

OXFORD CITY COUNCIL

ALLOCATION SCHEME

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This document forms part of the Policy Framework of Oxford City Council.

Agreed by Council on:

Effective from:

1.0 INTRODUCTION

The allocations policy of Oxford City Council takes into account the following factors: -

- The scarcity of affordable housing in Oxford versus the relatively high demand placed on the available homes, and the level of homelessness in the city.
- The need to prioritise the allocation of the scarce resource available to the Council in an objective, fair, and systematic way.
- The legal and regulatory framework governing allocations of housing.
- The policy being under constant review to ensure that the allocation of properties continues to achieve the objective of allocating homes in accordance with the above requirements.

1.1 STATUTORY REQUIREMENTS TO GIVE REASONABLE PREFERENCE TO PARTICULAR GROUPS

(Source: Housing Act 1996, Section 167(2), As Amended By The Homelessness Act 2002)

The legislation referred to in this section requires housing authorities to give reasonable preference for an allocation of housing to particular groups of persons.

“Particular groups” are defined as:

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

Oxford City Council's banding Scheme (see Section 4 of this document) takes these statutory requirements into consideration, and is fully compliant with the legislation.

The Allocations Scheme may also be framed so as to give additional preference to particular descriptions of people within these categories. This means that it is open to the Council to decide which applicants within a particular category should be given the greatest priority for housing, and which of the groups specified above should be prioritised over others. This is done on the basis of local conditions.

A proportion of allocations are made to high priority non-homeless cases from both the General and Transfer Registers, those proportions being decided by a meeting of the full Council on a periodic basis. Information on the current proportions of allocations to be made from each list (known as the Allocations Percentages) is available to members of the public on request (and may be viewed on the Council's website).

1.2 STATUTORY REQUIREMENT TO PROVIDE INFORMATION

Sections 166 & 168 of the Housing Act 1996 as amended by the Homelessness Act 2002) deal with statutory requirements regarding provision of information to members of the public in relation to allocations:

1.2.1 Information about the Allocation Scheme

Section 168 states that:

- (1) A local housing authority shall publish a summary of their allocations scheme and provide a copy of the summary free of charge to any member of the public who asks for one
- (2) A local housing authority shall make a copy of their full Allocation Scheme available at their principle office for inspection by members of the public free of charge, and shall supply a copy of the scheme (at a reasonable fee) to any member of the public who asks for one

Oxford City Council will adhere to these provisions, and in addition will make both summary and full versions of its Allocation scheme available on its website.

1.2.2 Personal information

Where a local authority keeps a housing register or registers, all persons on the register have the right to see the entry relating to themselves, and to receive a copy of it free of charge. Oxford City Council's Housing Registers are computerised, and the system incorporates a facility

allowing all information held in regard to an application to be printed. In addition, should any person so request, an appointment may be made for them to view the associated paper file, subject to payment of the relevant statutory charge.

Persons on the registers are also entitled to such general information as will enable them to assess how long it is likely to be before housing accommodation appropriate to their needs becomes available for allocation to them.

Banding and Position printouts provided on request from the HMIS computer system include details of numbers of properties let in the current and preceding year for each area/property-type combination for which an application is registered, together with the application's current position on the waiting list in relation to each of those combinations.

Given that past allocation frequencies are the only real guide available to determine the future likelihood of vacancies occurring in a particular area/property type combination, the Banding and Position print out, taken in combination with the rules of the Allocation Scheme, provides the best estimate of the likely timescale for an allocation to be made. Officers with responsibility for provision of such information will provide additional guidance at the applicants request, based on their local knowledge of the housing situation.

The fact that a person is on one of Oxford City Council's Housing Registers must not be disclosed to any other member of the public without written consent from the person concerned.

Information held in relation to requests for an allocation of housing may only be shared with other council departments or external agencies where either;

- The applicant has given specific written consent for the information to be shared, or
- Sharing of such information with the relevant department or external agency is allowed by the Data Protection legislation and is covered by the Data Protection Declaration on the relevant application form.

Proof of identity must be sought from any person requesting information regarding their entry on the register. Information should not generally be given by telephone, but in person or in writing to the registered address.

1.2.3 Additional information

Section 193(3A) requires the Council to give a copy of the Council's statement on the policy of offering choice via the Allocation Scheme to all

those accepted as statutorily homeless.

S.166 (2) also requires housing authorities to inform applicants that they have the following rights about decisions which are taken in respect of their application:

- (a) the right to be notified in writing of any decision not to give an applicant any preference under the scheme because of unacceptable behaviour serious enough to make them unsuitable to be a tenant of the housing authority;
- (b) the right, on request, to be informed of any decision about the facts of the applicant's case which has been, or is likely to be, taken into account in considering whether to make an allocation to him; and
- (c) the right, on request, to a review of a decision mentioned in (a) or (b) above, or a decision to treat the applicant as ineligible because of unacceptable behaviour serious enough to make him unsuitable to be a tenant of the housing authority. The applicant also has the right to be informed of the decision on the review and the grounds for it.

In respect of these matters, Oxford City Council's policy exceeds the statutory minimum. We will inform applicants of all significant decisions taken with regard to their application. For details of our Review Policy and Procedure, which establishes a right to review for any decision taken regarding an application, see Section 5.10 of this document.

1.3 STATEMENT ON CHOICE IN ALLOCATIONS

Oxford City Council welcomes the current government policy to increase the degree of choice offered to applicants for social housing, and believes that this is a positive aim.

The Council considers, however, that the limited supply/high demand situation that faces social housing in Oxford is so severe that we are able to offer only a limited degree of choice to applicants at the present time.

We offer non-homeless applicants on our General Register, and most Transfer Register applicants, unrestricted choice in regard of the areas and property types for which they wish to be considered.

For applicants accepted as homeless, we try to make placements in temporary accommodation, which meet the needs of applicants in terms of location and property type, but cannot guarantee to do so in every case.

For allocations of permanent property to homeless applicants, choice of area and property type is strictly limited on the basis of housing need – each refusal is judged on its merits, and good reason must be shown as to why an applicant is refusing a property in a particular area or of a particular property

type. The reason for this limitation on choice is simply the high cost of supplying temporary housing, and the need to reduce the numbers of households in such properties. Should the housing situation in the city improve in the future, it would be our intention to offer homeless households the same degree of choice in these respects as any other applicant, but this is unlikely in the near future.

Applicants with two children that are eligible for three bedroom accommodation, are able to exercise some choice in that they can choose to also be considered for two bed accommodation, if the children are either of the same sex or are under five years of age. Equally, those applicants that are eligible for four bedroom accommodation can choose to also be considered for three bedroom parlour type accommodation, which have a separate lounge and dining room, if they have less than five children, and if the ages and sexes of the children allow for this, given that children over the age of five and of opposite sexes need separate bedrooms.

Applicants for an allocation of housing do not generally have a choice of preferred landlord, and may be offered either an allocation of an Oxford City Council owned property, or a property owned by one of our partner Housing Associations.

We aim to give applicants for sheltered and other elderly designated properties more information about available properties, and a greater degree of choice in selecting their new home, by scheme.

There are very few Council properties in the city, which are hard to let. Where such properties do exist, we will consider ways of opening up the allocations process, to enable those who are happy to live in these properties to access them, and to minimise the time taken to let them.

In some properties, and on new developments to which we have the right to nominate applicants, we are developing local lettings plans which will amend aspects of the allocations scheme to allow for the building of sustainable, balanced communities.

An applicant requiring accommodation is also given information on other options of housing that may be available to them, to assist in the applicant making a reasonable choice as to their best prospect of securing suitable accommodation. This information includes information on low cost home ownership; rent deposit schemes; and mutual exchanges, as appropriate.

For the future, current government policy dictates that all local authorities must convert to a choice based lettings scheme by 2010. This scheme takes the first step towards this target, by moving from the current points system to a system of banding according to need.

The introduction of a full choice based lettings system will follow by the end of 2007.

2.0 ELIGIBILITY AND PRIORITY FOR ALLOCATIONS OF HOUSING

2.1 General Register

The General Register is a waiting list held by Oxford City Council for those seeking accommodation, open to all persons over the age of 16 who are not current tenants of Oxford City Council or one of our partner Housing Associations, and who are eligible for an allocation of social housing, including those persons to whom Oxford City Council owes a duty under the homelessness legislation.

Applicants under the age of 18 who meet the criteria can only be considered for some supported properties held by our RSL partners

- Certain classes of person are ineligible for an allocation of housing, and therefore ineligible to be included on the General Register, by virtue of their immigration status or lack of habitual residence in the Common Travel Area (that is, the UK, Isle of Man, Channel Islands, and the Republic of Ireland) – see Appendix 1 for further details.
- The Council has the power to determine that individuals guilty of certain types of unacceptable behaviour are ineligible for an allocation of housing, or shall be given no preference for an allocation. See section 3.14 for further details.
- The Council may take the financial circumstances of applicants who fall into one or more of the reasonable preference groups listed at section 1.1 of this document into account when determining priority for an allocation. Social housing in Oxford is a scarce resource, and those applicants with sufficient resources to secure alternative forms of accommodation without undue hardship will be given a reduced priority for allocation. See section 3.15 for further details.

A banding scheme is used to determine housing priority for the General Register. Banding priority is awarded for various factors of housing need and deficiency in current accommodation,

- Unless prior agreement has been made, applicants no longer meeting the eligibility criteria will be removed from the register, and notified in writing for the reasons for the application cancellation. Applicants have the right to a review of this decision (see Section 5.10).

Applicants living in tied accommodation, may apply, but the applications will be deferred until such time as the applicant has a notice to leave the accommodation. At this point, the application will be fully assessed. Similarly, members of HM forces, will be deferred until they have a discharge date.

Those applicants currently in prison, will also be deferred until a release date is agreed and confirmed.

2.2 Transfer Register

Applicants for an allocation of housing who are secure or introductory tenants of Oxford City Council, or assured tenants of one of our partner Housing Associations, will be placed on the Transfer Register.

Transfer cases are given priority for allocations of housing on the same basis as General Register applications, each application being awarded a banding priority according to housing need and deficiencies in current accommodation, and taking into consideration both the statutory requirement to give reasonable preference to particular groups, and the locally established additional preferences, if any, which apply.

Where an applicant is an existing secure (or introductory) tenant of the Council or an assured tenant of a Registered Social Landlord (such as a Housing Association) the tenant cannot be disqualified from receiving an allocation of housing on the basis of their immigration status - section 160 A (3) or (5)

- There are a number of locally determined additional preferences which, because they relate to specific rights of secure and assured tenants, or to the management needs of the council, are applicable only to Transfer Register applicants. These include additional preference for tenants who are currently under-occupying council or housing association properties and wish to move to a smaller home, and are dealt with in Section 3.5 of this document.

