

**EAST DEVON DISTRICT COUNCIL**

**HOUSING ALLOCATION POLICY**

**CHOICE BASED LETTINGS**

**24<sup>th</sup> FEBRUARY 2006**

# HOUSING ALLOCATION POLICY – CHOICE BASED LETTINGS

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# HOUSING ALLOCATION POLICY – CHOICE BASED LETTINGS

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## **PART A – Overview of the Housing Allocation Policy**

### **Introduction**

- 1.1 The Housing Act 1996, as amended by the Homelessness Act 2002, and informed by the Code of Guidance for local housing authorities on the Allocation of Accommodation (November 2002), places a range of duties and legal obligations on local housing authorities, including having a scheme for the letting or allocation of council housing. The Allocation Policy should give priority to specified categories of applicant and give choice or the opportunity for applicants to express preferences regarding their accommodation.
- 1.2 East Devon District Council has adopted an Allocation Policy based on the principles of giving applicants for housing choice over where they live. This scheme is known as Choice Based Lettings, and is designed to provide choice wherever possible, while continuing to meet housing need, ensuring sustainable tenancies, and building settled and stable communities.
- 1.3 The aims of this policy are to:
  - Provide a fair, transparent, and understandable system;
  - Develop an applicant centred approach that enables households to be proactive in addressing their own housing requirements;
  - Make better use of the housing stock;
  - To contribute to the prevention of homelessness;
  - Improve the efficiency in allocations, nominations, and lettings;
  - Meet the needs of vulnerable households;
  - Help create sustainable communities and community cohesion.
- 1.4 The principles of this adopted Choice Based Lettings scheme rely upon :
  - Applicant initiative;
  - Meeting the needs of vulnerable groups, including homeless households;
  - Good quality communications;
  - Good property, housing market, and neighbourhood information;
  - Applying property labelling and selection criteria;
  - Effective information, advice and support.
- 1.5 In devising the Allocation Policy the Council has considered and followed advice contained in the Office of the Deputy Prime Minister's (ODPM) documents - Allocation of Accommodation code of guidance for local housing authorities (November 2002), Piloting Choice Based Lettings - An Evaluation (May 2004), Implementing and Developing Choice Based Lettings - A guide to key issues (March 2005), and the views of our partners and stakeholders.
- 1.6 We have tried to reconcile housing choice and housing need in devising this Allocation Policy and followed ODPM advice, which suggests that the statutory framework is sufficiently flexible to offer housing applicants a choice of accommodation, while continuing to give reasonable preference to those with the most urgent housing need.

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- 1.7 Following ODPM advice we have simplified the prioritisation of applicants and introduced a banding system to reflect different levels of housing need, and within the bands applicants are prioritised by their length of time on the Housing Register. The Choice Based Lettings process is outlined in a flowchart shown in **Annexe 1**.
- 1.8 In devising this Allocation Policy we have tried to ensure that reasonable preference in the allocation of housing goes to the following groups, consistent with Section 167 (2) of the Housing Act 1996 :
- People who are homeless;
  - People owed a homeless duty and occupying temporary accommodation;
  - People occupying insanitary, or overcrowded housing, or otherwise living in unsatisfactory housing;
  - People who need to move on medical or welfare grounds; and
  - People who need to move to a particular locality in the district where failure to do so would cause hardship.
- 1.9 We also give reasonable preference to people who are victims of domestic violence, racial or sexual harassment. We will try to assist witnesses or victims of crime, subject to the availability of suitable accommodation.

### **Eligibility and qualification**

- 2.1 Applicants for housing or those seeking a transfer to alternative accommodation, who are eligible to register on the Housing Register, and who are qualifying persons, will be accepted onto the East Devon Housing Register.
- 2.2 All allocations of Council owned homes and nominations to Registered Social Landlords homes will be to applicants who appear on the Housing Register.
- 2.3 An allocation is defined as selecting a person to be a secure tenant of the Council or nominating a person to be an assured tenant of a Registered Social Landlord or another Council.
- 2.4 The housing Allocation Policy also covers transfers between Council and Registered Social Landlord properties, but does not cover mutual exchanges.

