Absence</b>
2	<b>Minutes</b> (Pages 3 - 12)  The minutes of the meeting held on the 17 <sup>th</sup> June 2022 are attached for approval, together with the Action List
3	<b>Declarations of Interest</b>  Members of the Board to declare an interest in any particular agenda item.
4	<b>Updates from Board Members</b>
5	<b>Gateshead Cares System Board Update - Mark Dornan/All</b>  <u>Items for Discussion</u>
6	<b>Multiple &amp; Complex Needs (People@theheart) - Alice Wiseman/Steph Downey (Presentation)</b>
7	<b>Housing Allocations Policy and Tenancy Strategy - Vicky Sibson</b> (Pages 13 - 112)  <u>Assurance Items</u>
8	<b>CQC Assurance Framework</b>
9	<b>Covid-19 Response &amp; Vaccine Update - Alice Wiseman/Lynn Wilson</b>
10	<b>A.O.B.</b>

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## GATESHEAD METROPOLITAN BOROUGH COUNCIL

### GATESHEAD HEALTH AND WELLBEING BOARD MEETING

Friday, 17 June 2022

<b>PRESENT</b>	Councillor Lynne Caffrey	Gateshead Council (Chair)
	Councillor Jennifer Reay	Gateshead Council
	Councillor Gary Haley	Gateshead Council
	Councillor Michael McNestry	Gateshead Council
	Councillor Pamela Burns	Gateshead Council
	Councillor Jane McCoid	Gateshead Council
	Dr Mark Dornan	Newcastle Gateshead CCG
	Alice Wiseman	Gateshead Council
	Claire Wheatley	Northumbria Police
	Steve Thomas	T&W Fire and Rescue

<b>IN ATTENDANCE</b>	Steph Downey	Gateshead Council
	John Costello	Gateshead Council
	Steve Kirk	CBC Health Federation
	Joanna Clark	Gateshead Health FT
	Vicky Sibson	Gateshead Council
	Anna Tankerville	Gateshead Council
	Louise Sweeney	Gateshead Council
	Phill Capewell	Healthwatch Gateshead
	Nicola Allen	CBC Health Federation
	Andrew Marshall	Gateshead Council
	Lynne Paterson	Newcastle Gateshead CCG
	Marc Hopkinson	Gateshead Council
	Georgina Butler	Newcastle Gateshead CCG
	Peter Wright	Gateshead Council
	Lynn Wilson	Gateshead Council/CCG

#### HW332 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Bernadette Oliphant, Councillor Leigh Kirton, Councillor Martin Gannon, Lisa Goodwin, Peter Udall and Siobhan O'Neill.

#### HW333 MINUTES

RESOLVED:

- (i) The minutes of the last meeting held on 29 April 2022 were agreed as a correct record.
- (ii) The Board noted the updates outlined in the Action List.

#### HW334 DECLARATIONS OF INTEREST

RESOLVED:

- (i) There were no declarations of interest.

## HW335 PHARMACEUTICAL NEEDS ASSESSMENT - ED O'MALLEY

The Board received a report seeking views on the draft Pharmaceutical Needs Assessment 2022 prior to public consultation. Also appended to the report was a copy of the Pharmaceutical Needs Assessment (PNA) 2022.

It was reported that the development and publication of a PNA is a statutory responsibility of the Health and Wellbeing Board under the Health and Social Care Act 2012. It was also noted that the purpose of the PNA is twofold:

- To determine if there are sufficient community pharmacies to meet the needs of the population of Gateshead.
- To determine other services which could be delivered by community pharmacies to meet the identified health needs of the population.

The Board were advised that there is a requirement for consultation on the PNA with relevant stakeholders for a minimum of 60 days; it was highlighted that the consultation on the draft PNA addresses the following questions:

- a) To consider whether there is sufficient community pharmacies to meet the needs of the population, and particularly whether this is the case in the East locality of the Borough, and;
- b) To consider whether other services could be delivered by community pharmacies.

From the report, the Board noted that the consultation would take place from 20 June 2022 to 18 August 2022 with the final PNA being presented for approval at a Board meeting before the end of September 2022.

The Board noted concern about the lack of pharmacies in the west of Gateshead; an area of the borough where transport links are most limited and an increasing aging population. Concern was also noted that during the pandemic, some pharmacies had charged customers for their deliveries.

A comment was made stating that Chopwell has an excellent independent pharmacy that is not open at weekends. It was noted that customers in this area would have to travel to Blaydon or the Metrocentre at weekends if they required a prescription and that this would come with expensive public transport costs.

A further discussion took place on the expansion of new housing across Gateshead which is not being matched with increased GP or pharmacy provision. It was acknowledged that whilst distance-selling pharmacies are increasing in popularity there was a need for more services in the west.

A suggestion was made that mobile pharmacies could help to bridge the gap in areas where there are fewer pharmacies; a comment was made stating that there are mobile banks, libraries and vaccination sites so the idea of a mobile pharmacy was not unrealistic.

The Board also noted that the pharmacy network had been valuable to those in the community who were victims of domestic abuse as they were able to report their situations in private and access support.

**RESOLVED:**

- (i) The Board approved the proposed consultation on the draft PNA.
- (ii) The Board approved the recommendations with additions for inclusion in the PNA 2022.
- (iii) To bring an updated PNA to the September meeting of the Board

**HW336 ANTI-SOCIAL BEHAVIOUR REVIEW - PETER WRIGHT**

The Board received a report and presentation providing information on a review being undertaken into anti-social behaviour (ASB) in Gateshead.

It was reported that Gateshead's Health and Wellbeing Strategy recognises that health and wellbeing is influenced by where people live and that the creation and development of sustainable places and communities is a key strategic aim.

The Board were advised that tackling ASB is a complex issue with expertise, responsibilities and powers shared across different agencies that take different approaches. It was noted that from 2021 the Gateshead Community Safety Board were supportive of a review of ASB services in Gateshead that would help services to better understand together how ASB is tackled in Gateshead.

It was highlighted that a number of participants took part in the review, this included Children's Early Help services, Northumbria Police and Housing Services. From the presentation, the Board were then provided with an overview of the review and a summary of findings.

It was proposed that a period within which the redesigned way of working is tested is taken forward as planned. The Board were advised that this will involve the handling of real cases for a period of 4-6 months using the redesigned method to determine whether better outcomes can be achieved. From the report, the Board were also provided with a breakdown of the expertise that is being assembled to carry out the test phase.

A comment was made suggesting that both residents, victims and ex-perpetrators of ASB should be involved with the design of the new way of working. Officers noted the suggestion and advised that they were working with the resident involvement panel, tenants and leaseholders.

The Board also noted the importance of recognising the multiple and complex needs of both the victims and perpetrators of ASB. A comment was made noting that these needs should be met in a holistic manner with consideration to the "people at the heart" approach of delivering services.

Board members expressed frustration that current processes for dealing with ASB across partners could be slow and ineffective; the development of the new ways of

working was welcomed.

RESOLVED:

- (i) The Board committed to support the ASB review and to receive a further update on the progress made at a future meeting.

**HW337 COVID-19 RESPONSE & VACCINE UPDATE - ALICE WISEMAN / LYNN WILSON**

The Board received a copy of the Gateshead Covid-19 Control Plan (May 2022).

It was reported that despite the easing of restrictions, Covid is still prevalent in the community and it is important to maintain local vigilance to prevent and reduce the opportunities for the virus to spread within the community.

The Board were advised that the Covid-19 Control Plan sets out the next steps for Gateshead Public Health Team and partners with a focus on living with Covid safely. From the report, the Board were also provided with a summary of the local and national context regarding testing and tracing. It was also noted that since the beginning of the Covid-19 vaccination rollout, Gateshead's system providers implemented five models to deliver the vaccine which ensured equitable access to all from the outset, these were:

1. Five local vaccination centres spread across the borough.
2. Community pharmacies at Lobley Hill & Bensham offered vaccination appointments via the national booking service as well as walk-in appointments.
3. A hub at the Queen Elizabeth Hospital ensured health and care staff and other priority workers could access the vaccine.
4. Mobile delivery of vaccines to people who are housebound or in care homes.
5. 'Pop-up' sites using the Council's mobile vaccination unit.

The Board were advised that as services move from a response stage to a recovery stage, they need to ensure that they continue to monitor the situation closely and be ready to escalate/deescalate processes quickly.

RESOLVED:

- (i) The Board noted the update from the report.

**HW338 GATESHEAD HEALTH PROTECTION BOARD - MARC HOPKINSON**

The Board received a report seeking views on the way in which Gateshead health protection system will provide leadership and ensure a coordinated and consistent approach to outbreak control, infection prevention and the treatment and management of disease.

From the report, it was proposed that the Gateshead Outbreak Control Board be renamed to the Gateshead Health Protection Board, this change was supported by the Board. Appended to the report was an updated copy of the Gateshead Health Protection Board's Terms of Reference for information.

RESOLVED:

- (i) The Board agreed to the name change of the Gateshead Health Protection Board.
- (ii) The Board agreed to receive an annual update on the progress of the Board.
- (iii) The Board ratified the Terms of Reference.

**HW339 GATESHEAD CARES SYSTEM BOARD UPDATE - MARK DORNAN / ALL**

The Board received a presentation providing an update on the Gateshead Cares System Board.

From the presentation, the Board noted an update on the Alliance Agreement; it was reported that this will continue to be a 'live' agreement that is built upon. It was further noted that the Board considered the proposed arrangements for the CQC Assurance Framework that will come into place from 1<sup>st</sup> April 2023. It was highlighted that a single assessment framework will assess providers, local authorities and integrated care systems with a set of key themes from registration through to assessment.

The Board were provided with an additional update on the Professional Forum Meeting and Community Diagnostics Centre. It was also noted that as part of the SEND review, a response to the Government's SEND Green Paper is being prepared.

RESOLVED:

- (i) The Board noted the update.

**HW340 BETTER CARE FUND END OF YEAR RETURN - JOHN COSTELLO**

The Board received a report seeking retrospective endorsement of the Better Care Fund end of year return for 2021/22 submitted to NHS England (NHSE).

RESOLVED:

- (i) The Board retrospectively endorsed the Better Care Fund return for 2021/22.

**HW341 FAMILY HUBS PROGRAMME - TERMS OF REFERENCE AND GOVERNANCE**

The Board received a report providing the Terms of Reference for the Family Hubs and Start for Life Steering Group.

The Board were advised that Alice Wiseman would Chair the Board initially until the new Strategic Director of Children's Services starts in their role. The Board noted

that this was an exciting opportunity.

