

Allocation Scheme

Draft 2009

Cherwell District Council

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1. Introduction

Councils are required by law to have policies and procedures in place for the letting of properties. This is called an “Allocation Scheme”.

Cherwell District Council along with three other local authorities and their housing association partners has agreed a common framework for assessing priority for housing applicants within Oxfordshire. The other local authorities are:

- Oxford City Council
- South Oxfordshire District Council
- Vale of White Horse District Council.

The partnership has also agreed to advertise its empty properties through a Choice Based Lettings (CBL) scheme with a percentage of properties being made available to applicants on the Housing Register of each local authority.

The four authorities and their housing association partners intend that our policies are applied consistently across the four housing register schemes. There may be some minor variations to reflect local accountability.

2. Definition of Terms

An allocation

- the selection process by which a person becomes a secure or introductory tenant of housing accommodation held by a housing authority; *or*
- the nomination process by which a person becomes an assured or assured shorthold tenant of housing accommodation held by an RSL.

Children

Children are defined as dependents, in a household, under the age of 18 years of age.

Choice Based Lettings

The advert based system that we use so that applicants on our Housing Register can apply for properties. Applicants are assessed, properties are advertised and applicants apply for them.

Housing Register

The Housing Register is the waiting list administered by Cherwell District Council on behalf of our partner housing associations.

Effective date

The date on which an application became eligible for the priority awarded in Band 1.

Registration date

The date used for prioritising order within Bands 2 to 5. For applications added to the Housing Register, this is the date the application was received at Cherwell District Council.

RSL

A Registered Social Landlord. The official name for housing associations, housing cooperatives

and housing companies that are registered with the Housing Corporation/ Tenants Services Authority.

Social housing

Low cost housing that you rent or part rent/part buy from a council, housing association, charity or faith organisation.

General need properties

General need properties are suitable for applicants who do not have a need for sheltered accommodation or specially built or adapted properties. They include bedsitters and houses, flats and maisonettes of any size.

Sheltered housing

Sheltered housing is housing with communal facilities and with visiting or residential staff support.

Disabled adapted properties

Disabled adapted properties are properties that have been specially built or adapted for people with disabilities.

Joint Applicants

Joint applicants may be:

- married couples
- partners living together
- others who wish to set up home together.

General register applicant

Applicants who have been accepted onto our housing register as being eligible to apply for social housing.

Transfer applicant

A transfer applicant is either:

- a secure tenant or an assured tenant of one of our partner RSLs who lives in our district and whose application has been accepted onto our housing register, *or*
- a secure tenant or an assured tenant of a sub-regional partner or one of their partner RSLs, eligible to be included on their own districts transfer register.

Homeless applicant

Applicants found to be homeless, in a priority need group and where a duty to offer housing has been accepted under sections 193 or 195 of Part 7 of the Housing Act 1996.

Housing association partners

We work closely with a number of housing associations in our district. Our partners are:

- Charter Homes
- Bromford Housing Group

- Paradigm
- Oxford City Housing Association
- Vale Housing Association
- Sovereign

We also have links with smaller specialised housing associations.

3. Allocation Scheme key objectives

The law and Codes of Guidance are designed to ensure that reasonable preference is given to applicants in the greatest housing need and are easily understood. As such the key objectives are to:

- comply with the Housing Act 1996, as amended by the Homelessness Act 2002, the Housing Act 2004 and the Codes of Guidance on Allocations 2002 and Choice Based Lettings 2008.
- be transparent and easily understood by applicants, staff, elected members and partner organisations
- give new tenants a feeling of ownership in their new home
- help tackle low demand
- reduce the number of refusals
- help prevent homelessness and support the Council's homelessness strategy
- widen choice and be more accessible
- reflect local needs and encompass rural sensitivities
- make the most effective use of the housing stock
- respond to the circumstances of vulnerable individuals
- ensure equality of opportunity in accessing the Housing Register
- be fair and perceived as being fair, with increased customer satisfaction
- promote mobility
- be open and accountable
- promote sustainable tenancies by ensuring adequate support is available for vulnerable people.

4. General overview

The Allocation Scheme sets out details of who can join the Council's Housing Register and how priority for dwellings will be decided between different applicants on the register. To summarise:

- eligible applicants can apply to the Housing Register

- the criteria for assessing housing need will be applied fairly to all housing applicants
- each applicant will be assessed for housing need and placed in a band appropriate to the severity of their housing need
- applicants assessed with multiple needs will be placed in the band according to the severity of those needs
- applicants in the process of being assessed, will not be placed in a band until the application has been fully processed and all relevant documentary proofs have been received
- a banding system will be used to order the priority of applicants
- our partner housing associations will advertise empty properties using CBL
- 10% of general need properties will be advertised in the sub-region
- up to 100% of sheltered properties and properties adapted or built for the disabled (mobility levels 3 & 4) will be advertised in the sub-region
- generally the priority list will be sorted into band order with applicants in the highest band coming before those in lower bands
- generally applicants with a district connection will be given priority over those without a district connection in the same band
- applicants will be considered for housing in date order within the band
- sometimes priority or preference will be given to applicants based on their individual circumstances, for example, large families, disabled applicants and transfer applicants
- details of the successful applicant (usually the one at the top of the shortlist) will be passed to the RSL landlord
- the results of applications for properties will be publicised on our website and in the property newsletter.

5. Applying to the Housing Register

Subject to fulfilling the eligibility requirements anyone aged 16 or over is able to apply to Cherwell District Council for accommodation. The Housing Register is administered on behalf of our partner housing associations.

Application forms

Applicants can request an application form using any of the following methods:

- by telephone
- personal visit to the office
- by post
- by email
- download a form from our website.

Assisted completion of an application form is available for the house bound and those who request help with the form's completion.

Providing all relevant information is supplied when the application form is received, we aim to notify applicants of their banding within 20 working days from the date received in the office.

If we receive an incomplete application form or supporting information is not provided, the form will be returned to the applicant.

We will send out our information booklet 'How to apply for housing' along with each new application form.

Confidentiality

Any information provided as part of the application process is treated in the strictest confidence and in accordance with current data protection legislation.

6. Refusal on to the Housing Register

There are two instances when we will refuse an application on to the Housing Register. These instances are set as follows.

