



**Special Urgent Executive Decision Taken by Chief Executive  
Published on 3 April 2020**

**Decision:** Meeting Oxford's Unmet Housing Needs – Allocation of Affordable Housing

**Decision taker:** Yvonne Rees, Chief Executive

**Decision Date:** 3 April 2020

**Is decision subject to Call-in?** Yes

**Deadline for Call-in:** 9 April 2020

**Is decision exempt?** No.

**Is decision urgent?** Yes

### **Summary**

To seek in principle support on the proposed approach to allocating affordable housing that is to be developed on identified sites within Cherwell district in order to meet an apportionment of Oxford's unmet housing need.

The countywide Strategic Housing Market Assessment 2014 (SHMA) identified the housing needs across Oxfordshire up to 2031. Further research and evidence have established that Oxford City will be unable to accommodate sufficient numbers of homes within that period to meet its identified housing needs.

Through the Growth Board, Oxfordshire local authorities are working together to provide the investment in infrastructure, housing and the economy that Oxfordshire needs now and in the future. The Growth Board has agreed an assumption that, in addition to the homes that are to be developed within the city, a further 15,000 homes are required to meet Oxford's unmet housing need to 2031. Under the statutory 'Duty to Cooperate', Districts have agreed to assist by providing an apportionment of the 15,000 homes. The number to be provided within Cherwell district is 4,400.

### **Decision**

#### **Resolved**

- (1) That the following approach on the methodology for allocating the rented affordable homes to be provided on allocated sites in Cherwell District Council's Local Plan Partial Review in order to meet Oxford's unmet housing need be agreed:

“Oxford City Council processes all housing applications from eligible households who have a local connection to Oxford through residence, employment or family. When a property becomes available on an identified site to meet Oxford’s need within Cherwell district, the City Council will then work with the registered provider to administer the letting of the property and will nominate eligible households directly from the Oxford housing register. Should the City Council be unable to make a nomination or allocate the property to someone with an Oxford local connection, then they would offer the opportunity to Cherwell District Council to nominate a housing applicant from its housing register.”

## **Reasons for Decision**

The agreement to utilise sites within Cherwell District to provide housing (including affordable housing) to meet an apportionment of Oxford’s unmet housing need is already in place as part of the Growth Deal and Duty to Co-operate.

Various options have been explored in respect of the arrangements and allocation of the rented affordable housing that is to be provided on identified sites within Cherwell district. The preferred option is administration and allocation of rented affordable housing being undertaken by Oxford City Council with a legal agreement, letting policy or plan, eligibility cascade and joint communications plan to be agreed with Cherwell District Council. This arrangement will ensure that Cherwell District Council is able to meet its statutory duties under the ‘Duty to Cooperate’ without adding administrative burdens and overly complex systems for customers and support providers to navigate.

Arrangements will be subject to an Equality Impact Assessment. A joint communications plan at the appropriate time will inform residents, organisations and relevant ward and parish Councillors about the development sites and how to access the affordable housing.

This item was due to be considered by the Executive at their meeting of 6 April 2020. However, in light of the situation with the Covid-19 outbreak and Government advice to social distance and stop non-essential contact, the Leader of the Council and Executive Chairman, Councillor Barry Wood, agreed that the meeting no longer take place as staff are being deployed to core functions to ensure business continuity at this time and that the decision be taken by the Chief Executive using urgency powers. All Executive members have confirmed they endorse the recommendations. The report has been circulated to all councillors ahead of the urgent decision being taken.

In accordance with the Constitution, a report will be submitted to the next meeting of the Executive advising of the urgent action taken.

## **Alternative Options Considered**

Option 1: An Oxfordshire-wide lettings approach using either a common application form and shared ICT system or aligning prioritisation approaches by each of the Oxfordshire district councils.

Option 2: Cherwell District Council (CDC) processes housing applications and nominates eligible applicants to properties developed in the District using our own allocations policy or using a new policy agreed with the City Council.