### **Getting onto the Housing Register**

- 3.1 Applicants for housing and existing tenants wanting to move home will be required to complete a Housing Register application form which captures basic details of their housing circumstances. At this stage a decision will be taken whether or not to place the applicant on the Housing Register.
- 3.2 Any applicant refused registration will be given a written explanation of the reasons why their application was refused. If the applicant disagrees with the decision they have the right to request a review of this decision, within 21 days of receipt, which will be considered by the Housing Needs Manager.
- 3.3 Who will go onto the Housing Register. The household will normally include you and your partner and dependents living in the household.

### **Deciding the priority of applicants on the Housing Register**

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- 4.1 Applicants and tenants who are on the Housing Register will be placed in one of three different bandings, which reflect the applicant's degree of housing need. Applicants and tenants within the same banding will be prioritised according to the length of time on the register or former priority transfer list. Special local connection rules apply when prioritising applicants.
- 4.2 In order to meet government targets and our Housing Strategy aspirations of not keeping families in Bed and Breakfast accommodation for more than 6 weeks, or in other emergency situations, it may be necessary to allocate a property direct to a homeless applicant. These are called excluded properties. Please see page 17 for further details and the other categories of people who may also receive an offer of a property which has not been advertised.
- 4.3 Once an applicant has been accepted onto the Housing Register, the following decisions will be taken based on the information provided by the tenant or applicant:
- Which "banding" the applicant should be placed in.
  - Whether to seek further information from the applicant so that their case can be presented to the Social and Medical Rehousing advisors, who will recommend which category the applicant should be placed in. Advice may also be sought from other relevant agencies.
  - The application date.
  - The size of home the applicant can apply for.
  - Local connection.
- 4.4 Once a decision has been recorded the applicant will be informed of the "banding" their application has been placed in and the date that their application was registered.
- 4.5 Applicants have the right to request a review of their "banding" decision within 21 days of notification.

### 5. **Putting applicants into the relevant categories**

The three bandings of registration and priority card for Housing Register applicants and tenants seeking a transfer to alternative accommodation are as follows:

- Priority card : Very urgent need to move.
- Gold Banding: Urgent need to move.
- Silver Banding: Needing to move.
- Bronze Banding: Wanting to move.

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5.1 The categories are defined as follows:

### Priority Cards

Applicants will be given a “priority” card if their need for housing is assessed as so urgent that they should take priority over all other applicants. This decision will be taken by the Housing Needs Manager in consultation with a Senior Officer of a relevant partner organisation, where appropriate and necessary.

The use of priority cards will be strictly controlled and if the priority card is not used within three months the applicant’s need for a priority card will be reviewed.

Applicants with a priority card will be placed in the gold band and will be notified of suitable properties available. Priority card applicants can apply for properties available within any of the three bands.

Below are some examples of the type of situations which would qualify for a priority card:

- Very urgent need to move on welfare/medical and/or economic grounds.

Examples of this ground would include the following:

- An applicant’s present home is regarded as unsuitable on discharge from hospital. Likewise admission to hospital or a residential home could be prevented by a move.
- Serious matters of a social welfare nature requiring a move.
- Serious financial circumstances requiring a move.
- Emergency move in accordance with the provisions of the Housing Act 1996 – Part VII (as amended by the Homelessness Act 2002).
- Any other specific emergency situation e.g. major structural defects, fire damage, flooding, or serious estate management issues.

### 5.2 Gold Banding

You will be placed in the gold band if you meet one of the criteria set out below. No additional priority will be given to applicants who fall into more than one of the criteria mentioned.

East Devon District Council applicants only:

1. The applicant is threatened with homelessness and in priority need and eligible for assistance within the meaning of Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002).
2. The applicant’s home is unfit for human habitation or in serious disrepair, and is substantially affecting their living conditions.
3. The applicant is living in temporary or insecure accommodation.