RESOLVED:

- (i) The Board noted the report.

#### **HW342 UPDATES FROM BOARD MEMBERS**

Board members were reminded that they are able to bring updates to the Health and Wellbeing Board and that partner contributions relevant to the Board's remit would be welcomed.

The Board also received an update on the updated CQC framework in addition to a summary of current pressures on NHS primary care services. The Board also noted an update from Gateshead's Adult Social Care service, it was noted that improvements are to be made to Gateshead's assessments and packages.

The Board also discussed the lack of services for children who are tongue tied in Gateshead; concern was noted that the most local services for this issue are in South Tyneside or Sunderland as the QE Hospital no longer accept referrals.

RESOLVED:

- (i) The Board noted the updates.

#### **HW343 PROGRESS UPDATE ON IMPLEMENTATION PLAN FOR HEALTH & WELLBEING STRATEGY**

The Board received an update report providing an update on the first meeting of the Health and Wellbeing Implementation Group.

From the report, the Board were advised that the following steps are proposed to continue progress on developing an approach and plan for implementation:

- Mapping to consider priorities and strategic work, delivery mechanisms and structures, actions, gaps
- Development of cross-cutting implementation workstreams
- Identification of leads / links / champions for key actions
- Identification of short-, medium- and long-term priorities and actions
- Development of a plan and approach to implementation
- Monitoring, evaluation, learning and reporting

It was highlighted that the implementation group had agreed to meet again in September 2022 to maintain progress and stakeholder engagement in the work reported.

RESOLVED:

- (i) The Board noted the update.

#### **HW344 A.O.B**

There was no other business.

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**GATESHEAD HEALTH AND WELLBEING BOARD  
ACTION LIST**

<b>AGENDA ITEM</b>	<b>ACTION</b>	<b>BY WHOM</b>	<b>COMPLETE or STATUS</b>
<b>Matters Arising from HWB meeting on 17<sup>th</sup> June 2022</b>			
<b>Pharmaceutical Needs Assessment (PNA)</b>	To bring an updated PNA to the September meeting of the Board	A Wiseman / E O'Malley	To be picked up in Forward Plan
<b>Anti-Social Behaviour Review</b>	To bring and update to a future Board meeting	A Tankerville	To be picked up in Forward Plan
<b>Gateshead Health Protection Board</b>	To receive an annual update on the progress of the Board	M Hopkinson	To be picked up in Forward Plan
<b>Matters Arising from HWB meeting on 29<sup>th</sup> April 2022</b>			
<b>Climate Change Strategy for Gateshead</b>	To receive an update on progress in taking forward the Climate Change Strategy in six months  To feed into the Implementation Plan being developed for the Health and Wellbeing Strategy	A Hutchinson / L Greenfield	To be picked up in Forward Plan
<b>Matters Arising from HWB meeting on 22<sup>nd</sup> October 2021</b>			
<b>Safeguarding Adults Board Annual Report and Strategic Plan</b>	Board Councillors to receive refresher safeguarding training	C Hulme	Safeguarding training offered to all Councillors on 9 <sup>th</sup> February via a Members Seminar. Arrangements are also being

AGENDA ITEM	ACTION	BY WHOM	COMPLETE or STATUS
			made to deliver refresher training on corporate parenting

## **TITLE OF REPORT: Allocations Policy and Tenancy Strategy Consultation**

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### **Purpose of the Report**

1. To provide an update on our Homelessness, Allocations and Tenancy Review and seek the views of the Health & Wellbeing Board on proposed changes to our Allocations Policy, Tenancy Strategy and Tenancy Management Policy.

### **How does the report support Gateshead's Health & Wellbeing Strategy?**

2. When drafting our proposed new Allocations Policy, Tenancy Strategy and Tenancy Management Policy, we have aimed to deliver on both our Thrive vision and the following aims set out in our Health and Wellbeing Strategy:
  - Giving every child the best start in life
  - Enable all children, young people and adults to maximise their capabilities and have control over their lives.
  - Ensure a healthy standard of living for all
  - Create and develop sustainable places and communities
  - Strengthen the role and impact of ill health prevention
3. Housing can play a huge role in improving health and wellbeing and we hope the proposed changes to these documents and our wider review ambitions will help us to enable long term, affordable and decent homes that better meet the needs of our residents, within sustainable places and communities.
4. We have worked closely with cross department colleagues within both Adults and Children's Social Care, Public Health and Community Safety to try and deliver an approach that tackles some of the key issues and pressures that can have an impact on delivering our Health and Wellbeing Strategy. Some of the changes proposed will also enable delivery of some of our aims within our Homelessness and Rough Sleeping Strategy 2022-27.

### **Background**

5. In 2021 we undertook the following two reviews:
  - A **Homelessness Review**, which resulted in a new Homelessness and Rough Sleeping Strategy/Delivery Plan and a new Homelessness Charter being approved by Cabinet in January 2022. We also established our Homelessness Forum.
  - An **Allocations and Tenancy Review**, which resulted in a detailed report containing the following findings and recommendations:

- i. Gateshead should create its own ‘Gateshead Housing Model’ – including Registered Providers (RP’s), Support Commissioners and Private Landlords.
  - ii. Our allocation policies and processes should be focused on delivering solely to meet the needs of Gateshead
  - iii. There should be a digital marketplace that enables self-service and a coordinated approach to assessing housing and support needs.
  - iv. There should be improved formalised partnership working through a new Tenancy Strategy
  - v. We should aim for a single allocations scheme/policy with registered providers working with us collaboratively
  
6. In 2022 we aligned these two reviews to become a broader ‘Homelessness, Allocations and Tenancy Review’, which now sits under our wider Housing Improvement Programme. Key milestones of this review include:
  - Remodeling and recommissioning homelessness accommodation and support and developing a ‘Homelessness Gateway’ by March 2023
  - Developing a Gateshead Marketplace for Allocations by March 2023
  - A new Allocations Policy by September 2022
  - A new Tenancy Strategy and a new Tenancy Management Policy by September 2022
  
7. With the support of consultancy firm Campbell Tickell, we have been working on revisions to our Allocations Policy, Tenancy Strategy and Tenancy Management Policy over recent months. Consultation has so far taken place with internal officers and elected members to enable us to develop drafts of the documents which can be found in appendix 1. Formal consultation on the documents began on 30<sup>th</sup> June 2022 and includes:
  - Applicants on the Gateshead Housing Register
  - Registered Providers
  - External Stakeholders
  - Internal Stakeholders
  - Gateshead Residents

A further consultation session with Elected Members is also planned for 14<sup>th</sup> July 2022 before the documents are taken to the Strategic Housing Board on the 1<sup>st</sup> September 2022. A link to the current consultation can be found at [Consultation Link](#).

## Proposal

8. Recognising the potential Health and Wellbeing implications of the documents, we wish to consult the Health and Wellbeing Board on the proposed changes to our Allocations Policy, Tenancy Strategy and Tenancy Management Policy. Outlined below is a summary of the key changes/requirements for each document.
  
9. **Allocations Policy** (currently our Lettings Policy) – this sets out the rules by which we allocate homes, including how people qualify and how we prioritise applicants based on need and waiting time. The Housing Regulator states that we must be fair, transparent and efficient when allocating homes. The key proposed changes are:

- **Armed Forces** – we wish to disregard whether the applicant is honourably or dishonourably discharged.
- **Financial Exclusion** - we will exclude applicants who have savings, equity, income or investments above a certain threshold as we deem them able to solve their housing situation. We will however make exceptions where someone is vulnerable or needs specialist accommodation such as that which is for older people.
- **Exclusion from the Housing Register**- we are proposing not to exclude such applicants, allowing all to join the housing register (although a demotion may apply). There will however be circumstances where we would place additional requirements on applicants to fully engage in support before rehousing.
- **Demotions** - we are proposing to continue to treat applicants under reduced preference. We propose however that instead of demoting an applicant to the end of the whole list, they will be demoted to the end of their band. If they are willing to enter into an arrangement to address the reasons for the demotion and complete that to our satisfaction, the demotion will be removed. We are also proposing not to demote applicants who qualify for the critical band 1 or the urgent band 2.
- **Homeless Priority Need** – the proposals have adjusted existing priority banding levels to reduce the time spent in bed & breakfast or temporary accommodation. We have also recognised all intentionally homeless including those with no priority need. They now sit in the bands as follows:
  - i. **Critical:** Statutorily homeless and those we have to place in bed & breakfast or temporary accommodation.
  - ii. **Urgent:** Those threatened with homelessness.
  - iii. **Substantial:** Intentionally homeless.
- **Overcrowding** – we are proposing that if an applicant needs 1 bedspace they will get a substantial priority, 2 bedspaces an urgent priority and 3 or more a critical priority.
- **Out of borough applicants** - all out of borough applicants with or without a connection will be able to accrue waiting time.
- **Change of Tenancy** - this whole section has been removed with the proposed changes. Instead we will refer applicants to their own landlords tenancy management policy. If an applicant is a Council tenant and we have agreed to rehouse them under our succession rules, we will award urgent priority.
- **Tenancy Determination** - we have proposed a section on granting tenancies as follows:
  - i. Anyone who does not hold a lifetime tenancy will be issued an introductory tenancy for 12 month which converts to a secure tenancy.
  - ii. Anyone on a lifetime tenancy will be issued another lifetime tenancy.
  - iii. Flexible tenancies will be granted in adapted properties usually for 5 years, when the need for an adapted property will be assessed again. If you need something different or no longer need the adaptations, you will be rehoused.
  - iv. Flexible tenancies may be granted for some homeless applicants, usually for 3 years and if all goes well they will be granted a secure tenancy once this expires.