## **Conflicts of Interest Declared and Dispensations Granted by Head of Paid Service**

None

## **Attachments**

Report due to be submitted to 6 April 2020 Executive

Yvonne Rees  
Chief Executive

# Cherwell District Council

## Executive

6 April 2020

### Meeting Oxford's Unmet Needs - Allocation of Affordable Housing

## Report of Assistant Director Housing and Social Care Commissioning

This report is public

### Purpose of report

To seek in principle support on the proposed approach to allocating affordable housing that is to be developed on identified sites within Cherwell district in order to meet an apportionment of Oxford's unmet housing need.

## 1.0 Recommendations

The Executive is recommended to:

- 1.1 Agree the proposed approach set out in section 3.3.3 of this report. Section 3.3.3 sets out the proposed methodology for allocating the rented affordable homes to be provided on allocated sites in Cherwell District Council's Local Plan Partial Review in order to meet Oxford's unmet housing need.

## 2.0 Introduction

- 2.1 The countywide Strategic Housing Market Assessment 2014 (SHMA) identified the housing needs across Oxfordshire up to 2031. Further research and evidence have established that Oxford City will be unable to accommodate sufficient numbers of homes within that period to meet its identified housing needs.
- 2.2 Through the Growth Board, Oxfordshire local authorities are working together to provide the investment in infrastructure, housing and the economy that Oxfordshire needs now and in the future. The Growth Board has agreed an assumption that, in addition to the homes that are to be developed within the city, a further 15,000 homes are required to meet Oxford's unmet housing need to 2031. Under the statutory 'Duty to Cooperate', Districts have agreed to assist by providing an apportionment of the 15,000 homes. The number to be provided within Cherwell district is 4,400.
- 2.3 The Partial Review of the 'Cherwell Local Plan 2011-2031 - Oxford's Unmet Housing Need' identified potential sites where the 4,400 homes could be delivered.

The Partial Review was considered by the Secretary of State in 2019 and was largely supported except for one site, Policy PR10 (land south east of Woodstock). Given this, further work has been done to identify how the total number of homes (4,400) could be accommodated within Cherwell district. Policy PR2 of the Local Plan Partial Review requires delivery of 50% affordable housing across each site identified to meet Oxford's needs. Of the total affordable housing provision, 80% would be affordable/social rented dwellings, and 20% as other forms of intermediate affordable housing (this is in comparison to the 70% rent and 30% intermediate tenure split required under the current Cherwell District Council affordable housing planning policy – within the Affordable Housing policy requirement which is 30% at Banbury and Bicester and 35% elsewhere on all sites suitable for 11 or more dwellings).

- 2.4 In February 2019, as part of the Local Plan Partial Review, Cherwell agreed a Statement of Common Ground (SOCG) with the Oxfordshire Councils. This states that the details regarding the provision, policy and operational procedures for allocating the affordable housing to meet Oxford's unmet needs should be agreed within 1 year of the SOCG or prior to any planning application being made on the first of the identified sites (whichever is the sooner). As the Cherwell DC Local Plan Partial Review has not yet been adopted, the aim is to enter into an 'in principle' arrangement with Oxford City Council which can be adopted once the Local Plan Partial Review has been approved.
- 2.5 Some work has already been done jointly with the other Oxfordshire district councils in relation to the arrangements for allocating housing developed on identified sites to meet Oxford's unmet need. Various approaches have been considered. However, differences in the timing and progress of each council's Local Plan review, plus the differences in the approach they wish to take in allocating the affordable housing, has made a standard collective approach difficult to achieve.
- 2.6 Work still needs to be done to finalise the details on housing mix, tenure types and how the rented properties are to be let and managed. It is anticipated that all of these details will form part of the development briefs for each of the sites. As the City Council's planning policy states a requirement for social rent tenure (due to affordability in the Oxford locality), Cherwell District Council will endeavour to secure social rent as part of the tenure mix. Early viability work as part of the Local Plan Partial Review indicates that this should be possible (subject to individual site, environmental and policy considerations).
- 2.7 This paper only considers the arrangements for the allocation of affordable housing for rent (social or affordable rent) that is to be developed on identified sites within Cherwell district to meet Oxford's unmet need. The allocation of shared ownership homes will, as they are now, be dealt with through Help to Buy South and the relevant registered providers.

