

Allocation Scheme

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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”. The Allocation Scheme explains Cherwell District Council’s Allocations Policy and provides a framework for assessing housing need, priority and determining who will be nominated to Registered Social Landlords (RSLs) for re-housing.

A number of principles have guided the formation of the Allocation Scheme. Most important, is the need to treat all applicants fairly and to ensure compliance with the legal requirements of the Housing Act 1996 (Part VI), as amended by the Homelessness Act 2002 and in accordance with the Government’s accompanying Code of Guidance on Allocations issued in November 2002.

Amendments to the law are designed to give applicants greater choice, to ensure that reasonable preference is given to applicants in the greatest housing need and to create an Allocation Scheme, which can be easily understood by applicants. As such the main principles behind this proposed Allocation Scheme are to:

- comply with the Housing Act 1996, as amended by the Homelessness Act 2002, the Housing Act 2004 and the Code of Guidance on Allocations
- be transparent and easily understood by applicants, staff, elected Members and partner organisations
- 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 easy to administer
- be fair and perceived as being fair, with increased customer satisfaction
- promote mobility
- be open and accountable
- help tackle low demand
- promote sustainable tenancies by ensuring adequate support is available for vulnerable people.

2. General overview

The Allocation Scheme sets out details of who can join the Council’s Housing Register and how priority will be decided between different applicants on that Register.

To summarise: Subject to an applicant fulfilling the eligibility requirements set out later in this document:

- a banding system will be used to order the priority of applicants;

- each applicant will be assessed for housing need and placed in a band appropriate to the severity of their housing need;
- applicants will be able to 'express an interest' for properties they are eligible for. This is known as Choice Based Lettings (CBL);
- applicants with a local connection will be given priority over those without local connections in the same band
- applicants will be considered for housing in date order within the band
- all applicants aged 16 and over will be eligible to be considered for the Housing Register
- the criteria for assessing housing need will be applied equally to all housing applicants
- applicants, who are 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.

3. Applying for accommodation

Subject to fulfilling the eligibility requirements set out later in this document anyone aged 16 or over is able to apply to Cherwell District Council for accommodation.

4. Application forms

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.

Applicants will be able to request an application form using any of the following methods:

- by telephone
- personal visit to the office
- by post
- by email
- download from our internet site.

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

Applicants who have only partially completed their applications or have withheld information that has been reasonably requested will have their application suspended and be advised of this in writing within 20 working days from the date the application or the request for information was made.

5. Information and advice

The Council will provide appropriate advice and information:

- to those who make a housing application;
- on the contents of the Allocations Scheme and the housing options available.

The Council will publish a summary of its Allocation Scheme, which will be available free of charge

to any member of the public who requests it. It will also be available to download from our website.

The full Allocation Scheme will be available for inspection at Bodicote House, Banbury Town Centre office, Kidlington and Bicester. It will also be available to download from the website.

6. Right to Information

All applicants have the right to request information about how their application is likely to be treated under the Allocation Scheme and if and when accommodation is likely to be made available to them. Applicants also have the right, on request, to be informed of any facts about their case, which have been, or are likely to be, taken into account in considering whether to make an allocation. A fee may be payable for viewing information held on file.

7. Confidentiality

Any information provided as part of the application process will be treated in the strictest confidence and in accordance with current data protection legislation. The Council's corporate statement on data protection will be printed in full within the housing application form.

8. Acceptance on to the housing register

The Homelessness Act 2002 states that an allocation can only be made to an eligible person and states the circumstances in which someone is ineligible. Since the Housing Register is used as the basis for making allocations, those persons who are ineligible for an allocation will not be allowed to join the Housing Register. These circumstances are covered in the following sections.

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 s/he is of a class prescribed by regulations made by the Secretary of State;
- certain persons 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.

The above does not apply to persons who are already assured tenants of a Registered Social Landlord (RSL).

Unacceptable Behaviour

The Council can decide that an applicant is to be treated as ineligible if it is 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 tenant 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 will take place, reports will be requested and a Senior Officer (Head of Housing Services or Housing Needs Manager) will make the final decision.

Where the Council decides that a person is ineligible to come onto the Housing Register we will inform the applicant in writing of this decision and the reasons for it. Applicants will 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:-

- 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 cause of the unacceptable behaviour.

