

# Allocations and Lettings Policy 2022

**Draft for consultation**



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## 1.0 Summary of the Lettings Scheme

Newcastle City Council's Allocations and Lettings Policy sets out how you can join our housing register and how to apply for social housing in Newcastle.

If you want to be considered for social housing in Newcastle with Newcastle City Council or one of the registered providers, also known as housing associations, that have properties in Newcastle, you will need to make an application. You will need to do this using the online system that we use to manage all of our customers housing applications. If you do not have access to a computer or need assistance with your application, we can provide you with the assistance that you require.

When we receive your application, we will consider whether you meet certain criteria. If you meet the criteria you will be accepted onto the housing register and be able to bid for available properties.

We will assess your needs and place you in one of five 'Priority Bands' in accordance with your greatest need. The five Priority Bands are:

- Band A – Critical need
- Band B – Urgent need
- Band C – Medium need
- Band D – Reduced priority
- Band E – General Housing Need

The majority of available properties are advertised on a weekly basis. We call this the 'lettings cycle'. You will be able to bid for up to three properties each week. You can choose which properties you bid for and will be able to bid on properties that meet your needs. For example, the property will have the number of bedrooms that your family have been assessed as requiring, or if the property has been adapted, that the adaptations meet your needs. Some applicants will be placed on auto-bid. Auto-bid will ensure that three bids are placed each week if there are suitable properties available.

After the advert closes, we will compile a shortlist of applicants. Applicants will be placed in order of their priority band with people in band A, Critical Need, at the top. Applicants in each band will be placed in the order of the date they were awarded their priority banding. Any specific criteria for the property will also be considered. Usually, the customer at the top of the shortlist will be offered the property.

In certain situations, different procedures will apply to the selection of applicants for properties as detailed in this policy. This includes Direct Lets or Local Lettings Policies which allow Newcastle City Council to respond appropriately to certain individual housing needs and to manage properties effectively. All exceptions to the general policy will be recorded and monitored to ensure that they are applied fairly.

## **2.0 Overview, Aims and Objectives**

### **2.1 What is this policy for?**

Newcastle City Council recognises that what makes a house feel like home is important. A home can provide a base from which to lead our lives and build a future, it helps towards realising our ambitions and can provide stability and security. The Allocations and Lettings policy sets out how you can join our housing register and how to apply for social housing in Newcastle. The housing register is a list of people who qualify for social housing and are waiting to be offered a property. It also explains how we decide who can join the register and how we allocate our properties.

We have a wide range of properties available throughout the city and will offer advice and assistance on where you are most likely to find appropriate housing to meet your needs. You will find further information about the range of housing options available to you in this policy.

### **2.2 Our aims**

For our customers we aim to:

- Offer a simple, fair and transparent process.
- Make sure those who have the greatest need for housing have the greatest opportunity to get it.
- Offer realistic options and informed choice.
- Promote independence by providing support to find and remain in their homes.

For our communities we aim to promote:

- Places where people want to live and work by allowing people to make positive choices.
- Equality of opportunity.
- Sustainable and mixed communities.

We will do this by having an Allocations and Lettings Policy which:

- Puts people at the heart of the process.
- Makes best use of housing resources.
- Combines housing need and support and care requirements.
- Offers a range of housing options.
- Helps us to understand housing need and respond appropriately.

This policy will also contribute to the strategic objectives of the council in making best use of its resources.

We will give you good quality information about our services. This will help you make well informed choices about your future home.

## **2.3 Your Homes Newcastle**

Your Homes Newcastle (YHN) is an Arms-Length Management Organisation (ALMO) which manages most of the properties that are owned by Newcastle City Council and Leazes Homes. When you apply to join the housing register Your Homes Newcastle will support you through the process of applying and bidding for properties.

If you were to be allocated a property owned by Newcastle City Council, the Council would be the landlord of the property and Your Homes Newcastle would be responsible for the management of the property which includes the allocation of properties and ongoing management of your tenancy, such as completing repairs and assisting you to manage your tenancy.

## **2.4 Partnership landlords**

Newcastle City Council and Your Homes Newcastle work in partnership with Registered Social Housing Providers (RP's) who have homes across the city.

- Full details of the RPs and their websites will be included in the final Allocations and Lettings Policy.

The purpose of working in partnership with RP's is to provide a single point of access for the allocation and letting of social and affordable housing in Newcastle and to provide advice about the housing options available to our customers.

If you are accepted onto the housing register you will also be able to bid for properties in Newcastle that are advertised by the RP's listed above. You can find further information about bidding for properties with an RP in section **5.2 Nominations to housing provided by registered providers**.

## **3.0 Meeting our legal obligations**

### **3.1 The legislative framework**

This policy has taken into account all relevant legislation (principally the Housing Act 1996 Part VI as amended), statutory codes of guidance, Newcastle City Council's current Homelessness and Rough Sleeping Strategy and its current Tenancy Strategy. Newcastle City Council is required to make all allocations and nominations in accordance with an Allocation Scheme. This policy details Newcastle City Council's Allocation Scheme.

### **3.2 What is an allocation?**

Legislation defines an allocation as:

- Selecting a person to be a secure or introductory tenant of accommodation held by a local authority.

- Nominating a person to be a secure or introductory tenant of another local authority.
- Nominating a person to be an assured tenant of a private registered provider of social housing.

### **3.3 Reasonable preference**

The law states that we must give 'reasonable preference' to certain groups of applicants (referred to in this policy as the 'statutory reasonable preference groups'). We give qualifying applicants 'reasonable preference' by awarding a priority banding. This is explained further in section **7.5 What Priority Band will I be Awarded?**

The statutory reasonable preference groups are:

- a) people who are homeless (within the meaning of Part 7 of the Housing Act 1996);
- b) people who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3)
- c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- d) people who need to move on medical or welfare grounds, including grounds relating to a disability
- e) people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or others)

However, an applicant will not be entitled to a statutory reasonable preference by virtue of paragraphs a) and b) above if it would depend on the presence, within the applicant's household, of a 'restricted person' (within the meaning of Part 7 of the Housing Act 1996).

We can also choose to give a preference to groups of applicants who do not fall into the statutory reasonable preference groups provided that:

1. they do not dominate the scheme, and
2. overall, the scheme operates to give reasonable preference to those that are in the statutory reasonable preference groups over those who are not.

### **3.4 Additional preference**

The law states that we must give 'additional preference' to a person who is in a statutory reasonable preference group, has an urgent housing need and who:

- is currently serving in the regular armed forces and suffering from a serious injury illness or disability which is attributable (wholly or partly) to their service
- formerly served in the regular armed forces

- is a bereaved spouse or civil partner who has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of their spouse or civil partner whose death was attributable (wholly or partly) to service in the regular armed forces
- is, or had been, serving in the reserve armed forces (this includes the Territorial Army) and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to their service

We can also choose to give additional preference to other particular descriptions of people who fall within the statutory reasonable preference groups and who have an urgent need to move.

### **3.5 Right to request general information**

The law states you have the right to request such general information as will enable you to assess:

- how your application is likely to be treated under the scheme (including in particular whether you are likely to be regarded as a member of a statutory reasonable preference group); and
- whether housing accommodation appropriate to your needs is likely to be made available to you and, if so, how long it is likely to be before such accommodation becomes available for allocation to you.

### **3.6 Right to request a review**

The law states that you have a right to request a review of any decision regarding:

- Whether you are eligible for an allocation of accommodation.
- Whether you are a qualifying person.
- How your case was assessed in considering whether to allocate accommodation to you.

When you receive a decision letter from us you will be advised about whether you have a right to request a review and how you can do this. There is more information about reviews throughout this policy and in **section 10 Reviews and appeals**.

### **3.7 Equality and fairness**

We will ensure that our policies and practices do not discriminate either directly or indirectly or cause harassment or victimisation to a person on the basis of a protected characteristic in accordance with the Equality Act 2010. This includes:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy or maternity
- Race



- Religion or belief
- Sex
- Sexual orientation

Our staff will value and promote equality and diversity in the delivery of the scheme. We will take measures to ensure that people with a protected characteristic have access to housing opportunities in accordance with their needs.

We will ensure that all customers have access to information about the service and have opportunity to register, apply for and receive offers of accommodation. We will do this by providing help, in the customer's preferred way, where the customer may have difficulty completing paperwork, applying for a property, or accessing our online services.

In preparing this policy, we carried out an equality impact assessment and will continue to keep its results under review to ensure that we continue to promote equality, diversity and inclusion to individuals and specific groups.

In order for us to be able to provide a service that meets your individual needs we will ask you to provide details of your personal circumstances however the provision of this information is entirely voluntary.

### **3.8 Advice and information**

If you would like a copy of this policy, it can be obtained, free of charge, in the following ways:

- Online at [www.newcastle.gov.uk](http://www.newcastle.gov.uk)
- By phoning YHN on 0191 278 8600
- By emailing YHN at [yhn@yhn.org.uk](mailto:yhn@yhn.org.uk)
- By contacting your Local Community Hub

This policy can be provided in a range of formats and languages to applicants and is available upon request. Please contact YHN to request this.

### **3.9 Information sharing, confidentiality and data protection**

All information received relating to an applicant's housing circumstances will be treated as confidential in accordance with the Data Protection Act 2018. Information will only be shared in accordance with Information Sharing Protocols and Privacy Statement.

In dealing with an application for housing, we may need to contact other relevant agencies or organisations for further information (for example medical professionals, Northumbria Police, probation service, former or current landlords). This information may be shared with other partners as part of the registration process.

Where an applicant has difficulty communicating directly, they can name an advocate (or interpreter) to communicate on their behalf.

## **4.0 Available housing choices**

### **4.1 Statement on choice**

We will enable you to express choice in the properties you would like to live in, based on your housing need and availability of accommodation. While we would like to be able to offer customers a property that meets their personal preferences, we are not always able to achieve this.

You will be able to express an interest in properties that are advertised by placing a bid. This allows you to express a degree of choice about the properties that you would like to live in. This must however be balanced with the need for Newcastle City Council to meet their legal duties in relation to addressing local housing need and ensuring the efficient management of its housing stock. This means that we may limit the type of properties you can bid for and may give preference to certain households dependent on their housing need.

Detailed below are the various housing options that we are able to offer which enables us to increase the choice and availability of housing to our customers.

### **4.2 Nominations to housing provided by registered providers**

Newcastle City Council operates nominations agreements with the registered providers that offer housing in our area. A nominations agreement sets out under what circumstances a registered provider will be asked to offer a property to an applicant on the housing register.

If you are allocated a property as a result of a bid, it will be a nomination and meet the requirements of any quota set in any nomination agreement made with the Council.

If you bid for a property with a registered provider a shortlist will be prepared in accordance with this policy however the registered provider may apply their own policies in determining which applicants will be offered accommodation. Adverts will clearly state any specific requirements of a registered provider for a particular area or property that does not match our policy.

If you do not agree with any decisions made by a registered provider you should request a review directly with the registered provider and in accordance with their policies.

### **4.3 Mutual exchanges**

A mutual exchange is effectively a permanent house swap which provides some tenants with an alternative way of accessing a new property.