10. The proposed revisions to the Allocations Policy also ensure the document is up to date in terms of relevant legislation, such as the Homelessness Reduction Act and meets the regulatory requirements of the Housing Regulator. This includes ensuring fairness and transparency, an example of which is seen in the changes regarding how and when we allocate via a direct let and usage of assisted bidding. We have also reviewed the priority banding based on levels of risk and pressures to health and social care, there are ongoing discussions with colleagues in social care for further consultation on this. We have also worked with colleagues in both housing and social care to ensure we are fully embedding mental health within the policy, when considering applicants medical needs.
11. **Tenancy Strategy** – this sets the Councils position on all tenancy related matters and clarifies our expectations from Registered Providers. We are aiming to strengthen our relationships with the Registered Providers that operate in the borough, particularly as we come to establish a Gateshead Allocations Model over the coming year.
12. The Tenancy Strategy provides the foundation for stronger partnerships, so we can all work together to deliver on our Thrive and Health and Wellbeing ambitions. The delivery of the strategy will be through the Gateshead Providers Partnership. A copy of the newly drafted Tenancy Strategy can be found in Appendix 2 Some of the key points/requirements outlined include:
- Increasing the supply of affordable Social Rented Homes. The strategy confirms that affordable homes should be no more than 80% of Market Rent and to be truly affordable rents should be no more than 30% of 'take home' pay. The strategy also requests that RP's have a more flexible approach to new tenants, who may not have savings to pay rent upfront, enabling them to instead build credit over time.
  - The Council will work together with RP's to ensure we have a clear picture of stock levels within the borough to inform strategic decisions. This would include disposals and any sales through Right to Buy/Right to Acquire and there are specific accommodation types the Council asks are exempt from purchase i.e., specialist and supported.
  - There is an expectation set out that RP's will maintain their homes to decent homes standard or higher.
  - The strategy proposes that the Council will discharge its homelessness duty via the private sector, where there is suitable accommodation at the right cost. This may include the use of incentives and grants for Private Landlords, where there is the budget to do so, to help improve properties and maintain safe standards.
  - The strategy sets out our position on the granting of tenancies, which includes our strategic objective to provide residents with long term, genuinely affordable homes. Lifetime tenancies are the preferred tenancy type in most circumstances and in our view, this should be the default offer to tenants.
  - To meet the requirements of the Domestic Abuse Act 2021, victims of domestic abuse will always be reissued a lifetime tenancy, where they have left one.
  - The strategy clarifies that we expect lifetime tenancies to be issued to vulnerable tenants with long term support or care needs. This may include those with enduring mental health needs, a learning disability, some types

of physical disability, older people in supported accommodation/specialist housing and those needing specialist care

- The strategy also supports the use of flexible tenancies, which are for less than 5 years, in limited circumstances – including for some types of supported housing, where there is a link to employment or for properties which have been purpose built or substantially adapted for disabled applicants.
- The Council wants to support tenants to maintain their tenancy and our expectation is that RP's do the same. This may include targeted visits, rehousing to prevent further financial hardship, an available housing support service and support to tackle anti-social behaviour and problematic tenants.
- The strategy also includes our support for Safe Surrender Agreements to enable a coordinated approach to Homelessness Prevention, that reduces the likelihood of someone being intentionally homeless.
- Tenant Mobility – The Council needs family sized accommodation and expects all landlords to provide incentives and assistance to any tenants who wish to move to a smaller property. They should be encouraged to join the housing register and their application will be awarded a priority that reflects the demand for larger properties. It is also important for tenants who wish to move for employment, or for support and welfare reasons, to be able to do so easily. Applicants on the housing register wishing to transfer for these reasons will be awarded suitable priority.

13. The Tenancy Strategy will be subject to a light touch review once the Gateshead Allocations Model and Marketplace is established in March 2023.

14. **Tenancy Management Policy** – this sits under the Tenancy Strategy and is an operational policy that sets out the following:

- What happens at the beginning of a tenancy
- The reviews and appeals processes for introductory and flexible tenancies
- Changes to a tenancy, including assignment and succession
- Decants
- Tenancy sustainment
- Tenancy enforcement
- What happens at the end of a tenancy

This policy has also been reviewed, in line with the drafted Tenancy Strategy and a copy can be found in appendix 3.

15. **Proposed next steps include:**

- Concluding formal consultation on all three documents 28<sup>th</sup> July 2022
- Strategic Housing Board Approval 1<sup>st</sup> September 2022
- Cabinet Approval 13<sup>th</sup> September 2022
- Remodeling and recommissioning homelessness accommodation and support and developing a 'Homelessness Gateway' by 31<sup>st</sup> March 23
- Developing a Gateshead Marketplace for Allocations by 31<sup>st</sup> March 23

## Recommendations:

16. The Health and Wellbeing Board is asked to consider the drafted new Allocations Policy, Tenancy Strategy and Tenancy Management Policy and:

- i. Provide any comments and feedback
- ii. Share details of the consultation within their organisations and encourage feedback.
- iii. Agree the proposed next steps as outlined within this report

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Contact: Vicky Sibson, Strategic Housing Services Manager  
[vickysibson@gateshead.gov.uk](mailto:vickysibson@gateshead.gov.uk) 0191 433 3013



**Allocations Policy**  
**September 2022**

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## Part 1: Introduction

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### 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**

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### **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

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### 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 18<sup>th</sup> 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

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### 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

	<b>Approval Structure</b>
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.

<b>Critical Priority</b>	<b>Urgent Priority</b>	<b>Substantial Priority</b>	<b>General Priority</b>
<b>households in emergency need with an immediate threat</b>	<b>urgent need but no immediate threat to the household</b>	<b>housing need with no requirement for urgent intervention</b>	<b>No priority housing need</b>
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
<b>Critical</b>	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.
<b>Urgent</b>	Where the condition is serious but there is no immediate risk of harm, an urgent priority will be given.
<b>Substantial</b>	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.

<b>Award</b>	<b>Medical Criteria</b>
<b>Critical</b>	<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><b>Mental Health:</b> 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
<b>Urgent</b>	<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><b>Mental Health:</b> 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>
<b>Substantial</b>	<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><b>Mental Health:</b> 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

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### 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 direct.

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

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### 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

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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

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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

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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

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### 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



**Tenancy Strategy  
2022 - 2027**

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## 1. Introduction

- 1.1 The Localism Act 2011 places an obligation on each local authority to have a tenancy strategy which is drafted in consultation with the housing providers. It sets our expectations and of registered providers in the borough and provides guidance on our preferred approach to tenure and affordability with specific consideration on:
- the types of tenancies they will grant
  - the circumstances under which different types of tenancies will be granted
  - when they grant fixed-term tenancies, the length of the fixed term and whether they grant a further tenancy when the fixed term expires.
- 1.2 Gateshead Council has a strategic vision to ‘make Gateshead a place where everyone thrives,’ the principles of which are:
- put people and families at the heart of everything we do
  - tackle inequality so people have a fair chance
  - support our communities to support themselves and each other
  - invest in our economy to provide opportunities for employment, innovation and growth
  - work together and fight for a better future for Gateshead
- 1.3 We value the rights of households some of whom are in the direst need, to be housed in the most suitable accommodation, and to receive the right kind of support in a tenancy which is aimed at providing them with a home which will promote their health and wellbeing. We value the need to listen to our tenants when identifying the support required and the delivery of housing services and we also value the need to identify and delivery long term housing solutions.
- 1.4 We have recently introduced a new homelessness and rough sleepers strategy and homelessness charter following a review in 2021. The main conclusions were:
- The need to develop youth homelessness joint working protocols with colleagues in social care for 16/17-year-olds and care leavers
  - Early intervention and greater homelessness prevention focus for victims of domestic abuse i.e. home security and outreach support
  - To undertake further needs analysis (Domestic Abuse, Young People and those with Multiple and Complex Needs) and review/remodel supported accommodation and floating support to better match need/demand. This includes 24/7 access to accommodation to prevent rough sleeping/use of bed and breakfast accommodation.
  - To develop a new homelessness pathway where referrals are made/coordinated via a central ‘Gateway’ with ‘trusted assessments,’ a performance monitoring framework and a better understanding of needs/demand.
  - To work with registered providers and private landlords to increase housing options for those who are homeless, or at risk of homelessness.

- To implement a changing futures programme for those with multiple and complex needs, to inform learning and system change in Gateshead as well as regionally and nationally.
- 1.5 In 2021 we also undertook a comprehensive review of allocations and tenancy management within Council stock. The review identified the need to introduce a new Gateshead Housing Model which will encompass:
- A whole system response – that includes support commissioners, registered providers and private landlords.
  - Policies and processes focused on delivering solely to meet the needs of Gateshead.
  - Consolidated ‘pool’ of specialist and general housing.
  - A digital marketplace, which enables self-service.
  - A coordinated approach to assessing housing and support needs, commissioning and allocating solution, with oversight of the customer journey.
  - Improved formalised partnership working with accommodation registered providers through a new Tenancy Strategy.
  - A single allocations scheme/policy with registered providers working with us collaboratively.
- 1.6 The Social Housing Green Paper, published in 2018, proposed a new deal for social housing. In November 2020. The Government published its White Paper, The Charter for Social Housing Residents, which affirms social rented homes as places where residents can put down roots and build communities. It also recognises that the COVID-19 pandemic has reinforced the importance of people’s homes, communities and neighbourhoods.
- 1.7 Gateshead wants those allocated social housing to see their homes as genuine places to settle, not as temporary welfare provision. Residents should have control over their lives and homes as this can help to build thriving, cohesive communities. Offering lifetime tenancies at social rent levels best supports this in most cases.

## 2. Strategic Aims

In introducing this Tenancy Strategy we intend to deliver a number of aims:

- Aim 1:** To set out our expectations for our partner registered providers when formulating their own housing policies.
- Aim 2:** To provide a clear development mandate across the borough and specifically with areas subjected to local plans.
- Aim 3:** To assist affordable housing developers to understand what the council requires of social housing landlords who own, let and manage stock

- Aim 4:** To ensure that the supply of affordable housing is genuinely affordable and built to a good standard to meet the needs of local residents, specifically of those on low income,
- Aim 5:** To support communities to thrive through the creation of sustainable social housing offers.
- Aim 6:** To meet housing need, whilst recognising that need changes and evolves and the service needs to be able to flex with that evolution.