9. Reasonable preference criteria

In complying with the Housing Act 1996, as amended, reasonable preference must be given to the following applicants:-

- those who are homeless
- those who 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.
- those occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- those who need to move on medical or welfare grounds including grounds relating to a disability, and;
- those who 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 priorities are reflected within the bandings. Within these categories, a local authority can give consideration to an applicant's relative priority and take into account the following:-

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

10. Applicant requirements

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

Registered Social Landlord Tenants

All tenants of RSL properties seeking re-housing will be registered as transfers. As such they will be expected to comply with the terms of their tenancy agreement. The RSL will be requested to confirm that the tenant has complied fully with the terms of the tenancy agreement.

If a term of an applicant's tenancy agreement has been broken, for example non-payment of rent, it will have to be remedied by the tenant before an offer of re-housing is made.

As part of our overall approach to give advice, pursue prevention of homelessness and consider all options, transfer applicants will also be encouraged to register for a mutual exchange.

Persons Under 18 Years

Applicants aged 16 or 17 years old will be 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, the Council 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 offered a tenancy without a guarantor.

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

If an applicant has arrears their application will be suspended. We will write to them advising them of the decision giving the applicant 21 days to appeal.

The Council reserves the right not to suspend an application in exceptional circumstances.

Note: If accepted as statutorily homeless, applicants will not be assessed separately on the Housing Register in respect of rent/mortgage arrears which caused the applicant to apply for housing in the first place.

11. Local connection with Cherwell

Applicants who have a local connection with the District will be given preference over those without a local connection in the same band. Qualifying local connections are that the applicant must have:

- lived in the District for a continuous period of at least 6 months preceding the date of the offer of accommodation, or;
- permanent employment within the District, or;
- previously lived in the District for a period of at least 5 years, or;
- close relatives living in the District for a period of at least 5 years. Close relatives are defined as parents, children, siblings, grandparents or grandchildren (including step relatives);

NB. Residence in the area not of a person's own choice, will not count towards any local connection i.e. if it is as a consequence of serving in the armed forces or being detained in prison.

Acceptance as statutorily homeless by Cherwell District Council will satisfy the above local connection criteria and enable the applicant to be banded.

12. Banding

The Council seeks to provide homes firstly for those in the greatest need. Priority, in terms of housing need, is determined by means of a banding policy based upon an applicant's housing and other relevant circumstances.

There will be four bandings:

- urgent
- high
- medium
- low.

If an applicant is awarded urgent band this must be authorised by a Senior Officer.

If an applicant is in the High or Medium band and satisfies two or more criteria in the same band, as detailed in the banding table set out in paragraph **35 on page 53**, they will be moved up to the next band.

All applicants will be advised of banding decisions in writing.

13. Banding reasons

A summary of banding reasons is set out in paragraph **35 on page 53**. Fuller descriptions are set out in the following paragraphs.

Severe harassment – Urgent Band

Applicants who complain they are suffering from harassment of any kind will have their circumstances fully investigated. As appropriate reports will be requested from:

- the police
- Social Services
- their landlord

Health, welfare or disability

Priority will only be given where it can be demonstrated that the condition or location of the applicant's accommodation is having a direct impact and that re-housing will improve the situation.

Where applicants indicate medical grounds for re-housing, an assessment will be carried out to determine the level of priority and the affect of the applicant's current housing upon their health. The medical assessment will be carried out by the Council's appointed Medical Advisor who will recommend the priority band of the applicant. Medical assessments include consideration of physical health, mental illness, learning difficulties and emotional distress. The current housing environment and its impact are also crucial to the assessment. It may be possible that following a medical assessment no medical priority is awarded.

Domestic violence – Urgent Band

Applicants who suffer domestic violence will have their circumstances fully investigated. If the outcome of the investigations is that the applicant has suffered domestic violence and in cases where a homeless application is not appropriate then consideration may be given to place them in the Urgent Band. Applicants who make a housing application from the local refuge will be assumed to have suffered such violence but still may be subject to further investigation. Reports will be requested from:

- the police
- Social Services
- Probation and other agencies as appropriate.

Exceptional circumstances – Urgent Band

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

Move on from supported accommodation – Urgent Band

Cherwell District Council, in partnership with a number of RSLs and other statutory and voluntary agencies, is 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 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
- when deemed ready for 'move on' the applicant may be placed in the Urgent Band and will be made one reasonable offer.

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

Non succession cases where inappropriately housed but have had long period of residency – Urgent Band

Such applicants will normally be brought to our attention by their RSL landlord. They may have lived in the property for at least 12 months but do not have a right to take over the tenancy. For example:

- a son or daughter left in a 3 bed room house following the death of their parents and they have no right to succeed to the tenancy because one succession has already occurred.