If you are a current tenant with a secure tenancy or an assured tenancy from a registered provider, you have the right to exchange your property with another secure tenant or assured tenant of a registered provider as long as you have

complied with your tenancy obligations and meet the relevant conditions for an exchange. Introductory and starter tenants do not have a right to exchange. You must not exchange properties with the other tenant(s) until you have received permission from your Landlord and all the relevant paperwork has been signed.

Newcastle City Council are working with House Exchange which is a service that helps to match people who are interested in swapping their homes. If you visit [www.houseexchange.org.uk](http://www.houseexchange.org.uk) you can enter your details and the site will match you up with other would-be-swappers. The website helps you to search, find matches and contact other council or housing association residents who want to swap their homes but you must always obtain permission from your landlord before exchanging properties.

You can find more information about mutual exchanges by contacting your local office or online.

#### **4.4 Housing Plus**

Newcastle City Council, in partnership with Your Homes Newcastle, are proud to deliver specialist housing services for specific groups of people which includes older adults who require sheltered accommodation or accommodation with a care package and customers with a learning disability, autism or mental health needs.

These services are delivered by Your Homes Newcastle's Housing Plus Team which includes:

- Housing Plus – Sheltered
- Housing Plus – Community
- Housing Plus – Assisted Living
- Housing Plus – Supported Living
- Ostara – 24-hour support and falls response services

Some of these properties will be advertised in the normal way and others will be allocated through our specialist housing panels.

If you have any questions about the options below or would like help with an application you can contact the Housing Plus Team by:

**Phone:** 0191 278 8585

**Email:** [housingplus@yhn.org.uk](mailto:housingplus@yhn.org.uk)

**Online:** <https://www.yhn.org.uk/assisted-living/housing-plus-accommodation>

#### **4.5 Private rented sector accommodation**

Newcastle City Council works with private landlords to meet housing need and to offer greater choice. By considering renting a property in the private rented sector you will be expanding the housing choices that are available to you and may be able to access suitable accommodation earlier.

Private Rented Service Newcastle is the way Newcastle City Council supports landlords and tenants in the private sector. They provide support and advice for private tenants and landlords to help sustain tenancies and create settled communities.

Private Rented Service Newcastle can support tenants or prospective tenants:

- To find a home through their Home Finder Service.
- By assisting with a deposit through their Rent Deposit Guarantee Scheme.
- By offering free professional advice about securing a private rented property or about an existing private rented tenancy.

They also provide advice and support to private landlords.

If you would like to consider renting a property from a private landlord or need advice or support with an existing private rented landlord you can find lots of information on the Private Rented Service Newcastle's website at [www.privaterentedservice.co.uk](http://www.privaterentedservice.co.uk) or you can contact them by phone on 0191 277 1438 or email at [privaterentedservice@newcastle.gov.uk](mailto:privaterentedservice@newcastle.gov.uk).

## **4.6 Low-cost home ownership**

Newcastle City Council aim to provide a range of low-cost home ownership (LCHO) properties to residents of Newcastle. If you have the means to purchase your own accommodation, you may be eligible to purchase a property through LCHO.

There are a number of different types of LCHO schemes available nationally which include:

- Rent to Buy
- Shared Ownership
- Shared Equity
- Discount for Sale Dwellings
- First Homes

Newcastle City Council often work in partnership with housing developers to make these schemes available to residents. The availability of these schemes will vary and will usually be marketed by the housing developer and not Newcastle City Council.

Each individual scheme will have its own criteria such as but not limited to:

- Employment within the region
- Income thresholds
- An inability to purchase an owner-occupied property on the open market

Some properties will have criteria included in a Section 106 Agreement. Section 106 Agreements are legal agreements between Local Authorities and developers; these are linked to planning permissions and can also be known as planning obligations.

You will need to meet any criteria detailed in any section 106 Agreement. The Section 106 agreement may also detail any discount to the purchase price that may be applicable.

To be considered for LCHO you will need to provide information to support your application such as evidence that you can afford the property and you may be asked for this to be confirmed by an Independent Financial Adviser. If you do not provide any of the information requested you will not be considered for the scheme.

There may also be criteria that may exclude you from LCHO such as the ownership of another property.

If you are interested in a LCHO scheme you will be provided with full and detailed information about any criteria relating to that individual scheme and what information you will need to provide. If you provide false or misleading evidence this will affect your application and you will not be considered for the scheme.

## **5.0 Who can join the housing register?**

### **5.1 How to apply**

You can complete your application to join the housing register in the following ways:

- Online
- Phoning Your Homes Newcastle on 0191 278 8600 to complete an application over the phone
- In person at your local Customer Service Centre

We want to make it as simple as possible for you to apply to the housing register so if you need any assistance with your application please contact Your Homes Newcastle on the details above.

### **5.2 Who can apply?**

Anyone aged 16 years or over can apply to be considered for housing under this policy. After we have received your application, we will consider whether you can join the housing register. When we make this decision, we consider the following:

- If you are eligible to join the housing register?
- If you qualify to join the housing register?

If you are accepted onto the housing register, we will then assess:

- What size and type of housing your household needs?
- Which priority banding award should apply?
- Whether any restrictions need to be applied to your application?

If you are assessed as not having the mental capacity to hold a tenancy or have medical reasons preventing you from sustaining a general needs property, we will

discuss what support may be available to you and determine the most appropriate housing option for your needs.

If we determine that we do not have suitable housing that meets your individual needs, we will advise you of this and provide you with advice to enable you to secure alternative accommodation. Examples of these types of situations are if your care needs are too high or if you lack the capacity to be able to manage a tenancy having given due consideration to the support that may be available to you.

### **5.3 What information do we need from you?**

To be able to assess whether you can join the housing register we will ask that you provide us with certain information about yourself and your household. Examples of the type of information we may request are listed below:

- Photo ID for all household members over the age of 18
- National Insurance Numbers for anyone in the household over 18
- Confirmation of nationality and immigration status
- Confirmation of the age and sex of any children in the household
- 5 years housing history
- Current or previous landlord references
- Confirmation of your local connection to Newcastle
- Details of any financial assets that you have, for example property ownership, savings and shares.
- Details of any unspent convictions
- Information from medical professionals confirming any health issues
- Letters from professional agencies that support your application and any need to move
- Confirmation of any shared custody arrangements
- Details about your household's income

When we receive your application, we will contact you to advise you about what supporting information we need from you. We may not require all of this information from you, and we may ask you to provide information that is not stated. This will be dependent on your individual circumstances.

It is your responsibility to provide us with information within the required timescales. If we do not receive the requested information your application may be closed. If you are unable to provide certain information, please let us know as we will work with you to try and resolve this.

While we ask for information when you make your initial application, we may also request information at a later date, for example, when reviewing your application or when an offer of accommodation is made. If you do not provide this information promptly when requested your application may be closed and any offer of accommodation may be withdrawn.

## 5.4 Applications from people aged 16 and 17

We will consider applications from people aged 16 and 17 but any offer of accommodation will be linked to a support package. You may also need a trustee who can hold the legal title of your tenancy.

If you are aged 16 or 17 your application will be assessed by YHN's Young People's Support and Progression Service. They will discuss your reasons for seeking accommodation and advise you about the options that are available to you and provide support to you to resolve your housing issues.

You can find out more about the housing options that we have available for people aged 16 and 17 at [www.yhn.org.uk/assisted-living/young-people](http://www.yhn.org.uk/assisted-living/young-people), by phoning YHN on 0191 278 8600 or by contacting your local Customer Service Centre.

## 5.5 Tenancy support assessments

As part of the application process or at any point prior to the acceptance of a tenancy, we may complete an assessment to determine whether you would benefit from any support to help you maintain your tenancy or to determine the appropriate housing options for your needs.

The assessment could include a review of:

- Your ability to pay your rent now and in the future.
- Your ability to meet all obligations under the tenancy agreement.
- Any support needs you may have in order to meet your obligations.

If we identify that you would benefit from any support, we will advise you of this and inform you about what support we may be able to offer or refer you to an organisation that may be able to assist you. The type of support that this might include is:

- Maximising your income by reviewing any entitlement to benefits
- Management of any debts and assisting you to set up payment plans
- Arranging for appropriate support services to be put in place
- Recommending housing options that meet your needs
- Providing tenancy training

In some circumstances we may determine that your support needs are significant enough that they would affect your ability to manage certain types of tenancies. This includes circumstances where applicants do not have sufficient mental capacity to manage their own affairs. Consideration will be given to the individual's personal circumstances, available support and risks. In these cases, we may restrict your bidding to a particular housing option and offer advice and assistance on other services and agencies to help you to meet your needs. Each case will be considered on its own merits.

If we make such a determination, we will write to you to notify you of our decision and the reasons for it. You will have a right to request a review of this decision and you can find out how you do this in **section 10 Reviews and appeals**.

## 5.6 Who is eligible to join the housing register?

The law states that we must assess whether an applicant is 'eligible' to join the housing register. The rules for this assessment are set out in Government regulations - Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI2006 No.1294) ('the Eligibility regulations').

The following persons are ineligible:

- A person subject to immigration control (with limited exceptions)
- Certain other persons from abroad as defined by the above Regulations

In accordance with this legislation ineligible persons cannot become a tenant or joint tenant of social housing.

We will consider whether you are eligible for the scheme when you first apply and at the point of any offer of accommodation. We may also review your status at other times if we become aware that you may no longer be eligible for social housing.

If we decide that you are ineligible, we will write to you to notify you of our decision. You will have a right to request a review of this decision and you can find out how you do this in **section 10 Reviews and appeals**.

## 5.7 Who will qualify to join the Housing Register?

If you are eligible to join the housing register, we will then consider whether you 'qualify' for the housing register. You will **not** qualify to join the housing register if:

- You are a current tenant of Newcastle City Council, or a current tenant of a registered provider of social housing in Newcastle, whose tenancy commenced less than 12 months ago, unless you fall within priority bands A to D of this policy
- You are a homeowner unless one of the exceptions applies to you.
- You or anyone in your household has been guilty of unacceptable behaviour

The specific criteria for qualification are covered in more detail in the sections below.

If you do not qualify for the scheme, you will not be able to join the housing register.

We will consider the personal circumstances of every applicant. Exceptional or unusual circumstances should be discussed with staff members to ensure that we are fully aware of your circumstances. We do not wish to make applicants non qualifying or suspended for reasons that were beyond their control.



We will consider whether you qualify for the scheme when you first apply and at the point of any offer of accommodation. We may also review your status at other times if we are made aware of new information which may affect your qualification. If we decide that you do not qualify, we will write to you to notify you of our decision.

If you are made non-qualifying, you will not be able to join the housing register. You will have a right to request a review of this decision and you can find out how you do this in **section 10 Reviews and appeals**.

## **5.8 Length of current social housing tenancy**

If you are a tenant of Newcastle City Council or a tenant of a registered provider of social housing in Newcastle, you will not qualify to join the housing register until you have lived in your current home for a period of 12 months.

This will not apply to you if you have been assessed as qualifying for priority bands A to D in accordance with this policy.

This includes but is not limited to applicants who:

- Are fleeing domestic violence or abuse
- Have a medical need to move
- Are at risk of losing your tenancy through no fault of your own
- Are subject to actual or threats of violence or harassment.
- Any other exceptional circumstances apply.