2.3 Shared Ownership Register

A separate register of those applicants only wanting nomination to shared ownership or low cost home ownership will be maintained for the purposes of making such nominations as requested, and assessing the demand for such in the City.

The eligibility for this register, will comprise of those persons eligible to join both the General Register and the Transfer Register. The assessment and prioritisation of applications will be as for the General Register, as referred to above.

3.0 ASSESSING TRANSFER AND GENERAL REGISTER APPLICATIONS

- All applications require officer assessment of contents before being entered onto the Housing Management Information System (HMIS). This section gives information and guidance on matters relating to the assessment process. It is vital that such assessments are carried out correctly, as an incorrect assessment could affect the final banding for the application, and thus the applicant's priority for

an allocation of housing.

- As a general principle, applicants / household members can only be registered on one application at any given time. However, there may be situations relating to the care of children where individuals are recorded on two applications. Household formation will be determined on the basis of evidence provided (it is the responsibility of applicants to make such proofs available).
- If an applicant moves address (including persons accepted as statutory homeless moving between temporary accommodation addresses) a new application form should be completed, and the application re-assessed.
- All applicants are expected to have been visited, at least once, by a Council officer, or an officer from another Social Landlord, before an offer of permanent accommodation is made.

3.1 Joint Applicants

- Partners' applications are usually joint (including gay and lesbian couples). In some cases one partner may be ineligible for an allocation due to their immigration status, and the application must be assessed as a sole application from the one eligible applicant, with the partner recorded as a household member.
- Dependants, family members, or other adults who are not partners of the applicant (such as residential carers) cannot usually be joint applicants.
- If the main applicant leaves the application (in cases of relationship breakdown, for example), but wishes to remain registered, the original application follows the partner with residency and parenting responsibilities. However, couples with no dependants both have to re-register.

3.2 Households With Dependants

3.2.1 Children in Care

Where care is:

- Compulsory they will be treated as if the children were at home subject to written confirmation from Social Services that the children are to live with the parents on a permanent basis should they be allocated a suitable property. Failing such confirmation, children should not be included on the application.
- Voluntary, they will be treated as if the children were at home.

No offer should be made in either case without confirmation from Social Services that the children are to live on a permanent basis with their

parents.

3.2.2 Day To Day Residence and Parenting Responsibilities

In making an assessment of whether a child can legitimately appear on an application, officers should seek to determine who the child normally lives with.

A child could live with its parents on a split week basis. The same child may therefore legitimately appear on two applications but this would be exceptional. In such cases, evidence for this must be available, eg a written agreement and / or sanction of Social and Community Services, or a residence order from the Courts. In the absence of documentary evidence an investigation would be required to determine who cares for the child, takes them to school etc. A similar test to that contained in part 7 of the Housing Act 1996 should be used:

- Does the child currently **reside** with the applicant?
- Is the child **dependent** on the applicant?
- Is it **reasonable** in the circumstances for the child to reside with the applicant?

Generally, weekend access will not count as day-to-day residence. The applicant must have significant day-to-day parenting responsibilities. As a rule of thumb, this would be for a minimum of three days and nights.

Possible types of documentary evidence which will be considered are:

- A parental responsibility order from a court
- A residence order
- Proof of receipt of child benefit
- Legal guardianship

Generally there is a distinction between married /divorced parents and those formerly cohabiting.

- Where parents are or have been married there will often be a Residence order settling the arrangements as to where a child will live.
- Unmarried fathers may acquire Residence Orders or make a written agreement with the mother. This is often formalised by completing a signed agreement via a solicitor, which is then registered with the Family Division of the High Court.

Officers may discuss individual cases with senior officers in the first instance, and seek guidance from Oxford City Council Legal Services if required.

3.2.3 Extended Families – Minors

In cases where a minor is to be included in, or added to an application, but no parental responsibility exists within the household (e.g. grandchildren, nieces, nephews), proof of legal guardianship or confirmation from the Social Services Department that this action is necessary and permanent must be obtained.

3.2.4 Adding Adults To An Application

Adults should not be added to an application where this results in the need for larger accommodation than for which originally eligible, unless an over-riding need such as ill health or disability can be shown (for example, where an applicant wishes to look after an elderly parent, or where a new partner requires a separate bedroom). Such cases must be thoroughly investigated, and discretion rests with the Allocations Officers (as defined in Appendix 2) in the first instance.

The desire to be part of the household is not sufficient reason for inclusion on the application in these circumstances.

The objective of this approach is to ensure that such individuals to be added to an application have a demonstrable need to live with the applicant and that they plan to make their long term home on a permanent basis with the applicant, thereby precluding the possibility of under occupation arising, given the acute shortage of family housing in the city.

Applicants who require full time residential care may include the carer on their application. Proof of the requirement should be sought from the Social Services Department or primary health care professional. The carer should be included as part of the household even if not resident (i.e. lack-of-bedroom banding may be due). A separate bedroom grouping should be recorded so that the household is eligible for the correct size of property. Carers are not generally eligible to succeed to (i.e. inherit) tenancies on the death of the tenant.

3.2.5 Expectant Mothers

Expectant mothers should provide a MATB1 or other adequate proof of pregnancy from a health professional (followed by a MATB1). Expectant mothers will be placed in an appropriate band. Up to three months before the expected date of delivery, an applicant may bid for a property based on the number of people who form part of the household at that point, ie: property eligibility is determined by the actual number of people living in the household at the time of the bid. From three months before the expected date of delivery, eligibility will be as if the child had been born. If a time limited priority is awarded, officers have the discretion to start this from the expected date of delivery of the child.

3.2.6 Fostering

Families undertaking long term fostering are 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 defined as being 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 be obtained from the Social Services Department.

Short term fostering is discounted.

3.3 Removing People From An Application

Banding awarded specifically to an individual e.g. Health and Housing awards, are removed from an application when that individual is removed from that application.

Circumstances are manually reviewed e.g. bedroom usage and housing requirements. The main applicant shall be notified in writing, detailing the changes to the application.

3.4 Bedroom Usage and Overcrowding

Definition Of Bedroom Usage

Assessing bedroom usage is a major element in determining an applicant's current circumstances and determines what the situation could be, for pointing purposes, rather than how resources are currently being used.

An award of banding is given for each bedroom lacking in the applicants current accommodation, based on this assessment.

The two key aspects that must always be considered are: -

Best Use Principle - The best use should be made of the bedroom resources available so that, for example, a bedroom used for storage should be counted as a bedroom available for use as defined by this principle.

Control principle - There may be sufficient bedrooms in a property but the applicant cannot control how the bedrooms are actually used. They may, for instance, be lodgers or living with a family who control how bedrooms are used.

The most common issues relating to bedroom usage are listed below:

- Bed sits - Count as having a bedroom, lacking a living room
- Bedroom availability - Bedrooms available must be counted, even if not used. If claimed not used because unfit for use, advice of the Environmental Health section must be sought

- Sharing bedroom with non – applicant(s) - Counts as lacking a bedroom
- Size of bedrooms - Bedroom under 4.2 square metres (45 sq ft) discounted
- Generation - Children with an age difference of 15 years should not share bedroom – count as lacking a bedroom
- Best Use (mixture of sexes) - If bedrooms can be better used, assume they are for banding purposes
- Separated sexes - 2 persons of opposite sex both over 5 and not partners get additional banding over and above lack of bedroom space banding
- Need for carer - Where there is a recognised need for a residential carer, then notionally a second bedroom may be lacking for the carer in the current accommodation. Banding can be awarded for the lack of this bedroom
- Under-occupiers - Under occupying single applicants and childless couples, in three bed or larger properties, are eligible for transfer to two bedroom properties
- ‘Urgent’ cases – Some cases that have been awarded an exceptional or urgent category by the Exceptional Circumstances Panel may be made eligible to under-occupy a property by decision of the panel, where the panel considers that the existing housing circumstances of a transfer applicant should not be disadvantaged by having to move
- Decant cases – Applicants requiring a permanent decant move can maintain their existing bedroom number, even if they are not eligible for this size of property due to their current circumstances
- Succession cases – Where a successor to a three bedroom, or larger, property is required to move to smaller accommodation, they may be allowed one additional bedroom more than they would normally be eligible for, at the discretion of the Allocations Officer

A separate bedroom is needed for each of the following categories when assessing applications/recording on HMIS:

- Single applicant, or couple (including same sex couples)
- Single child
- Two children (of the same or opposite sex) both under 5 years old (i.e. such children can share a bedroom)
- Two children (age difference less than 15 years, same sex) over 5

years old (i.e. can share a bedroom)

- Any person who needs their own room on health grounds
- Residential carer (proof of necessity for residential care required)
- Any person sharing a bedroom with people not included on the application counts as lacking a bedroom
- A bedroom that measures less than 45 square feet (4.2. square metres) counts as lacking a bedroom
- Two children of opposite sex where one or both are over 5 years old cannot share a bedroom.
- Children (same sex) cannot share a bedroom where the age difference is greater than fifteen years.

An additional award is given where two people of opposite sex, but not partners, where one is over the age of 5 years old, are forced to share a bedroom.

A further award is made when either child reaches the age of ten. This is additional to the previous award.

3.5 Under-Occupation

Where Oxford City Council tenants, and tenants of partner Housing Associations within the city have more bedrooms than they need, an award of banding is made depending on the number of bedrooms they are giving up.

Under occupation of properties is a problem for Oxford City Council, given the high demand for larger properties in the city. Under-occupation is listed in the Code of Guidance on Allocation of Accommodation as being one of the unsatisfactory housing conditions that may be used to determine additional priority within and between the groups to which any allocations scheme must give reasonable preference. In addition, the Council has the power (under the Housing Act 1996, Schedule 18, Part I, section 2) to make payments to encourage local housing authority tenants to move to other accommodation within the authority's stock, or accommodation supplied by a registered Social landlord such as a Housing Association. (Powers are also provided for in sections 21 and 26 of the Housing Act 1985 and section 111 of the Local Government Act 1972.)

In order to encourage under occupiers to move to smaller accommodation, the following arrangements are in force.

Under-occupying singles and childless couples, who would normally be eligible only for an allocation of one bedroom or studio properties, are eligible for transfer to 2 bedroom properties on moving down from larger accommodation.