### **3.0 Report Details**

- 3.1 Since the Local Plan Inspector's response in July 2019 to the proposals set out in the Partial Review of the 'Cherwell Local Plan 2011-2031 - Oxford's Unmet Housing Need', the Council has consulted on its proposed modifications to the Plan. The main modifications propose the deletion of the Policy PR10 (Land South East of

Woodstock) and accommodation of this policy's housing numbers to be on the other proposed sites as follows:

Site	Total number of dwellings in Local Plan Submission <b>July 2017</b>	No. of dwellings in Main Modifications <b>2019</b>	Expected total number of affordable homes (assuming 50% requirement is achieved)	Estimated number of rented homes (80% of the 50% total AH contribution)
Land East of Oxford Road (policy PR6a)	650	690	345	276
Land West of Oxford Road (policy PR6b)	530	670	335	268
Land south East of Kidlington (policy PR7a)	230	430	215	172
Land at Stratfield Farm (policy PR7b)	100	120	60	48
Land East of the A44 (policy PR8)	1950	1950	975	780
Land west of Yarnton (policy PR9)	530	540	270	216
Land south east of Woodstock (policy PR10)	410	0 (deleted)	0	0
<b>Totals</b>	<b>4,400</b>	<b>4,400</b>	<b>2,200</b>	<b>1,760</b>

3.2 Work on the Partial Review modifications has been completed (submitted 25 February 2020) and we await the Inspector's response, but the table above provides an indication of the number of rented units that would have to be allocated to address Oxford's unmet need. The affordable housing need does not have to be met directly from new build homes, it is possible to select relets of existing social housing to count towards meeting the Oxford requirement. However, this arrangement would be more complex to administer, and implementation would require agreement of Registered Provider partners who own, let and manage social housing stock in Cherwell district. The re-let units would also need to be located close to Oxford city with good transport connections. Historically there have been very low numbers of re-lets in the Cherwell district area to the north of Oxford. There have been 85 lettings over the last two years but only 39 of those have been for general needs, the remainder being for older people including the provision of a new extra care housing scheme. This means the capacity to use existing social housing towards meeting the numbers required is very limited and therefore we propose that all of the additional housing should be provided through the new sites. It will also be important to preserve re-lets of existing social housing for households with a local connection to Cherwell, so that there is some balance in terms of access to social housing in this part of the district.

3.3 As the SOCG referred to earlier in paragraph 2.4 of this report sets out that the affordable homes are required to meet the needs of those households with a local connection to Oxford through residence, employment or family, the options for allocating new rented affordable properties on identified sites are set out below:

**3.3.1 An Oxfordshire-wide lettings approach using either a common application form and shared ICT system or aligning prioritisation approaches by each of the Oxfordshire district councils.**

This would provide a simple process for customers, meaning they would only need to complete one application form to be considered for all housing that is developed across Oxfordshire to meet an Oxford need. However, the differences between local authorities in terms of timing and adoption of their Local Plans, and the time needed to introduce new ICT systems and countywide procedures makes this option very difficult to achieve. Other districts have now started pursuing individual approaches and so the single Oxfordshire-wide option is not deemed possible.

**3.3.2 Cherwell District Council (CDC) processes housing applications and nominates eligible applicants to properties developed in the District using our own allocations policy or using a new policy agreed with the City Council.**

This option would ensure that CDC retains control over the allocation of the rented affordable housing. However, as the properties would be allocated to meet an Oxford housing need, there would be no other advantage and CDC would bear an increased administrative burden and cost. It would also mean that the housing register could grow significantly and that households with an Oxford connection only might perceive that they could bid on properties across Cherwell. The Vale of White Horse District Council has adopted this approach for relevant sites and has included mechanisms within its allocations policy to prioritise eligible applicants with an Oxford local connection. As the allocations policy is joint with South Oxfordshire District Council (SODC), it is important to note that SODC's Local Plan is currently under review, therefore any decision regarding addressing Oxford's unmet housing need will be taken as part of the Local Plan process and the decision may lead to an amendment to the joint housing allocations policy.