## **5.9 Your Financial Resources**

If you are a homeowner, you will not qualify to join the housing register unless:

- You are at risk of homelessness and this has been confirmed by the Housing Advice Centre.
- You are in financial hardship and need to move as you cannot afford your current housing costs and you do not have the financial means to purchase an alternative property that meets your needs.
- You are fleeing domestic violence or abuse.
- You wish to move into Housing Plus - Sheltered and have been assessed as being unable to afford a similar type of accommodation through your own financial resources.
- You have a medical condition or care need that requires specialist accommodation which can only be provided by the Council or a Registered Provider in Newcastle.
- Your home is required to allow demolition or redevelopment to take place and you do not have the financial means to purchase an alternative property that meets your needs.
- Other exceptional circumstances may be considered.

## 5.10 Unacceptable behaviour

The council, its partner landlords, and people who live and work in Newcastle have a right to expect certain standards of behaviour in our neighbourhoods. This means that when you apply to join the housing register we will consider your previous behaviour and that of any person registered on your application for re-housing. If we find evidence of behaviour that we consider to be unacceptable, you will not qualify for the housing register.

Newcastle City Council has decided that the test of unacceptable behaviour, is to consider whether you, a member of your household or anyone you wish to be re-housed with is guilty of behaviour which:

- would allow the council, as the landlord to issue possession proceedings under grounds one to seven of the Housing Act 1985; or
- is the absolute ground for possession for antisocial behaviour in s.84a of the Housing Act 1985

This means we will consider whether the unacceptable behaviour in question, would have been serious enough for us to commence possession proceedings if you were a secure tenant of the council. You do not need to be a secure tenant for this assessment to be made.

The test will also apply to applicants who are currently secure tenants of a local authority, whether or not possession proceedings have already been issued or an order obtained under one of those grounds.

When making our decision we will consider your individual circumstances and any other relevant factors. This could include how any rent arrears may have accrued, whether you are repaying them, any vulnerabilities you have and any improvements in your behaviour since the incident of unacceptable behaviour occurred. It is your responsibility to provide us with information to support your application.

Some examples of behaviour that might result in you being made non-qualifying are:

- Current or previous rent arrears
- Other housing related debts such as rechargeable repairs
- Breaking the terms of a tenancy agreement
- Previous/current property damage
- Unspent convictions for some drug related offences
- Convictions for violent criminal offences which would be considered a threat to the community
- Unspent convictions for sex offences which would be considered a threat to the community
- Any other unspent conviction which would in our opinion, pose a threat to a community

- Perpetration of domestic abuse including harassment, stalking, threatening behaviour and controlling or coercive behaviour
- Abuse, violence or threats towards a member of staff
- Serious anti-social behaviour in or around the property or in the locality of the property, for example: nuisance or annoyance to neighbours, discriminatory behaviour or harassment, violence and intimidation.
- A conviction for using or allowing a property to be used for illegal or immoral purposes, including offences involving illegal drugs.
- Making a false statement in order to obtain accommodation dishonestly or fraudulently.

Rent arrears or housing related debts that are included in a Debt Relief Order or a Bankruptcy Order, or that are otherwise statute barred will be disregarded for the unacceptable behaviour test.

Information about your behaviour will be obtained in accordance with all relevant Data Protection legislation and our Privacy Notice.

We may obtain information about your behaviour from the sources listed below and others that are not listed:

- Your housing file if you are a current or former tenant of Newcastle City Council
- Current or previous landlord references
- Safer Estates check with Northumbria Police

If we decide that you do not qualify for the housing register due to unacceptable behaviour we will notify you of our decision in writing and advise you about any timescales that might apply to this decision.

## **5.11 What are my options if I am made non-qualifying?**

If you are made non-qualifying you will have a right to request a review of this decision as detailed in this policy in **section 10 Reviews and appeals**.

We will work with you to assist you to become qualifying. We will do this by:

- Advising you of the reasons why you have been made non-qualifying and any time periods that might apply to this decision.
- Explaining what actions you can take in order to have your non-qualification decision reconsidered.
- Advise you about what advice and support we and other agencies can provide to you to assist you to become qualifying

There will however be circumstances where customers will continue to remain non-qualifying despite any advice or assistance provided.

If you request a review of a non-qualifying decision relating to unacceptable behaviour, or wish for your application to be reconsidered at a later date, it is your

responsibility to provide us with evidence and supporting information that demonstrates that your behaviour, or a household members' behaviour, has improved and that there have been no further incidents of unacceptable behaviour over a reasonable time period, or that your circumstances have sufficiently changed as to warrant a new application.

If you have been made non-qualifying due to rent arrears or a housing related debt, we would encourage you to contact us as we will be able to refer you to specialist advisers who will be able to assist you to address these and any other debts that you may have.

There may be extenuating circumstances when an applicant could still be considered for social housing if they would ordinarily have received a non-qualifying decision based on their previous behaviour. Such allocations would only be made to those applicants who have exceptional circumstances and any offer of accommodation would be restricted through a direct let. (See section **10.2 Direct Lets** for more information about direct lets). Such applicants will not be entitled to bid for advertised properties. Steps will also be taken to ensure there is no delay to someone at high risk of immediate harm, from accessing safe accommodation.

If you are not accepted onto the housing register this will not affect any legal duty that a local authority has to provide you with temporary accommodation if you are homeless however, it may affect the ability to secure longer term social housing.

## **5.12 Suspension from bidding**

If you are a tenant of the Council or of a registered provider of social housing and have qualified to join the housing register, we will consider whether your application should be suspended. If your application is suspended, you will not be able to bid for properties.

We will suspend your application if you have no housing need and have been awarded priority band E and you meet one of the criteria below:

- You owe current rent, former tenant rent arrears or other housing related debt.
- There are outstanding works required to your property for which you are responsible.
- You or a member of your household has committed anti-social behaviour in or around your neighbourhood within the last 12 months. For example, nuisance or annoyance to neighbours, discriminatory behaviour, harassment, violence and intimidation.
- There has been unacceptable behaviour towards NCC, YHN staff, elected members, boards members as well as partners and their employees within the last 12 months.

In exceptional circumstances we may waive any of the above criteria. Your application will be suspended from bidding until the criteria above no longer apply. This means that we expect all rent arrears and housing related debts to be paid in full and any outstanding works which you are responsible for to be completed.

If you have rent arrears or a housing related debt that are included in a Debt Relief Order or a Bankruptcy Order, or are otherwise statute barred, they will be disregarded for the purposes of any decision to suspend your application.

You can contact us at any time after you are suspended to advise us about a change in your circumstances, such as having paid off any rent arrears, and we will then reconsider your suspension from the scheme.

If your application is suspended, we will write to you to notify you of our decision. We will advise you of the reasons for our decision and what action you need to take for us to reconsider the decision to suspend your application.

You will have a right to request a review of this decision and you can find out how you do this in **section 10 Reviews and appeals**.

### **5.13 Change in circumstances**

You are required to notify us of any change in your circumstances that may affect your application, your housing needs, or the level of priority awarded and must supply any relevant supporting documentation to us. This could include but is not limited to changes to your:

- eligibility or qualification to be on the housing register.
- household for example someone moving out or who will not be moving to any new accommodation
- health, such as an improvement to your health which would result in you no longer needing to move due to medical reasons
- address
- homelessness status for example where it has been resolved
- financial circumstances if you are a homeowner

When we receive notification of a change in your circumstances we will write to you and advise you about any subsequent changes to your application.

Any failure to inform us about a change in your circumstances may result in your application being removed from the housing register.

Where we believe that information about an applicant's personal circumstances have been withheld or misleadingly presented, then we reserve the right to withdraw any offer of accommodation made.

### **5.14 Deliberately worsening your circumstances**

Where there is evidence that an applicant has deliberately worsened their circumstances in order to qualify for a higher priority band (for example by moving into an unfit property when it was reasonable to continue to occupy their previous accommodation) no additional priority will be awarded, and any additional priority already awarded due to this change in circumstances will be removed.

In some circumstances this may be considered as unacceptable behaviour and you may be disqualified from the scheme.

You will have a right to request a review of such decisions and you can find out how you do this in **section 10 Reviews and appeals**.

### **5.15 Providing false information**

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

- Their application for housing,
- Subsequent review information,
- Other updates about their application for example change of circumstances.

We may take appropriate action against you if you commit such an offence or as a result of a false statement provided by a person acting at your instigation. This could include you being removed from the register, prosecuted and/or us taking action to recover possession of any property allocated.

### **5.16 Applications from employees, elected members and their close relatives**

We ask that certain applicants declare certain interests when they make an application to the housing register so that we can ensure that their application is dealt with fairly and transparently. You must let us know if one of the following criteria applies to you when you make your application.

You are:

- An employee or board member of Newcastle City Council, Your Homes Newcastle or one of the Registered Provider landlords detailed in section **3.4 Partnership Landlords**
- An elected member of Newcastle City Council.
- A relative, close friend or member of a household of any of the above.

If the above criteria applies to you, your application will be assessed in the normal way, but any offer of accommodation will only be made without the approval of a Senior Manager with responsibility for allocations and lettings.

### **5.17 Keeping the housing register up to date**

Applications will be reviewed regularly to ensure that records are accurate and whether the applicant wishes to remain on the register.

Every year we complete a review of the housing register. We will contact you and ask that you confirm that you would like to remain on the housing register. If we do not hear from you within 28 calendar days we will assume that you no longer wish to be registered on the housing register and will close your application.

If as part of the annual review we close your application, you can request that your application is re-instated. This request must be made within 3 months of the date of closure. If your address and circumstances remain the same your application will be re-instated, and the original date of application will apply. If your address or circumstances have changed you will be required to make a new application and a new application date will apply.

We will close your housing application for the following reasons:

- You accept a tenancy as sole or joint tenancy with a council, registered provider, private landlord or housing association.
- You move home through the mutual exchange scheme.
- You request that your application is removed from the waiting list.
- You do not respond to a request for further information regarding your application.
- You withhold information or provide false or incomplete information.
- You move and do not update your details.
- You become ineligible through statutory provisions for persons from abroad.
- You are found to be guilty of unacceptable behaviour.
- You buy a property through a rent to buy or shared ownership scheme or in the open market.

## **6.0 Assessing Your Housing Need**

### **6.1 How do you assess my need for housing?**

If you are accepted onto the housing register, we will assess the housing needs of you and your household. We will only allocate a property to you if it meets your household's needs. We do this to ensure that you are allocated a property that meets your assessed needs but also to make the best use of our housing stock.

We will assess you and your household's housing needs in accordance with this policy and will consider:

- The number of bedrooms that your household requires.
- Whether you have a local connection to Newcastle.
- The priority banding that will be awarded to you.
- Any recommendations in terms of the type of property required, for example a property with level access or walk in shower.

When you bid for properties you will generally only be able to bid for properties that meet your assessed needs however your bid for a specific property may be bypassed if you do not meet the specific requirements for that property. It may be

necessary at the point of offer for accommodation to complete a further assessment to determine whether a specific property meets your individual needs.