Immigration and habitual residence

The law states that the following persons are ineligible:

- a person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 is ineligible unless in a class prescribed by regulations made by the Secretary of State;
- other people from abroad who are not subject to immigration control but have to be habitually resident in the Common Travel Area (CTA) in order to be eligible.

This restriction does not apply to persons who are already assured or secure tenants of a Registered Social Landlord (RSL) or Council.

Unacceptable behaviour

We can decide that an applicant is to be treated as ineligible if we are satisfied that:

- a person or member of the person's household, has been guilty of unacceptable behaviour serious enough to make the person unsuitable to be a tenant; and
- in the circumstances at the time the application is considered, the person is unsuitable to be a tenant by reason of that behaviour.

There is a three stage test before we can use the power to exclude someone from the housing register. The stages are:

- Has the applicant or a member of the household been guilty of unacceptable behaviour?
- Was the unacceptable behaviour enough to entitle the landlord to obtain a possession order?
- At the time of the application, is the applicant still unsuitable to be a tenant by reason of their behaviour, or the behaviour of a member of their household?

Before arriving at a decision a full investigation takes place, reports are requested and a Senior

Officer (Head of Housing Services or Housing Needs Manager) makes the final decision.

Where it is decided that an applicant is ineligible to come onto the Housing Register we will inform them in writing of this decision and the reasons for it. Applicants have the right to request a review of this decision.

An applicant treated as ineligible for the Housing Register can make a fresh application in the following circumstances:

- If the applicant's immigration status has changed, or
- the applicant can demonstrate good behaviour for at least 6 months from the date of the decision, supported by a satisfactory investigation into the original cause of the unacceptable behaviour.

7. Acceptance on to the Housing Register

The vast majority of applicants who want to come on to our Housing Register will be eligible to do so. When we have successfully processed their applications we will let them know:

- their Housing Register reference number
- their band
- the size of property they can apply for.

We will also send them a copy of:

- 'It's your Choice' which explains about Choice Based Lettings and
- 'Housing Options' which explains about different housing options that are available.

Suspending applications

Applicants who have not provided information required to process their first application fully will have their application form returned. Once registered and made active applicants may be suspended if:

- they have rent arrears
- they refuse a significant number of properties
- the applicant is the subject of a case conference or court hearing, which has a significant bearing on their assessment
- supporting documentation has not been provided
- there is a suspicion that information provided is inaccurate or misleading.

We reserve the right not to suspend an application.

8. Reasonable preference criteria

To comply with the Housing Act 1996, as amended, the law states that reasonable preference must be given to applicants who:

- are homeless (within the meaning of Part 7 of the 1996 Act)

- are owed a duty to secure or continue temporary accommodation under homelessness legislation i.e. those threatened with homelessness and in priority need, those intentionally homeless and in priority need and those who are not in priority need but who are occupying accommodation secured by the housing authority
- are occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- need to move on medical or welfare grounds including grounds relating to a disability
- need to move to a particular locality in the district, where failure to meet that need would cause hardship to themselves or to others.

These preferences are reflected within the bandings. The law also allows us to take into account any:

- financial resources available to a person to either purchase or to rent their own home
- behaviour of a person or member of that household which affects their suitability to be a tenant
- local connection (within the meaning of s199 of the Housing Act 1996, as amended by the Homelessness Act 2002) which exists between the applicant and the district.

9. Local connections

There are three types of local connection that we take into account.

Village or parish connection

For some housing schemes there are planning restrictions requiring that vacancies should go in the first instance to people who have a connection with the village or parish.

Qualifying village or parish connections are that the applicant or joint applicant must:

- have lived in the village for the last 5 years
- be employed in the district for a minimum of fifteen hours per week and the employment is not of a short-term nature
- have 10 years previous residence in the village if not currently residing there
- be over 60 or with a disability requiring support on health grounds from close relatives currently living in the village
- have close relatives living in the village for a period of at least the last five years.

Close relatives are defined as parents, children, siblings, grandparents or grandchildren including step relatives, where there is evidence of frequent contact, commitment or dependency.

The above does not apply to rural exception sites where properties are let to local people only in accordance with the relevant planning agreement and in consultation with the specific Parish Council and Registered Social Landlord.

We check village connections prior to making nominations to our housing association partners.

District connection

The following rules are used to define a district connection:

- the applicant or joint applicant is permanently resident in the district and that residence is of their own choice
- the applicant or joint applicant was previously resident in the district as a matter of choice and the period of residence was either:
 - at least six out of the last twelve months or
 - three out of the last five years
- the applicant or joint applicant is employed in the district for a minimum of fifteen hours per week and the employment is not of a short-term nature
- the applicant or joint applicant must have close relatives in the district.

Close relatives are defined as parents, children, siblings, grandparents or grandchildren including step relatives, where there is evidence of frequent contact, commitment or dependency. To qualify the relatives must live in the district now and have been continuously resident for a minimum of five years.

A district connection is **not** established where the applicant is:

- in prison within the district or
- detained in the district under the Mental Health Act.

Applicants who do not qualify for district connection under the new Allocation Scheme will still maintain any district connection which was awarded under the previous scheme.

Sub-regional connection

Applicants who have a district connection to any one of the four authorities will automatically have a sub-regional connection.

For most properties advertised within the sub-region, preference is given to those with a sub-regional connection over applicants without such a connection.

Vacancies of sheltered housing and properties designed or adapted for the use of disabled people are advertised to all eligible applicants, but preference **may** be given to applicants with a connection to the district where the vacant property is located. This reflects the importance for elderly and disabled people to remain close to relatives and other support networks.

10. Applicant requirements

It is necessary to consider the individual requirements and circumstances that apply to certain groups of applicants, to ensure appropriate banding on the Housing Register. These are set out as follows.

Registered Social Landlord (RSL) tenants or Council tenants

Housing Register applicants who are either tenants of one of the partner councils or partner RSL and live within the boundaries of the four local authorities are registered as transfers. As such they are expected to comply with the terms of their tenancy agreement.

All transfer applicants are encouraged to register for a mutual exchange.

Arrears of rent or mortgage

In order to receive an offer of accommodation, applicants will normally be expected to have no outstanding rent or mortgage arrears from their last settled accommodation. This applies to council, RSL and private sector tenants as well as owner occupiers.