Such applicants will be placed in the urgent band subject to appropriate supporting paperwork.

Succession where move to alternative accommodation required – Urgent Band

From time to time someone is left in occupation of RSL property who is entitled to succeed to the tenancy but the property is not appropriate to the applicant's needs. For example a spouse left in occupation of a property adapted for the disabled but the spouse is not disabled. If the RSL request re-housing the applicant will be placed in Urgent Band as long as supporting paperwork is provided.

Management grounds - Urgent Band

Such grounds will apply to applicants who are tenants of the Council or RSLs. Circumstances may arise where a resident's need to move is immediate and remaining in the current home is impossible, unsafe or life threatening. This may generally arise from serious medical conditions or where a tenant is suffering violence or threats of violence. An applicant may be offered a transfer on grounds that are not covered within the Allocation Scheme. We would require a report to be supplied by the Council or RSL along with comprehensive supporting evidence.

Prohibition or demolition order – Urgent Band

If a statutory notice such as a prohibition or demolition order has been served on an applicant then subject to thorough investigation of their circumstances Urgent Band will be awarded.

Statutory overcrowding – Urgent Band

The rules on statutory overcrowding are under review by the Government. However, if it appears that an applicant is living in accommodation that may be statutorily overcrowded we will carry out a full investigation and if found to be so the applicant will be placed in the Urgent Band. We will follow Government guidelines and legislation to work out whether an applicant is living in statutorily overcrowded conditions or not.

Overcrowding – High Band

Each application will be assessed for overcrowding. The assessment will be based on factors such as:

- number of people on the application
- number of rooms available in the property and their best use
- age and sex of everyone on the application
- the relationship of each person to the other.

Under-occupation by 2 bedrooms – Urgent Band

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

Under-occupation by 1 bedroom – High Band

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 1 less bedroom than they already occupy will be given High Band.

Homelessness

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 will be made to prevent homelessness by explaining and advising on all their housing options. Negotiations will also take place to see if they can stay in their present accommodation pending the outcome of investigations. Only if all avenues have been exhausted will the use of temporary accommodation be used.

Emergency homeless – Very occasionally circumstances will arise where an applicant's homelessness, combined with other factors such as domestic violence, harassment or vulnerability will warrant placement in the Urgent Band with a view to providing secure settled accommodation as quickly as possible. These cases will be referred to the Council's exception policy.

Homeless in priority need and duty accepted - If possible, and in accordance with the Code of Guidance, when a decision is made to accept a homeless duty, attempts will be made to secure an RSL tenancy so we can discharge our homeless duty or to arrange for a qualifying offer to be made thus avoiding the use of temporary accommodation. Where duty has been accepted the applicant will be placed in the High Band.

Homeless but not in priority need will be placed into the Medium Band. This may include those who indicate they have 'no fixed abode' and are 'sofa surfing'.

Homeless intentionally will be placed into the Low Band for the first 12 months from the date of decision. At the end of 12 months their housing circumstances will be re-assessed and if appropriate they will be awarded different banding.

Split families – High Band

From time to time applicants will notify us that they have to live in separate accommodation. Where this is known to be the case and following full investigation the application will be given High Band. To establish the facts home visits will be made. Reports will be requested from voluntary or statutory agencies if needed. Examples of split families include:

- Applicants with children where members of the household live at different addresses.
- Established couple who have lived together but for some reason can no longer live together.

Couples who have never lived together will be assessed at the accommodation that gives the best band for the applicant.

Lacking facilities – High Band

For the purposes of banding, lacking facilities is taken to mean that the applicant is lacking one or more of the following:

- inside WC
- bathroom or shower facilities
- kitchen facilities
- means of heating.

Insecure tenancies – High Band

An Insecure Tenancy will arise where a private sector landlord has commenced court possession proceedings against an applicant and a possession order (suspended or otherwise) has been granted. Such applicants will be placed in the High Band.

Sharing facilities – Medium Band

For the purposes of banding, sharing facilities is taken to mean that the applicant is sharing one or more of the following with those who are not on their housing application:-

- sharing kitchen, or;
- bathroom, or;
- wc.

Move to prevent hardship – Medium Band

Consideration will be given to those who need to move to a particular area in the District where failure to meet that need would cause hardship to the applicant or others. Consideration will be given to those who:

- give or receive care or support that is substantial and ongoing
- take up employment, education or training opportunity that is not available elsewhere and do not live within reasonable commuting distance of Cherwell.