## 6.2 How many Bedrooms am I entitled to?

As social housing is in high demand, we need to make the best use of our housing stock by allocating properties to households who's housing needs best match a property. For example, we will usually allocate a three-bedroom house to a household that has been assessed as requiring three bedrooms.

We will assess how many bedrooms your household requires using our 'Bedroom Allocation Criteria'. Under the criteria you will generally be allocated one bedroom for each of the following:

- A cohabiting couple.
- Each person over 16 years of age.
- Two children aged 0-9 whatever their sex.
- Two children aged 10-15 if they are the same sex.

An extra bedroom will be allowed for each of the following:

- A member of your household who requires overnight care from a non-resident carer or group of carers on a regular basis
- An adult couple who are unable to share a room because of a disability or a disabled child who would be expected to share a bedroom but cannot share because of a disability
- Approved foster carers between placements if they have fostered a child, or became a foster parent, within the last 12 months
- Households with an adult child in the armed forces who is away from home.

When considering your entitlement under the Bedroom Allocation Criteria we will take into account situations where:

- You are adopting a child.
- You or a member of your household are expecting a child.
- A child in your household identifies as non-binary or trans-gender.
- You are a prospective foster carer in assessment.
- You are a provider of Supported Lodgings for young people.

We will ask you to provide us with supporting information from relevant agencies to confirm this such as your GP or Newcastle City Council's Children, Education and Skills Directorate.

In situations where a child's parents no longer reside with each other we will consider the primary carer to be the parent that is in receipt of child benefit. The primary carer's bedroom entitlement will take the child or children into account.

If the other parent applies to the Housing Register for re-housing we will include the child or children in that parent's bedroom entitlement if:

- There is a shared residence order issued by the court which gives each parent equal access to the child or children.
- The primary carer confirms that both parents have equal access to the child or children.



In all cases, children will be expected to share a room with any other child that permanently resides with you in accordance with the Bedroom Allocation Criteria.

We may also ask for supporting information from other agencies such as social workers or family support workers in cases where there is no formal court order in place.

If you have access to a child that only visits at weekends and holidays you will not qualify for an extra bedroom.

In addition to this we will only allocate you a property with an extra bedroom if we assess that you are able to afford the property.

We will consider any exceptional circumstances when determining the bedroom allocation for households.

### **6.3 Under occupying a property**

In the majority of cases, applicants will only be allocated a property in accordance with the Bedroom Allocation Criteria. In some circumstances we may choose to advertise a property for under occupation when:

- The property is not in high demand.
- A Local Lettings Plan is in place.
- The property has special features that make it particularly suitable for certain applicants such as adaptations.
- There are specific management reasons as to why this will happen.
- The property is in a neighbourhood which has a shortage of a particular property type.
- You are a current tenant and are under-occupying your home by at least one bedroom and you wish to move to a smaller property.

You will be able to identify properties that can be under occupied by looking at individual property adverts. We will only allow you to under occupy a property if you can demonstrate that you can afford the property and you may need to meet other Property Lettings Criteria for the property.

### **6.4 Local connection to Newcastle**

When you apply for re-housing, we will assess whether you have a local connection to Newcastle in accordance with the criteria below.

We will consider you to have a local connection to Newcastle if you, your partner or the joint applicant:

- Has lived in Newcastle for six months in the last year or three years in the last five years. This does not include those whose only residence in the area is because of time spent living in a hospital.
- Are permanently employed in the local authority area.

- Have a close family member living in the local authority area. A close family member is defined as parent, grandparent, child, grandchild, brother or sister, or stepparent.
- Have relatives or friends that reside within the Local Authority area that will provide or receive support or care to a person with an assessed need as referred to in priority banding awards B11 and C6 at section **7.7 Priority banding criteria**.

Exemptions to the local connection criteria will apply to:

- Former member of the Armed Forces
- Serving or former members of the Regular or Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service
- Bereaved spouse or civil partner of those serving in the Regular Forces who has ceased or will cease to be entitled to reside in Ministry of Defence accommodation following the death of their Service spouse or civil partner, and whose death was attributable (wholly or partly) to that person's service.
- Spouses and civil partners who are required to leave accommodation provided by the Ministry of Defence following a breakdown in their relationship with their Service spouse or partner.
- Victims of domestic abuse who are fleeing domestic abuse or who are living in a refuge or other form of safe temporary accommodation in Newcastle having escaped domestic abuse in another local authority area.
- Applicants where they, or a member of their household is confirmed by the National Witness Mobility Scheme as being on a Witness Protection Scheme
- Applicants who need to move in order to support Newcastle City Council's Corporate Parenting responsibilities.
- Applicants who are existing tenants of social housing and need to move to Newcastle as they work in Newcastle or need to move to Newcastle to take up an offer of work. The work must not be short-term or marginal in nature, nor ancillary to work in another district. Voluntary work is also excluded.
- Applicants who are existing tenants of social housing and need to move to Newcastle to avoid hardship

In some exceptional circumstances we may waive the local connection criteria. Cases will be considered on an individual basis and assessed that:

- accessing social housing in Newcastle is the only option available to the applicant; and
- that severe physical, mental or financial detriment would be caused to the applicant or a member of their household if social housing in Newcastle was not secured.

## **6.5 What Priority Band will I be Awarded?**

The law states that we must give reasonable preference to certain groups of applicants. This was previously referred to in section **4.3 Reasonable Preference**.

We award applicants reasonable preference by placing them in a priority banding group. We will consider your individual circumstances and assess whether you meet the criteria for a priority banding based on information and evidence that we ask you to provide us with.

There are five priority banding groups which are set out in the table below:

<b>Priority Band</b>	<b>Band criteria</b>	<b>Review period (unless otherwise stated in the band criteria)</b>
<b>Band A: Critical housing need</b>	Awarded in most critical situations, where there is an emergency or risk of very serious harm. Applicants need local connection to Newcastle.	Two weeks
<b>Band B: Urgent housing need</b>	Awarded when there is an urgent housing need but not a risk of immediate or serious harm. Applicants need local connection to Newcastle	Three months
<b>Band C: Moderate housing need</b>	Awarded to applicants who have moderate housing needs and a local connection to Newcastle.	Six months
<b>Band D: Reduced priority</b>	Awarded to applicants who would have been awarded band A, B or C but don't have a local connection to Newcastle	Six months
<b>Band E: General housing needs</b>	All other applicants	Annually

## 6.6 Reviewing Priority Band awards

If you are awarded a priority banding you will hold your priority banding for a set period of time, as detailed in the table above, after which your banding will be reviewed.

When we review your priority banding award we will consider whether you have made the best use of your banding by considering:

- how actively you have bid for properties;
- whether you have refused any suitable properties; and
- the availability of properties that would have met your need.

If we decide that you have not used your banding award appropriately your priority banding will be removed, your application will be re-assessed, and you will be placed in the next appropriate band.

If you are awarded a priority banding due to any homelessness duties owed to you under Part 7 of the Housing Act 1996 the priority banding will remain in place until the duties owed to you are brought to an end. For more information about this see the section **8.0 Homelessness**.

If your priority banding award is removed you will have a right to request a review of this decision and you can find out how you do this in **section 10 Reviews and appeals**.

## 6.7 Priority Banding Criteria

The criteria for each priority banding award are set out in the table below. You must meet the criteria for a priority banding award to be made.

If we decide that you do not qualify for a priority banding award, or you disagree with the award made, or you subsequently have a banding award removed, you will have a right to request a review of this decision and you can find out how you do this in **section 10 Reviews and appeals**.

### **Band A – Critical and immediate need**

Band A will only be awarded to applicants in the most critical of situations where there is an emergency or a risk of very serious harm and where they have a local connection to Newcastle.

Band A awards will be awarded for two weeks, unless specified otherwise in the particular award below. After this time the banding award will be reviewed and if the award has not been used appropriately it may be removed.

We reserve the right to make any applicant awarded band A a single offer of suitable accommodation. This could be to assist us in fulfilling any legal duty owed to the applicant but also to secure suitable accommodation for them as quickly as possible given the critical nature of their housing needs.

#### **A1. You have a critical medical need and need to move to alternative accommodation**

You need to be rehoused due to critical medical reasons as it is not possible for you or a member of your household to continue residing in your property.

This includes applicants who are in hospital or who have been placed in residential care as an emergency short term measure and are:

- awaiting discharge to a suitable home as their home is unsafe to return to, and
- have no other suitable housing options available.

You will need to provide information to support your need to YHN's Health Assessment Team who will be responsible for assessing and awarding this banding award.

**A2. You have been assessed as being at risk of immediate and serious harm due to domestic violence or abuse unless rehoused**

This priority will usually only be awarded to victims of domestic violence and abuse where MARAC (Multi Agency Risk Assessment Criteria) have identified a high level of risk and where a move has been recommended, however an award can be made outside of MARAC in exceptional circumstances.

This priority banding award will be assessed and awarded by YHN's Safeguarding Team.

If awarded, we will identify any areas of the city where you and your household's safety may be at risk. If you are shortlisted for a property that is in such an area your application may be bypassed or any offer made may be withdrawn.

**A3. You have been assessed as being at risk of immediate and serious harm due to violence or threats of violence unless rehoused**

You or a member of your household are in immediate and serious risk of harm due to violence or harassment and you cannot return to your home. This includes applicants who need to move due to:

- Intimidation
- Serious anti-social behaviour
- Harassment including harassment relating to a protected characteristic as detailed in the Equality Act 2010
- Witness Protection under the National Witness Mobility Scheme

This priority banding award will be assessed and awarded by YHN's Safeguarding Team.

If awarded, we will identify any areas of the city where you and your household's safety may be at risk. If you are shortlisted for a property that is in such an area your application may be bypassed or any offer made may be withdrawn.

**A4. You are homeless, living in temporary accommodation arranged by Newcastle City Council or are owed one of the statutory duties under the homelessness legislation and there is an urgent need to:**

- free up the temporary accommodation, or
- move you

This priority banding award does not apply if it depends on the presence, within your household, of a 'restricted person' (within the meaning of Part VII of the Housing Act 1996).

This priority banding award will only be made in exceptional circumstances and will be assessed and awarded by a senior officer at Newcastle City Council's Housing Advice Centre. This award will apply for as long as you are owed the homelessness duty and the urgent need exists. When the duty ceases or the

urgent need to move you no longer applies this award will be removed by a senior officer at Newcastle City Council's Housing Advice Centre.

See section **8.0 Homelessness** for more information about how homelessness applications are dealt with under this policy.

#### **A5. Your home has been made uninhabitable due to fire, flood or other such emergency**

You require rehousing as you cannot return to your home as it has been subject to fire, flood or other such emergency which has caused it to be uninhabitable.

#### **A6. Housing you would enable better use to be made of social housing that is in urgent demand**

You are a current tenant of Newcastle City Council or a partner landlord and moving you would enable us to make better use of your home for another applicant.

This priority award will only be given to applicants who will be vacating a property for which there is an urgent and immediate demand and where we are satisfied that there is a suitable applicant currently on the Housing Register. This will include but is not limited to four-bedroom houses and properties that have been significantly adapted.

This priority banding award will be assessed and awarded by a Senior Housing Services Manager at YHN who will consider the evidence available to them when making this decision.