### 3. Population demographics within Gateshead

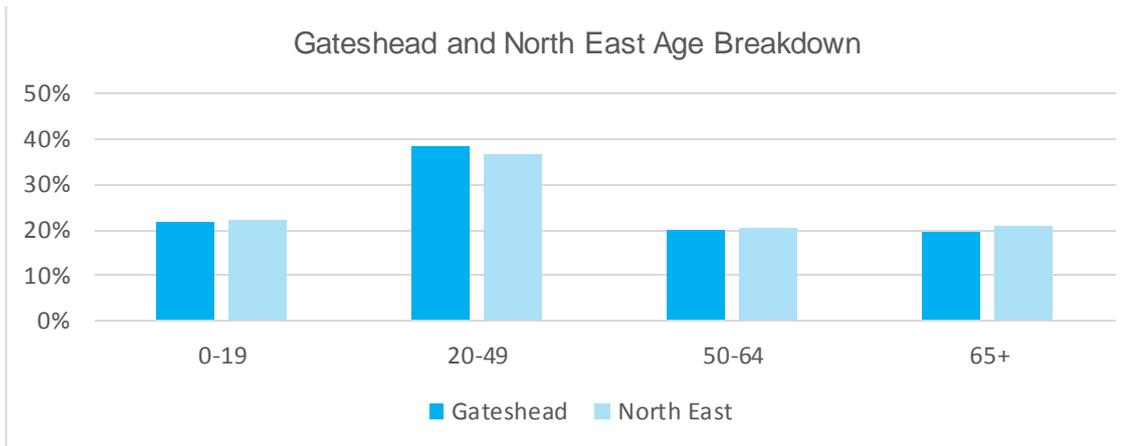
- 3.1 The borough of Gateshead is in the metropolitan county of Tyne and Wear, North East England. It includes Gateshead, Rowlands Gill, Whickham, Blaydon, Ryton, Felling, Pelaw, Dunston and Low Fell. The borough forms part of the Tyneside conurbation, centred on Newcastle upon Tyne. It is bordered by the local authorities areas of Newcastle upon Tyne to the north, Northumberland to the west, County Durham to the south, the City of Sunderland to the south-east, and South Tyneside to the east.
- 3.2 In 2021, Gateshead recorded a population of 202,823 people. The table below shows the population of Gateshead and the North East of England together with predictions until 2027.

	Gateshead	North East
2021	202,823	2,681,149
2022 (prediction)	202,807	2,687,238
2023 (prediction)	202,782	2,693,063
2024 (prediction)	202,750	2,698,668
2025 (prediction)	202,696	2,704,000
2026 (prediction)	202,630	2,709,320
2027 (prediction)	202,589	2,714,451

*\*Office of National Statistics 2021*

The prediction for population growth is a diminishing which is contrast with the North East a whole which expects rises between 3,000 to 5,000.

- 3.3 When we look at the age of the population in Gateshead, we can those falling between 20 – 49 years old are slightly higher in proportion to the region, whereas 50 – 64-year-olds are same across the region and those in 0-19 and above 65 are slightly lower than for the region.

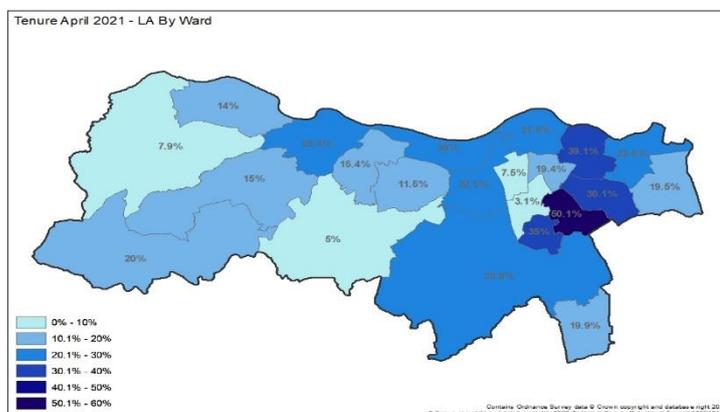


\*Office of National Statistics 2021

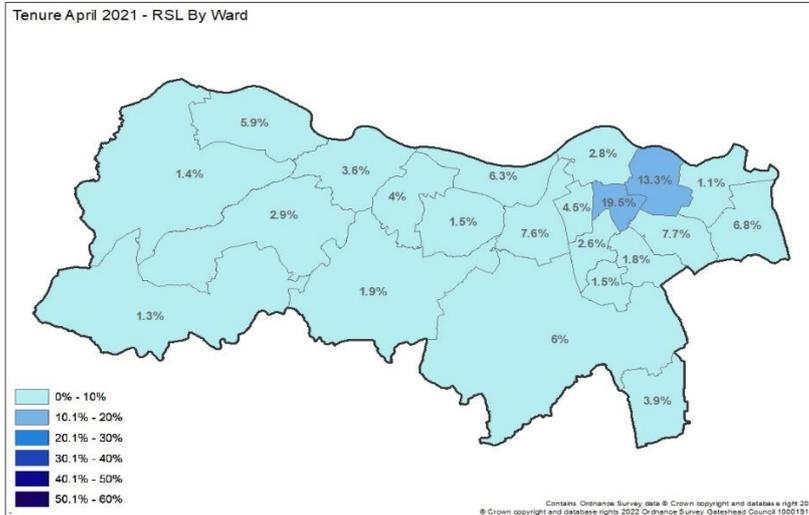
- 3.4 The 2011 census shows that 95% of the population was white British and less than 10% of the population is made up of people from other ethnic groups. The North East of England shows a similar position. The 2021 census data is imminent, and we will capture these figures once this has been published.
- 3.5 Properties in Gateshead had an overall average price of £149,949 over the last year. The majority of sales were semi-detached properties, selling for an average price of £164,130. Terraced properties sold for an average of £147,439, with flats fetching £101,290. Overall, prices were 2% down on the previous year and 1% up on the 2018 peak of £148,008.
- 3.6 Average earnings in the borough were £468 per week with the North East as a region being £528 which shows that many in Gateshead earn 11% lower than others in the region. Purchasing a property on these weekly averages will prove problematic for many residents in the borough.

#### 4. Social Housing in Gateshead

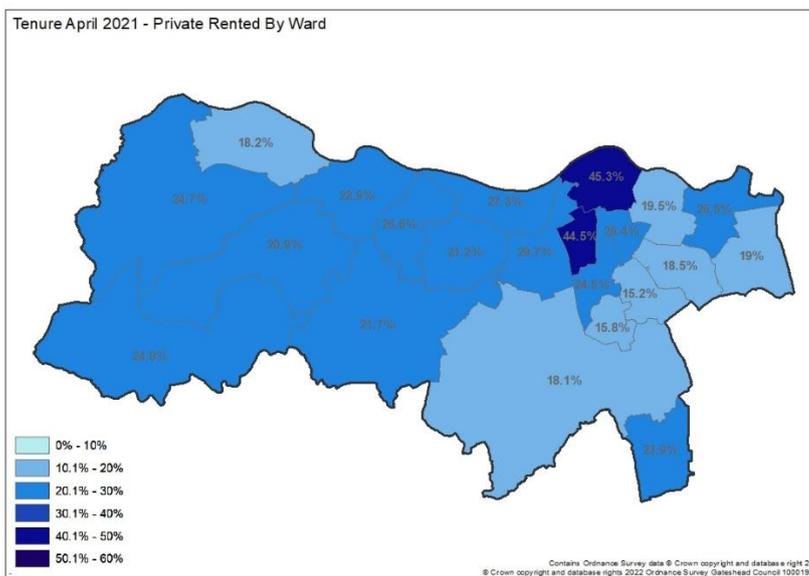
- 4.1 We can demonstrate through a series of ward maps the properties density for council stock, registered providers, private sector rented and owner occupier.
- 4.2 Council properties by ward are shown in the map below and we can see that they are fairly evenly distributed across the borough with the exception of the west. The darkest blue wards show the highest property density for council stock.



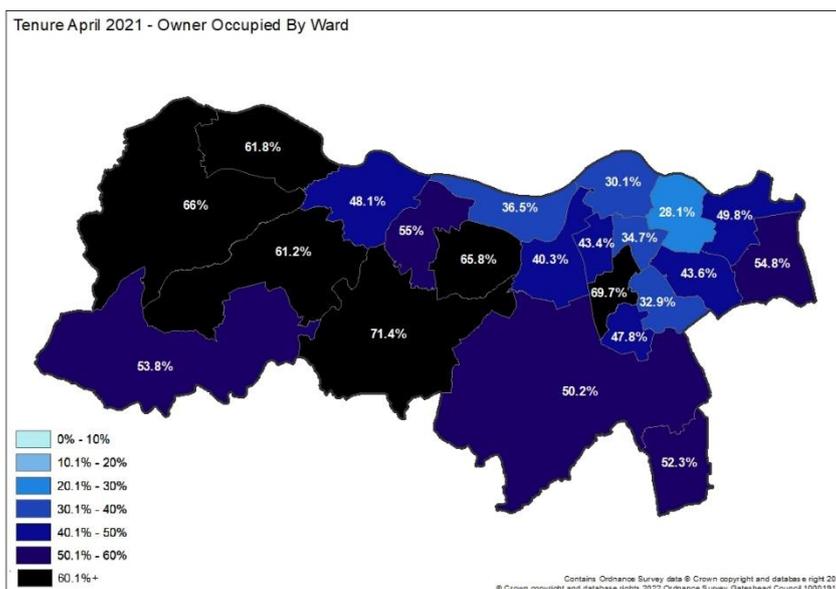
4.3 The map of registered properties by ward shown below, demonstrates that these properties only significantly appear in the north east and then primarily in two wards. There are no wards where registered providers properties exceed 20% density.



4.4 Seen below the map of private rented properties by ward shows that there a high presence of this type of accommodation with much of the borough showing density levels of 30% and some wards as high as 50%. There are no wards below 10%.



4.5 The final map (below) shows the owner occupiers by ward. We can see that that the east and south of the borough where social rented properties are fewest in number are heavily populated with significantly high numbers of owner-occupied properties; the density levels often exceeding 60%.



- 4.6 We will work with our landlords and community-led housing developers to maximise the opportunities to deliver affordable properties including social rented properties and will seek to leverage funding through Homes England funding regimes to support this where scheme viability is an issue. The priority, driven by the severe affordability issues in areas within our borough, is to protect and increase the supply of social housing in Gateshead alongside the provision of other affordable housing options.
- 4.7 We are working to deliver the aims and objectives of the Core Strategy and Urban Core Plan which is located on our website: [Core Strategy and Urban Core Plan for Gateshead and Newcastle 2010-2030 - Gateshead Council](#). This is targeting the delivery of family homes which are in high demand. We are balancing this with the need to protect our green spaces and even replace what is lost by development all of which is captured in part 3 of the strategy; Making Spaces for Growing Places: [Making Spaces for Growing Places - Gateshead Council](#)
- 4.8 There is currently a pipeline of sites identified for development which incorporate affordable housing. Of those under development it is anticipated that over 400 affordable units will be built including 286 for affordable rent. The range of affordable tenures will allow some people to get onto the property ladder and include 72 units for shared ownership and another 15 for discounted market sales.
- 4.9 Of the affordable units under construction, a range of property types will be provided. These will primarily be 2 and 3 bed houses and 1 bed flats. The Council works proactively with registered providers and developers to influence property type; this is informed by the housing register.