**3.3.3 Oxford City Council processes all housing applications from eligible households who have a local connection to Oxford through residence, employment or family. When a property becomes available on an identified site to meet Oxford's need within Cherwell district, the City Council will then work with the registered provider to administer the letting of the property and will nominate eligible households directly from the Oxford housing register. Should the City Council be unable to make a nomination or allocate the property to someone with an Oxford local connection, then they would offer the opportunity to Cherwell District Council to nominate a housing applicant from its housing register.**

This approach would involve Oxford City Council using its allocations policy to determine eligibility and suitable nominations for the properties on the sites in Cherwell that have been identified to meet an Oxford need. In addition, it would prevent the need for Oxford City housing register applicants to also register with Cherwell District Council. A legal agreement and a commonly agreed nominations or letting plan between the city and district council would ensure that both are aligned with the arrangements for allocation of the properties on these sites and that

a range of households' housing needs are met. Cherwell residents who have an Oxford local connection would need to complete an Oxford City Council housing application form in order to be considered for the properties. Cherwell housing applicants will be advised of the additional opportunity afforded to them should they indicate an Oxford local connection on their Cherwell housing application form. This option removes most of the administrative burden on Cherwell DC and shifts statutory housing functions and control of the allocation of the properties on these sites only to Oxford City Council. Therefore, subject to agreement with Oxford City Council, the approach of having a legal agreement and a commonly agreed allocation policy or letting plan would be preferable to protect the District Council from any changes to policy in future.

Early discussions with Oxford City Council officers have indicated a willingness to consider a local lettings plan for the sites to ensure that a balanced and mixed community is established from the outset. Such a lettings plan would balance provision to meet the housing needs of the city's homeless households, households in need of affordable general needs housing and housing transfer applicants. It could also incorporate opportunities to allocate a proportion of housing to health, social care, education, police and other key worker personnel. The District could be further protected by having an opportunity to nominate housing applicants from the Cherwell housing register should the City Council be unsuccessful with its own nominations. A clear, joint communication strategy will ensure that all customers are aware of the arrangements should this option be implemented.

3.4 Applicants for rented affordable housing on the identified sites will need to be prioritised for lettings. Cherwell's proposed 'cascade' for letting these units would be as follows:

- First priority will be given to eligible applicants who meet the agreed local connection criteria to Oxford City. This could be through residence, employment or a need for support from close family members. This would include households that live in Cherwell District and who also have a connection to Oxford City e.g. through their place of employment or family connections. Applicants would be prioritised based on Oxford City Council's housing need priority bands as set out in the council's allocations scheme.
- When assessing date order within a priority band, any existing Cherwell District Council housing applicants will be given the date they registered with Cherwell DC or the date they established a connection with the City if this is later than their application date.
- If Oxford City Council is unable to nominate a suitable eligible applicant from its housing register, Cherwell DC will be offered the opportunity to nominate an eligible applicant from its own register through the Homechoice system. Priority will be given to households with a local connection to the parish where the site is situated, or a household with a local connection to Cherwell District whichever is appropriate having regard to CDC allocations procedures at the time. Applicants would be prioritised through Cherwell's housing need priority bands.
- Where Oxford City Council has not been able to nominate an eligible housing applicant for a property, the property will still count towards meeting Oxford's unmet need and will be re-advertised as such when it next becomes available.

3.5 This cascade would need to be formally agreed with Oxford City Council but informal discussions regarding the approach have been positive. Applying the cascade and local connection criteria helps to balance the requirement to meet



Oxford's unmet housing need with the needs of people on CDC's housing register. However, given that the City Council has around 2,600 housing applicants (January 2020), it is unlikely that an Oxford nomination would not be made.