To streamline the application process, references are sought when applicants are placed on the Housing Register. If the references indicate outstanding housing debt, applicants are encouraged to discuss the situation with the Housing Options Team and their landlord at the earliest opportunity. If a nomination of accommodation is to be made the applicant's up-to-date references are obtained by telephone to ensure there has not been a change of circumstances that affects their application.

Applicants who have persistent rent arrears may be suspended. They are also informed that the level of arrears (or other housing related debts) may mean that a council or housing association may not be prepared to offer them a tenancy without an agreement to repay the amount owing.

Applicants with relatively low levels of debt are expected to discharge the debt before we make a nomination.

Applicants with significant debts will need to provide evidence that they have agreed a repayment plan with the current or former landlord and have kept to that plan for a reasonable period of time.

Where there is evidence that applicants were not responsible for the debts accruing in the first place or a financial assessment has concluded that they genuinely could not afford to meet the rent then an applicant will not be suspended.

Housing debts include:

- current rent arrears
- former tenancy debts
- mortgage repayments.

In arriving at a decision all the applicant's circumstances will be taken into account in deciding whether to suspend or not.

Misleading or fraudulent information

Where there is a suspicion that information provided by an applicant is inaccurate or misleading, then the applicant is suspended until accurate information is available. If it is discovered that there was an intention to mislead, then the applicant is placed in Band 5.

In extreme cases applicants who give false or misleading information may be removed from the Housing Register and may be liable to prosecution.

Refusals

No limit is placed on the number of times applicants may refuse properties offered to them. However, if they refuse a significant number of properties we reserve the right to suspend their application.

Applicants not applying for properties

Applicants who have been assessed for Band 1 but who are not applying for suitable properties as

they become available may have their entitlement reviewed.

Persons under 18 years

Applicants aged 16 or 17 years old are assessed for supported accommodation where one or more of the following apply:

- accepted as homeless and in priority need under the Housing Act 1996, as amended by the Homelessness Act 2002
- over the age of 16 where a referral for assistance has been made by Social Services authorities under Section 27 of the Children Act 1989
- a young person who is deemed a relevant or eligible child under the Children (Leaving Care) Act 2000.

In each case, we will undertake a joint assessment with Social Services of the applicant's housing, care and support needs to ensure that adequate support is available.

Applicants aged 16 and 17 who do not meet the above criteria may be allowed to join the Housing Register, but will not be considered for a tenancy until they are 18 unless they have a guarantor.

11. Banding scheme

Once accepted as eligible by any of the four authorities to join the Housing Register, the applicant's housing needs are assessed and they are placed in one of five bands. The bands are numbered 1 to 5. Applicants in Band 1 are assessed as having the most urgent need and those in Band 5 have little or no housing need.

The banding scheme enables us to meet our legal responsibilities and also provides a fair and easily understood way of selecting applicants to receive offers of accommodation.

Applicants are placed in the highest band for which they are eligible. However, if an applicant has adequate financial resources or is already adequately housed they are placed in Band 5.

Applicants are advised in writing when a banding decision is made.

12. Banding reasons

The banding reasons are summarised in the table below.

Band 1	Exceptional circumstances
	Under occupation by two or more bedrooms (Social landlord tenants only)
	Housing management moves including decants
	Succession
	Prohibition / demolition notices
	Statutory Overcrowding
Band 2	Urgent social or welfare

	Urgent health or disability
	Under occupation by one bedroom (Social landlord tenants only)
	Move on from supported accommodation
	Priority homeless
	Overcrowding because 2 or more bedrooms short
	Compound needs from Band 3
Band 3	Significant social or welfare
	Significant health or disability
	Unsatisfactory Housing - Category 1
	Overcrowded because 1 bedroom short
	Insecure tied accommodation
	Insecure private rented accommodation
	Non-priority homeless/no fixed abode
	Compound needs from Band 4
Band 4	Moderate social or welfare
	Moderate health or disability
	Unsatisfactory housing – Category 2
Band 5	Adequately housed
	Sufficient financial resources
	Nil priority

13. Band descriptions

Band 1

An award of Band 1 may be time limited and subject to review.

Exceptional circumstances

In exceptional circumstances, if an applicant's circumstances are not adequately reflected by existing bands a Senior Officer has the authority to determine the banding of the applicant according to their housing need.

An applicant may be awarded exceptional housing need where:

- there is an immediate risk to health and safety
- there are multiple composite needs not otherwise met by the Allocation Scheme
- there are place of safety issues caused by domestic abuse, harassment cases, neighbour disputes or similar occurrences.

The examples given are not exhaustive.

All exceptional need cases are subject to a comprehensive report from the referring officer, RSL or support agency.

Either the Head of Housing Services or the Housing Needs Manager must approve all exceptional housing need cases.

Under-occupation by 2 or more bedrooms

This may apply to anyone who is registered as a transfer applicant.

So that larger accommodation can be made available for families on the Housing Register, RSL tenants who under-occupy their properties by 2 or more bedrooms and are willing to move to a dwelling with 2 fewer bedrooms than they already occupy are placed in Band 1.

Housing management moves including decants

Sometimes there is a need to move social housing tenants where refurbishment or repair is to be carried out. Such applicants are awarded Band 1 if:

- the tenant must be moved to carry out the work, or
- the property has to be disposed of, or
- the property is part of a redevelopment scheme.

Such moves may be either permanent or temporary. Applicants who qualify for a permanent move can apply for properties advertised either in the sub-region or by the local authority they are registered with.

Applicants who qualify for a temporary move can usually only apply for properties advertised by the local authority they are registered with.

Tenants qualify for this status 6 months before they are required to vacate the property. At the end of the six months applicants qualify to receive direct offers, if the applicant has not been successful in applying for a suitable property.

Succession

These fall into two categories

- legal successors other than spouses or civil partners
- policy successors i.e. applicants who would have been entitled to succeed to the tenancy but for the fact that one succession has taken place already.

In both instances priority is awarded where:

- they are occupying a property with adaptations for a disabled person which they do not need, or
- they are occupying a property larger than they would qualify for under the allocation scheme, or
- where occupying the property gives the benefit of facilities and or services for which they would otherwise not qualify.

Legal successors will qualify as transfer applicants and policy successors are classified as general applicants.