- 4.10 We also recognise that our registered providers may have to dispose of stock where it is not cost effective to maintain it to the Decent Homes Standard, or it is hard to let, either because of the type of accommodation or area in which it is located. Where this becomes necessary, particularly where a property has been given in trust, or where Gateshead or Homes England have invested in the property, the full gain (less any transaction and ancillary costs) from disposal should be reinvested back into the borough.
- 4.11 Social housing may be repurposed where disposal is not the most effective solutions, and the Council will work with the relevant landlord to obtain the best possible outcome.
- 4.12 The partnership between the Council and landlord ensures that adequate notice is given of any proposed disposal, thereby allowing the Council to consider the variety of options available to it.
- 4.13 To avoid property disposals as a result of poor property standards, we expect all social landlords to maintain their property portfolios to the Decent Homes Standard or equivalent or higher standard. This will also promote the benefits of better health and wellbeing.
- 4.14 There is growing evidence that by joining up planning for housing with planning for health and wellbeing, significant benefits both to individuals and communities can be seen, helping people to thrive. This is one of the Council's priorities, and our commitment together with registered providers is to:
- Deliver social homes to the Decent Homes Standard or higher.
  - Build genuinely affordable places to live where residents can settle and develop a commitment to their local community.

## 5. Rent Levels and Affordability

- 5.1 The government promotes work to reduce dependency on benefits, so it is important that rent levels in Gateshead are affordable and do not deter the tenant from entering employment.
- 5.2 Our Housing Strategy developed with planning sets out the delivery aims for an affordable housing programme that has the right mix of social housing products and sets out the measures that we employ to achieve the desired outcomes. We recognise a coordinated approach with registered providers is essential to deliver those outcomes.
- 5.3 Each scheme that is considered will aim for the most affordable rent level. A social rent comparison will be undertaken in order to determine whether the rents will be formula rents or affordable rents set at 80% market rent level. We have to consider scheme viability and the cost to the tenant overall in terms of rent and service charge when considering the rent level.
- 5.4 If we look at rent levels now it gives an indication of where we are and the need to keep a downward pressure on rent levels when we take into consideration the average weekly income. Rents for social housing should be based on social rent levels and ideally should be no more than 30% of a household 'take home' pay where this is viable and achievable. Higher than this and it will prove a barrier to those on low incomes including people on apprenticeships, key workers.

	1 bed	2 bed	3 bed	4 bed
Council	£75	£84	£91	£96
Register Provider	£77	£81	£89	NA
Private – 30 <sup>th</sup> percentile	£97	£115	£137	£207
Private – 80% median	£82	£101	£120	£188
Private – Median	£103	£126	£150	£235
Private - Upper Quartile	£126	£150	£173	£300

The Council also has larger units with average weekly rents of:

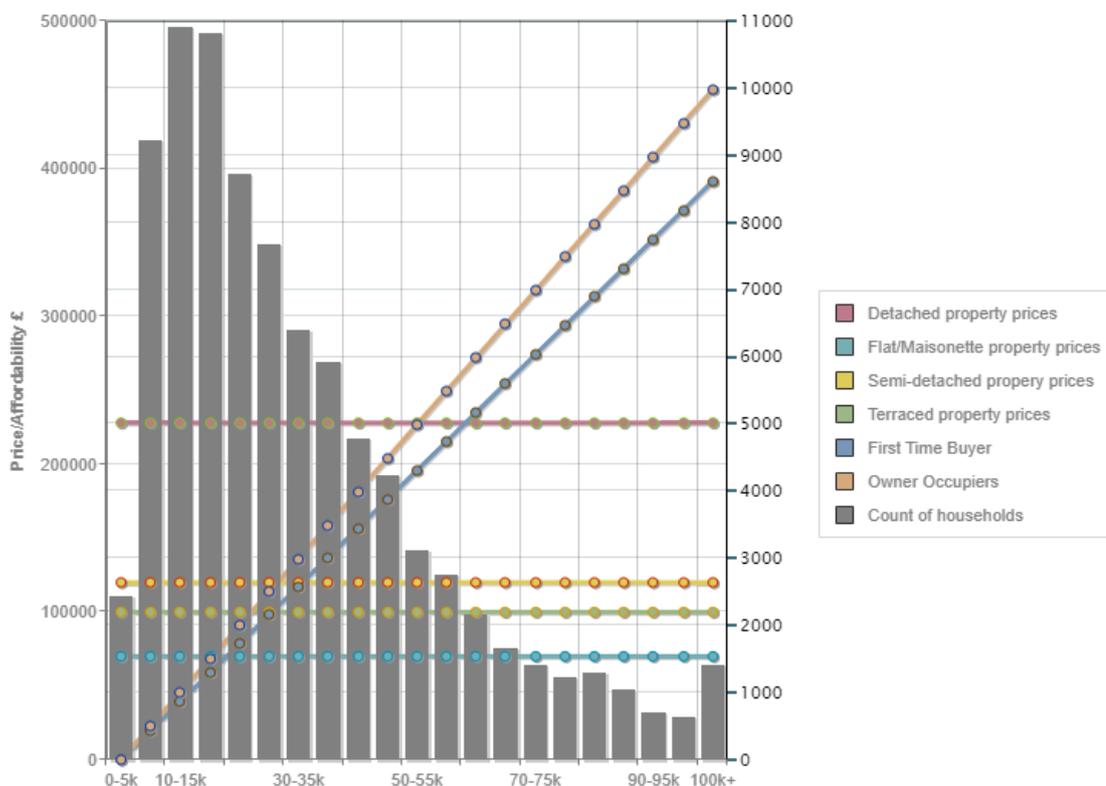
- 5 bed £106
- 6 bed £109
- 7 bed £123
- 8 bed £118

5.5 We can also look at shared ownership weekly rents in terms of affordability. The percentages represent the equity owned by the tenant. The tenant pays rent based on the equity they own and their mortgage.

	Lower Quartile			Median		
	25%	50%	75%	25%	50%	75%
1 bed flat	£44	£52	£63	£51	£62	£73
2 bed flat	£50	£61	£72	£57	£70	£82
3 bed house	£81	£98	£115	£106	£128	£151

Figures are derived from median house prices and do not include ground rent or service charges. Rents are assumed at 2.75% and mortgages payments are derived from average bank and building society rates. Loan-to-value is assumed at 90% in all cases i.e. it is assumed that the buyer has made a 10% deposit on the portion of the property they have bought. Homebuy assumes a 75% purchase with a 25% equity loan on which no payments are made.

5.6 In order to put affordability into context we may review the diagram below.



This chart shows the number of households in different household income bands in the area (bars) compared to the lower quartile price for different property types in the same area (horizontal lines). The diagonal lines rising from left to right show the value of property that can be afforded at different income multiples by a first-time buyer and former owner occupier. The affordability calculations are based on a multiple of the average household income adjusted by the average loan to value for the different types of buyer. The house price data is based on data from the Hometrack Automated Valuation Model and the incomes data is supplied by CACI.

5.7 New tenants are unlikely to have sufficient savings to secure a deposit or pay rent in advance. We ask that registered providers reflect this in their policies and have a flexible payment approach to allow the tenant to build the sufficient level of credit over time.

## 6. Discharge of Homelessness Duty

6.1 Since the introduction of the Localism Act 2011, local authorities can discharge their homelessness duties through an offer of suitable accommodation in the private rented sector. Where properties of a suitable standard can be found at the right cost, Gateshead will undertake a suitability check and if successful, will make an offer of private sector accommodation in line with the Homelessness Code of Guidance for Local Authorities and the Homelessness (Suitability of Accommodation) (England) Order 2012.

- 6.2 We are working to understand the numbers of private sector landlords in Gateshead in order to secure a supply of good quality properties. Where budgets allow, we offer incentives and grants to private sector landlords to help them improve their properties and maintain them to safe standards appropriate for letting. We seek to establish affordable rents within the private sector with capping at the Local Housing Allowance. This is an area of work we would like to make strides on developing over the next few years.
- 6.3 Over the next 12 months we are seeking to build a partnership framework with registered providers which will enable us to work together to discharge our homeless duty in both council and register provider stock. As we develop the partnership agreement, we will scope the arrangements around how refugees are housed and the allocation and letting of homes from the housing register. It is intended that registered providers will be able to advertise their property on the Gateshead choice-based lettings system which is due for completion by April 2023.

## **7. Granting of Tenancies**

### **Rights and Responsibilities**

- 7.1 All tenants need to be able to make informed choices about their housing options. We will work with our registered providers to make the process of offering tenancies as clear and transparent as possible. It is essential that applicants understand what they are being offered. All registered providers understand the need to explain the rights and responsibilities in a pre-tenancy session usually called a sign up or tenancy determination.

### **Licence to Occupy**

- 7.2 Tenants in our temporary accommodation are signed up on non-secure tenancies, usually a licence to occupy. The home is not permanent and only available to the household whilst the Council assesses their duty under the Homelessness legislation.

### **Introductory or Starter Tenancies**

- 7.3 Starter or Introductory tenancies are usually offered to someone who has never held a social tenancy before or someone who requires support during the initial period of their tenancy.
- 7.4 The initial period is for 12 months, after which it will convert to a lifetime tenancy unless the relevant notices have been served to extend the introductory/starter period for a further 6 months. This may be done where the tenant would benefit from further support or intensive management.
- 7.5 The landlord must hold regular reviews with the tenant and provide them with every assistance and support to sustain the tenancy including signposting them to external agencies where necessary.
- 7.6 Where the initial 12 months has been extended or a decision has been made to commence possession proceedings, the tenant has a statutory right of appeal, and the landlord must invest in the resources to undertake these effectively.