Applicants who are granted REMS status are also eligible for

compensation based on the number of bedrooms released by any move, and expenses covering costs associated with moving. Details of the levels of compensation and expenses payable under this scheme are available to members of the public on request.

There are situations where a degree of under-occupation is permitted in making an allocation of accommodation:

- 'trading down' from larger accommodation to two bed accommodation
- medical recommendation
- mutual exchanges
- tenancy successions (e.g. to a spouse)
- urgent moves (e.g. on moving a victim of harassment)
- decants
- successions
- where permitted by the provisions of a Local Lettings Plan

Under-occupation banding awards are not made to homeless applicants placed in temporary accommodation.

3.6 Inadequate Accommodation

3.6.1 Lacking/ sharing facilities

The key element is the ability to control the situation. For example, where an applicant takes in lodgers, both will share facilities, but the sharing banding will only be awarded to the lodgers, as the tenant chooses to share facilities. Financial reasons for taking in lodgers are inapplicable.

Banding is awarded on the advice of the Environmental Health Service or if the current accommodation lacks basic facilities such as a living room, fixed bath or shower, toilet, or kitchen or if facilities are badly sited and/or shared with others who are not included on the application.

Disrepair

- 3.6.2** These banding will be awarded on the recommendation of an Environmental Health Officer, following a site visit, for any disrepair in the property that cannot be easily remedied. The banding should be removed when remedial action has been taken to rectify the disrepair.

It is not expected that banding will be awarded for transfer cases, where the Council or Housing Association would be expected to take immediate remedial action, or in the case of applicants to whom the Council has accepted a duty to re-house under homelessness legislation, where the situation will be remedied or the applicant immediately transferred into alternative temporary accommodation.

3.7 Temporary or Insecure Accommodation

3.7.1 General Register

Circumstances are covered through priority awards within the banding scheme as appropriate

3.7.2 Applicants to whom the Council has accepted as statutory homeless with a duty to house

Banding is used to prioritise applicants placed in temporary accommodation by the Council.

3.7.3 Homeless Applicants, no duty to house - banding

The Council has a duty to give reasonable preference to all classes of homeless persons, including those who are intentionally homeless and/or homeless but not in priority need. (Part 7 of the 1996 Housing Act, as amended in 2002.) Banding priority is awarded only to those persons who have presented as homeless to the relevant section of the council, and have been given a decision of either “Homeless but intentionally so”, or “Homeless but not in priority need”, but only until ‘settled accommodation’ is obtained.

The Council does not exercise its discretion to provide temporary accommodation to non-priority need applicants as permissible under the Homelessness Act 2002.

3.8 Personal Circumstances

3.8.1 Children

If children under 10 years old are living above first floor level without access to a lift, , (this includes expected children) banding priority is awarded

3.9 Health & Disability

If an applicant feels that their housing conditions are making their health or existing medical condition (or that of any household member) worse, they may request a Health and Housing Assessment. Their situation will be assessed initially by their Estate Manager, Temporary Accommodation Manager, or Allocation Officer as appropriate. Applicants who indicate a housing related health condition on their application form, will be contacted by the relevant officers, and an interview arranged to discuss their situation.

The term Health is expressly used, rather than the narrower term of Medical, in order to relate a persons overall health and welfare to their housing situation and housing requirements, rather than concentrate on

issues purely relating to medical treatment, in isolation. Issues that are more related to 'welfare' such as the need to provide or receive care, or for example, the housing requirements of a vulnerable person at risk, can also be considered within this section. In addition, where 'welfare' matters are not addressed by considering health, the officer assessing the case has discretion to refer this issue to the Exceptional Circumstances Panel.

Officers must adhere to the current procedures for processing Health and Housing Assessments.

- Health is considered in relation to accommodation deficiency and/or needs only and must be re-assessed following a move. Details of the levels of award that may be made are included in Section 4.0 of this document.
- Health banding priority is awarded to a person, not to an application. The banding will be removed automatically from the HMIS if the person is removed from the application, or if the circumstances change
- The award will need to be re-assessed by the Council's Health Assessment Panel, or an Officer (in accordance with the banding scheme) if the application addresses changes or circumstances affecting that person on the application change for any other reason.
- Where there is more than one award for the same person the latest should be used.
- Where more than one person on the application is made an award, the applicant will be placed in the highest band to which an award has been made
- Where the Health Assessment Panel, or an Officer, makes recommendations other than banding e.g. for Ground floor property, this should be recorded on the Housing Requirements notes, and answers to questions in People Involved screens. This enables Allocation Officers to make offers to those on the shortlist who have the greatest need of a particular property, as they will be taken into account when making offers.
- Applications from applicants in which they, or a member of their household have disabilities requiring Disabled Adapted property will be identified separately and matched to suitable accommodation accordingly. Community Occupational Therapists will be consulted with regard to the type of adapted accommodation required, or the suitability of accommodation for adaptation.

3.10 Economic / Welfare

The Homelessness Act 2002 removed the requirement for Allocations Schemes to give reasonable preference to families whose social or economic circumstances make it difficult for them to obtain their own housing other than through social landlords.

The Homelessness Act 2002 does allow for economic factors to be taken into consideration when assigning priority within and between the reasonable preference groups (see Section 1.1 of this document). Applicants who do not fall within one of the reasonable preference groups are unlikely to have sufficient banding priority to attract an offer of an allocation, except in cases of hard to let non-family properties.

Information regarding income and financial resources is collected as part of the application process. Applicants who fall within one of the reasonable preference groups detailed at section 1.1 of this document, and who can be shown to have the financial resources to provide their own accommodation, through the private sector or by house purchase (including any form of shared ownership or other subsidy), may be given a very low priority for an allocation, in line with the provisions of the Housing Act 1996 (as amended by the Homelessness Act 2002), Part VI, Section 167 (20) a. Applicants' ability to secure their own accommodation will be determined with reference to income, savings & investments, and information relating to the local housing market. This provision will not apply to those applicants who are accepted as statutorily homeless under section 193 of the Housing Act 1996, as this would result in extending the time spent in temporary accommodation, and therefore increase the demand upon public funds. This policy is further detailed in section 3.15 of this document.

3.11 Care Packages

Many vulnerable applicants are in need of ongoing support when taking up a permanent tenancy. This is especially true of those applicants who have a history of rough sleeping, hostel dwelling, mental health problems, and drug or alcohol abuse. When allocating properties to clients with support needs, officers should be aware that it is legitimate to bypass applicants if it is felt that arrangements for ongoing support are inadequate after appropriate enquiries and with the agreement of a senior officer. It is essential that officers raise their concerns in this respect with the support agencies involved with each particular client, and that no offer is made unless all agencies involved are assured that the correct degree of ongoing support will be available to the applicant.

3.12 Exceptional Circumstances

Most aspects of housing need are taken into account through the Banding Scheme. However no scheme can take into account all factors. In cases where the applicant's circumstances are of a type not sufficiently dealt with by the general banding system (e.g. in cases of

racial harassment, or domestic violence), a referral should be made to the ORAH Partnership's Exceptional Circumstances Panel (ECP).

The Exceptional Circumstances Panel can award a range of banding priority to reflect the need for housing on welfare grounds which are not otherwise reflected in the banding system. These may include harassment, violence (including domestic violence), and people in need of care and support. The review can award an additional priority to an application if it is satisfied that the case falls outside of the banding scheme and can therefore be regarded as exceptional.

It will be necessary for applicants to provide support for consideration by the ECP, which may include police reports, health reports, reports from schools, social services, or other agencies involved with the case. This evidence will be required before the officer dealing with the case is able to make a referral to the panel.

This evidence will generally be required before a referral can be made to the Panel. The panel can be convened within 24 hours for extremely urgent cases.

The panel will judge each case on the basis of the evidence presented, and can make a range of awards, see below, including an over-riding category of "EXCEPTIONAL" (usually in 'life or limb' situations). Such an award places the application in the top priority band for the areas and property types the applicant has selected, although the Panel will usually make an award of Urgent conditional on the applicant extending their area choice, and possibly choice of property type, to all areas/suitable types of accommodation, unless any exceptions to this can be justified.

The Exceptional category will usually also only extend to one reasonable offer, and if this is refused the Panel will re-consider the case, and whether an Exceptional category should still be maintained. Where more than one application appearing on the shortlist for a particular property has an Exceptional category, the applications are automatically prioritised in date order of award.

3.13 Applicants Guilty of Unacceptable Behaviour

The Housing Act 1996 Section 160A (as amended by the Homelessness Act 2002) gives local housing authorities new powers to regulate allocations of housing to applicants who are guilty of unacceptable behaviour (or whose family members have been so guilty) subject to a number of conditions.

The Act states that the only behaviour covered by this power is unacceptable behaviour of such severity that, had the applicant been a tenant of the council at the time of the behaviour, the council would have

been entitled to a possession order under Section 85 of the Housing Act 1985 on any Ground mentioned in Part 1 of schedule 2 to that act (other than ground 8), or such behaviour on the part of a member of the applicant's household which would (if he were residing with a secure tenant of the authority) as would entitle the authority to such a possession order.

The types of behaviour covered by the Grounds for entitlement to a possession order specified in the relevant section of the Act may be summarised as:

- Rent Arrears,
- Anti Social Behaviour, including conviction for using their home for illegal or immoral purposes or committing an arrestable offence in the locality of the property,
- Domestic violence causing a partner or family member to flee a property,
- Allowing the property to deteriorate to an unreasonable degree,
- Allowing any furniture supplied with the property to deteriorate unreasonably,
- Having received or made a fraudulent housing application which led to them being granted the tenancy,
- Having paid another tenant to make a mutual exchange, or having received such a payment for making a mutual exchange,
- Inappropriate behaviour by staff members in accommodation supplied as part of their employment, such as resident wardens in sheltered blocks.

It is likely that the first two categories, Rent Arrears and Anti Social Behaviour will form the majority of cases, which will come to the attention of officers, but it is felt that the right to treat an applicant as ineligible for an allocation of housing accommodation for all these grounds should be retained. It is uncommon for Possession Orders to be granted for the other grounds, but not unheard of, and the Council may still consider applicants ineligible for these less common grounds.

Where the authority is satisfied that the behaviour of an applicant or a member of an applicant's household fulfils the criteria outlined above, then the authority may:

- a) treat the applicant as ineligible for an allocation of housing (i.e., not register the application) [Housing Act 1996 as amended, Section 160A (7) & (8)] or,

- b) treat the applicant as eligible for an allocation, but give no preference for an allocation, even if the applicant falls into one of the reasonable preference groups specified in the amendment to the 1996 Housing Act Section 167 (and listed at Section 1.1 of this document) (i.e., give a low, or even nil, banding total to the application, regardless of his current circumstances). [Housing Act 1996 as amended, Section 167 (2B) & (2C)]

Officers will monitor applications for examples of such cases, and will exclude applicants if agreed by Senior Managers and Legal Services, having regard to the appropriateness of excluding applicants in these circumstances.