Families in flats – Medium Band

Families in flats who are otherwise adequately housed will be awarded medium band.

Adequately housed – Low Band

A number of applicants may apply to come onto the Housing Register, who are already adequately housed. If their accommodation is suitable to their needs the applicant will be placed in the low band.

Adequate financial resources – Low Band

Some applicants will have sufficient financial resources to sort out 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 will be placed in the Low Band.

Nil priority – Low band

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

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) in the UK, Europe or worldwide can apply to be included on the Housing Register. However, they will automatically be placed in the Low Band. If an assessment has to be made, for example on medical grounds, consideration will be 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 will be 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 and outside the District.

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

14. Tied accommodation – Urgent Band

Applicants who live in tied accommodation and have to leave it through retirement, death of spouse, or ill health for example will be placed in the Urgent Band subject to a comprehensive report on their circumstances. Examples of applicants from tied accommodation include:

- school caretakers
- ministers of religion
- wardens in sheltered schemes
- agricultural workers
- armed forces personnel.

Agricultural workers

The Council will prioritise 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 with a local connection as defined in section 6 will be considered for housing once they can officially confirm a discharge date. An offer of accommodation will only be made within the **6 months** prior to their discharge date.

15. Key workers – Low Band

Government guidelines for definition of Key Workers have been laid down. These guidelines and Government initiatives for Key Workers may be extended in the future and details will be incorporated into the Allocation Scheme as and when this happens. The list set out below gives current examples of Key Workers and is not necessarily exhaustive.

- Qualified teachers
- Children's social workers
- Qualified nursery nurses in LEA nursery schools
- Local authority employed clinical staff
- Connexions Personal Advisors
- All clinical staff employed by the NHS except doctors and dentists
- Police officers and community support officers
- Prison officers and related grades
- Probation officers

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 will be assessed and they will be placed in the appropriate band taking into account financial resources. Otherwise an assessment as Key Worker only will result in them being placed in the Low Band. 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' where the rent is set at a level between that charged by social and private landlords
- Registration with the Zone Agent

16. Annual review of applications

In order to keep the Housing Register up to date all applications will be subject to an annual review in the month of the anniversary of their date of application. 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 in accordance with paragraph 8.

17. Removing applicants from the housing register

Applicants will be 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
- fails to respond to requests for information where the Council has stated that failure to respond will result in an assumption that the applicant no longer wishes to be on the Housing Register.

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 the Council's decision.

18. Change of circumstances

Applicants must notify the Council of a change of circumstances, either by completing a new application form or a change of circumstances form. The Council will reassess their application based on the new circumstances. During the re-assessment the application will be suspended. Whilst the change of circumstances may affect the applicant's banding their date of application will not be affected.

The applicant's signature is normally required to verify any change in circumstance. When an applicant notifies us of a change of circumstance, the applicant must either complete and sign a 'change of circumstances form' or have a signed letter placed on file. Where the change of circumstances involves a move to a new address, the applicant will be required to complete a new application form.

N.B 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 will be assessed as at their previous accommodation for a period of 12 months. The applicant will have a right to request a review of this decision.

19. 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 intends to increase customer choice. It will:

- allow a broader range of applicants to be considered for accommodation
- give applicants an unlimited choice of areas within the District
- allow applicants to consider a broader range of properties
- seek to give all household types a more even chance of accessing accommodation
- ensure that all applicants for housing have the opportunity of 3 reasonable offers of accommodation. However, if an applicant in the Urgent Band refuses one reasonable offer of accommodation they will be re-assessed and placed into the appropriate band.
- allow eligible applicants to express an interest in properties within CBL.

The Government's 5 year housing plan, "Sustainable Communities - Homes for All" sets out the Government's agenda for improving choice for people who need help with their housing by:

- giving choice to those who need help about where they want to live
- finding options that are best for them, by giving information on opportunities for shared ownership, low cost home ownership, and social rented housing
- ending the situation in which social tenants have to accept the accommodation that is allocated to them on a "take it or leave it" basis
- encouraging choice-based lettings systems to operate sub-regionally or regionally
- encouraging the extension of choice-based lettings to cover low cost home ownership options and properties for rent from private landlords, as well as social housing.

20. Choice Based Lettings

As part of expanding choice for applicants we will introduce Choice Based Lettings at Cherwell District Council by January 2008.