### **Lifetime Tenancies**

- 7.7 Social rented homes support our strategic objective to provide residents with long term, genuinely affordable homes. Lifetime tenancies are the preferred tenancy type in most circumstances and in our view, this should be the default offer to tenants.
- 7.8 Landlords are asked to offer assured (non-shorthold) tenancies (as defined by the Housing Act 1988). These can only be ended if the tenant breaches the tenancy conditions, and the landlord obtains possession through the Court.
- 7.9 Social housing tenants with lifetime tenancies that were issued before 01 April 2012, and who have remained social housing tenants, have their security of tenure protected by law. The Localism Act 2011 s.154 and regulatory framework for social housing require all landlords to offer lifetime tenancies when these tenants move to another social rented home. This includes mutual exchanges, transfers, or moves as a result of major works or regeneration. Where a social housing tenant has been given a lifetime tenancy on or after 01 April 2012, and they swap their home with a social housing tenant who has a fixed term tenancy, they will lose their lifetime tenancy.
- 7.10 The Domestic Abuse Act 2021 requires in cases of domestic abuse, that landlords issue new lifetime tenancies, where a tenant previously had a lifetime tenancy.
- 7.11 We expect lifetime tenancies to be issued to vulnerable tenants with long term support or care needs. This may include the following:
- those with enduring mental health needs
  - those with a learning disability
  - some types of physical disability
  - older people in supported accommodation (but not adapted properties)
  - older people moving into specialist, sheltered or extra care housing, particularly those giving up a larger home and a lifetime tenancy
  - those needing specialist care

### **Flexible Tenancies**

- 7.12 Most Registered Providers, but not all, offer fixed term tenancies, particularly when letting at Affordable Rent or the property is adapted. The Regulator of Social Housing expects that fixed term tenancies should be for a minimum of five years or no later than the 19<sup>th</sup> birthday of the oldest child wherever sooner. They may also be granted a fixed term tenancy for a minimum of two years where the initial 12 months of an introductory tenancy has been concluded.
- 7.13 Landlords who issue fixed term tenancies must have a policy supported by an Equalities and Communities Impact Assessment, stating clearly under what circumstances they will be granted.

- 7.14 Fixed term tenancies which are less than five years are used exceptionally in some of the following cases:
- for short term supported housing designated as move-on;
  - where it is linked to employment or educational opportunities such key worker accommodation, where the renewal of tenancies should take place at the renewal of an employment contract subject to suitability of the accommodation.
- 7.15 We support the use of fixed term tenancies in properties that have been purpose built or substantially adapted for disabled occupants. Such adaptations can be expensive, and it is important that adapted homes are made available and let to those who need them. We would expect that the tenancy is automatically renewed if there have been no changes in the household circumstances. However, if there has been a change, and the adaptations are no longer needed, the household should be re-housed by their landlord.
- 7.16 Fixed term tenancies; at nine and six months before the tenancy end date. At nine months they should be given an indication as to whether their tenancy will be renewed. They must receive notice by six months if their tenancy is not going to be renewed and the reasons should be explained clearly together with an alternative housing solution plan; one of the avenues being, a referral to the Council in line with the provision made by the Homelessness Reduction Act 2017.
- 7.17 Exceptional circumstances where a tenancy is not renewed may include:
- where a tenant wishes to end their own tenancy
  - where the home has been adapted but those adaptations are no longer required, and the home would meet the needs of another household on the housing register
  - where the behaviour of the tenant is prohibitive, and the landlord has exhausted all measures to provide tenancy support.

## **8. Tenancy Sustainment**

- 8.1 We are committed to helping tenants to maintain their tenancy in both temporary accommodation, private rented and council accommodation. We have the same expectation of our landlords. Some of these measures may include:
- a range of targeted visits during the lifespan of a tenancy
  - rehousing to prevent continued financial hardship
  - a housing support service, covering a range of advice and assistance
  - tenant orientated employment projects
  - using all our powers to tackle anti-social behaviour
  - projects to make it easier for tenants to manage their own homes
  - Tackle problematic tenants
- 8.2 The aim whether delivered by the Council or one of its partner landlords, is to provide the right aid at the right time and at times this may be bespoke to a household. Tenants who have been allocated a general needs property may need supported housing and this will be assessed as one of the measures.

- 8.3 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 the tenant and the landlord has exhausted all other ways to keep them safely in their home. The agreement would be between the landlord, the homeless service and the tenant who surrenders their tenancy on a voluntarily basis thereby allowing the Council to pick them up under a prevention duty rather than an intentionally homeless.
- 8.4 Safe surrender agreements and possession of a property should be a last resort and every effort should be made to sustain the tenancy where possible. We recognise that may not be possible where the housing needs of the individual may be complex and not suited to the accommodation. We will work with registered landlords and private landlords to find a way to keep tenants in their home and where this is not possible to identify a satisfactory solution.

## 9. Succession

- 9.1 Legislation has a provision for statutory succession rights for secure and assured tenants. There is one right to succeed. The law does not grant a further succession right if the successor then dies.
- 9.2 Historically, there were significant differences between the succession rights of assured and secure tenants. The Localism Act 2011 introduced changes to harmonise succession between the two, however there remains significant differences, the Localism Act changes affect tenancies granted from April 2012 onwards, but not those granted before that date.
- 9.3 Some landlords offer more generous succession rights than the statutory legal minimum, allowing tenancy rights to be passed on a second time or to be conferred in circumstances when the tenant would not normally qualify for a statutory succession. The rights may contractual, i.e. written into their tenancy agreement or discretionary and assessed on a case-by-case basis.
- 9.4 The Tenancy Standard governed by the Regulator of Social Housing, requires social landlords to have a succession policy which explains all the succession rights that apply to their tenants.

## 10. Tenant Mobility

### Downsizing

- 10.1 The Council needs family sized accommodation and expects all landlords to provide incentives and assistance to any of its tenants who wish to move to a smaller property. They should be encouraged to join the housing register and their application will be awarded a priority that reflect the demand for larger properties.
- 10.2 Residents who claim benefits in under occupied units are subject to the Spare Room Subsidy (also known as bedroom tax), which can have a negative impact, making affordability an issue and having a detrimental effect on health and wellbeing.

- 10.3 We will work with landlords to aid in this activity and promote the available funding options to facilitate small works or adaptations to meet identified needs.

### **Moving for employment, social or welfare reasons**

- 10.4 It is important for tenants who wish to move for employment, or for support and welfare reasons, to be able to do so easily. Applicants on the housing register wishing to transfer for these reasons will be awarded suitable priority.
- 10.5 Registered providers should enable suitable moves to support the recruitment and retention of essential key workers, health and support workers in the borough.
- 10.6 Consideration and support should be given to the priority awards set out in the Council's Allocation Policy.

## **11. Purchasing a socially rented Home**

- 11.1 As a local authority, we are supportive of creating new opportunities for those who wish to own their own home. However, we are also acutely aware of the need to maintain the availability of genuinely affordable rented accommodation.
- 11.2 Tenants who are eligible will be able to purchase their home from their landlord provided it is not exempt.
- Council tenants will have a Right to Buy.
  - Registered provider tenants may be able to purchase through the voluntary Right to Buy or the Right to Acquire schemes.
- 11.3 Registered providers will keep the Council informed of any purchases through these schemes in order for us to maintain the data of available social rented stock in the borough.
- 11.4 As part of our working relationship with registered providers, we ask that the following properties be exempt from purchase:
- properties in rural locations, where the number of available properties are low, and the aim is to preserve current community stability
  - designated accommodation for Older People; where this accommodation is in short supply
  - specialist or supported housing
  - disabled adapted properties secured through planning obligations
  - shared accommodation.

## **12. Measuring the impact of the Tenancy Strategy**

- 12.1 Gateshead will monitor the delivery of this strategy via:
- Discussions with residents of the borough
  - Tenancy sustainment reviews by Registered Providers.
  - Feedback from the Private Rented Sector  
Annual appraisals with Registered Providers and the effectiveness of their own tenancy policies.

- 12.2 In addition to the above, the Council has regular Registered Provider partnership meetings throughout the year. The effectiveness of the strategy will be discussed at prescribed intervals at these meetings.
- 12.3 This strategy will be reviewed every 5 years – unless legislation, business or sector developments require otherwise – to ensure that it continues to meet the stated objectives and takes account of good practice developments.
- 12.4 We aim to mitigate any risk associated with the delivery of this strategy and its implementation by landlord tenancy policies through discussion and negotiation.
- 12.5 Rent levels and affordability on new and existing properties will be subject to scrutiny and aligned with the housing strategy.
- 12.6 The action identified by the homeless review will be planned and executed to achieve the highest possible outcome. Equally Gateshead will take the necessary measures to embed the new Housing Model.

### **13. Equalities**

Under the Equality Act 2010 and in particular section 149 of the Public Sector Equality Duty, Councils are required to give due regard to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not, when exercising a public function such as a landlord. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

This strategy complies with the Council's Equal Opportunities policy [Equal Opportunities Policy1.pdf \(gateshead.gov.uk\)](#) which sets out our commitments to ensuring equality in service delivery. It 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 strategy.

### **14. Implementation of the Strategy**

We will produce a delivery plan with our partners, using the aims and the actions identified within the strategy. We have a shared commitment across our key partners and stakeholders to support the delivery of this strategy, as the achievement of our vision is dependent upon their contribution. The Strategic Housing Board and the Health and Wellbeing Board will have oversight of the implementation of the strategy and will monitor and review progress.

Gateshead Council and the Housing Providers Partnership will jointly own the strategy. The intention is to establish a formal partnership to be responsible for delivery and it will include other partners. A project team will be established to drive the changes and lead partners will be identified for the delivery of specific actions.

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**Tenancy Management Policy**  
**September 2022**

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## Part 1: Introduction

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### 1.1 Aim of the Policy

This aim of this Tenancy Management Policy is to set out how we manage tenancies from the point at which a tenancy is granted, through to the point at which ends and the key stages during its lifespan. Our tenancy management is delivered through the principles outlined in the Council's Thrive Agenda:

- Put people and families at the heart of everything we do
- Tackle inequality so people have a fair chance
- Support our communities to support themselves and each other
- Invest in our economy to provide sustainable opportunities for innovation & growth
- Work together and fight for a better future for Gateshead

This policy compliments the Council's Tenancy Strategy which sets out our expectations of all social landlords in Gateshead. The Tenancy Strategy is located at: [URL needed](#)

### 1.2 The Legal Framework

In developing this policy; the Council has followed and fully considered the following housing legislation, regulations, and statutory guidance:

- The Housing Act 1985, 1988 and 1996
- Localism Act 2011 (England)
- The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act 2017
- Equality Act 2010.
- Data Protection Act 2018 and contained within the General Data Protection Regulation 2018 (GDPR).
- Regulatory framework for England April 2012
- Defective Premises Act 1972
- Home Loss Payments (Prescribed Amounts) (England) Regulations 2008
- Land Compensation Act 1973
- Landlord and Tenant Act 1985 and 1987
- Human Rights Act 1998
- The Civil Partnerships Act 2004
- Health and Safety at Work Act 1974
- The Gas Safety (Installation & Use) Regulations 1998
- BS 7671 IEE Wiring Regulations
- Control of Asbestos at Work Regulation 2002
- Regulator of Social Housing Compliance.
- Anti-social Behaviour, Crime and Policing Act 2014

### **1.3 Application of the Policy**

This policy will be implemented through a suite of delivery processes designed to provide compliance with regulation, legislation and good practice.