The following guidelines have been provided for officers faced with applicants with a history of unacceptable behaviour which has, in fact, resulted in a possession order being granted by a court, to Oxford City Council, any other local housing authority, a Registered Social Landlord, or a private landlord.

Evicted by Court for Rent Arrears owing to Council/ partner RSL

Where an applicant has been evicted by a court for rent arrears owing to Oxford City Council, or to one of our partner RSLs, and where Senior Officers and Legal services as appropriate agree, officers should generally treat the applicant as ineligible for an allocation, until such time as the applicant can demonstrate a degree of financial responsibility such that he is deemed suitable to be a tenant of the authority. (see definition in section 3.16)

Evicted by Court for Rent Arrears owing to Private Landlord

Where applicants have been evicted by a court, for rent arrears owed to a private sector landlord, it should be considered whether the applicant should be treated as ineligible for an allocation on the basis that their lack of fiscal responsibility evidences behaviour that is serious enough to make the applicant unsuitable to be a tenant of the authority. Officers should consult Senior Managers and Legal Services as appropriate.

Evicted by Court for Anti-Social Behaviour

Where applicants have been evicted by any landlord for anti-social behaviour (including the use of their home for illegal or immoral purposes), the decision as to whether or not to treat an applicant as ineligible for an allocation of housing accommodation from the register will be at the discretion of the Senior Manager responsible for managing the Registers, (see Appendix 2) in consultation with Legal Services, as appropriate, and will take into account all information available to the council. Oxford City Council takes anti-social

behaviour very seriously, and will not hesitate to use their powers in this respect where they believe such action to be justified.

In all cases, officers must be at pains to ensure that the behaviour under consideration was actually within the applicant's control – for example, an elderly tenant evicted because of the behaviour of a older child may not have had the ability to control that person's behaviour, or in the case of eviction for rent arrears, one partner may not have had access to the household income and accounts, or due to issues relating to the health of the applicant. However if there is evidence the applicant acquiesced in such behaviour then this should be considered.

Similarly, officers must satisfy themselves that the behaviour in question renders the applicant unsuitable to be a tenant of the authority at the time that the application is considered – previous unacceptable behaviour may not justify a decision to treat the applicant as ineligible for an allocation, or to give a reduced preference, if the behaviour has improved in the interim period.

The Council will not fetter its discretion in any of the above instances by setting time limits on any ineligibility or reduced preference for an allocation, or by stating specific requirements for eligibility or reinstatement. It is recognised that any decisions should be reasonable and that these should be timely, and be connected to something over which the applicant has control. Each case will be judged on its merits, by the officers involved, with appropriate advice from Legal Services as required, in light of the legal framework of powers and duties. The Council must re-consider when the applicant believes s/he should no longer be treated as ineligible – so we will need to consider if a change in circumstances justifies this.

The Council will maintain a record of all cases either excluded from the register or given a nil priority under this section, in order to identify and monitor such applications.

In all cases the applicant has a right to an internal review of any adverse decision in relation to their application. See section 5.10 of this document for further details of the review procedure.

3.14 Financial Assessment

1. When a person initially applies for accommodation, the options available to them will be considered in an options interview. Should a person have sufficient income or savings to either secure suitable housing through buying, or through the private rented sector, these options will be put to the applicant, and advice given with regard to how to access this.
2. The resources available to an applicant are considered holistically. The application form will ask that information on the value of

investments, savings, capital and property ownership are declared, for the applicant and partner. The value of these will be combined and considered together.

3. Should the total value of these resources be considered sufficient for the applicant to purchase a property, or share of, in the City, in order to meet their needs, then the application will be given a nil priority on the register. The applicant will be informed of this, with the right to review, and will be given information as to how to source alternative accommodation and resolve their own housing needs through the open market or private sector.
4. It is recognised that some applicants may not be able to fully realise the full or true value of their assets; that other options of securing accommodation may not be available to them, for example, they cannot get a mortgage due to having a poor credit history, or they require specific accommodation (such as disabled adapted accommodation, or a property with support needs) that may not be on the open market; or that the re-housing requirements of the person are so severe, that other options are not practicable. In such cases, the Senior Manager responsible for Housing Needs can agree that nil priority will not be given. In the case of residential properties in disrepair, it is expected that the manager will involve the Environmental Health department concerning getting the property back into use, and determining whether it has a value.
5. Those applicants to whom the Council has accepted a duty under Homelessness Legislation will not be included in this policy as it would not be in the best interests of the Council to delay getting such persons housed due to the high cost of temporary accommodation.
6. Those applicants applying to join the Shared Ownership register will be subject to a more thorough financial assessment as part of this process, and therefore no assessment is required of applicants on this list alone, other than to record details provided in relation to their financial resources.
7. In order to determine whether an applicant (and partners) resources are sufficient for them to meet their own housing needs, these will be compared against local house prices. Should the former exceed the latter, the nil priority should be applied, unless an exemption, as listed above, applies.
8. Furthermore, if the income of the applicant(s) is deemed sufficient to raise a mortgage to meet any shortfall between their resources and local house prices, then the nil priority should also be applied, unless an exemption, as listed, applies. In assessing this, conventional (and conservative) multipliers of 3 x single income or

2.5 x joint incomes, as used by mortgage lenders, will be applied to determine the minimum level of gross income that would be required to service a loan.

9. The local house price, to be used by officers as a guide, will be set by the Senior Manager, and reviewed annually. It will be available on request. The Manager will have regard to information from the Office of the Deputy Prime Minister and Land Registry; House Price Indexes; and other locally available market information in setting this index.

3.15 Financial Responsibility

In making an allocation of accommodation, the Council will need to be assured that the behaviour of the applicant is suitable for them to be a tenant. It is important that tenancies that cannot be sustained are not entered into. In relation to finances, it is expected that the tenant will be able to maintain their rent account satisfactorily.

Where an applicant has been evicted by a Court for rent arrears owing to Oxford City Council or one of its partner RSLs, then nil priority shall be awarded to the application for inclusion on the register, until such time as a degree of financial responsibility can be shown, as evidence that they have modified their behaviour.

This would be demonstrated by the former arrears due to either the Council, or partner RSL, having been paid off, in full.

This decision can be reviewed either when the arrears have been paid, or annually, on the request of the applicant.

This policy will not apply to households for whom the Council has accepted a duty to house under homeless legislation, although such households will be encouraged to have made an agreement to repay the debt.

Applicants awarded an over-ride category of Urgent, would be expected to have made an agreement to repay the debt, but need not have done so, in full, to be eligible for priority on the register, at the discretion of the Exceptional Circumstances Panel (ECP).

The Senior Manager responsible for Allocations may also waive the requirement, as set out above, for the former arrears to have been paid off in full. This discretion is expected to be exercised where the applicant has made an agreement to clear the debt and has made consistent payments for a period of time (usually a minimum of 12 week) or where the situation was deemed to be out of the applicants control; unlikely to render the applicant to be a suitable tenant at this time; or relates to physical, mental or learning disability.

3.16 Rent Arrears

The above section relates to the priority on the register. This section is concerned with making offers of accommodation to those persons on the register.

Rent arrears are defined as any money, including former tenant arrears, owed to Oxford City Council or any social landlord, in the form of non-payment of rent, hostel charges, chargeable repairs, or court costs. (Amounts under £100, when combined, will be disregarded for this purpose.)

Should a Transfer Applicant have a Possession Order, no offer will be made, unless the application has an Urgent category, and such a move has been sanctioned by the ECP, or unless it has a REMS category, and any compensation due will clear the debt in full.

Should an applicant have any outstanding rent arrears, should they receive an offer of accommodation, this will be conditional on either the debt being cleared in full, or the tenant having made an agreement to repay the debt, and having kept to it for a minimum of 12 weeks.

The following cases will be exempt from this:

- Urgent Category – with a move in arrears sanctioned by the ECP panel
- All Temporary Decants, or permanent decants where the Council may incur a significant expense if the person is not moved
- REMS cases – where the compensation will clear the debt in full
- Technical arrears, where it is confirmed that a Housing Benefit award is due that will clear the arrears
- Persons for accepted as statutory homeless and housed in temporary accommodation

The Senior Manager responsible for Allocations may also exempt other cases. This discretion is expected to be exercised where the applicant has made an agreement to clear the debt and has made consistent payments for a period of time (usually a minimum of 12 week) or where the situation was deemed to be out of the applicants control; unlikely to render the applicant to be a suitable tenant at this time; or relates to physical, mental or learning disability.

4	The Banding Scheme
4.1	<p><i>Banding</i></p> <p>Once accepted as eligible by the Council to join the housing register, applicants will be placed into one of six bands, which have been designed to reflect broad categories of housing need and to enable Oxford City Council to meet its responsibilities to applicants in reasonable preference groups. The bands cover all categories of housing need, from very high to very low.</p> <p>Some applicant's circumstances may make them eligible to be placed in more than one band. In this case they will be placed in the highest band for which they are eligible.</p> <p>Where applicants have compound needs, that is they fulfil more than one of the requirements for eligibility for a band, they will progress to the next band.</p> <p>An award from the Exceptional Circumstances panel will not count towards acquiring cumulative priority to progress to a higher band.</p>

4.2	Band A – Exceptional Priority	
4.2.1	Exceptional Cases (ECP)	Any applicant awarded an exceptional category by the ECP Panel ('life and limb' cases; multiple composite need cases, 'place of safety' homeless cases and other exceptional cases)
4.2.2		<i>See section 3.12 on Exceptional Circumstances panel for more details</i>
4.2.3	Temporary Decants	Any tenant of Oxford City Council or its partner RSLs to whom the Allocation Manager awards a temporary decant category (where refurbishment or repair work is required and ready to go on-site, and which cannot be done with a tenant in situ)
4.2.4		<p><i>This category is used only for temporary moves while modernisation, refurbishment, or repair work is undertaken. This award is authorised by the manager responsible for allocations, and only at such time as the need for the move and its programming has been confirmed by a senior manager at Oxford City Homes, or other contractor, as appropriate.</i></p> <p><i>Officers seeking or authorising these categories must be assured that the move is necessary and that appropriate timescales are in place for work to begin on the vacated property, in order to minimise disruption for existing tenants.</i></p>
4.2.5	Permanent Decants	Any tenant of Oxford City Council or its partner RSLs to whom the Allocation Manager awards a permanent decant category (where property is to be disposed of or redeveloped, and tenants require re-housing, or have been given the option of not returning)
4.2.6		<p><i>This category is used for permanent moves where properties are to be sold, demolished, or otherwise disposed of, or where tenants have been given the choice of not returning to a property following refurbishment or remodelling. This award is authorised by the manager responsible for allocations, and must be made in consultation with the relevant senior managers at Oxford City Homes or other contractor, as appropriate.</i></p> <p><i>Officers seeking or authorising these categories must be assured that the move is necessary and that appropriate timescales are in place for work to begin on the vacated property, in order to minimise disruption for existing tenants.</i></p>
4.2.7	Succession Cases	Any tenant who is awarded a succession category, where a person has the right to succeed to a tenancy, by law, but the accommodation succeeded would exceed their requirements