### **Band B – Urgent Housing Need**

Band B will be awarded to applicants who have been assessed as having an urgent housing need and where their current accommodation does not put them at risk of immediate or serious harm and where they have a local connection to Newcastle.

Band B awards will be awarded for three months, unless specified otherwise in the particular award below. After this time the banding award will be reviewed and if the award has not been used appropriately it may be removed.

We reserve the right to make any applicant a single offer of suitable accommodation. This could be to assist us in fulfilling any legal duty owed to the applicant but also to secure suitable accommodation for them as quickly as possible given the urgent nature of their housing needs.

**B1. You need to move as your current housing is having a severe impact on your health and wellbeing**

Your current home is having a severe impact on you or a member of your household's medical condition or is seriously affecting your or their quality of life or ability to manage.

We will consider the impact that your current home and its surrounding environment has on you. This will include, but is not limited to, whether or not you are able to access essential facilities within your home which include your bathroom, toilet, kitchen and access to and from the home.

You will be able to reside in your current home for a reasonable period of time, whilst alternative housing is sought.

You will need to provide information to support your need to YHN's Health Assessment Team who will be responsible for assessing and awarding this banding award.

If awarded, we will identify what type of property will meet your assessed medical needs. If you are shortlisted for a property that does not meet your assessed needs your application may be bypassed or any offer made may be withdrawn.

**B2. You are experiencing domestic violence or abuse including controlling, coercive or threatening behaviour**

You are a victim of domestic violence or abuse but you can continue to live in your accommodation on a short-term basis.

The Domestic Abuse Act 2021 defines domestic abuse as being any single incident or patterns of incidents of abuse between persons aged 16 or over who are or have been in an intimate personal relationship, they have, or have had, a parental relationship in relation to the same child, or are relatives regardless of gender or sexuality.

Behaviour is 'abusive' if it consists of any of the following:

- Physical or sexual abuse
- Violent or threatening behaviour
- Controlling or coercive behaviour
- Economic abuse (any behaviour that has a substantial adverse effect on the victim/survivor's ability to acquire, use or maintain money or other property, or obtain goods or services)
- Psychological, emotional or other abuse

This may need to be supported by evidence to enable us to take appropriate action.

This priority banding award will be assessed and awarded by YHN's Safeguarding Team.

If awarded, we will identify any areas of the city where you and your household's safety may be at risk. If you are shortlisted for a property that is in such an area your application may be bypassed or any offer made may be withdrawn.

**B3. You are a victim of domestic abuse who is currently being provided with temporary protection in a refuge, or other form of temporary accommodation and you need to move to suitable settled accommodation**

If awarded, we will identify any areas of the city where you and your household's safety may be at risk. If you are shortlisted for a property that is in such an area your application may be bypassed or any offer made may be withdrawn.

**B4. You are experiencing harassment amounting to violence or threats of violence**

You or a member of your household are experiencing harassment which amounts to violence or threats of violence but you can continue to live in your accommodation on a short-term basis.

This includes applicants who need to move due to:

- Intimidation
- Serious anti-social behaviour
- Harassment including harassment relating to a protected characteristic as detailed in the Equality Act 2010

This will need to be supported by evidence to enable us to take appropriate action.

This priority banding award will be assessed and awarded by YHN's Safeguarding Team.

If awarded, we will identify any areas of the city where you and your household's safety may be at risk. If you are shortlisted for a property that is in such an area your application may be bypassed or any offer made may be withdrawn.

**B5. You are homeless and owed the main housing duty by Newcastle City Council under s.193(2) of the Housing Act 1996**

You must meet all of the following criteria:

- You are homeless,
- You are eligible for housing assistance,
- You are in priority need as defined by homeless legislation,
- You are not intentionally homeless,
- You have a local connection to Newcastle, and
- The Council's relief duty under s.189B(2) of the Housing Act 1996 has come to an end.

This priority banding award will be assessed and awarded by a homelessness prevention officer at Newcastle City Council's Housing Advice Centre. This award



will apply for as long as you are owed the main housing duty. When this duty ceases this award will be removed by a homelessness prevention officer at Newcastle City Council's Housing Advice Centre.

This priority banding award does not apply if it depends on the presence, within your household, of a 'restricted person' (within the meaning of Part VII of the Housing Act 1996).

See section **8.0 Homelessness** for more information about how homelessness applications are dealt with under this policy.

**B6. You are threatened with homelessness and owed a duty by Newcastle City Council under s.195(2) of the Housing Act 1996 (the 'prevention duty') and the Council has established that you are unable to remain in your current accommodation**

You must meet all of the following criteria:

- You are threatened with homelessness within 56 days, or have received a valid Housing Act 1988, s 21, notice which expires within 56 days,
- You are eligible for housing assistance,
- You have a local connection to Newcastle, and
- It has been determined by Newcastle City Council's Housing Advice Centre that you cannot remain in your current accommodation.

This priority banding award will be assessed and awarded by a homelessness prevention officer at Newcastle City Council's Housing Advice Centre. This award will apply for as long as you are owed the prevention duty. When this duty ceases this award will be removed by a homelessness prevention officer at Newcastle City Council's Housing Advice Centre.

This priority banding award does not apply if it depends on the presence, within your household, of a 'restricted person' (within the meaning of Part VII of the Housing Act 1996).

See section **8.0 Homelessness** for more information about how homelessness applications are dealt with under this policy.

**B7. You are occupying housing that is considered to be insanitary**

You are occupying accommodation that is considered to be insanitary and has been assessed as:

- being prejudicial to your health as defined by the Environmental Protection Act 1990, or,
- as having a relevant category 1 hazard under the Housing Health and Safety Rating System Regulations,

and where it is agreed by the Council's Environmental Health Service or other suitably qualified assessor that the most appropriate course of action is for you to

be rehoused and you are unable to afford to remedy the problem or you are considered to be vulnerable.

**B8. You are occupying accommodation that is overcrowded in accordance with legislation**

You have been assessed as being overcrowded in accordance with:

- ss.324-326 Housing Act 1985 ('statutory overcrowding'). There are two legal definitions of statutory overcrowding – the 'room standard' and the 'space standard' (see Appendix 1). Only one of these standards needs to apply to be statutorily overcrowded, or,
- The Housing Health and Safety Rating System. This applies where a Category 1 hazard is identified under category 11: 'Crowding and Space' and re-housing is deemed the most appropriate course of action.

**B9. You are living in unsatisfactory housing conditions**

You are living in unsatisfactory housing conditions. This will include but is not limited to applicants whose current accommodation:

- poses a serious threat to their health and safety
- is in a serious state of disrepair or is lacking basic facilities such as hot water and heating.

An assessment will need to be undertaken by the Council's Environmental Health Service or other suitably qualified assessor. It must have been assessed that remedial action is unreasonable, impractical or unlikely to be carried out within a reasonable time period and that the most appropriate course of action is for you to be rehoused.

**B10. You are residing in supported accommodation and have secured employment and need to move as continuing to reside in supported accommodation will cause you serious financial hardship**

You need to move to avoid serious financial hardship as you currently reside in supported accommodation provided by one of the landlords detailed in Appendix 2, have secured employment and can no longer afford to meet the costs of your current accommodation.

A financial assessment will need to be completed by your supported accommodation provider, Your Homes Newcastle or Newcastle City Council.

This priority award will be assessed and awarded by YHN's Support and Progression Team.

**B11. You need to move urgently to provide or receive some care and support**

You need to move urgently to give or receive support for ongoing health or social care reasons. A move would prevent hardship to you or someone else. The support must be required on an ongoing daily and overnight basis and moving home is the only option available for you to be able to provide or receive this support.

You will need to provide information to support this need to the Health Assessment Team who will be responsible for assessing and awarding this banding award.

**B12. You are a young person who has an urgent need to move and are being supported by the Young People’s Support and Progression Team**

You are 18 – 25 years of age and are receiving support from the Young People’s Support and Progression Team and have an urgent need to move due to at least one of the criteria below:

- You are currently residing in supported accommodation and the accommodation is needed for another young person.
- You are likely to become homeless.
- Your wellbeing is likely to be seriously impacted.
- You are ready to move on and the cost of providing your current accommodation warrants an urgent move.

This banding award will be assessed and awarded by the Young People’s Support and Progression Team.

**B13. You need to move in order to support Newcastle City Council’s Corporate Parenting responsibilities**

You need to move in order to accommodate or to continue to accommodate a child and at least one of the criteria below applies:

- You are a prospective foster carer or adopter in assessment.
- You are temporarily approved as a connected carer.
- You are an approved foster carer or adopter.
- You are a provider of Supported Lodgings for young people.
- There are child protection issues which necessitate an urgent need for housing, that is failure to secure suitable housing would result in the child being cared for by Children’s Social Care.

You or the child in question do not need to have a local connection to Newcastle but your application for housing under these circumstances must be supported by Newcastle City Council’s Children, Education and Skills Directorate.

**B14. Your household is forced to live apart**

You need to be re-housed as you cannot live together because there is not enough room available to the whole household in your current accommodation, or for some other reason that is beyond your control.

You will need to provide information to show that your household is living separately and the reasons for this.

**B15. You need to be re-housed following your discharge from the Armed Forces or a relationship breakdown with a serving member of the Armed Forces**

You will be awarded this priority award if you need to be rehoused due to you being discharged from the Armed Forces and:

- you are required to leave accommodation provided by the Ministry of Defence or
- you are currently living in private rented accommodation which is in close proximity to your military base and you were residing in that accommodation at the time of discharge

You will also be awarded this priority award if you are a spouse or civil partner, or a former spouse or civil partner, of a member of the Armed Forces following a breakdown in your relationship with your spouse or partner.

This priority award may also be awarded to former members of the Armed Forces who resided with family members immediately after being discharged. In this case, the granting of any award will be limited to three months after the date of discharge.

**B16. Housing you would enable better use to be made of social housing**

You are a current tenant of Newcastle City Council or a partner landlord and moving you would enable us to make better use of your home for another applicant, although it does not qualify under band A6 above. This award will include but is not limited to tenants who are under occupying their home or who no longer have a need for a property with adaptations. A priority award will only be awarded where we are satisfied that that a move would create a vacancy that meets an identified need

**B17. Your home is within the Newcastle City area - it is part of a regeneration scheme and is to be demolished or is subject to major building work**

You reside in Newcastle and your home is to be demolished as part of a regeneration scheme OR is subject to major building work that requires you to move out of the property for an extended period of time while works are undertaken, and the Council has agreed that you are not required to return to your home after works are completed.

We will phase the priority award to match the phasing of redevelopment work.

Your housing requirements will be assessed on your current housing need and not matched to your current home unless there are exceptional circumstances.

### **Band C – Moderate Housing Need**

Band C will be awarded to applicants who have been assessed as having a moderate need for housing and where they have a local connection to Newcastle. There will be some benefit in securing new accommodation, but the need will not be as urgent as those in Bands A and B above.

Band C awards will be awarded for six months, unless specified otherwise in the particular award below. After this time the banding award will be reviewed and if the award has not been used appropriately it may be removed.

#### **C1. Your current home is having some impact on you, or a member of your household as a result of an existing medical condition or disability**

Your current home is having some impact on you, or a member of your household as a result of an existing medical condition or disability.