- 3.6 There are 46 Oxford City Council housing register applicants who live in Cherwell District (as at January 2020). Of these, 31 are in the Kidlington and surrounding villages postcode area. Some of the housing applicants may already be living in an Oxford City Council-owned property and require a transfer to more suitable accommodation to meet their needs. The City Council owns around 110 properties in the Kidlington area. Of the 46 households who are on Oxford City Council's housing register and living in Cherwell District, 31 are in band five and as such would generally be unlikely to be housed. The properties owned by the City Council in Kidlington are very popular, with an average of 185 bids on the rented homes that become available for re-let.
- 3.7 In Cherwell there are currently 105 people on the housing register who live in the OX5 postcode area. 52 of these are in the three highest need bands. There are 84 applicants who require general needs housing, the remainder require age specific housing. Although 105 is a relatively small proportion of the overall housing register (around 9% of all (1162) applicants), competition for housing in Kidlington is high compared to some other areas of Cherwell district and this is shown by the high level of interest in a small number of lettings. There is an average of 15 bids on each general needs property in Kidlington compared with 12 in Banbury and 15 in Bicester. In 2019, on average (median) the waiting time for a successful nomination through the housing register in Kidlington was 37 weeks, whereas Banbury was 21 weeks and Bicester was 28 weeks. Furthermore, once a new development scheme starts on site, it is common to see an increase in the number of new housing applications for the area. In recognition of this, it will be important for Cherwell DC to proactively identify additional affordable housing development sites around Kidlington which could be ring-fenced for housing applicants with a local connection to the immediate area.
- 3.8 Where properties are advertised to meet the need of housing applicants with an Oxford City local connection, the properties will be allocated to those in housing need and in accordance with the agreements with Oxford City Council. This will include re-lets of those properties. However as there has historically been an undersupply of housing in the OX5 post code area, it would be appropriate to ensure that the re-let of existing social housing in that area (i.e. not on the sites identified to meet Oxford needs) is prioritised for Cherwell DC housing register applicants only. In time it will be important to review the letting arrangements for the new properties that are built to meet Oxford's unmet need to ensure the arrangements continue to be fit for purpose. A timescale for review and monitoring mechanism will be included in any agreements with the City Council.
- 3.9 Once an approach has been formally agreed with Oxford City Council, a joint communications plan will need to be put in place to ensure that residents, registered providers, support organisations and relevant ward and parish councillors are made aware of the eligibility criteria and process for accessing the housing on the identified sites. A joint approach will ensure that messages are consistent, and support is provided to those housing applicants who need it. Opportunities for streamlining the customer experience in making a housing application will also be considered.

## **4.0 Conclusions and Reasons for Recommendation**

- 4.1 The agreement to utilise sites within Cherwell District to provide housing (including affordable housing) to meet an apportionment of Oxford's unmet housing need is already in place as part of the Growth Deal and Duty to Co-operate.
- 4.2 Various options have been explored in respect of the arrangements and allocation of the rented affordable housing that is to be provided on identified sites within Cherwell district. The preferred option is set out in paragraph 3.3.3 of this report i.e. administration and allocation of rented affordable housing being undertaken by Oxford City Council with a legal agreement, letting policy or plan, eligibility cascade and joint communications plan to be agreed with Cherwell District Council. This arrangement will ensure that Cherwell District Council is able to meet its statutory duties under the 'Duty to Cooperate' without adding administrative burdens and overly complex systems for customers and support providers to navigate.
- 4.3 Arrangements will be subject to an Equality Impact Assessment and a joint communications plan at the appropriate time will inform residents, organisations and relevant ward and parish Councillors about the development sites and how to access the affordable housing.

## **5.0 Consultation**

None for this report

## **6.0 Alternative Options and Reasons for Rejection**

- 6.1 The alternative options are set out in section 3.3 of this report.