4.2.8		<p><i>This category is awarded to legal successors only (not “policy successors” under this scheme). It applies where a tenant would be under-occupying the property following the succession, or where the property has significant disabled adaptations no longer needed.</i></p> <p><i>Spouses and civil partners may be given this band if they wish, but do not need to move on the basis of under-occupation.</i></p> <p><i>See section 4.10 on succession for more details</i></p>
4.2.9	Otherwise Excluded Successors	Any tenant who would be entitled to a succession, but is not, because one previous legal succession has already taken place
4.2.10		<p><i>This includes: those who would have succeeded had one legal succession not already taken place (including a joint to sole tenancy or an assignment). This is on the authorization of the Tenancy Operations Manager. See section 4.10 on succession for more details</i></p>
4.2.11	Under occupation A	This applies to applicants giving up family accommodation with 2 or more bedrooms in excess of their requirements. See section 3.5 on under occupation for further details
4.2.12	Statutory Requirements	<p>Any tenant application from a household that has been declared statutorily overcrowded in their current accommodation, or where other statutory notices such as Prohibition or demolition orders have been made</p> <p><i>This applies where a statutory notice has been issued by the environmental health department eg if an unfit property is to be demolished (HA85)</i></p>

4.3	Band B - Urgent Priority	
4.3.1	Under Occupation B	Any under occupying tenant of the Council or a partner organisation who wishes to downsize from family accommodation into a smaller property. The Council and some partner RSLs may from time to time offer incentives to its tenants to downsize to smaller accommodation
4.3.2		<i>This applies to applicants giving up family accommodation with 1 bedroom in excess of their requirements. See section 3.5 on under occupation for further details</i>
4.3.3	Health and Disability Urgent Award	Any applicants awarded an urgent priority health award by the Health and Housing Assessment panel on the recommendation of a health professional through the health and housing assessment protocols
4.3.4		<i>See section 3.9 on Health and Housing for more details</i>
4.3.5	Exceptional Circumstances Panel Urgent Cases	Any applicant awarded an urgent priority award by the Exceptional Circumstances Panel (serious harassment cases, multiple composite need cases not otherwise addressed through the banding system and other urgent cases)
4.3.6	Commitment To Re-House	Any new application from a previous tenant to whom the ECP Panel gave a 'commitment to re-house' as they surrendered a tenancy
4.3.7		<i>In certain cases a commitment to re-house a tenant who has given up, or wishes to give up, their tenancy may be made. by the Exceptional Circumstances Panel. Examples of cases where such an agreement might be appropriate are; elderly or unwell tenants struggling to maintain a tenancy, and needing a period of hospitalisation or respite care, or homeless applicants who successfully pursue a review of the suitability an allocation after accepting a property and moving in.</i> <i>In all such cases, when an application is received from a person to whom such a commitment has been made, and officers are assured that the applicant is ready and able to take up a permanent tenancy, the applicant will be awarded this band.</i>
4.3.10	Move On Schemes	Any application from a person awarded a Move-on category and who has been referred through the move-on scheme protocols from move-on projects or the move-on scheme for care-leavers

4.3.11		<p>Move on Scheme: Single Homeless Projects: <i>Applicants are awarded this category in accordance with protocols agreed between Oxford City Council and some voluntary sector hostels. Applicants must be ready to move to independent, permanent accommodation.</i></p> <p>Move on Scheme: Care Leavers <i>Applicants are awarded this category in accordance with protocols and agreed between Oxford City Council and Oxfordshire County Council Social and Community Services. Applicants must be former "Relevant Child" as defined by the Children (Leaving Care) Act 2002</i></p> <p><i>Officers with responsibility for these schemes must be assured by the involved professionals that the applicant is genuinely prepared for a move to secure independent housing, and that ongoing support is in place where needed, in accordance with agreed protocols for operating the schemes.</i></p>
4.3.12	Overcrowded Two Or More Bedrooms Short	Applicants that are two or more bedrooms short of their accommodation requirements
4.3.13		<i>See accommodation size matrix appendix 4</i>
4.3.14	Compound Needs	Any applicant who meets 2 or more categories in Band C

4.4	Band C – High Priority	
4.4.1	Statutory Homeless In Temporary Accommodation	Applicants to whom the Council has accepted a statutory homeless duty and placed in temporary accommodation
4.4.2		<i>This category is awarded to applicants to whom the Council owes a duty under Homelessness legislation. Temporary accommodation means accommodation supplied by, or on behalf of, Oxford City Council for the above applicants. It does not include people in Home Choice accommodation</i>
4.4.3	Exceptional circumstances panel High Priority Cases	Any applicant awarded a high priority award for special welfare or hardship needs by the Exceptional Circumstances Panel (harassment cases, high priority cases, welfare and hardship cases, multiple composite need cases not otherwise addressed through the scheme)
4.4.4		<i>See 4.11 on Exceptional Circumstances panel for more details</i>
4.4.5	Unsatisfactory Housing/ Lacking Facilities (Major)	Applicants living in accommodation that the Environmental Health department has assessed under the HHSRS and is deemed to have a category 1 hazard where the most satisfactory course of action is the service of an Improvement Notice,
4.4.6		<i>To be awarded this category, applicants will need a written confirmation from Oxford City Council's Environmental Health Service (or, when coming from out of area, their local authority's EHS) and that their current accommodation is deemed to have a category 1 hazard as assessed under the Housing Health and Safety Rating System (HHSRS) where the most satisfactory course of action is the service of an Improvement Notice.</i> <i>Applicants can also be awarded this category if they lack any of the following:</i> <ul style="list-style-type: none"> • <i>A bath and shower</i> • <i>A toilet</i> • <i>Cooking facilities</i> • <i>Running hot water supplies</i> • <i>Electric or gas needed for essential activities</i> • <i>Adequate heating</i> <i>Where any of the above are in dispute, the EHD will be asked to verify the adequacy of facilities in accordance with current legislation</i> <i>This award will be reviewed after three months</i>
4.4.7	Compound Needs	Any applicant who meets more than one category in Band D

4.5	Band D – Significant Housing Need	
4.5.1	Homeless	Applicants who are deemed to be homeless, but to whom the Council has not accepted a full homeless duty or whom the allocations team have accepted as of no fixed abode
4.5.2	Health And Disability – Significant Priority Award	Any applicants awarded a significant priority health award by the HAHA panel on the recommendation of a health professional through the health and housing assessment protocols
4.5.3		<i>See section 3.9 on Health and Housing for more details</i>
4.5.4	Overcrowded – 1 Room Short	Applicants that are one bedroom short of their accommodation requirements
4.5.5		<i>See accommodation size matrix appendix 4</i>
4.5.6	Lacking Facilities (Minor)	Applicants that lack a either a living room or a kitchen
4.5.7	Unsatisfactory Housing (Minor)	Applicants living in accommodation that the Environmental Health department has assessed under the HHSRS and is deemed to have a category 2 hazard where the most satisfactory course of action is the service of an Improvement Notice
4.5.8		<p><i>To be awarded this category, applicants will need a written confirmation from Oxford City Council's Environmental Health Service (or, when coming from out of area, their local authority's EHS) and that their current accommodation is deemed to have a category 2 hazard as assessed under the Housing Health and Safety Rating System (HHSRS) where the most satisfactory course of action is the service of an Improvement Notice</i></p> <p><i>Where any of the above are in dispute, the EHS will be asked to verify the adequacy of facilities in accordance with current legislation</i></p> <p><i>This award will be reviewed after three months</i></p>
4.5.9	Gender Overcrowding	<p>Applicants (or members of their household), where two people of the opposite sex have to sleep in the same room, and are not either:</p> <ul style="list-style-type: none"> • Married, or living together as if married, or • Both under ten years old

4.5.10		<p><i>This applies to permanent arrangements: ie, not to occasional visits. Where in doubt, verification should be sought on family arrangements. See section 3.2 on households with dependents.</i></p> <p><i>Where there is dispute as to whether 2 people are living together as if married, verification should be sought on living arrangements.</i></p>
4.5.11	<p>Significant Priority Award On Welfare Grounds ECP</p>	<p>Any Applicant who has been awarded significant priority through the Exceptional Circumstances Panel protocols including: applicants, or a member of their household who require settled accommodation due to vulnerabilities; applicants, or a member of their household, who need to move to a particular locality (where failure to do so would cause hardship to themselves or others, e.g. to give or receive care)</p>
4.5.12		<p><i>See section 4.11 on Exceptional Circumstances Panel and HAAA 3.9 for more details</i></p>

4.6	Band E – Identified Housing Need	
4.6.1	Insecure Tenancies	Applicants whose private rented sector landlord has commenced court possession proceedings against them
4.6.2		<p><i>This refers to applicants in private rented sector accommodation, where the applicant has an Assured Tenancy, an Assured Shorthold Tenancy, or a licence to occupy. It does not apply to Excluded Occupiers or short-term bare licences (eg lodgers, or those living with family or in hotel type accommodation).</i></p> <p><i>The landlord must have commenced legal possession proceedings against the applicant and have obtained a court order entitling her/him to regain possession. The fact that the landlord has served a Notice to Quit, has written a letter, or has a court date, are insufficient.</i></p> <p><i>Where the landlord is threatening an eviction without a court order, or not in accordance with the court order, the applicant will be referred to a Tenancy Relations Officer or other adviser to address the issues rather than being assessed for priority.</i></p> <p><i>Where the applicant has been illegally evicted, they should be treated as homeless, but should also be referred to a TRO or other adviser.</i></p>
4.6.3	Identified Housing Need Cases ECP	Any applicant awarded an identified housing need priority award by an officer, through the Exceptional Circumstances Panel protocols for health or welfare
4.6.4		<i>An Allocations Officer, following the Exceptional Circumstances Panel protocols can award this category.</i>
4.6.5	Identified Housing Need Award. Haha	Any applicant awarded an identified housing need priority award by an officer, through the Haha protocols for health or welfare
4.6.6		
4.6.7	Personal Circumstances	Children (aged under 10) living above the first floor without a lift
4.6.8		Applicants must have dependent children residing with them on a permanent basis for all, or part of, the week to qualify for this award see <i>section 3.2</i> on dependents for more details
4.7	Band F – No Priority	
4.7.1	Nil Priority	Applicants who do not fall into the above bands or who have been given a “nil priority award”