Prohibition or demolition orders

Band 1 is awarded if a statutory notice such as a prohibition or demolition order has been served and it is not possible to remedy the defects in a reasonable time.

- Band 4 moderate.

Such applicants are assessed by the Council's appointed Medical Advisor in conjunction with a member of staff. It is a joint decision as to which band the applicant is placed in. Medical assessments take account of:

- mental illness or disorder
- physical or learning disability
- chronic or progressive medical conditions (e.g. MS, HIV/AIDS)
- infirmity due to old age
- the need to give or receive care
- violence, or physical, emotional or sexual abuse
- the need for adapted housing and/or extra facilities, bedroom or bathroom
- the need for improved heating
- the need for sheltered housing
- the need for ground floor accommodation
- the need to be near friends/relatives.

Separate guidelines have been produced for staff.

Band 2

Under-occupation by 1 bedroom

This banding reason applies to anyone who is registered as a transfer applicant.

So that larger accommodation can be made available for families on the Housing Register, RSL tenants who under-occupy their properties by 1 bedroom and are willing to move to a dwelling with fewer bedrooms than they already occupy are placed in Band 2.

Move on from supported accommodation

Applicants who have been assessed as ready to move on from supported accommodation, including:

- applicants from voluntary sector hostels, foyers and supported lodgings
- Care leavers: applicants who are former "relevant children" as defined by the Children (Leaving Care) Act 2000.

We are committed to enabling vulnerable people to access supported housing projects according to their needs. We are also committed to enable such applicants to move out of these schemes, when assessed as appropriate, into independent accommodation through the allocation of suitable permanent social housing.

The Allocation Scheme seeks to provide a route for those vulnerable applicants to access independent living via supported accommodation. For those in supported accommodation we will:

- treat any homeless duty as discharged when someone is placed in supported accommodation
- require a comprehensive report from the support worker and agency involved about the applicant's suitability to move on from their existing accommodation
- place them in Band 2 when deemed ready for 'move on' following an interview with a member of staff to discuss all their housing options.

If applicants leave supported accommodation without the backing of their support worker, their housing needs are re-assessed and banded appropriately.

Quota arrangements may be used to ensure a minimum supply of vacancies suitable for those ready to move on from supported housing.

Priority homelessness

Applicants found to be homeless, in a priority need group and where a duty to offer housing has been accepted under s193 or s195 of Part 7 of the Housing Act 1996 will be awarded Band 2.

The Homeless Code of Guidance recommends that where availability of suitable housing allows, secure settled (rather than temporary) accommodation is used to bring the main homeless duty to an end. For example by:

- offering accommodation under our allocation scheme, or
- a qualifying offer of an assured short-hold tenancy from a private landlord.

For all new homeless applicants threatened with homelessness every effort is made to prevent homelessness by explaining and advising on all their housing options. Negotiations also take place to see if they can stay in their present accommodation pending the outcome of investigations.

An applicant who is found intentionally homeless will be placed into Band 5 for the first 12 months from the date of decision. At the end of 12 months their housing circumstances will be reassessed and if appropriate they will be awarded different banding.

Overcrowding – 2 bedrooms short

Each application is assessed for overcrowding. Applicants are placed in Band 2 if the applicant requires at least 2 bedrooms more than they have for their use.

Compound needs from Band 3

Applicants who are assessed for housing need and meet two or more of the qualifying criteria in Band 3 are moved to Band 2.

Band 3

Unsatisfactory housing - category 1

Applicants whose existing housing is of a low standard will have their need assessed against the Housing Health and Safety Rating System (HHSRS). In the most urgent cases, or where an inspection is needed, the assessment is carried out by an Environmental Health Officer or other qualified officer.

A Category 1 Hazard is a defect where the consequences could include serious harm to applicants. For example, accommodation lacking; bathroom facilities, cooking facilities, electricity, or a water supply.

Band 3 will not be awarded, if it is possible for repairs or other remedial action to be carried out within a reasonable timescale. Where a landlord has been served with an improvement notice but remedial work has not been carried out, we may decide to award priority at our discretion.

Overcrowded 1 bedroom short

Each application is assessed for overcrowding. Applicants are placed in Band 3 if the applicant requires 1 bedroom more than they have for their use.

Insecure tied accommodation

Applicants living in tied accommodation relating to their employment, and who have received formal notice of termination of their employment and tenancy through no fault of their own are assessed for Band 3.

Band 3 will only be given where there is clear documentary evidence that the employer is terminating the employment and the use of the accommodation in the near future.

Examples of such applicants include:

- agricultural workers
- forces personnel
- school caretakers
- wardens of sheltered schemes.

This list is not exhaustive.

Agricultural workers

We will grant Band 3 to displaced agricultural workers for accommodation according to the requirements of the Rent (Agriculture) Act 1976. In reaching a decision on whether an applicant is to be prioritised for housing on these grounds, the Council will need to be satisfied that:

- the dwelling from which the agricultural worker is being displaced is needed to accommodate another agricultural worker
- the farmer cannot provide suitable alternative accommodation for the displaced worker
- the displaced worker needs re-housing in the interests of efficient agriculture.

The Council will take advice from the Agricultural Dwelling-House Advisory Committee (ADHAC) in all these respects.

Armed forces personnel

Armed Forces applicants are awarded Band 3 once they can officially confirm a discharge date. They are able to apply for properties **12 months** prior to their discharge date.

Insecure private rented accommodation

Applicants renting in the private sector are normally given assured short-hold tenancies for a fixed period of time. In many instances such tenancies are renewed for a further fixed period. However, if the landlord commences eviction proceedings and demonstrates a real intention to evict the application is assessed for Band 3. The applicant must provide formal evidence before Band 3 is awarded. Evidence of a court order for possession may be required.

Non-priority homeless/no fixed abode

An applicant who is of no fixed abode or who has presented as homeless and has been assessed as homeless but is in a non-priority group is assessed for Band 3.

This category is given where a formal assessment has been carried out under the homelessness legislation and the applicant is found to be homeless but not in a defined priority group. The category may also be given without a formal assessment, where it is clear that the applicant has no fixed abode.

Compound needs from Band 4

Applicants who are assessed for housing need and meet two or more of the qualifying criteria in Band 4 are moved to Band 3.