- Tenancy commencement
- Introductory tenancy reviews
- Fixed term renewals
- Tenancy appeals
- Tenancy audits
- Change of tenancy
- Demotion of a tenancy
- Tenancy end

### **1.4 Data Protection**

Gateshead Council (Gateshead) will ensure personal information of all tenants (new, existing and deleted) is:

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

A tenant's express consent is obtained to deliver a tenancy management service during the completion of the sign-up process. The Council has a Privacy Notice which can be located at: [URL needed](#)

### **1.5 Equalities, Access and Monitoring**

Gateshead is committed to ensuring that the policy is non-discriminatory and that all tenants 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. To identify the needs of our tenants, a new tenant questionnaire is completed at sign up and it 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, Councils are required to give due regard to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not, when exercising a public function such as a landlord. 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.

## **1.6 Changes to this 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, we will attach the information as an appendix.

## Part 2: Delivery Model

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### 2.1 Properties in Management

Gateshead is responsible for 19,726 properties, 1,441 of which are housing for older people. There are also 950 leasehold properties which are managed under the Leasehold Management Policy. We are also manage 286 properties on behalf of Keelman Homes.

### 2.2 Tenancy Management

Rented stock is managed under the Council's Tenancy Management Policy which combines legislation with regulation and industry good practice in:

- The commencement of a tenancy
- The tenancy that will be offered
- The tenancy conditions and their enforcement
- The rules around changing a tenancy
- Moving a tenant out, either permanently or temporarily, if work needs to be done or the property is required as part of the regeneration programme.
- Sustaining tenancies
- The conclusion of a tenancy.

### 2.3 Registered Providers

Gateshead works with a number of registered providers to provide social housing. The tenancy strategy places an expectation on them to have their own tenancy policies in place which confirm the tenancies they grant and how they are managed.

## Part 3: Tenancy Commencement

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### 3.1 Housing Applications

We operate a housing register in which applicants are awarded priority based on reasonable preference and priority need. The Council's Allocation Policy is located at: [URL needed](#)

### 3.2 Tenancy Start Date

A tenancy will usually commence the Monday after the tenancy has been signed by both the applicant and the Council. If you are transferring from another Council property or a property belonging to a Registered Provider, you will need to serve the Notice stipulated in your current tenancy agreement.

### 3.3 New Tenant Welcome Visits

All new tenants will receive a welcome visit between 6 and 8 weeks of their tenancy start date. This is a settling in visit to ensure that you have moved in and are adhering to the terms and conditions of your tenancy agreement. We will also discuss any support requirements you or someone in your household may have.

### 3.4 Rents and Service Charges

Rents and Service Charges are set annually. Incoming tenants are advised of these at offer and sign up. Existing tenants and leaseholders are given formal notice of any changes to rents or service charges in line with their tenancy agreement or lease. You are expected to pay your rent in accordance with your tenancy agreement. You are obliged to inform us any changes in your circumstances, and this includes extended periods when they will be away. You are expected to use the property as your principle home and absence from the property, especially repeated absences may affect your benefit claim and may be investigated.

### 3.5 Household Composition

The details of who lives with the tenant, i.e. household composition are gathered when make a housing application and again at sign up. If anything changes, you are asked to notify us.

The household composition must be suitable for the property. We do not knowingly allow our properties to be overcrowded or under occupied. Should you wish someone to live with you, you must first seek permission. We will check the household composition when we audit the property and anyone living in the property without consent will be asked to leave.

### **3.6 Tenancy Management Information**

At sign up, it is important to gauge whether you are going to be able to live independently or whether you may need additional support. It is equally important to understand the preferred method of communication. So the following key information will be gathered to make sure you stay safe and well in your new home.

- Whether you prefer to be called, messaged, emailed or formally written to.
- Your preferred language.
- Whether you are visually impaired and your preferred method of communication.
- Whether you require audio aids.
- Whether you have a support worker or advocate.
- Known medical health or mental health conditions.
- Known history of violence.

### **3.7 Garage Lettings**

The Council has a number of garage sites which can be rented on application. There is a weekly charge which is slightly higher for non-tenants. Garages can be used for vehicles and storage. Storage of flammable materials, gas cylinders, chemicals or perishable items is not permitted, and neither is a source of ignition or a gas or electricity supply.

## Part 4: Tenure Type

### 4.1 Issuing a tenancy

Tenancies will be issued in the name of the nominee(s) and transferee(s) on your housing application. If it is a joint application, then the tenancy will be joint and if it is sole, the tenancy will be sole. For properties where there is an age restriction, the tenant will be the one who meets the criteria and may be a sole tenancy if the partner is younger.

### 4.2 Tenancy Determination

A tenancy determination is undertaken during the allocation of a property. We grant the following tenancies:

Tenure	Description
Introductory Tenancy	If you have not previously held a social tenancy, or we feel that you need support in your new tenancy, you will be granted an introductory tenancy which will covert to a secure tenancy after the initial 12 months.
Secure Tenancy	If you are currently on a lifetime tenancy, you will be granted a secure tenancy.
Flexible Tenancy	A short-term tenancy of a fixed period will be granted where the Council needs to make best of stock in larger or adapted properties. These may also where a fixed term tenancy is a condition of housing someone under a homeless scheme. Where a flexible tenancy is going to be granted we will ensure that this information is made available in advance of signing the tenancy.
Non-Secure Tenancy	These usually but now always take the form of a license and are granted as follows: <ul style="list-style-type: none"> <li>▪ Temporary accommodation</li> <li>▪ Service tenancies such as caretakers</li> <li>▪ Temporary decants</li> <li>▪ Garages</li> </ul>

### 4.3 Tenancy Conditions

The tenancy agreement confers rights and responsibilities to both tenant and landlord. The exact nature of these depend on the tenancy type. The right to assign, succeed a tenancy or buy may be restricted for instance. A tenancy may only be ended by serving the appropriate notices. Variation of a tenancy which the consent of both parties. Please refer to your tenancy agreement to understand your rights and responsibilities.

#### **4.4 Tenancy Reviews**

A tenancy may reviewed as required:

- a. A tenancy would benefit from some support to sustain it. This may be short term or for longer periods of time if the tenant is vulnerable.
- b. Tenancy enforcement is needed.
- c. Formal reviews are required as part of the statutory process around introductory tenancies. A notice is required if the introductory period is to be extended for a further 6 months where the Council feels the tenant has failed to meet the conditions of their tenancy but has not met the threshold for commencing legal possession.
- d. Formal reviews are required as part of the statutory process around flexible tenancies. Where we decide we will not be renewing the tenancy, alternative accommodation will be provided, where the tenancy comes to an end, and you are not at fault.

#### **4.5 Tenancy Appeals**

If you disagree with a decision made in accordance with your tenancy, you make request an appeal. For decisions in relation to introductory tenancies and fixed term tenancies, this is a statutory requirement.

## Part 5: Tenancy Changes

### 5.1 Sole to Joint

Gateshead will allow a sole tenant to add their spouse, civil partner or partner to the tenancy where there is evidence of an ongoing relationship. Joint tenancies will not be permitted between parent and child or siblings. A new tenancy will be granted with both partners named on the tenancy. This brings the former tenancy to an end and the sole tenant must be made aware of this prior to termination. Where the new joint tenant has never held a social tenancy, the new tenancy will be introductory.

### 5.2 Joint to Sole

This is where one joint tenant wishes to remove the other joint tenant from their tenancy, i.e., joint to sole. There are legal implications here and the landlord cannot be seen to collude in a breach of rights. Therefore, you may do one of the following:

- a. Get the other joint tenant to assign the tenancy over to you.
- b. Obtain a court order transferring the tenancy to you.
- c. If you have extenuating circumstances, provide us with details. In cases of domestic abuse, we may award you a new tenancy, however you will be required to surrender your existing one.

### 5.3 Assignments

An assignment can only take place via a deed of assignment and/or a Court order. There are three main types:

Assignment Type	Description
Assignment by mutual exchange	Where two tenants wish to exchange properties, you must obtain the permission of your landlord and you must have the right to assign. As a landlord we cannot withhold permission unreasonable and where we do so it must be in line with the condition set out in schedule 3 of the housing legislation.
Judicial Assignment	Where a Court Order is obtained transferring the tenancy this is a Judicial Assignment. If the transfer is due to divorce proceedings a deed of assignment supplied by the remaining party's solicitor is required in addition to the court order.
Assignment to a Potential Successor	If a tenant wishes to transfer their tenancy onto someone while they are alive this is called a living succession or assignment to a potential successor. The same statutory requirements must be met as if the tenant had died. The landlord is obliged to provide the tenant with their change of rights, should they assign their tenancy.

Assignment Type	Description

#### 5.4 Successions

A succession can only take place where one or both tenants has died. There are five main types:

Succession Type	Description
Survivorship succession	This is the automatic and immediate transfer of the tenancy to the remaining tenant following the death of the joint tenant. This is a statutory right which is protected in law irrespective of the tenancy type.
Statutory Succession	<p>This is the transfer of a sole tenancy to the tenant's partner or other family member following the death of a tenant. For tenancies that predate April 2012 and the Localism Act 2011, the family members who are entitled to succeed are listed in s113 of the Housing Act 1985. They must prove they lived with the deceased during the 12 months immediately before their death. Where there is more than one qualifying member, we would usually expect the family to decide who that would be, although we may make the decision, if necessary, under the s89(2)b of the legislation.</p> <p>Tenancies after April 2012 and the Localism Act, the statutory succession rule stipulates that only a spouse or partner may succeed unless the landlord has conferred a further right in the term of the tenancy agreement.</p>
Contractual Succession	The transfer of a sole tenancy to a qualifying individual following the death of tenant where the landlord has provided enhanced succession rights in the tenancy agreement. Some service tenancies may have a contractual provision on succession.
Devolution by will or intestacy	This is where the tenancy is passed by a sole tenant to a designated individual through their will, or to their next of kin through intestacy. The claimant must meet the succession criteria. Devolution will not transfer the security of tenure of a secure tenancy so there can be no further successions.
Discretionary Succession	This is the grant of a new tenancy to an individual following the death of a sole tenant where there is

Succession Type	Description
	no right to succeed but where we will consider a discretionary succession. This can be applied to any of our tenancy types.