## **7.0 Implications**

### **Financial and Resource Implications**

- 7.1 Whilst there are no direct financial implications from the proposals in this report, the council will need to ensure that teams directly impacted by these changes as well as our front-line customer services are equipped to respond to queries to ensure that our customers have clarity on the process, otherwise additional contact may cause pressure on some service areas.

Comments checked by:

Adele Taylor, Interim Executive Director of Finance (in post at time of checking report)

### **Legal Implications**

- 7.2 Any agreed joint allocations policy will need to meet the requirements of legal definition of Reasonable Preference in the Housing Act 1996 (as amended by the Homelessness Act 2002, the Localism Act 2011 and the Homelessness Reduction Act 2017)

- 7.3 The preferred option detailed in the report will require Executive approval and a formal agreement to be entered into between the City Council and Cherwell under sections 9EA and 19 of the Local Government Act 2000 and Regulation 5 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 to delegate Cherwell's statutory housing powers to the City Council in respect of these properties. The in-house legal service has experience of dealing with such arrangements and will be able to assist with preparing the necessary documentation accordingly. The agreement will provide that all of the responsibility for discharging functions in respect of those properties, and all of the liabilities arising in the discharge of those functions, will pass to the City Council. This will provide Cherwell with protection from any applicant for that housing who issues any challenge to a decision taken in relation to them.
- 7.4 It should be noted that the proposed delegation will only apply to the functions under the Housing Act 1996 in respect of the specific properties which are identified as being delivered to meet Oxford's unmet housing need. As such, Cherwell will retain full control and powers over both the development of housing on those sites, and all other statutory powers and functions arising in respect of such properties.

Comments checked by:

Chris Mace, Solicitor; 01295 221808; [christopher.mace@cherwell-dc.gov.uk](mailto:christopher.mace@cherwell-dc.gov.uk)

### **Risks and Other Implications**

- 7.5 There is a risk of disappointment and frustration from residents living nearby the proposed development sites where they may not be prioritised for the affordable housing as they do not have a connection with Oxford City. There are also risks that eligible Cherwell residents (those with a local connection) do not register with Oxford City for the affordable housing. This risk can be mitigated by a clear communications plan and individual contact and support with eligible applicants on Cherwell District Council housing register. These risks will be managed by the service and escalated as and when necessary to the Leadership Risk Register.

Comments checked by:

Louise Tustian, Head of Insight and Corporate Programmes, 01295 221786, [Louise.tustian@cherwell-dc.gov.uk](mailto:Louise.tustian@cherwell-dc.gov.uk)

### **Equalities Implications**

- 7.6 No equalities impact in relation to this report. However, an Equality Impact Assessment will need to be undertaken at the appropriate time on relevant allocations schemes, lettings plans and the communications plan as they are developed. The communications plan will also need to be appropriate and ensure that information is provided in a suitable format to all residents, organisations and relevant ward and parish councillors to ensure that they have information about the development sites and how to access the affordable housing.

Comments checked by:

Caroline French, Business Improvement Officer, Performance and Transformation 01295 221586, [Caroline.French@cherwell-dc.gov.uk](mailto:Caroline.French@cherwell-dc.gov.uk)

## 8.0 Decision Information

**Key decision:**

**Financial Threshold Met:** No

**Community Impact Threshold Met:** No

### **Wards affected**

Kidlington East, Kidlington West, Launton and Otmoor

### **Links to Corporate Plan and Policy Framework**

Deliver affordable housing

### **Lead Councillor**

Councillor John Donaldson – Lead Member for Housing

### **Document Information**

<b>Appendix</b>	<b>Title</b>
None	
<b>Background Papers</b>	
None	
<b>Reference Documents</b>	
Housing strategy 2019-2024 – published on the Council’s website at the following link <a href="#">Housing Strategy</a>	
<b>Report Author</b>	Gillian Douglas Assistant Director Housing and Social Care Commissioning
<b>Contact Information</b>	<a href="mailto:Gillian.Douglas@cherwell-dc.gov.uk">Gillian.Douglas@cherwell-dc.gov.uk</a> Direct dial: 01295 221605 Mobile: 07503 259834