4.7.2		<i>Applicants with sufficient resources to secure alternative accommodation and applicants with deferred applications should also be awarded a Band F</i>
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4.8	Priority within bands	
4.8.1	Date Order	Once a home seeker has been placed within a band, they will be usually be prioritised according to the date they were put into that band. An exception will be made where applicants have decreased priority, ie they go down one or more bands, in which case they will retain their original application date.
4.8.2	Local Connection	Applicants who have no local connection should be assessed and placed in the appropriate band for their level of housing need. If applicants with local connection bid against applicants with no local connection in the same band, the applicant with local connection should be prioritised. .
4.8.3		<p><i>The 1996 Housing Act (Section 167(2A)(c) as amended by the Homelessness Act 2002) gives local housing authorities the power to take an applicant's local connection into account when determining additional priority within and between the particular groups of persons to whom they must give reasonable preference.</i></p> <p><i>Taking into consideration the high demand/ low availability housing situation in the city, and the high level of homeless households in temporary accommodation of all forms, Oxford City Council believes that it is imperative to give some measure of priority to all applicants who live or work within the city boundaries.</i></p> <p><i>Those applicants who work within the city boundaries, but do not live in the city, must work at least 16 hours per week to qualify. Proof of employment must be provided.</i></p> <p><i>Lodgers in Oxford City Council properties, which lie outside the city boundaries, are eligible for this award.</i></p>

4.9	Additional guidance	
4.9.1	Time Limited Priority	In certain cases, placement in a band will be time limited. For example: the Exceptional Circumstances Panel may decide to extend an award for a limited period. In all cases the applicant will be given a reasonable amount of time to bid for alternative accommodation, though the length of time will depend on the availability of accommodation needed by the applicant
4.9.2	Change Of Circumstances	If a applicant is moved into a different priority group due to a change in circumstances, their application should be considered to be effective from the date they were placed into the new band
4.9.3	Exceptional Circumstances Panel Awards	An award from the Exceptional Circumstances Panel cannot be compounded with another need to qualify for another band
4.9.4	Sanctions	Applicants may be penalised where the behaviour of a home seeker or a member of the home seeker's family fulfils the criteria described in <i>section 3.14</i> the Council may impose a penalty on the applicant Applicants at the top of the shortlist may sometimes not be made an offer of accommodation in accordance with <i>3.14</i>

4.10 Succession

4.10.1 Council Tenants

Succession is a right given under the Housing Act 1985, as amended by the Civil Partnership Act 2004. It refers to the right for secure tenants to pass on their tenancy to a spouse, civil partner or family member on the death of the tenant; or for assured tenants to pass their tenancy on to a spouse or civil partner.

The Law on Succession is as follows:

There is only one legal right to succession per tenancy.

Those entitled to succeed by law are:

- spouses and civil partners (secure and assured tenants)
- family relatives (including blood and step relatives, but not cousins)
- co-habiting opposite sex couples are regarded as family members
- co-habiting same sex couples, without a CP are not entitled to succeed by law

Furthermore:

- A spouse or civil partner must have occupied the property as their only or principal home at the time of the tenant's death.

- A family member must have resided with the tenant continuously for 12 months as their only or principal home before the tenant's death.
- There can only be one successor to a tenancy.
- A spouse or civil partner will usually take precedence over a family member where more than one person is entitled to succeed.

4.10.2 **Housing Association Tenants**

Housing Associations' tenants' right to succeed is laid down in the Housing Act 1988, and advice should be taken at the time.

All ORAH Tenants

If the tenant herself was a successor, there is no right to succeed.

A succession will also have been created by:

- A joint to sole tenancy
- An assignment to a person qualified to succeed

Mutual exchanges are not successions unless the tenant was a successor in relation to the tenancy being assigned by way of exchange (s88 (3) 1985 Act)

4.10.3 **Points to note on successions**

- a) Band A priority will be awarded to everyone who would have been entitled to a legal succession, but is not, because one previous succession has already taken place, by authorisation of the Tenancy Operations Manager or equivalent ORAH officer
- b) Civil partners are treated the same as spouses.
- c) The exceptional circumstances panel will consider the following: Unpaid carers; personal friends and lodgers who have lived with the tenant for at least 10 year's prior to the tenant's death, as their only, or principal, home. The exceptional circumstances panel will have discretion to award priority up to band A as they consider appropriate.
- d) Joint to sole tenancy counts as the one legal succession by law.
- e) "Policy successions" generally apply to people who would have been entitled to succeed but for the fact one legal succession has happened usually where a joint tenancy has become a sole tenancy

"Policy successions" are not successions in law, but new tenancies which bring their own rights of succession.

Legal successors, other than spouses or civil partners, can be asked to move to more appropriate accommodation where a succession results in the occupation which is more extensive than their needs, within the terms of the Council's

allocation scheme; or has significant adaptations for disabled persons which are not required by the successor.

If a legal successor refuses to move from the property, the Council will serve a Notice of Seeking Possession, between six and twelve months after the tenant's death, and the case will be referred to the County Court to make a decision on the future of the tenancy. (This does not apply to spouses and civil partners.)

Where a succession results in the successor occupying a property of the appropriate size for their needs, they will be allowed to remain as a tenant of that property.

A potential "policy successor" (persons potentially entitled to a new offer of accommodation through the Allocation Scheme) can be asked to move immediately to more appropriate accommodation where a "policy succession" would result in the occupation of a property which is more extensive than their needs; or has significant adaptations for disabled persons which are not required by the occupant. In this case if the "policy successor" refuses to move then the Council will serve a Notice to Quit on the tenant and will treat them as an unauthorised occupant.

4.11 Joint To Sole And Sole To Joint Tenancies

Oxford City Council Owned Properties

Joint to Sole

On receipt of written confirmation that one party wishes to end their interest in the tenancy, a new sole tenancy for the same property may be granted at the discretion of the Manager responsible for Allocations on the recommendation of the Tenancy Operations Manager. (The receipt of this confirmation will **not necessarily** lead to an automatic eviction of the other tenant)

Sole to Joint

On written application by the sole tenant and the proposed joint tenant, a new, joint, tenancy for the same property may be granted at the discretion of the Manager responsible for Allocations on the recommendation of the Tenancy Operations Manager. The decision will be confirmed in writing.

Other Properties Within The ORAH partnership

It is at the discretion of each landlord how they treat applications to transfer from either joint to sole, or sole to joint tenancies.

4.11 Exceptional Circumstances Panel Awards

The Exceptional Circumstances Panel can make priority awards over the range of bands'.

5.0 GENERAL PROVISIONS OF THE ALLOCATION SCHEME

5.1 Choice Of Area And Property Type

- General Register applicants who have not been accepted as statutorily homeless by Oxford City Council have free choice as to the areas and property types in which they would like to be housed. In some cases the Exceptional Circumstances Panel (see Section 4.11 of this document) may make an award of banding or priority conditional on the applicant concerned broadening or limiting their choice of areas and/or property types.
- General register applicants who have been accepted as statutorily homeless by Oxford City Council will normally be registered for all areas and all appropriate property types. Applicants who wish to limit their choices must provide proof of an over-riding need, to justify their request.
- Transfer Register applicants have free choice as to the areas and property types in which they would like to be housed. In some cases the Exceptional Circumstances Panel (see Section 4.11 of this document) may make an award of banding or priority conditional on the applicant concerned broadening or limiting their choice of areas and/or property types.

In all cases, limiting choice of area and/or property type is likely to increase the time spent waiting for an allocation of housing.

5.2 Change Of Circumstances

The Banding Scheme assesses an applicant's current housing circumstances. If there is a change in an applicant's circumstances such as a change of address, the birth of a child, or if anyone joins or leaves the household, these changes must be recorded on the application. Appropriate forms are provided for applicants to advise the council of any change of circumstance.

5.3 Re-Registration

Applicants on the General and Transfer Register will be sent a reminder each year. It is essential that they return this reminder to remain on the register. Failure to do so within 28 days of receiving the reminder will result in the application being cancelled. The applicant should be notified in writing that their application is now cancelled, and they have a right to have this decision reviewed.

5.4 Short List Positions For Chosen Areas

On request an applicant can be provided with details of where they stand in relation to other similar sized households for the areas they have chosen for re-housing. The wider their choice of areas the greater the prospect of a suitable vacancy arising if they are well placed. However, the applicant's shortlist positions are not their position in a fixed single file queue but only a 'snapshot' of a constantly changing situation from day to day. The reason for this is that

applicants are constantly changing their choice of area which results in a continual shifting of position up and down the area lists, and for the general and transfer register the fact that those with new circumstances or new cases with greater need as measured by the banding scheme can 'leapfrog' existing applicants.

5.5 One Offer Policy

The Council has a one-offer policy in accordance with current legislation. This means that if a Transfer or General (non-homeless) Register applicant refuses an offer of a suitable property (an "unreasonable refusal"), their application will be suspended for 12 months, and not considered for offers of housing in the interim period. Applicants have a right of review of any such decision (see Section 5.10)

Applicants who have been accepted as statutorily homeless by Oxford City Council are also subject to the one-offer policy. The consequences of unreasonable refusal of a suitable allocation in such cases is the review of the case, with a view to ending of the homelessness duty on the part of Oxford City Council under s193 (5) of the 1996 Act. Applicants in this position will be asked to leave their temporary accommodation, and will usually need to find their own accommodation. Homeless applicants have a right to review of the suitability of an allocation, under the homelessness legislation. (See section 5.10 of this document for further details of the review process).

In cases where an applicant with Decant or Succession status' refuses a reasonable offer, the case will be referred to the Senior Manager to review the case with a view to taking appropriate legal action.

Applicants who are registered for the Removals Expenses Scheme, and have an application category of REMS, are excluded from the one offer policy, and will not be suspended for refusing a reasonable offer.