#### 6.4.2 Succession & Best Use of Stock

Where the accommodation is larger than is reasonably required by a successor who did not previously hold the tenancy or adapted and the successor has no use for the adaptations, we may seek possession of the property under ground 15A. We will serve a notice, no earlier than six months, and no later than twelve months, after the original tenant's death. We will ask you to complete an application form and allow you to bid for suitable alternative accommodation and may also make you a direct offer. We may only apply for legal possession 10 months or more after the original tenant's death. But we will do everything possible to find you more suitable accommodation before we make a Court appearance.

#### 5.5 Right to Buy

Under the Right to Buy scheme, you can apply to buy your council home if:

- a. it's your only or main home
- b. it's self-contained
- c. you're a secure tenant
- d. you've had a public sector landlord for 5 years - for example a council, housing association or NHS trust

Right to Transfer

For details of the scheme: [URL needed](#).

#### 5.6 Right to Transfer

The Right to Transfer under Section 34A of the Housing Act 1985 is the right that all Council Tenants have to come together as a neighbourhood, form a not-for-profit organisation and request to take ownership and control of their own homes. For details of the scheme: [URL needed](#).

## Part 6: Decants

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### 6.1 Reason for Decants

There are occasions when a tenant may have to be relocated from their homes for one of the following reasons:

- a. Major repairs or improvements that cannot be conducted with the tenant in occupation.
- b. Modernisation programmes.
- c. Sale or demolition.
- d. Emergency (e.g. fire, flood) rendering the property uninhabitable.

### 6.2 Permanent Decants

With a permanent decant, the household moves permanently and is rehoused. They will be allocated a property to suit their household size and need in accordance with the Council's Allocation Policy.

- Where two decants bid for the same property, priority will usually be given to the one who has had the longest tenancy unless there are extenuating circumstances, or the property is adapted and following professional advice one household need meets the provision better.
- If the property you are moving to belongs to another social landlord, we will advise you of any implications to your tenancy rights if this is likely to change.
- If you are moving because your home is part of a regeneration programme, you may be given the right to return to a suitable property if this has been agreed in advance. You will be advised of this at the time if this is going to be a possibility.

### 6.3 Temporary Decants

With a temporary decant, the household moves out temporarily whilst the work is done. On completion of the works, you will return to your home. You will remain a tenant in your current home and remain responsible for the rent. We will ask you to sign a license to occupy in the temporary property which states you will vacate the property once your own home is ready. You will be found a suitable property to meet the needs of your household. If the move is only up to one month a cash incentive may be offered to stay with friends/relatives, in hotel accommodation or respite care. Cost effectiveness and needs of the tenant will be considered.

- The tenant's furniture and belongings may be left in the permanent home but if this is not practical it will either be moved to the temporary home or stored by prior agreement.
- The accommodation may not be an exact match to the tenant's' current property but consideration will be given to accessibility, no of bedrooms and location.
- The tenant may request to remain in their temporary home this will be considered on a case-by-case basis. If granted it will be treated as a permanent decant however no homeloss payment will be granted as their original home was made available for return.

#### **6.4 Refusal to Move**

Every consideration will be given to a tenant where they either refuse to move out of their home; or refuse to return to their home after a temporary decant. However, we have the right to take legal action to repossess the property and this is outlined in agreement. This may be possession, injunction or a warrant of entry depending on whether the decant is permanent or temporary.

#### **6.5 Supporting the Tenant**

We understand the need to move can cause disruption and anxiety. We are committed to ensuring that this process runs as smoothly and sympathetically as possible. You will be prepared at length in order to assist the move. Financial and practical assistance will be offered, and a support package agreed in advance.

#### **6.6 Home Loss and Disturbance Payments**

Homeloss payments are governed by the Land Compensation Act 1973 and the amount payable is fixed by statute. The payments are intended to compensate for the upheaval and personal upset involved in an involuntary move. Money owed to the Council will be deducted from the payment. Payments are made within 3 months of relocation and will only be paid to secure tenants who have held their tenancy for a year or more. Homeloss payments apply to permanent decants only.

Disturbance payments will be made to meet any reasonable moving expenses. These will be agreed in advance and either Council contractors used, or the tenant paid direct on production of receipts. Disturbance payments are paid to permanent decants once and for temporary decants each time they move.

## Part 7: Tenancy Sustainment

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### 7.1 Sustaining Tenancies

We are committed to helping you maintain your tenancy and offer a variety of ways to support you to achieve this.

This may vary and the list below is just some of the examples:

- a range of targeted visits during the lifespan of a tenancy
- rehousing to prevent continued financial hardship
- a housing support service, covering a range of advice and assistance
- tenant orientated employment projects
- using all our powers to tackle anti-social behaviour
- the garden tidy scheme and other such projects to make it easier for tenants to manage their homes
- Tackle problematic tenants

### 7.2 Vulnerable Residents

Many of our residents may be vulnerable. This may vary from someone with learning difficulties to someone with issues around mental health, or from someone with a visual impairment to someone who is bed bound. We work with all our vulnerable residents and their advocates, supporters, family members and health agencies to ensure they are able to live happily in their homes, and when and if they need to move on to alternative accommodation, we will work with other departments to make the transition as smooth as possible.

### 7.3 Supported Housing

Gateshead will ensure housing applicants with the need for specific property adaptations or mobility access are identified as part of the assessment process to ensure suitable properties are made available to them during the allocation process.

Equally we also provide some housing for older people. Ideally this is identified as part of the allocation process so that we match the right property to the applicant. Tenancies within our sheltered stock are for people who are 40 years and over. A support plan is a mandatory condition for this type of housing.

As people age or are perhaps diagnosed with physical, mental or medical conditions where their housing is having an impact, they will be assessed for medical priority and rehoused to suitable accommodation.

#### **7.4 Failing Tenancies**

If you are a Council tenant, and your tenancy is failing but has not yet met the threshold for eviction, we will explore all avenues to keep you in your home. If moving you is the only way to assist you, we may consider a management transfer. On the rare occasions where this is not possible, we will consider a safe surrender agreement which allows you to be housed under a homelessness prevention duty, but these will be as a last resort.

## Part 8: Tenancy Enforcement

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### 8.1 Tenancy Audits

We will visit each property at regular intervals to check the occupants of the property, provide support and inspect the property. This will be an unannounced visit in order to determine whether the people living there match our records. As your landlord, we are legally obliged to know who is living in our properties at all times, and if an illegal occupant is identified, to take the appropriate remedial action.

### 8.2 Tenancy Fraud

We are committed to tackling fraud at all levels. We recognise the importance of multi-agency working and use a number of key methods for prevention including; using data analysis, working with our partners, sharing information as appropriate and credit reference agency.

### 8.3 Demotion of a Secure Tenancy

Legislation allows for the demotion of secure tenancies where security of tenure is suspended by a Demotion Order issued by a court. It is used where a tenant persists in breaching the terms of their agreement, but where we cannot make a case for possession.

It requires substantial evidencing in much the same way as we would need to do if it were processing a case for possession. We undertake consistent and sometimes protracted periods of monitoring as a prerequisite to place before a judge when applying for a Demotion Order.

### 8.4 Legal Action and Possession

As a landlord we may have to take legal action against you which may take the form of an injunction, prohibition order or as a last resort possession of your home. We cannot simply enter your home; we may only do with a Court order or a warrant following legal action.

We will do everything possible to work with you including:

- Dealing with all complaints.
- Practical arrangements to clear rent arrears.
- Assistance from our housing support service.
- We will take early and preventative action where possible.
- We will safeguard vulnerable residents when considering action.

Tenants evicted by us are treated as intentionally homeless under the homeless legislation. You may find it difficult to be considered for rehousing and we would urge you to work with us before this happens.

## **8.5 Anti – Social Behaviour**

Anti-Social Behaviour (ASB) can include a wide range of nuisances, disorder and crimes which affects people's lives on a daily basis. It can feel and look different in every area and to every victim. What might be considered anti-social by one person, might be considered acceptable to another. The Home Office describes ASB as, 'any aggressive, intimidating or destructive activity that damages or destroys another person's quality of life'.

As a Council we are committed to working with our tenants and our partners to address all forms of ASB. Our ASB Policy located at: [URL required](#) lays out our approach to tackling this behaviour, and we will work with the police and other agencies to safeguard victims and take the necessary action against perpetrators.

## **8.6 Domestic Abuse**

Domestic abuse can be defined as: *‘Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 and over who are, or have been, intimate partners or family members regardless of gender and sexuality. The abuse can encompass but is not limited to psychological, physical, sexual, financial, emotional’*

For details of our approach to both survivors and perpetrators of domestic abuse, please see our Domestic Abuse Policy. [URL required](#)

## Part 9: Tenancy Termination

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### 9.1 Tenancy End Reason

Tenancies end for a variety of reasons:

- You surrender your tenancy
- You transfer to another property
- The sole tenant dies
- The sole tenant moves into residential care or a hospice
- You are evicted
- You abandon your home

In all cases, there will be a notice you either serve on us or we serve on you. Your tenancy agreement will have a clear description on what to do where you wish to serve notice. The Council may only serve notice under one of the grounds for possession or serve a notice to quit where the tenancy has been rendered insecure.

### 9.2 Tenancy End Date

In most cases the tenancy ends the Sunday after the keys have been returned. If entry must be forced, the tenancy will end the Sunday after. If the keys have not been returned and the notice period expires, a use and occupation will be charged.

### 9.3 Pre-Termination Visits

Tenants who are transferring to another property may receive a pre-termination visit if we have not recently inspected your property. This is to make sure there is no tenant damage. Where this is identified, you will be expected to rectify it. If you fail to do so, we will repair it and recharge you the costs. In some cases where the damage is extensive, we may prevent you from moving to another council property.

### 9.4 Belongings left in the Property

You are expected to clear your belongings before you return the keys. If you leave belongings behind, we may serve a notice under the Interference with Goods) Act 1977. This allows us to remove and/or dispose of these belongings. The cost of doing so may be recharged to you.

### 9.5 Void Management

The Council has an obligation to ensure that empty properties are identified, repaired and relet as soon as possible to those with housing needs with minimal void loss and security and repair costs.

## **9.6 Former Tenant Debt**

We will make every effort to recover all rent arrears prior to the end of a tenancy. However once the tenancy has ended, any arrears and recharges will be dealt with as former tenant debt.

## **9.7 Tenancy Records**

All tenancy records will be held intact for a full 6 years post tenancy end in line with good practice guidance on document retention. They will then be anonymised and/or disposed in line with the Council Document Retention Policy. [URL needed.](#)