- All empty properties will be advertised during a fortnightly cycle
- Applicants will express an interest in properties they are eligible for: – they will be able to do so for up to three properties in any advertising cycle.
- They will be able to express an interest on the internet, via a dedicated telephone line, by text, in person by calling at the office, or by proxy when the applicant gives permission to a friend, relative, support worker etc to express an interest on their behalf.
- When the advertising cycle is complete shortlists are created from those who have expressed an interest and sorted into priority order as defined in the Allocation Scheme.
- The applicant (normally at top of the list) is selected and a provisional offer made
- Unsuccessful applicants can find out why they were unsuccessful.

21. Choice of area

Applicants can choose as many areas as they wish from a list covering the whole of the District. There is no limit to the number of areas selected and where appropriate applicants can limit their choice to a specific street or location. However, CBL allows applicants to express an interest for any property they are eligible for at Cherwell District Council and in the sub-region this aspect of

choice is now not as important. We will still request the information as an aid to establish housing needs within the area.

22. Type and size of property offered

The Government's desire is to provide as much choice as possible to applicants on the Housing Register. Due to the limited amount of accommodation which becomes available it is necessary for the Council to 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.

In the case of households (of any age) where there is a proven need for level access accommodation, the type and size of property offered could include a one or two- bedroom bungalow, ground floor flat or bed-sitter.

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

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, the Council reserves the right to allocate such properties to applicants without any special 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 will normally 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, the number of rooms will be calculated as if the child had been 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 will be asked if they will consider a smaller property where occupation will not contravene statutory overcrowding legislation.

The table provided at paragraph **36 on page 54** provides a guide to match property types and sizes to Cherwell District Council applicants for Cherwell properties. It is anticipated that this will provide sufficient flexibility to give reasonable choice to applicants and at the same time make best use of property stock. The choice of size and type of property may be constrained by the RSLs view of such matters. Where different viewpoints are expressed it will be essential to arrive at a consensus.

23. Rural Lettings Schemes

The Council is keen to take account of factors which would contribute to sustaining rural communities whilst ensuring that the Council continues to give due weight to the reasonable preference categories required by legislation.

To enable this, the Council 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 a medium level of housing need. If there is no-one in the Medium Band or higher applicants who qualify from the Low Band 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 a medium level of housing need.

Where applicants have a strong connection with a particular village, the Council 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, and to be considered under any established local letting policy.

Local connection with a specific village will be defined as:-

- living in the village for at least the previous five years; or
- having permanent employment in the village; or
- having at least ten years previous residence in the village if not currently residing there; or
- applicants over 60 or with a disability requiring support on medical grounds from relatives currently living in that village;
- having close relatives living in the village for a period of at least five years. Close relatives are defined as parents, children, siblings, grandparents or grandchildren (including step relatives).

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. These schemes fall outside the Council's Allocation Scheme and every endeavour is made to nominate those with a local connection.

24. Additional criteria for exception site properties

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 local 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.

25. Local lettings plan

Housing Associations may, in exceptional circumstances, agree local lettings policies 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 policy.

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 policies 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 policy).

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

26. Offers

The housing register is divided into general needs, transfers and homeless applicants.

The targets set out below will be used as a guideline for allocation purposes.

The table is a guide and will depend on the type of property that becomes available and its location. Therefore, the Head of Housing Services taking into account any existing nomination arrangements with our partner RSLs, will use delegated powers to alter the targets to respond to perceived needs and demands. These targets will be reviewed on an annual basis.

Transfers	30%
General needs	35%
Homeless	35%

When a local vacancy arises in the housing stock of one of the partners to the Housing Register the property will be identified with one of the categories above in order to meet the targets outlined. An offer will then be made to the applicant in the highest priority banding who has been waiting the longest and who is eligible for that property type. Where all things are equal an applicant with a local connection will be given priority over someone who does not have a local connection. This will constitute a reasonable offer.

Consideration for an allocation will therefore be given first to those in the Urgent Band in date order. If a suitable applicant is not found then the same process will be carried through the High, Medium, and Low Bands.

An allocation will not be made to the highest priority applicant if, in the opinion of the Council or the landlord of that property, such an allocation is inappropriate.

All applicants will normally receive up to three reasonable offers of accommodation. If an applicant refuses three reasonable offers of accommodation, their application may be deferred from the Housing Register for a period of twelve months. If it is determined that any offer made was unreasonable it will not count as a refusal against the applicant.