Band 4

Unsatisfactory housing – category 2

Applicants are assessed for Band 4 where remedial action is not possible, or it is not practical to remedy the problem in a reasonable timescale.

A category 2 hazard can include minor defects such as persistent damp and condensation problems.

Where a landlord has been served with an improvement notice but remedial work has not been carried out, we may decide to award priority at our discretion.

Band 5

If Band 5 criteria is awarded this overrides any other criteria in higher bands. Adequately housed in Band 5 will automatically be awarded if no other banding criteria is selected.

Adequately housed

A number of applicants may apply to come onto the Housing Register, who are already adequately housed. Such applicants are placed in Band 5. Applicants who are adequately housed or with no immediate need for housing include:

- applicants sharing where their accommodation is of sufficient quality and there is no overcrowding
- applicants who do not qualify under any other category
- formal and informal house-sharing arrangements where the size and standard of the accommodation is adequate for the needs of those living there
- those living with family or friends where the size and standard of the accommodation is adequate for the needs of those living there
- families living in flats where the internal accommodation is adequate for the family's needs.

Sufficient financial resources

Some general register applicants have sufficient financial resources to meet their own housing requirements. This may be by renting in the private sector, trading down from a large property to a smaller property in the owner-occupied sector, purchasing shared ownership and so on. Such applicants are placed in Band 5.

Nil priority

A few applicants will apply for housing who do not fall into any of the reasonable priority categories laid down in legislation. Such applicants are placed in Band 5.

14. Calculation of overcrowding and under-occupation

The following rules will be used to decide whether a household has either too many or too few bedrooms available for its use when assessing their housing need.

- each couple or a single parent will require their own room
- each additional adult over the age of eighteen will require their own room
- two children may share a room **unless**:
 - children of opposite sex have to share and the oldest child is aged seven or more
 - children of the same sex have to share and the oldest child is between ten and fifteen **and** the age gap is ten years or more
 - children of the same sex have to share and the oldest child is sixteen or over **and** the age difference is five years or more
- where the household includes a pregnant woman the baby will only count in the calculation once it has been born.

The rules will assume the optimum use of the accommodation available, if this is different from actual use and will also take into account:

- number of rooms available in the property and their best use
- the relationship of each person to the other.

Maximum bedroom requirement can be overridden to take account of any health or welfare need issues such as; a live-in carer, need for couples to have separate bedrooms, behavioural issues, step-siblings sharing and so on.

15. Compound needs

Where applicants in Bands 3 or 4 have compound needs, that is, they are assessed for more than one of the qualifying criteria in the same band they will usually be upgraded to the next band. Every effort will be made to ensure that applicants are awarded the most advantageous band based on our assessment of them.

Compounding is not available for those placed in Bands 2 or 5. The reason is that Band 1 is reserved only for the most urgent need cases and Band 5 categories reflect little or no housing needs.

16. Time limited priority

In certain cases priority may be time limited, for example, a decision to grant Exceptional Circumstances in Band 1 might be for a limited period. The length of time is dependent on the availability of suitable accommodation.

Each applicant on time limited priority is reviewed at the end of the period to decide whether it should be extended or not.

17. Pregnant applicants

Proof of pregnancy

Subject to proof of pregnancy at 3 months an application will be assessed to determine their minimum and maximum bedroom need.

Proof of birth

When we have received proof of birth we will re-assess the applicant's housing need and band appropriately.

18. Fostering

Families undertaking long term fostering may be able to include foster children as part of their application to ensure that they are eligible for the appropriate sized property. Long term fostering is fostering for a period in excess of three years (not necessarily involving the same child or children). It is essential that written confirmation of the fostering arrangement is obtained from Social Services. Consideration will be given to this in assessing the application.

Existing social tenants involved in long term fostering may require a 4 or 5 bedroom property that rarely becomes available. In these circumstances and in liaison with Social Services the family may be moved to private sector renting by Social Services until fostering comes to an end. At this time every effort will be made to re-house the applicant(s) in social housing within the framework of the Allocation Scheme.

Short term fostering is discounted.

19. Owner occupiers and owners of property

Applicants who own, or have a financial interest in residential accommodation (either freehold, under mortgage, shared ownership or leasehold) can apply to be included on the Housing Register, but will automatically be placed in Band 5. If an assessment has to be made, for example on medical grounds, consideration is given to the following:

- whether the applicant can sell their current home
- the expected equity after the proposed sale of the property
- the applicant's current financial circumstances and commitments
- whether the applicant is eligible for a mortgage
- the supply of private rented accommodation suitable for the applicant's specific needs
- whether the applicant's housing need can be met in the private sector, taking into consideration the cost of housing in the District.

If applicants demonstrate a need for alternative accommodation and they have "insufficient resources" to secure that alternative accommodation they are placed in the band appropriate to their housing need. If information is not supplied about resources applicants are placed in Band 5.

If their circumstances change and the applicant is placed into a higher band then the applicant must supply information about their resources, otherwise their application may be suspended. It should be noted that a number of RSLs operating in Cherwell have charitable status and therefore seek to offer housing to those who have a low income or little capital. A need for alternative accommodation might include:-

- medical conditions
- disability
- frailty
- serious disrepair
- possession action
- acute financial hardship.

Apart from all the factors already mentioned we will also take into account the [Nationwide house price index](#) for our area in arriving at final decisions.

20. Sufficient financial resources

Applicants will be placed in Band 5, if the combination of their income, savings, and realisable assets would create sufficient funds for them to purchase or rent suitable private housing in their local housing market. The price of suitable housing will vary according to the household's needs and location within the district.

Applicants may be asked to provide evidence of their income, savings and assets in order to verify the affordability assessment. If applicants fail to provide sufficient evidence then their application may be suspended.

Separate guidelines have been produced for staff.

21. Key workers

Key Workers, like other applicants, may be living in circumstances of housing need such as overcrowded conditions, or lacking facilities. If so, their housing needs are assessed and they are placed in the appropriate band taking into account financial resources. Otherwise an assessment as Key Worker only will result in them being placed in Band 5. In either set of circumstances, we will advise such applicants about their housing options which will include:

- Open Market HomeBuy
- New Build HomeBuy - shared-ownership of newly built properties
- 'Intermediate renting' - the rent is set at a level between that charged by social and private landlords
- Registration with the Zone Agent dealing with all aspects of low cost housing.