We will consider the impact that your current home and its surrounding environment has on you. You may be able to access most of the areas in your home, but you either have difficulty or it is expected that there will be a deterioration in your health and a move would alleviate the impact of this.

You will need to provide information to support your need to YHN's Health Assessment Team who will be responsible for assessing and awarding this banding award.

If awarded, we will identify what type of property will meet your assessed medical needs. If you are shortlisted for a property that does not meet your assessed needs your application may be bypassed or any offer made may be withdrawn.

#### **C2. You are homeless or threatened with homelessness, excluding those given greater priority under bands A4, B5 and B6 above**

You have a local connection to Newcastle and:

- are homeless within the meaning of Part VII of the Housing Act 1996, as you:
  - have no accommodation available in the UK or abroad
  - have no legal right to occupy the accommodation
  - have no accommodation available for your whole household (your household is currently split)
  - cannot continue to occupy your accommodation as it is unreasonable to do so
  - are at risk of violence from any person
  - are unable to secure entry to your accommodation

- live in a moveable structure such as a caravan, mobile home or houseboat, but have no place to put it

**or**

- where Newcastle City Council has accepted it owes a statutory duty to you under the homelessness legislation as you are homeless or threatened with homelessness (excluding those given greater priority under bands A4, B5 and B6 above).

This priority banding award does not apply if it depends on the presence, within your household, of a 'restricted person' (within the meaning of Part VII of the Housing Act 1996).

This priority banding award will be assessed and awarded by either a homelessness prevention officer at Newcastle City Council's Housing Advice Centre or a Housing Solutions Officer at YHN. The banding award will apply for as long as you are homeless within the above meaning or as long as you are owed a statutory duty under the homelessness legislation. When this is no longer the case, this banding award will be removed by either a homelessness prevention officer at Newcastle City Council's Housing Advice Centre or a or a Housing Solutions Officer at YHN.

See section **8.0 Homelessness** for more information about how homelessness applications are dealt with under this policy.

### **C3. You are overcrowded**

You are overcrowded, do not qualify under band B8, but are lacking a bedroom(s) for members of your household.

We will assess your bedroom entitlement in accordance with the Bedroom Allocation Criteria as described in section **7.2 How many bedrooms am I entitled to?**

You will be awarded this priority banding if, following this assessment, we determine that you require an additional bedroom(s) for your household.

### **C4. You are a young person who is being supported by YHN's Young People's Support and Progression Team and are ready to move into your own accommodation**

You are a young person aged 18 – 25 who is being supported by YHN's Young People's Support and Progression Team and are ready to move into your own accommodation.

This includes but is not limited to young people who are ready to move on from:

- Foster care
- Supported lodgings

- A residential home

This banding award will be assessed and awarded by the Young People's Support and Progression Team.

**C5. You are residing in supported accommodation and are ready to move into your own accommodation**

You are residing in supported accommodation that is provided by one of the accommodation providers detailed in Appendix 2 and are ready to move into your own accommodation.

Your move must be supported by Your Homes Newcastle's Supported Accommodation Move on Team.

**C6. You need to move to provide or receive some care and support**

You need to move to give or receive daily support for health or social care reasons to prevent hardship to you or to someone else but the need does not qualify for greater priority under band B11 above.

You will need to provide information to support this need to YHN's Health Assessment Team who will be responsible for assessing and awarding this banding award.

**C7. You need to move for employment, employment related training or education reasons**

You need to move to commence or to be able to continue in employment, employment related training or education to prevent hardship to you or to someone else. Given that Newcastle is geographically compact, with good transport links, an award will only be made in exceptional circumstances where failure to move would result in the loss of an opportunity to improve your employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship.

Factors such as the availability and affordability of transport, medical conditions, caring responsibilities and access to employment related support or grants will be considered.

The employment must not be short term or marginal. We will consider employment that is:

- Intended to last for over 12 months
- Regular and not intermittent
- Over 16 hours per week or provides a substantial income

Voluntary work is not considered to be employment for this purpose.

Where the need to move is for financial reasons, we will require a financial assessment to be completed by a recognised agency for example:

- Your Homes Newcastle
- Newcastle City Council
- Citizens Advice
- Money Advice Trust
- National Debt Line
- An independent and suitably qualified agency

#### **C8. You are suffering financial hardship and are at risk of becoming homeless**

You need to move as you cannot afford your housing costs and are at risk of becoming homeless in the future. A move to more affordable accommodation would ease or improve your financial circumstances and would prevent hardship. In order for us to assess this banding award we will require a financial assessment to be completed by a recognised agency for example:

- Your Homes Newcastle
- Newcastle City Council
- Citizens Advice
- Money Advice Trust
- National Debt Line
- An independent and suitably qualified agency

#### **C9. You need to move due to a relationship breakdown**

You need to move from your current home due to a relationship breakdown. This award will only be considered in cases where there has not been any violence towards a partner or family member.

#### **C10. You need to move as you share facilities with people who are not members of your household**

You need to move as you share facilities, such as a kitchen or bathroom, with people who are not members of your household and you either:

- have dependant children residing with you.
- are pregnant.
- have regular access to your children.

You will need to provide evidence of any access that you have to your children.

#### **C11. You are a Newcastle City Council tenant who has received Good Tenant Status**

You will be awarded this banding if you meet all of the following criteria for Good Tenant Status:



- You have held a secure tenancy with Newcastle City Council for at least the preceding 3 years
- You have not breached any tenancy conditions over that period
- You have maintained a clear rent account, which includes any other tenancy charges, over that period
- You do not owe any secondary debt to Newcastle City Council which includes former tenancy arrears, rechargeable repairs, reinstatement costs or other debts
- You have kept your home in a good and clean condition and in a good state of decoration, and your garden tidy and free of rubbish, so that it can be re-let without the need for the Council to carry out any remedial work.

We may reduce the three-year assessment period if you are able to demonstrate that you have made a significant and sustained contribution to your local community.

An assessment for Good Tenant Status must be made by your local housing office.

#### **C12. You need to leave your current housing which is tied to your employment**

You live in accommodation that is tied to your employment and have been asked to leave this accommodation as you are retiring or have been made redundant.

This banding award will not apply if you are losing your home through your own actions for example, you have resigned from your job or have been dismissed by your employer.

You will need to provide evidence of your circumstances for this award to be made.

#### **Band D – Reduced Priority**

You will be placed in band D if you would have been assessed as qualifying for bands A – C but do not have a local connection to Newcastle as defined in section **7.4 Local connection to Newcastle** of this policy.

#### **Band E – General housing need**

Applicants who do not meet the criteria for bands A – D will be placed in band E.

## **6.8 Additional preference and the Armed Forces**

As referred to in section **4.4 Additional preference** of this policy, legislation states that we must give certain members and former members of the Armed Forces, and their bereaved spouses or civil partners, additional preference within our allocations scheme. This means that when such applicants have urgent housing needs and are

assessed as meeting the requirements for specific priority banding awards, they will be given additional preference to the award that has been made.

We award additional preference by placing such applicants at the top of the priority band that they were awarded. For example, if the applicant has been given a priority band B award their bid will sit at the top of all other applicants who bid for a property and are also in band B.

Applicants will qualify for additional preference if they have urgent housing needs, are:

- Serving members of the Regular Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
- Former members of the Regular Armed Forces
- Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
- Bereaved spouses or civil partners of those who served in the Regular Armed Forces where:
  - (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their spouse or civil partner, and
  - (ii) the death was wholly or partly attributable to their service.

And they have been assessed as meeting the criteria for at least one of the banding awards detailed in section **7.7 Priority Banding Criteria**, with the exception of those listed in Appendix 3 who will not qualify for the additional preference.

## **7.0 Homelessness**

Newcastle City Council's Housing Advice Centre (HAC) are responsible for assessing applications made to Newcastle City Council due to homelessness and determining what duties may be owed to you in accordance with homelessness legislation.

If you are owed a duty by Newcastle City Council due to homelessness you will be awarded the relevant priority banding award by the Housing Advice Centre. When the duty ceases the banding award will be removed.

If you are denied a priority banding award because the council considers it does not owe you the relevant homelessness duty you can request a review which will be considered by a more senior officer at the Housing Advice Centre who was not involved in the original decision.

If you are owed a duty your application will be placed on Auto-bid. See section **9.8 Auto-bid** for more information about how this works.

If you refuse an offer that is considered to be suitable under Part VII Housing Act 1996 (Homelessness) any banding award will be removed. The refusals policy detailed in section **9.13 What happens if I refuse a property?** of this policy, will not apply in these circumstances.

If you wish to request a review of the suitability of an offer of accommodation you can do this by contacting the Housing Advice Centre. This request must be made within 21 days of notification that a suitable offer has been made to you. The review will be considered by someone who was not involved in the original decision and who is senior to the officer who made the original decision.

If, following the outcome of the review you remain dissatisfied you can appeal to the County Court on a point of law within 21 days of notification of the review decision.

## **8.0 Property adverts and shortlisting**

### **8.1 How we advertise properties**

We aim to advertise all our properties online. There will be occasions when we will not advertise a property in this way for housing management reasons (see section **10.2 Direct Lets** for more information).

On occasion we will allocate multiple properties through one property advert. This will only be done for properties that are of a similar type, for example multiple flats in a multi storey block and where the property is not in high demand. We will state on the property advert if multiple properties are available.

There are two ways in which we advertise our properties online. Choice Based Lettings and Available Now.

### **8.2 Choice Based Lettings**

Choice Based Lettings are usually advertised from 00.01 on a Thursday until 23.59 the following Monday. We call this period the Lettings Cycle. The Lettings Cycle may change or be cancelled due to Bank Holidays, other holidays and in exceptional circumstances.

If you bid for a property under Choice Based Lettings your position on the shortlist will be depend on your level of housing need. Please see section **7.5 What Priority Band will I be Awarded?** for more information about this.

### **8.3 Available Now**

Available Now properties can be advertised at any time. If you bid for an Available Now property you will be offered the property if you are the first person to bid for it and meet the specific criteria for that property.

Bidding for Available Now properties can result in you being able to secure a property in a much shorter timescale.

## 8.4 How to bid for properties

If you would like to be considered for a property that has been advertised you will need to 'bid' for the property. You can bid for a property in the following ways:

- Online using a smartphone, computer or tablet
- By phoning 0191 278 8600
- In person at your local Community Hub

You can bid for a total of three properties each week. You don't have to bid for three properties but if you do it will increase your chances of being offered a property. If you change your mind about a property that you have bid for you can withdraw a bid at any time up until the Lettings Cycle closes.

If you need any help to place your bids you can nominate an advocate, friend or family member to do this for you. Alternatively, you can request that the system places automatic bids for you. This is called 'auto-bid'. We can set auto-bid up so that it only bids for certain types of properties in particular areas. If you would like to do this we can set this up on the system for you. Please see section **9.8 Auto-bid** for more information about this.

## 8.5 What type of property can I bid for?

You will only be able to bid for properties that meet your assessed housing need. For example, if you have been assessed as requiring three bedrooms you will normally only be able to bid for properties of that size.

The system will sometimes allow you to bid for properties that do not meet your assessed needs. On these occasions your bid will be bypassed for the next person on the list who meets the criteria for the property.