Applicants who have a 4 bedroom need can request to be considered for 3 bedroom parlour type houses, (dependant on age, sex and number of children – see section 5.6) which have a separate lounge and dining room. If families in this situation are offered a 3-bedroom property of this type and subsequently refuse it, the refusal is deemed to be reasonable but no further offer of this type of property will be made.

5.6 Property Size

The size of property normally allocated is determined by the make-up of the household, and the rules governing bedroom usage. Applicants' individual circumstances, such as the need for a residential carer, under-occupation, or the need for a couple to have separate bedrooms may mean that some applicants are allocated non-standard sized homes. Some property types are subject to specific letting restrictions which may also result in non-standard allocations (see Section 5.8 of this document).

Appendix 4 gives a general indication of property size likely to be offered in relation to household make-up.

5.7 Offers

Officers generate shortlists of eligible applicants for specific vacant properties by use of the HMIS computer system. The initial decision as to whether the property is to be offered to a statutorily homeless household, General Register (non-homeless) household, or a household on the Transfer Register is made on the basis of the Allocations Percentages in force at the time (see Section 1.1 of this document).

Restrictions are applied during this process which filter out any applicant who has, for example, not chosen to be considered for properties in the area, or of the type concerned, or have specific requirements which do not match the property in question (such as a need for ground floor accommodation only, where the property is above ground level).

Officers investigate whether or not the property matches all the needs of the applicant in first place on the resulting shortlist. There may, for example, be good reason not to offer an otherwise suitable property to an applicant because health advice has been received that the applicant needs a property in a quiet location, and the property on offer is adjacent to a major road – such issues cannot be catered for in the generation of the shortlist.

If the property does match the needs of the applicant, an offer is made in writing, using standard letters generated from the HMIS system. If it can be demonstrated that the property does not match the needs of the applicant, then this is recorded, and the decision verified by a senior officer. The allocating officer then proceeds to investigate the suitability of the property for the next applicant on the list, and the process continues until a suitable match is found.

The suitable applicant will be contacted by letter, although in addition, contact may also be made in person, or by phone.

In some cases, an offer may be made at an early stage in the allocation process, and as such only the property type and area will be identified. In such cases, should an applicant be interested in the accommodation, a full offer will be made giving the address of the property.

All offer letters will ask that the applicant respond to the letter within period of time, not less than a minimum of 3 days, should they not do so, this may be determined as a refusal of the offer.

All applicants will be advised, by letter, how to contact the relevant person, usually the Estate Manager, to arrange an accompanied viewing of the property.

5.8 Other Restrictions

Section 167(2E) of the Housing Act 1996 (as amended by the Homelessness Act 2002) gives local housing authorities the power to frame their allocations schemes to contain provision about the allocation of particular housing accommodation to persons of a particular description, whether or not they fall within the reasonable

preference groups listed at section 1.1 of this document. This section refers to such provision.

Some types of properties are suitable for a limited range of applicants, due to their specialised nature – for example, sheltered accommodation which benefits from a warden service, and properties with specific adaptations for physical disability. In such cases, additional restrictions are applied at the time of generating the shortlist for an available property.

Restrictions will also be applied to select the appropriate applicant to a property in a number of other cases. These include restrictions relating to mobility; number of household members (excluding applicant(s)); and age.

The property types affected by additional restrictions are listed below, together with details of the particular restrictions applied.

- Non-sheltered accommodation designated as particularly suitable for persons over 40 years of age. This falls into two sub categories:
 - a) Properties connected to a communal group alarm scheme. Such properties are restricted to tenants over 40 with a demonstrable need for the support provided by the mobile warden service and/or other support providers, and as assessed under the Supporting People Quality Assessment Framework.
 - b) Other properties designated as particularly suitable for the over 40's on the basis of their location, ease of access, proximity to local services, etc. These properties are restricted to applicants over 40 years of age.
 - c) Sheltered accommodation. This property type is generally restricted to applicants over 60 years of age. In some cases, younger applicants with a need for support (e.g. severely physically disabled applicants) may be allocated sheltered properties if officers consider that this is the most suitable accommodation available, following an assessment under the Supporting People Quality Assessment Framework. Applicants over 55 years of age will be prioritised over applicants over 50 years of age, in such cases. (In the case of Joint Applicants, it is sufficient for one applicant to meet the age threshold only.)
- Mixed Blocks of family accommodation and non-family elderly designated accommodation. Two-bed units are offered, in the first instance, to older (initially over 55, then over 50) couples where they are "trading down" from larger accommodation, or where there is a medical recommendation for a second bedroom, secondly to single applicants trading down from 3 bedroom property or larger. Should there be no suitable applicants in either of the above categories, such properties will be offered to families with children over the age of fourteen, and then to any family of suitable size, regardless of the age of the children. The purpose of this policy is to

provide a mix of tenants, which is less likely to cause inter-generational conflict, where this is possible without causing undue delay in letting available properties.

- Accommodation particularly suitable for disabled applicants. Properties in this category are let to those applicants who have a demonstrable need for the adaptations in question. Officers consult with health professionals and Community Occupational Therapists in determining the suitability of applicants.
- Ground floor accommodation. Applicants with a specific need for ground floor accommodation (verified by a Health and Housing Assessment) are given priority.
- Riverside Court. This block is designated for single applicants below the age of 55 with a demonstrable need for support.
- No applications including children are eligible for Sheltered Accommodation or Riverside Court.
- In certain circumstances, where a vacant property is hard to let, and with the authorisation of the Senior Manager responsible for Allocations, the restrictions used may be amended in order to produce a shortlist of suitable applicants and occupy a specific property.

5.8.1 Local Lettings Plans

In addition, the council may, from time to time, develop Local Lettings Plans for specific blocks or areas, or for new developments of social housing, in order to develop balanced and sustainable communities. Such plans will be ancillary to the main Allocation Scheme, and will in all cases be approved by a meeting of the Executive Board, and be made available for members of the public, in line with the requirements for provision of information detailed in Section 1.2 of this document.

These plans will generally be expected to be part of a wider action plan to address the issues in that locality. Local Lettings Plans are designed to be time-limited and will be monitored by officers, particularly to ensure that reasonable preference, overall, is still given to those applicants in the reasonable preference categories, and that the plans do not discriminate, directly or indirectly, on racial or other equality grounds.

5.9 Resulting Refusals of Accommodation

If an offer of accommodation is refused, the Allocations Officer must decide whether it is a reasonable refusal or unreasonable refusal – see refusals matrix (Appendix 3).

This decision will be notified to the applicant, in writing, clearly stating the reason that has been given for the refusal, and the basis on which the decision has been made. It will also give the applicant information concerning the right to a review of

the decision.

5.10 Review of Allocations Decisions

An applicant has the right to request an internal review of any decision taken that:

1. They, or a member of their household, have been guilty of unacceptable behaviour serious enough, in the circumstances, and at the time the application is considered, to make them unsuitable as a tenant and that in virtue of that behaviour they are not to be given reasonable preference for an allocation of housing.
 2. They, or a member of their household, have been guilty of unacceptable behaviour serious enough, in the circumstances, and at the time the application is considered, to make them unsuitable to be a tenant and that they are, by virtue of that behaviour, ineligible for an allocation
 3. They are ineligible for an allocation by virtue of being a person subject to immigration control who is ineligible for a housing allocation.
- Where an authority decides an applicant is ineligible, by reason of their immigration status or serious unacceptable behaviour, it must notify them of the decision and grounds for it in writing.

In abolishing Section 165 of the 1996 Housing Act, the Homelessness Act 2002 removed the basis for any regulations to be made in regard to internal reviews for allocations decisions, and no new provision was made for regulations governing the conduct of internal allocations reviews.

This means that there is no appeal to the County Court against allocations decisions but challenges can still be mounted by way of Judicial Review. The Council will still need, therefore, to establish that its decisions are fair and reasonable.

The Council will therefore permit voluntary reviews (going beyond the statutory right to review) of any adverse allocations decision. This includes decisions that a refusal of an offer of a permanent allocation of housing is unreasonable. The courts would generally expect such an internal review to be followed before an applicant could mount a Judicial Review challenge to a decision.

The following procedures will therefore be followed:

1. 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 will be passes to another officer to review.
2. The Housing reviewing officer must not be the same officer that made the original allocations decision and should be senior to the original decision maker, and not be a party to the original decision.
3. A request for a review must be made, in writing, within 21 days of the date that the applicant is notified of the Council's decision

4. The review must be considered on the basis of policy, law and known fact at the date of review.
5. Reviews should be completed wherever practicable within a 56-day time limit.
6. The applicant should be notified that s/he, or a representative acting on their behalf, may make representations in writing in connection to the review.
7. The applicant will be asked for any further information needed in order for the assessment to be completed.
8. Any adverse material must be put to the applicant for their comment.
9. Where the review decision is against the applicant, they must be notified in writing with reasons for the decision.

Note that an applicant who has been accepted as statutorily homeless by Oxford City Council under Section 193 of the 1996 Housing Act, as amended, can request a review of the suitability of an offer of a permanent allocation of housing (whether or not they have accepted that offer) but that this is by virtue of Part VII of the 1996 Act and so the review procedures in Part III of the 'Allocation of Housing & Homelessness (Review Procedures) Regulations 1999' must be followed; in other words treated as a Homelessness review. Details of these arrangements are available on request.

5.11 Offences

It is an offence under Section 171 of the 1996 Housing Act, for anyone seeking assistance from a local authority under Part VI of the 1996 Housing Act to:

- knowingly or recklessly give false information to the authority; or to
- knowingly withhold information, which the authority has reasonably required them to give in connection with the exercise of their function under Part VI, 1996 Housing Act.

A person found guilty of an offence under the above section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Applicants who obtain a tenancy by means of a false statement made knowingly or recklessly can have action taken against their tenancy under Clause 5 of Schedule 2 to the Housing Act 1985. Applicants are required to sign a declaration prior to the granting of a tenancy, to the effect that their circumstances are those recorded in their application.

5.12 Mutual Exchanges

Under the provisions of the 1985 Housing Act (Part IV, Section 92, subsections 2 & 2A as amended), secure tenants of local housing authorities have the right to mutually exchange tenancies with other secure tenants, including secure tenants of different authorities, and with assured tenants of most Registered Social Landlords. Multiple exchanges where true mutuality does not exist (for example, where three tenants wish to move, A to B, B to C, and C to A) are specifically

allowed by this legislation.