An applicant in the Urgent Band who refuses one reasonable offer will be re-assessed and placed in the most appropriate band. If the applicant is homeless and in the Urgent Band the Council will treat its homeless duty as discharged, re-assess their application and place them in the appropriate band.

27. 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 is to be 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.

28. 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;
- be notified in writing of any decision not to give an applicant any preference under the policy because of unacceptable behaviour;
- the notification must give clear grounds for the decision, which must be based firmly on the relevant facts of the application;
- an applicant also has the right to request the Council 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.

29. Review procedure

If an applicant considers their application has been incorrectly evaluated, or that an offer of housing was not reasonable, they may ask for a review.

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

- When conducting the review, the Council 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.
- A decision on a review must be made by someone not involved in the original decision and, if made by an officer, by someone who is senior to the person who took the original decision. This will normally be the Housing Needs Manager.
- If the applicant is still dissatisfied, a report will be 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, the authority must also give its reasons.

- Finally if the applicant is still not satisfied with the outcome, the only course of action still open to the applicant is to seek a judicial review.

30. Monitoring and evaluation

To ensure that the Allocation Scheme fully meets the aims and objectives outlined in the Introduction, the Council intends to establish a system for monitoring the effectiveness of this policy. This will include the establishment of a number of performance indicators.

The outcomes of this monitoring and evaluation process will form the basis of any subsequent recommendations for policy review.

31. Councillor reports

Reports will be regularly submitted to the Housing Portfolio Holder giving an analysis of the Housing Register with relevant statistical information.

32. Policy review

Elected Members are responsible for determining the Allocation Scheme and for approving any changes recommended as part of a policy review. The Council is required to consult widely before adopting an Allocation Scheme for housing applicants or altering the existing policy to reflect a major policy change. This includes sending a copy of the proposed policy and or amendments to every RSL with whom the Council has a nominations agreement. A reasonable period will be allowed to ensure that those consulted have an opportunity to comment on the proposals. The Council will notify all applicants, within a reasonable period of time, of any significant change in the Allocation Scheme.

33. 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. The Council will treat everyone equally when considering him or her 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.

34. Offences

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

- knowingly or recklessly give false information to the Council; or
- knowingly withhold information which the Council has reasonably required him/her 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.

35. Cherwell District Council banding reasons

The banding reasons combined with the type of applicant determine the band of each applicant. If an applicant is assessed for the Urgent Band it must be approved by a Senior Officer.

Band	Housing	Transfer	Homeless
Urgent	Severe harassment Severe health Severe disability Domestic violence Exceptional circumstances Prohibition order Approved move on from supported housing Tied Accommodation including agricultural worker and Armed forces with discharge date Statutory overcrowding Non succession cases where inappropriately housed but have had long period of residency.	Severe harassment Severe health Severe disability Domestic violence Exceptional circumstances Statutory overcrowding Management grounds Under occupation by 2 bedrooms Succession where move to alternative accommodation required	Emergency homeless
High	Considerable health Considerable disability Split families Lacking facilities Insecure tenancy Overcrowding	Considerable health Considerable disability Overcrowding Under occupation by 1 bedroom	Homeless in priority need and not homeless intentionally
Medium	Moderate health Moderate disability Sharing facilities Families in flats Moving to prevent hardship including financial.	Moderate health Moderate disability Families in flats Moving to prevent hardship including financial.	Homeless but not in priority need
Low	Key Workers Adequately housed Sufficient financial resources to secure alternative or more appropriate accommodation Nil priority	Adequately housed Nil priority	Homeless Intentionally; review after 12 months

36. Cherwell District Council bedroom need

The table sets out the types of property applicants can apply for based on their family size.

Type and size of property	Household size
Bed-sit	Single person
1 bed flat	Single person or couple
2 bedroom flat	Single person, couple or household with up to 2 children
1 bedroom bungalow	Single person or couple
2 bedroom bungalow	Single person, couple or household with up to 2 children
2 bedroom maisonette	Single person, couple or household with up to 2 children.
3 bedroom maisonette	Household with up to 4 children.
2 bedroom house	Household with up to 2 children.
3 bedroom house	Household with up to 4 children
4 bedroom house	Household with 4 or more children
Sheltered studio	Single person
Sheltered 1 bed flat	Single person or couple
Sheltered 2 bed flat	Single person or couple
Sheltered 1 bed bungalow	Single person or couple
Sheltered 2 bed bungalow	Single person or couple