22. Annual review of applications

In order to keep the Housing Register up to date all applications are subject to an annual review. The review is intended to ensure the applicant still wishes to be considered for accommodation and that the most up to date information about their housing circumstances is held.

Applicants who fail to respond to either the review or reminder letter will have their application closed. If the applicant applies to be re-instated within the next 12 months we will agree to do so provided they have not otherwise become ineligible for acceptance onto the Housing Register.

23. Removing applicants from the Housing Register

Applicants are removed from the Housing Register if the applicant:

- is ineligible for housing
- requests their removal in writing
- fails to renew their application at the annual review
- fails to provide information requested to assess their application

Applicants who are either ineligible or fail to provide information have a right to request a review of the decision to remove their name from the Housing Register. A request for a review must be made within 21 days from the date of the applicant being notified of our decision.

24. Change of address

Applicants must complete a new application form if they change their address. We will reassess their application based on their new circumstances. During the re-assessment the application is suspended.

Where it is considered that an applicant has deliberately worsened their housing circumstances, such as given up accommodation it was reasonable to expect them to occupy, their banding is assessed as at their previous accommodation for a period of 12 months. The applicant has a right to request a review of this decision.

25. Change of circumstances

Applicants must notify us of a change of circumstance in writing. We will re-assess their application and if it results in their band changing, we will notify the applicant of the change.

26. Choice Based Lettings (CBL)

Statement on choice

Cherwell District Council is fully committed to the principle of enabling applicants to play a more active role in choosing accommodation in the social housing sector. We will seek to maximise customer choice whilst ensuring that those in the greatest housing need remain a priority for re-housing.

The Allocation Scheme:

- allows a broad range of applicants to be considered for accommodation
- gives applicants an unlimited choice of areas within the District
- allows applicants to consider a broad range of properties

In summary an applicant accepted onto the Housing Register can apply for any property they are eligible to apply for, in any area where properties are advertised.

Overview

- empty properties are advertised every 2 weeks
- applicants apply for properties they are eligible for

- applicants apply for up to three properties in any advertising cycle
- when the advertising cycle is complete shortlists are created from those who have applied and sorted into priority order as defined in the Allocation Scheme
- the applicant (normally the one at the top of the list) is selected and nominated to the landlord for a provisional offer to be made
- the landlord accepts or rejects the nomination
- the landlord offers the property to the successful applicant
- the applicant accepts or rejects the offer
- the results of short-listing are published on our website and in the property newsletter.

If the landlord rejects the nomination or the applicant rejects the offer the property will either:

- be offered to the next suitable applicant on the shortlist or,
- be advertised in the next lettings cycle.

Partnership arrangements in the sub-region

Empty properties provided by our housing association partners are advertised through CBL. Advertised properties will:

- be available to Cherwell District Council applicants only, or;
- advertised in the sub-region and be available to applicants on our housing register along with applicants from our partner local authorities.

The partnership has agreed that:

- 10% of its empty general needs properties are advertised in the sub-region
- up to 100% of sheltered properties are advertised in the sub-region
- up to 100% of adapted properties or purpose built properties for the disabled (mobility levels 3 & 4) are advertised in the sub-region.

Reciprocal arrangements will ensure that the number of Cherwell properties let to applicants on our partner housing registers are balanced by the number of applicants from Cherwell successfully applying for properties advertised by our partners.

Each local authority is able choose which type of general needs property will go into the sub-region. For example large properties (4 or 5 bedroom) provided by Cherwell's RSL partners will be made available to Cherwell applicants only.

27. Type and size of property applicants can apply for

The table below is a guide to the size of property applicants can apply for.

Household size	Number of bedrooms
# Single person	Studio or 1 bedroom

Household size	Number of bedrooms
# Couple	1 bedroom
2 applicants not couple	2 bedroom
Household with 1 child	2 bedroom
Household with 2 children	2 or 3 bedroom
Household with 3 children	3 or 4 bedrooms
Household with 4 children	3 or 4 bedrooms
Household with 5 children	*3, 4 or 5 bedrooms
Household with 6 children	*3, 4 or 5 bedrooms
Household with 7 or more children	4, 5 or 6 bedrooms

* Refers to a 3 bedroom parlour house. This provides an extra room at ground floor level which can be used as a bedroom.

Sometimes we may allow households without children to apply for 2 bedroom flats, bungalows or maisonettes. Such properties are clearly labelled at advert and will vary between landlords and nominating authorities.

Whilst we will not allow statutory overcrowding, applicants may apply for properties smaller than their needs to try and improve their housing circumstances. For example, an applicant who needs a 4 or 5 bedroom property can decide to apply for a large 3 bedroom to improve their housing circumstances as larger properties are in very short supply.

Sheltered housing

As a general rule, only applicants with a proven support need are considered for sheltered accommodation. They will also need to meet the eligibility criteria specified by the landlord and Supporting People.

Adapted dwellings

Properties advertised as suitable for the disabled are placed in one of 4 categories:

- **Mobility 1** – has level access into and throughout the property
- **Mobility 2** – has wide doorways and electric switches have been placed at a height to suit disabled applicants
- **Mobility 3** – has some disabled adaptations which may include; level access shower, stair lift, walk in bath
- **Mobility 4** – has been purpose built or fully adapted for someone who uses a wheelchair at all times.

Properties designed or adapted to wheelchair standard or with special facilities, will only be offered to applicants where a member of the household needs these facilities. However, where there are no such applicants on the Housing Register, we reserve the right to allocate such

properties to applicants without any special need.

General dwellings

Due to the limited amount of accommodation which becomes available we must ensure that offers are made of the size and type most appropriate to the applicant's needs and which make the most efficient use of the housing stock, whilst at the same time giving priority to those in the most need.

Priority for family housing is given to those households where all the family members will use the accommodation as their main residence. As such those with access to children for given periods such as weekends and/or school holidays may be considered for the size of accommodation to meet their immediate needs plus one additional bedroom only.

If someone in the household is expecting a child and is at least 3 months pregnant, minimum and maximum bedrooms required are calculated as if the child is already born.

Very occasionally the size of an applicant's family means there isn't a property large enough to make the most suitable offer. In such instances the applicant is asked if they will consider a smaller property where occupation will not contravene statutory overcrowding legislation.