Oxford City Council encourages the use of this facility by our tenants and those of other local authorities and Registered Social Landlords, as a viable method of meeting housing aspirations in an area of high demand and low availability, and as a means of facilitating geographical mobility. The council currently manages the mutual exchange process by means of a computerised Mutual Exchange Register, which includes a facility enabling officers to match applicants to suitable exchange partners. This system may be upgraded or replaced from time to time, in order to provide enhanced levels of service to applicants. Any significant changes will be publicised to encourage greater use of the system.

Applications for mutual exchange of tenancies may not be unreasonably refused, and in any case will be deemed to be acceptable if the landlord does not specify a Ground for refusal within 42 days.

Grounds for refusal of a request for mutual exchange are specified at Schedule 3 of the 1985 Housing Act. The grounds relate to possession proceedings and possession orders, property size, service tenancies and accommodation within non-housing properties and cemeteries, properties adapted for persons with physical disabilities and other special needs housing, and a request may not be refused except in relation to one or more of these grounds.

In cases where rent due from the tenant has not been paid, or an obligation of the tenancy has been broken or not performed, consent to an exchange may be given subject to a condition requiring the tenant to repay the rent, remedy the breach, or perform the obligation. Oxford City Council will usually attach such a condition in cases of rent arrears, and in no way fetters its discretion to apply such conditions for other breaches of tenancy. No other condition may be attached to a consent for mutual exchange.

Oxford City Council will usually deny consent to any exchange which leads to an increase in overcrowding in either property, or to under occupation by more than one bedroom, in line with the specified Grounds.

It is an abuse of the legislation for tenants to pay or receive payment in relation to securing a mutual exchange, and any such transaction may lead to legal action on the part of Oxford City Council to gain vacant possession of the council properties involved, under the provisions of the 1985 Housing Act (Section 84 and Schedule 2, Ground 8)

5.13 Diversity And Equality Issues

Statistical records by ethnic origin, gender and disability of those applying for and being allocated housing are essential for a proper examination of allocations systems, to enable analysis in terms of the type, age, location and quality of accommodation applied for and subsequently obtained.

Such monitoring will demonstrate whether housing resources are distributed according to need, and will highlight any inequality in the

allocation of particular property types, or within particular areas of the city.

Such information is collated on an anonymous basis from data recorded on housing application forms.

Records are to be kept and monitored of the entire allocation process. The purpose is to identify how different groups are receiving and taking up offers and also highlighting the quality and type of accommodation. This information will also provide an indication of the length of time people wait, the extent to which area choice is fulfilled, patterns of offers made to different applicants and patterns of refusals.

Diversity and equality monitoring is by self-assessment by the applicant as part of the application process. This includes disability and does not necessarily mean that the applicant will be considered for accommodation suitable for disabled people. Such property is only allocated on the recommendation of the council's Health Assessment Panel or the Community Occupational Therapist.

Appendix 1 – Classes Of Person Ineligible For An Allocation Of Housing By Reason Of Their Immigration Status

The following classes of persons are not eligible for an allocation of housing by reason of their Immigration status or lack of habitual residence, unless they are already a secure or introductory tenant of a housing authority, or an assured tenant of accommodation allocated to them by a housing authority.

- a) A person registered with the Home Office as an asylum seeker.
- b) A visitor to this country (including an overseas student) who has limited leave to enter or remain in the UK granted on the basis that he or she will not have recourse to public funds.
- c) A person who has a valid leave to enter or remain in the UK which includes a condition that there shall be no recourse to public funds.
- d) A person who has a valid leave to enter or remain in the UK which carries no limitation or condition and who is not habitually resident in the Common Travel Area.
- e) A sponsored person who has been in this country less than five years (from date of entry or date of sponsorship, whichever is the latest) and whose sponsor(s) is still alive.
- f) A person who is a national of a non-European Economic Area (EEA) country that is a signatory to the European Convention on Social and Medical Assistance (ECSMA) and/or the European Social Charter (ESC) but has ratified neither.
- g) A person whom is a national of a non-EEA country that has ratified the ECSMA and/or the ESC but is not lawfully present in the UK (i.e. does not have leave to enter or remain or is an asylum seeker with temporary admission) and/or is not habitually resident in the Common Travel Area.
- h) A person who is in the United Kingdom illegally, or who has overstayed his/her leave.

The Secretary of State may make regulations which allow allocations to be made to prescribed classes of persons subject to immigration control within the meaning of the Asylum and Immigration Act 1996, but such prescribed classes of persons shall not include any person who is excluded from housing benefit by Section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits).

Further information and assistance on these matters is available on request.

Appendix 2 – Officer Roles In Relation To The Allocation Of Housing And Associated Processes

i) General. The power to operate the Allocation Scheme is a power delegated to the Strategic Directors under Part 3, Section 7 of Oxford City Council's Constitution.

ii) Under Part 3 of the Constitution, the Strategic Directors may delegate some or all of their powers to other officers in order that the relevant area of work be carried out. In respect of the Allocation Scheme, the Directors have delegated all powers to the Housing Services Business Manager. Officers of the Housing Services Business Unit are further delegated to operate certain functions, as follows:

Officer Roles and Responsibilities

Officer Designation	Role and Responsibilities
Allocations / Options Assistant	<ul style="list-style-type: none"> a) Provision of advice and assistance in accessing appropriate accommodation for all applicants. b) Inputting data relating to individual applications onto the HMIS computer system. c) Answering general queries by telephone, in writing, and in person. d) Verification of documents relating to applications for housing. e) Home visits to applicants for housing.
Allocations / Options Officer	<ul style="list-style-type: none"> a) Assessment of incoming applications, including application forms and any additional material, carrying out home visits, verification, and any additional investigations required to ensure that those applications truthfully reflect the housing situation of the applicants concerned, and to determine eligibility for an allocation of housing in respect of immigration or residence status. b) Drawing up shortlists for allocations of housing, and nominations to Housing Association properties, investigation of suitability of shortlisted applicants for such allocations and nominations, and ensuring that the most suitable allocation or nomination is made, in line with policy. c) Provision of general housing advice and assistance to applicants, including signposting and referral to internal and external sources of further advice and assistance, and home visits to applicants. d) Initial determination of the reasonableness or otherwise of a refusal of an allocation of

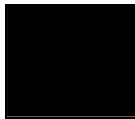
	<p>housing/nomination to a housing association property.</p> <p>e) Answering general queries by telephone, in writing, and in person.</p>
Allocations Manager	<p>a) Checking paperwork relating to all allocations and nominations, to ensure that correct procedure has been followed, and authorising offers and nominations, including decisions as to the reasonableness or otherwise of an allocation or nomination.</p> <p>b) Monitoring allocations and nominations to ensure that the correct percentage of lettings are made to each re-housing list, in accordance with the allocations percentages set by Oxford City Council.</p> <p>c) Decisions as to whether or not an applicant is eligible for an allocation of housing in light of previous unacceptable behaviour (including outstanding rent arrears).</p> <p>d) Decisions as to whether or not an applicant shall be given a reduced priority, in light of previous unacceptable behaviour (including outstanding rent arrears), or in light of their financial resources.</p> <p>e) Decisions relating to the authorisation of “like-to-like transfers, outside the Allocations Scheme, in sheltered accommodation and other schemes.</p> <p>f) Authorisation of over-riding categories to applications where:</p> <ol style="list-style-type: none"> a. a previous commitment to rehouse has been made by the exceptional circumstances panel, & b. in cases where a status of permanent or temporary decant is required to facilitate works to the applicants home.
Principal Housing Facilitator	<p>a) Responsible for carrying out all internal reviews of allocations decisions.</p> <p>b) Advice and assistance to all officers in respect of technical, policy, or other matters which may affect the progress of an application, including decisions regarding eligibility or the lack of it, for whatever reason.</p>
Exceptional Circumstances Panel	<p>Responsible for review of cases in which circumstances not dealt with by the Banding Scheme may have an impact on an applicant’s housing need, and the award of additional banding, over-riding category, or other condition or restriction, as appropriate to reflect the</p>

	<p>applicant's situation.</p> <p>N.B. The panel does not have a fixed membership, but will be drawn from officers within the Housing Services Business Unit and partner RSLs, who have sufficient knowledge and experience to contribute to the Panel's effectiveness. The panel will comprise of a minimum of three persons, including two managers. Officers referring cases to the panel will make representations on behalf of the applicant in question, but may not sit on the Panel for cases they have referred to it.</p>
Housing Needs Manager	As for Allocations Manager (usually in that officer's absence).
Options Manager	As for Allocations Manager (usually in that officer's absence).
Business Manager	<p>i) Resolution of disputes between officers regarding interpretation of the Allocations Scheme and decisions arising from that interpretation.</p> <p>ii) award of Urgent over-riding status in cases which fall outside the remit of the Exceptional Circumstances Panel.</p>
Tenancy Operations Manger, Area Housing Managers & Area Housing Team Leaders	Approval and counter signature of submissions to the Exceptional Circumstances Panel, and Health & Housing Assessment Forms.
Furnished Tenancy Officer	Responsibility for administering cases under the Removals Expenses Scheme.
Estate Managers	Approval, inspections, and tenancy changes relating to requests for Mutual Exchange of Tenancies. The recommendation to award a SUCC status to a Transfer applicant, and home visits to some transfer cases.
Mobile Wardens	Home visits for all applications for sheltered housing, at application and offer stages of the allocation process.
Environmental Health Officers	Assessment of disrepair, and award of banding for housing condition, where requested by an applicant.
Customer Service Officers	General advice, and verification of documents provided by applicants.

Appendix 3 – Refusal Matrix

Reasons	Comparison with current accommodation	Aspirational reasons	Need for Support	Ability to Cope	Victim of Harassment	Health/ Disability
Area						
Floor Level						
Location						
Facilities						
Features						
Property Type						
Condition of Property						

Unreasonable Refusal



Marginal Refusal



Reasonable Refusal



Accommodation size guide

	Bedsit/ Studio	1 bedroom	2 bedroom	3 bedroom	3 bedroom 'parlour' house	4 bedroom	5 bedroom	6+ bedroom
Single Person	X	X						
Couple		X						
Applicant(s) & one dependant			X					
Applicant(s) & two dependants of same gender if there is more than a 15 year age gap				X				
Applicant(s) & two dependants of same gender with less than a 15 year age gap			X	X				
Applicant(s) & two dependants of different genders if both are under 5			X	X				
Applicant(s) & two dependants of different gender if one is over 5				X				
Applicant(s) with three dependants *				X	X			
Applicant(s) with four dependants *					X	X		
Applicant(s) five dependants *						X	X	
Applicant(s) with 6 dependants *						X	X	
Applicant(s) with 7+ dependants *							X	X

* dependant on age and gender of dependants