When a property is advertised the advert will include important information about the property which will assist you to decide whether the property is suitable for you. This could include:

- The weekly rent
- Property type, size and area
- Type of heating
- Whether the property is adapted
- Whether the property is subject to any relaxed criteria such as under occupation
- Whether a minimum or maximum age limit applies
- Whether pets are permitted

We may also apply Property Lettings Criteria to a property advert that may specific criteria that you must meet in order to be considered for a property. This could include but is not limited to:

- An assessed need for adaptations
- A specification relating to age
- A connection to a particular area, ward or estate

If you do not meet the criteria for a property you may not be able to bid for the property or you will not be offered the property.

## **8.6 Adapted properties**

We will state whether a property has adaptations within the property advert and will include as much information as we are able to about the specific adaptations.

Adapted properties will be allocated to the applicant who has an assessed need for the specific adaptations and who's needs best match the adaptations. Where there is more than one applicant who meets the criteria, we will allocate to the applicant in the highest banding award and who has held their priority banding for the longest.

When an adapted property is advertised and there are no bidders who require the adaptations, we will reserve the right to make a direct let to applicants on the housing register who require such adaptations. If it is not possible to allocate the property through a direct let we will then return to the original shortlist and apply the normal shortlisting criteria. In such instances, the property may be let with the adaptations left in place, for example, there may be a shower and no bath.

## **8.7 Can I be re-housed with my pets?**

You will be considered for re-housing if you have pets however there are some properties where we do not permit certain types of pets. This will usually be properties with a shared entrance. We will include information about any restrictions relating to pets in the property advert and you will be advised of this at the time of offer.

## **8.8 Auto-bid**

The computer system allows for bids to be automatically placed on your behalf. We call this 'auto-bid'. Auto-bid works by placing up to three bids each week, on properties that meet your requirements, if at the end of the lettings cycle you haven't placed all three bids yourself. You may want to do this if you have difficulty bidding or to make sure that you bid for suitable properties when they are advertised.

If you wish to be placed on auto-bid we will discuss your property requirements with you so that we can set auto-bid up to only bid for properties that meet your needs. This can include restricting bidding to a certain area or type of property.

If you are given a priority banding award due to you being owed any duties under the homelessness legislation, you will automatically be placed on auto-bid. We do this as you have been assessed as being owed duties that we have a legal obligation to fulfil. This enables us to comply with our legal duties to you and so that your homelessness situation can be resolved as quickly as possible. This does not prevent you from placing bids yourself and, as explained above, auto-bidding will

only be triggered if at the end of the lettings cycle you have not placed all three bids that week.

## **8.9 Restricted Choice**

In some limited circumstances we will restrict the choice of accommodation available to you. This will apply to certain applicants such as high-risk offenders where the need to manage the risk which they pose to other individuals or the community in general, limits the amount of choice they can reasonably be allowed or if you have been assessed as having support needs that cannot be met through re-housing in particular housing schemes.

Restricted choice can include restrictions on the type and location of accommodation that you are able to bid for and may mean that you are only offered a Direct Let. Please see section **10.2 Direct Lets** for more information about this.

## **8.10 How does shortlisting work?**

We allocate properties to applicants in order of their assessed housing need. When the Lettings Cycle has closed, we receive a shortlist of the applicants who have placed a bid for each property. Shortlists are created in order of applicants with the highest need first, with those in band A having the highest need and those in band E having the lowest.

If a number of applicants in the same priority band bid for the same property, we will offer the property to the applicant who has been in that band for the longest. If the applicants have the same band award date, the property will be offered to the applicant who submitted their housing register application first. If the applicants can't be separated at this stage, as a final tie breaker the property will be offered to the applicant who has been in their current home the longest.

If an applicant meets the criteria for Armed Forces Additional Preference, see section Armed Forces and Additional Preference, any bid placed by the applicant will automatically sit at the top of the priority band that they have been awarded.

In situations where a number of applicants in the same priority band qualify for Armed Forces Additional Preference, the property will be offered to the applicant who has been in that band for the longest.

If the applicants have the same band award date the property will be offered to the applicant who submitted their housing register application first.

Shortlisting is demonstrated in the table below.

## Property: 1 St James Park

Applicant's name	Armed Forces?	Position	Band	Tie Breaker 1 – date priority awarded	Tie Breaker 2 – date application received
A Shearer		1st	A		
B Robson		2nd	B	01/07/2021	
L Ferdinand		3rd	B	24/07/2021	01/05/2021
J Milburn		4th	B	24/07/2021	01/06/2021
A Cole	Yes	5th	C	25/04/2021	
N Solano		6th	C	02/02/2021	

There may be occasions where a home is advertised but is allocated outside of the normal short-listing criteria by way of a direct offer or due to a local lettings policy applying to the property. We will report on the majority of allocations made in this way online.

### 8.11 How will I be made an offer of a property?

If you are at the top of the shortlist for a property, we will contact you to advise you that you are being considered for the property and invite you to view the property. We will make every effort to contact you to advise you about any offer, however if we do not receive a response from you within 24 hours we may withdraw the offer and offer the property to the next person on the shortlist.

If you are at the top of a shortlist for more than one property in a single Lettings Cycle, we will contact you and ask you to decide which property you would like us to formally offer you as we cannot consider you for more than one property at the same time. If we are not able to contact you within 24 hours, we will decide which of the properties we will formally offer you.

If you have been made a formal offer for a property you will not be able to bid for other properties.

If you require support, advice and assistance in relation to affordability you may be signposted to external agencies such as Citizens Advice.

### 8.12 Bypassing a bid and withdrawing an offer of accommodation

When you are shortlisted for a property, we will complete some further checks prior to making you a formal offer for the property. These checks will address, but are not limited to, the following questions:

- Are you still eligible?
- Do you still qualify?
- Can you afford the property?
- Do you meet any Property Lettings Criteria?
- Does any priority banding award still apply?

- Are you able to manage the tenancy in terms of the support provision that is available for any assessed support needs that you might have?
- Does the property pose an assessed health and safety risk to a household member?
- Does the allocation of the property pose a health and safety risk to a person who is not a member of your household?

If you do not pass these checks, your bid will be bypassed, you will not be made a formal offer for the property and we will consider the next applicant on the shortlist. If you require any support, advice and assistance in relation to these checks such as advice about affordability you may be signposted to external agencies such as Citizens Advice.

If, after being made a formal offer of accommodation, we become aware of a change in your circumstances that means that the property no longer meets your needs, we may withdraw the offer and consider the next applicant on the shortlist.

### **8.13 What happens if I refuse a property?**

If you refuse three properties that we consider to be suitable offers, your application will be suspended for a period of 12 months. This includes properties that you have bid for, auto-bids placed on your behalf, and properties that have been offered to you through a Direct Let.

When you refuse a property, we will ask you why you have refused the offer. It is important that you provide us with as much information as you can about your reasons for refusing a property so we can consider your individual circumstances when assessing whether the offer is suitable for you.

If we assess the offer to have been a suitable offer, we will advise you of this. If you still wish to refuse the property it will be considered to be a 'Formal Refusal'. If you have three Formal Refusals, your application will be suspended for 12 months, and you will not be able to bid. If your application is suspended we will write to you to notify you of our decision.

You will have a right to request a review of this decision and you can find out how you do this in **section 10 Reviews and appeals**.

This section 8.13 does not apply to applicants who are owed a duty under the homelessness legislation. If you are considering refusing an offer of a property made under the homelessness legislation, we would advise you to speak to the officer dealing with your homeless application or seek independent legal advice before you formally refuse the offer.

If you refuse an offer that is suitable you will not be made any further offer of accommodation under the homelessness legislation and your banding award will be removed immediately. Please see the section **8.0 Homelessness** for more information about this.



## **8.14 What is a suitable offer?**

We will consider an offer of accommodation to be suitable if it:

- Is affordable to you in accordance with Homelessness (Suitability of accommodation) Order 1996.
- Has your required number of bedrooms.
- Is accessible to you and your household members.
- Meets any assessed medical needs or disability that you or your household have.
- Allows you to access any care, support or medical services that you require to meet your medical and welfare needs.
- Is not within close proximity of a known perpetrator who has threatened or caused violence or domestic violence to a household member whose life or safety would otherwise be threatened.
- Is not within close proximity to a perpetrator who has caused intimidation or harassment to a household member (for example due to race, nationality, sexuality, gender, religion or belief, age or disability).
- Provides reasonable access to employment and educational requirements of the household in addition to family support networks; and established links to schools; doctors, social workers and other key services and support essential to the wellbeing of the household. taking into account the availability, frequency and cost of any local transport.

We will not take into account factors such as:

- The size or lack of any garden
- Bedroom sizes unless they do not accommodate any required medical equipment
- The lack of a dining room
- If you are unable to accommodate your existing furniture. (We can offer advice and assistance to secure new furniture if they are essential items).
- The location of any bathrooms and toilets unless there is a medical need or disability to consider
- Any existing adaptations to the property that you do not require.

## **9. Other lettings arrangements**

### **9.1 Specialist Housing Panels**

Newcastle City Council operates a number of housing panels that allocate Newcastle City Council's specialist accommodation or allocate to applicants with complex cases.

The panels ensure best use of specialist housing stock and a fair and consistent approach to the allocation of specialist accommodation.

Details of specialist housing panels and their responsibilities are in the table below.

<b>Specialist housing panel</b>	<b>Responsible for</b>
Complex Case Panel	Direct lets to complex cases.
Mental Health Supported Housing Panel	Allocation of specialist accommodation for applicants with mental health conditions.
Supported Accommodation Housing Panel	Allocation of supported accommodation.
Extra Care Panel	Allocation of specialist accommodation for applicants with an assessed care need.

The Complex Case Panel and the Extra Care Panel allocate properties in accordance with this policy. Supported accommodation is let outside of this policy as it is not considered to be social housing.

## 9.2 Direct Lets

We will advertise the majority of available properties on <insert website>, however there will be circumstances when this will not be possible, and properties will be allocated to an applicant directly. These are called Direct Lets. There may also be circumstances where a home is advertised but later withdrawn.

Direct Lets will be made at our discretion and can be made regardless of the priority band awarded. A direct let will normally only apply to the situations below, however we reserve the right to make an applicant a Direct Let at any time for other exceptional housing management reasons.

- You need to move urgently as your home is due to be demolished imminently or is undergoing major investigation and/or repairs, and we have accepted that it is uninhabitable and it is not reasonable to expect you to return there in the future. This includes following an emergency, for example fire, flood or other major incident.
- You are under Witness Protection and a move is supported by the Police.
- You require rehousing urgently due to exceptional circumstances such as fleeing violence.
- Homelessness cases when there is a need to avoid the use of bed and breakfast accommodation or where the council has a duty under the homelessness legislation to provide accommodation and the customer has been unable to secure a suitable property through the normal bidding process.
- You are a high-risk offender and a move is supported by the Police or the Probation Service and is in the interest of public protection.

Applicants must be eligible for an allocation of social housing and will usually have a local connection to Newcastle. Direct lets are limited to one suitable offer.