28. Advertising properties

Properties will be advertised for a two week period starting on a Wednesday and finishing on a Monday. Tuesday at the end of the advertising cycle is used to sort out shortlists, carry out checks, contact successful applicants and nominate them to our partner housing associations. The length of the advertising cycle may be reviewed from time to time. They will be advertised:

- on our dedicated website
- in property newsletters.

The property newsletters are available:

- at our reception at Bodicote, Bicester, Kidlington and Banbury town centre office
- In a PDF format on the website suitable for download
- in local libraries
- in doctors' surgeries
- by post on request but limited to applicants who do not have access to facilities, friends or family
- any local Citizen Advice Bureau.

Properties will be clearly described in all our adverts and may:

- carry a photograph of the type of property
- carry a floor plan of the property, where available

In addition the following information will be described on the website or in the property newsletter as space allows:

- type of property

- number of bedrooms
- its location
- adaptations
- heating type
- floor level
- availability of a garden
- parking facilities
- rent
- service charge
- landlord
- property reference number.

If there are any restrictions that apply to applicants who want to apply for properties they will be clearly stated.

29. Applying for properties

Applicants can apply for up to 3 rental properties during each advertising period. They can also apply for any number of shared ownership properties in any one advertising cycle.

They can withdraw applications and re-submit them but they cannot apply for more than 3 rental properties. Applications for properties can be made:

- on our dedicated website
- by text
- by phone (this is a free phone number from a landline)
- at our local offices
- by friends or relatives
- automatically at applicant's request
- by asking a member of staff.

Applicants who successfully apply to more than one local authority in the partnership will be able to apply for multiples of 3 properties for each local authority they are registered with.

Automatic applications for properties

We will provide a service to apply automatically for properties at the applicant's request. This is particularly useful for elderly or vulnerable applicants who have no-one to act on their behalf.

Direct match

Very occasionally it may be necessary to nominate a particular applicant to a particular property. For example a purpose built property designed for a disabled applicant. In such circumstances the property will be placed on the website and in property newsletters with an explanation about direct matches.

Nominations

Subject to the rules set out in the Allocation Scheme we would normally nominate the applicant at the top of the short-list. If an applicant is successful for more than one property they will be contacted and asked to express a preference for the property they would like to be offered.

30. Quota arrangements

Sometimes it will be necessary to give preference to particular types of applicant to meet local targets. Examples of quotas include:

- transfer applicants
- homeless applicants
- applicants in particular bands.

As a guide we use the following quotas to ensure we nominate properties fairly between different types of applicants.

Transfers	30%
General needs	35%
Homeless	35%

Property adverts will clearly identify when priority is being given in this way.

31. Results of short-listing

Priority order

Once the advertising period has closed we will sort applicants for each property into priority order. The successful applicant for each property will normally be the one who is eligible for the size and type of property being offered and who is in the highest band. Where there is more than one applicant in that band, priority will be by date.

However, we reserve the right not to offer the property to the person highest on the short-list, if the property offers a better match with the needs of another high priority applicant.

Short-lists will be created with the following priority order:

- **Applicant type** - but only if an applicant type preference is specified in the advert
- **Parish connection** – but only if a parish connection preference is specified in the advert
- **Mobility level** – but only if a mobility level preference is specified in the advert
- **Band** – will always be used. The band order is: 1, 2, 3, 4, 5
- **District Connection** – will always be used for properties which are **not** advertised in the

sub-region. It may also be used for sub-regional properties at the discretion of the local authority.

- **Size of household** - but only if a preference to larger families is specified in the advert
- **Regional connection** – will always be used for properties advertised in the sub-region
- **Effective Date** - when Band 1 applicants are compared
- **Registration Date** - when Bands 2 to 5 are compared.

Date order

Applicants within each band will be put in date order as follows:

- Applicants placed in Band 1 will be ordered according to the date they were put into that band, called the 'effective date'. This will ensure that those with the most urgent need will have it met in the order in which it arose.
- Applicants placed in Bands 2 to 5, will be ordered according to the date they originally applied to go on the Housing Register, called the 'registration date'. This will ensure that those who have had a need for housing over a longer period will have their waiting time taken into account.
- Applicants moved into a different priority group due to a change in circumstances, will retain their registration date unless they are placed into Band 1, in which case the date used will be the date of their circumstances which caused them to be placed in that band.
- Where two applicants with the same effective date in Band 1 apply for the same property the applicant with the earliest registration date will be given priority for an offer of accommodation.

Publication of results

The results of short-listing are published on the website and in the latest edition of the property newsletter. The information provided can be used to help applicants decide which properties to apply for, by giving them a better idea how popular a particular property or area is and how long they would normally have to wait.

Applicants who have expressed an interest in the particular vacancy but are unsuccessful may request more personalised feedback on why they were unsuccessful.

The results show information about the short-listing but no personal details. It cannot be assumed the person at the top of any list was the successful applicant.

32. Rural lettings schemes

We are keen to take account of factors which would contribute to sustaining rural communities whilst ensuring that we continue to give due weight to the reasonable preference categories required by legislation.

To enable this, we will set a target for the proportion of lettings in villages to be let to applicants with a local connection with the village where the letting occurs.

On the initial letting of properties on new social housing developments which are not rural exception sites, a target of 50% of all lettings will be to applicants who have a local connection with the village and have been assessed as having at least Band 4 of housing need. If there is no-

one in Band 4 or higher applicants who qualify from Band 5 will be considered.

On the re-letting of existing social housing properties in the villages at least one in three will be to applicants who have a local connection and have been assessed as having at least Band 4 of housing need. If there is no-one in Band 4 or higher applicants who qualify from Band 5 will be considered.

Where applicants have a strong connection with a particular village, we will ask them to detail this on their application. This will enable them to be actively considered for any housing development, which takes place in areas where they hold such a connection.

33. Rural exception sites

When affordable housing is built on rural exception sites, or planning obligations are attached to other affordable housing developments, there may be restrictions on the occupancy of these homes. These restrictions are intended to ensure that applicants with a strong local connection have first priority for nomination to the properties.

This means that they must meet the normal eligibility criteria for joining the Housing Register as well as having a strong connection with the village where the homes with restrictions apply.

The same criteria will be used to define local connection as for Rural Lettings Schemes.

If there are insufficient applicants meeting these criteria, applicants meeting the local connection criteria for the immediately neighbouring villages will be considered. In this case, applicants whose local connection is closer to the new properties may be given precedence over those who are more distant.

If there are insufficient applicants meeting these criteria, applicants may be considered whose local connection is with any village in the District.

34. Local lettings plan

Housing Associations may, in exceptional circumstances, agree a local lettings plan with the Council. Such policies should be for a defined period and for a defined and valid reason. All applicants who wish to be nominated for homes in the estate or area concerned must be advised of the local lettings plan.

Local letting plans may be used to address hard to let homes, to address social problems or to promote balanced and sustainable communities. Local lettings plans should only be applied after consultation with relevant stakeholders (for example, parish or town councils, the police, Social Services and other relevant statutory and voluntary agencies and local residents in the area of the proposed local lettings plan).

There must be evidence that a local lettings plan is needed, that its use is supported by the local community and that it is likely to address the problems identified. Local lettings plans should be reviewed regularly and should be relinquished as soon as the reason for them no longer applies.

Local lettings plans are designed to be time limited, and will be monitored to ensure that the plans do not discriminate directly or indirectly on racial or other equality grounds and that reasonable preference is given overall to applicants in the reasonable preference categories.

35. The right to information

All applicants who apply for accommodation with the Council have the right to:

- the availability of free advice and information

- request a summary of the Allocations Scheme
- free assistance in making applications
- examine the full Allocations Scheme
- request information that will enable them to assess how their application has been treated
- request information, which will enable them to assess whether appropriate accommodation is likely to be made available, and if so, when
- have information about their application kept confidential from any other member of the public.

36. Information about decisions

Applicants have the right to:

- be notified in writing if it is decided that an applicant is ineligible because of the applicant's immigration status
- be notified in writing if it is decided that an applicant is ineligible because of the applicant's unacceptable behaviour
- notification which must give clear grounds for the decision, which must be based firmly on the relevant facts of the application
- request us to inform them of any decision about the facts of their case which has been taken into account in considering whether to allocate accommodation and to request a review of such a decision
- appeal against any adverse decision including suspension of their application.

37. Review procedure

A request for review must be made in writing within 21 days of the applicant being notified of our decision. A longer period may be allowed if appropriate.

- The review must be considered on the basis of policy, law and known fact at the date of review.
- When conducting the review, we will consider any representations, written or otherwise, made by the applicant or on the applicant's behalf and carry out the review on the basis of the known facts at the date of the review.
- If further information is required, the review period within which the decision should be made may be extended by agreement with the applicant.
- The original officer will first consider the review, and in light of any new information, may wish to reverse the original decision. If not, the case is passed to a senior officer to review.
- If the applicant is still dissatisfied, a report is prepared for consideration by the Head of Housing Services or Strategic Director Planning, Housing and Economy.
- In the event of an applicant still remaining aggrieved, the next step to be considered is a

complaint to the Chief Executive or to the Local Government Ombudsman.

- At each stage of the review procedure, the applicant must be advised in writing of the decision within 21 days and of any further avenues of appeal.
- Where it is decided to confirm the original decision on any issue against the interests of the applicant, we must also give our reasons.
- If the applicant believes we have not acted reasonably or in accordance with our set procedure, they may have the right to appeal on a point of law to the high court or county court.

38. Monitoring and evaluation

To ensure that the Allocation Scheme fully meets its aims and objectives it will be monitored and evaluated on a quarterly basis by the sub-regional steering group consisting of senior officers from the participating local authorities and partner housing associations.

A full review of the Allocation Scheme will take place 12 months after its implementation.

39. Equalities policy

Cherwell District Council operates an equality policy in housing and will abide by the requirements of the Race Relations Act 1976, as amended, the Sex Discrimination Act 1975 and the Disability Discrimination Act 1995.

This aims to ensure that no one is treated unfairly on the grounds of gender, race, colour, ethnic or national origin, religion, disability, marital status, sexual orientation or age. We will treat everyone equally when considering them for housing.

If an applicant feels they have not been treated fairly or feels they have been discriminated against, they should contact Head of Housing Services, stating the grounds for their complaint in writing.

40. Offences

It is an offence for anyone making an application to the Council to:

- knowingly or recklessly give false information to us; or
- knowingly withhold information which we have reasonably required them to give in connection with the exercise of its function under the Housing Act 1996 (Part VI) as amended by the Homelessness Act 2002 and Housing Act 2004.

If the Council discovers an applicant has given false information or deliberately withheld required information we will consider legal action. A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale (£5000).

Ground 5 in Schedule 2 of the Housing Act 1985 (as amended by Section 146 of the 1996 Act) enables a landlord to seek possession of a tenancy which it has granted as a result of a false statement by the tenant or a person acting at the tenant's instigation.

41. Housing Options

We give all applicants information on other housing options that may be available to them, to assist the applicant in making a reasonable choice as to their best prospect of securing suitable

accommodation. This includes information on:

- low cost home ownership
- private sector rented property
- our rent deposit scheme
- mutual exchanges
- key worker accommodation.

This list is not exhaustive.

Mutual exchanges

Homeswapper

We have agreed in principle to encourage our partner RSLs to participate in Homeswapper, a national mutual exchange website. Most do so already and where an RSL does participate there is no cost to their tenants. It has the advantage of having substantial coverage across our region and elsewhere.

Oxfordshire Homechoice

Oxfordshire Homechoice provides an opportunity for qualifying secure or assured tenants to exchange their home with other qualifying tenants. The service is intended to help those living in or wishing to move to, the area covered by the four district council areas covered by the partnership.

Once all our partner RSLs have signed up to Homeswapper this facility will be phased out.

Low cost home ownership

Partner housing associations offering subsidised forms of home ownership will be able to advertise their properties via our website and property newsletter. Accepted applicants may apply for these properties in the same way as for rented properties.

Applicants registered with any of the four district schemes may apply for any of the properties for sale advertised on our website. The short-list will be prioritised in the same way as for rented vacancies. However, the housing association is supplied with the contact details of all qualifying applicants and those selected to proceed to purchase may not necessarily be those highest on the list.