All Direct Lets must be agreed by Newcastle City Council's Complex Case Panel. It is not possible for applicants to make a direct application to the panel. To be considered, applicants must have been seen by YHN's Housing Solutions Team and they will refer the case to the panel.

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

### **9.3 Local Lettings Policies**

Section 166A(6)(b) of the Housing Act 1996 allows local authorities to operate local lettings policies to achieve a wide variety of housing management and policy objectives. A local lettings policy operates specific lettings criteria that are a variation to the allocations criteria set out in this policy. A local lettings policy can be applied to a particular building, estate or area to meet the specific needs of the community, to tackle particular management problems and/or to address imbalances in the community.

Local lettings policies will be applied in accordance with Newcastle City Council's relevant policies and procedures and will be applied where either Newcastle City Council, local residents or partner organisations have identified a benefit to the community. Such policies will be subject to an Equality Impact Assessment.

If a local lettings policy applies to a property, the lettings criteria set out in that policy takes preference over the lettings criteria set out in this policy. Priority banding awards can be disregarded in favour of the criteria in the local lettings policy.

Where a local lettings policy applies a property may not always be offered to the bidder with the highest priority. Local Lettings policies will be publicised on Newcastle City Council's website.

### **9.4 Succession, assignment and discretionary tenancies**

When a tenant dies it is sometimes possible for existing occupants to inherit the tenancy. This is called succession. It is also possible for a tenancy to be transferred to an existing occupant by an existing tenant. This is called an assignment. Legislation sets out the rules under which a succession or assignment can take place. Newcastle City Council has taken this legislation into account and has detailed how we will manage successions and assignments in a separate policy entitled 'Successions, Assignments and Granting of Discretionary Tenancies to existing occupants'.

That policy also covers the circumstances when a discretionary tenancy may be granted to existing occupant(s) in the following situations:

- Where there is no statutory right to succeed;
- Where a sole tenant wishes to create a joint tenancy with other occupant(s);
- Where a joint tenant wishes to leave and the remaining joint tenant(s) want(s) to stay.

## **9.5 Exceptional Circumstances**

Whilst this document is comprehensive, on an exceptions basis, there may be some applications that require specific intervention or require specific measures to be taken that are not covered by this policy. In such cases any decision must be made via the Complex Case Panel and must be agreed with a senior officer at YHN and a senior officer at the Fairer Housing Unit. This will ensure that all decisions made on an exceptions' basis are transparent, equitable and have been subject to an equalities impact assessment.

## **10. Reviews and appeals**

### **10.1 What decisions can I request a review of?**

You have the right to information about certain decisions that are taken about your housing application and the right to a review those decisions. When we make such a decision we will inform you, in writing, about the decision and provide reasons for it.

You will be able to request information and a review of decisions relating to:

- Your eligibility for the scheme
- Your disqualification from the scheme
- The priority banding award that you have been given or the removal of an award
- The date on which any priority banding award was made
- You being denied a direct let
- The reasonableness of any offer made to you under your band status or as a direct let.
- Your bidding being suspended or restricted
- You being denied a local connection
- The withdrawal of an offer of accommodation or a bid having been bypassed.

### **10.2 How do I request a review?**

If you wish to request a review you must write to the person detailed in your decision letter within 21 days. You can authorise someone to request a review on your behalf but we will require your consent to discuss your review with them.

Your request should explain why you believe the original decision is wrong and you should provide evidence and information to support your case.

In all cases the review will be considered by an officer or manager who is more senior than the person who made the original decision and will be dealt with within 21 days of the review request being received.

In most cases your review will be assessed by a member of YHN's Review Team. In some circumstances that member YHN's Review Team may not be more senior than the original decision maker. In these circumstances the review will be considered by a senior manager within YHN's Housing Solutions Team.

If your review relates to a decision made by YHN's Safeguarding Team the review will be considered by a more senior officer in that team.

If your review relates to any homelessness duties that are owed to you in accordance with Part VII Housing Act 1996 (Homelessness), your review will be considered by a more senior officer in the Housing Advice Centre.

When we receive your request for a review, we will write to you within five working days to confirm that your letter has been received and to advise you about the review process.

If the reviewing officer finds in favour of the applicant, the original decision will be overturned and a new decision will be issued. If the reviewing officer does not find in favour of the applicant, the original decision will be upheld, and the review will be closed. The reviewing officer will write to the applicant within 5 days of the date of the review and will inform the applicant of the decision with reasons.

### **10.3 Do I have a further right of appeal?**

If you remain dissatisfied with the outcome of the review we will consider a further right of appeal if there are unusual or exceptional circumstances or if it raises points of principal or policy that are not covered by this policy.

It will be for the Managing Director of YHN to determine whether to grant you a further right of appeal. The appeal will be heard by a Housing Appeals Panel made up of elected members.

The only exceptions to this further right of appeal are cases that relate to any homelessness duties that are owed to you. For more information about your right to request a review or appeal relating to duties owed under homelessness legislation please see section **8.0 Homelessness** for more information.

The request for an appeal must be submitted to the Managing Director of YHN in writing, within 21 days of the date of the review outcome decision letter. Upon receipt of the appeal request the Managing Director of YHN will have 21 days in which to consider whether a further right of appeal will be permitted. Written confirmation of the Managing Director's decision will be provided to the applicant within 21 days of receipt of the request.

If the decision is to allow you a further right of appeal, you will receive notification of when the Housing Appeals Panel will hear your appeal. You are permitted to attend with representation if required. The Managing Director has the discretion to extend time limits in exceptional circumstances or where it is necessary to make further enquiries.

If the decision is not to allow you a further right of appeal, you have the right to forward your concerns to the Housing Ombudsman or Local Government Ombudsman depending on the nature of the complaint.

## **10.4 Reviews of decisions made by Registered Providers**

Individual registered housing providers may decide not to make you an offer in accordance with the shortlisting criteria set out in this policy if it does not fit with the policies of their organisation or criteria for certain schemes. Where this is the case and you do not agree with the decision, you will need to submit a review request to the registered housing provider in accordance with that providers review procedures.

## **11.0 Monitoring and reviewing this Policy**

### **11.1 Monitoring and openness**

We aim to be as open and transparent as possible about the allocations made in accordance with this policy and will therefore publish regular information about the allocations and lettings made under this policy, including by Direct Lets.

We will also monitor:

- Personal information from your application and use this to improve services.
- Housing management performance such as relet times and refusals.
- Nominations agreement with registered providers.
- All lettings by protected characteristics to eliminate discrimination.
- Bidding behaviour of applicants and in relation to communities.
- Customer satisfaction.
- Potentially disadvantaged applicants.
- To analyse current and future housing needs.
- To inform future reviews of this policy.

This is not an exhaustive list and your information may be used for other monitoring purposes.

### **11.2 Reviewing and amending the Policy**

We will continue to review the appropriateness of this policy and will retain its ability to respond accordingly to changes such as legislation, demand and supply and other strategic issues.

The Director of Place can exercise the discretion (subject to compliance with the provisions contained in legislation and in any regulations or guidance laid down by the Secretary of State):

- To implement such amendments as may be required to ensure compliance with the legislation and Government Guidance.
- To make minor amendments to the scheme to ensure that it remains responsive to individual and local housing needs.

Where appropriate any review of the policy will be conducted in consultation with applicants, tenants and key stakeholders.

## 12. Scheme implementation arrangements

The scheme applies with immediate effect and will be applied to all new applicants and to all existing applicants.

Existing applicants will have their application re-assessed in accordance with the provisions of this policy and, if they remain eligible and qualify, they will be placed in the most appropriate band based on their circumstances at the time of re-assessment. Their level of priority may remain the same or it may increase or decrease.

The following special rules will apply to existing applicants if you:

- are a current tenant of Newcastle City Council, or a tenant of a registered provider of social housing in Newcastle; and
- your tenancy commenced less than 12 months ago; and
- you have been assessed as having no housing need and awarded priority band E,
- you will have your application suspended until the first anniversary date of your tenancy commencing.

If you have refused a property before the implementation of this policy it will not be considered to be a refusal under section 9.13 of this policy.

Applicants will have a right to request a review of any decision relating to the implementation of the new scheme and you can find out how you do this in **section 10 Reviews and appeals**.

## Appendix 1: Assessment of Overcrowding

An assessment of overcrowding will need to be completed by Your Homes Newcastle, Environmental Health or other suitably qualified person. The room and space standard are set out below.

### The room standard

The room standard is based on the number and gender of people who must sleep in one room. The room standard is contravened in a situation where two people of the opposite sex must sleep in the same room.

The exceptions to this rule are:

- cohabiting or married couples, who can live in the same room without causing overcrowding
- children under the age of ten, who are completely ignored in the calculation

All living rooms and bedrooms are included in the calculation. The standard does not limit the number of people of the same sex who can live in the same room.

### The space standard

The space standard is based on the maximum number of people who may sleep in a dwelling of a particular size. The permitted number of people depends on the size of the room, the number of living rooms and bedrooms and the age of the occupants. The permitted number is whichever is the less of:

- the number specified in Table 1 and calculated according to the total number of rooms in the dwelling, and
- the aggregate number of people in the dwelling calculated according to the floor area of each room as set out in Table 2

Table 1: Occupants based on number of rooms

<b>Number of rooms</b>	1	2	3	4	5 or more
<b>Number of people</b>	2	3	5	7.5	2 per room

Table 2: Occupants based on floor space

<b>Floor area per room</b> (square feet)	110	90 – 109	70 – 89	50 – 69
<b>Number of people</b>	2	1.5	1	0.5

For both methods:

- children under one year old are ignored
- children under ten years old but not under one count as a half
- rooms under 50 square feet are ignored
- a room is counted if it is either a living room or a bedroom



## **Appendix 2: Supported Accommodation Providers**

Qualifying landlords for the award of band B10 and C7.

### **Homelessness Prevention and Relief**

- Roycroft House
- Walker Clusters
- Francis House
- The Veterans Centre
- Cumberland House
- Wavelength
- Abbott House
- Hawthorn Terrance
- Virginia House
- 4 Bentinck Terrace
- Dispersed properties
- Praxis
- Action Foundation
- Cedar House
- Tyneside Foyer
- Hawthorn House
- Home group community move on
- Home Group Offenders
- Tyne Housing supported accommodation
- Byker Bridge
- Haven Tyneside
- Depaul UK Simonside House
- Osborne Road
- St Vincent De Paul
- North East Refugee Service
- Phoenix Futures
- Ridley Villas

### **Mental Health Integrated Service**

- Richmond Fellowship
- Mental Health Concern
- Mental Health Matters
- Karbon Homes

### **Armed Forces and Veterans**

- Avondale House

## **Appendix 3: Exceptions to additional preference for Armed Forces**

Qualifying members and former members of the Armed forces, and their bereaved spouses or civil partners, with urgent housing needs, will not be given additional preference if they are awarded one of the priority bandings listed below:

- B13. You need to move in order to support Newcastle City Council's Corporate Parenting responsibilities.
- B16. Housing you would enable better use to be made of social housing.
- B17. Your home is within the Newcastle City area - it is part of a regeneration scheme and is to be demolished or is subject to major building work.
- C11. You are a Newcastle City Council tenant who has received Good Tenant Status.
- C12. You need to leave your current housing which is tied to your employment.