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4. The applicant's home is lacking essential facilities.
5. The applicant has high priority due to welfare, medical or economic circumstances which are being affected by their housing, and which re-housing would improve or alleviate.
6. The applicant is sharing essential facilities with other households.
7. The applicant holds an Assured Shorthold tenancy, and is threatened with homelessness, and is in priority need.
8. The applicant's household is split or separated because there is no suitable accommodation they can all occupy together.
9. The applicant is eligible for and wishes to move into sheltered accommodation.
10. The applicant has been referred for rehousing by the Agricultural Dwelling House Advisory Committee in accordance with the Rent Act 1976.
11. The applicant has been designated by the Council as an essential worker (provides an essential local service) and is unable to secure alternative settled housing within easy reach of their workplace.
12. The applicant's household is overcrowding their home.
13. The applicant has a need to move to a particular locality within the district and failure to meet that need would cause hardship to themselves or others.

East Devon District Council tenants or partner RSL tenants joining the Housing Register will be in urgent housing need if they fall into one or more of the following categories:

14. The tenant has welfare, medical or economic circumstances which are being affected by their housing and which are best improved or resolved by re-housing.
15. The tenant wishes to return to a designated parish where they have a local connection.
16. The tenant's household is split or separated because there is no suitable accommodation they can occupy together.
17. The tenant is eligible for and wishes to move into sheltered accommodation.
18. The tenant's household is overcrowding their home.
19. The tenant's household is under-occupying their home.
20. The tenant has dependant children and is living in a flat.
21. The tenant is living in a designated isolated area (see **Annexe 2**) and wishes to live in a different parish and has serious welfare, medical and/or economic reasons for a move.
22. The tenant has a need to move to a particular locality within the district and failure to meet that need would cause hardship to themselves or others.

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### 5.3 Silver Banding

You will be placed in the silver band if you meet one of the following criteria.

East Devon District Council applicants only where:

1. The applicant is homeless or threatened with homelessness but is defined as “non-priority” in accordance with Section 189 of the Housing Act 1996 (as amended by the Homelessness Act 2002).
2. Referral under Section.193 of Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002. (to this Council by another local authority).
3. Medium priority medical, welfare grounds.
4. Households sharing essential facilities with extended family members.
5. Poor accessibility e.g. needing to pass through other tenants/owners accommodation to access the garden etc.
6. Physical defects in property e.g.
  - dampness;
  - lack of natural lighting;
  - drainage;
  - water supply.
7. Applicant is resident in a caravan under 22ft in length

East Devon District Council tenants or partner RSL tenants joining the Housing Register will be in housing need if they fall into one or more of the following categories:

- The applicant is homeless or threatened with homelessness but does not have a priority need covered by Section 189 of the Housing Act 1996 (as amended by the Homelessness Act 2002).
- Medium priority on medical and/or welfare grounds.
- Poor accessibility e.g. needing to pass through other tenants/owners accommodation to access the garden etc.

### 5.4 Bronze Banding

Applicants and tenants who do not demonstrate any element of housing need but who have a genuine reason to move to East Devon will be placed into the “Bronze” category.

Applicants who qualify to appear on the Housing Register and are in housing need may be allocated into this category, if they have the ability to secure their own accommodation in the private sector. This is also applicable to persons considered to be intentionally homeless.

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### Letting Vacant Properties

- 6.1 Properties unless excluded, will not be advertised, but the top 20 applicants with the longest time on the Housing Register for the band to which the property is identified plus priority card applicants, will be invited to apply to rent the property. In selecting applicants to apply regard is also had to the applicant's choice of area, local connection, and their need for a property of a particular size. This process is considered to be more desirable than advertising vacancies to all applicants because it will only involve those applicants who have a realistic chance of rehousing. Excluded properties will be dealt with separately, see page 17.
- 6.2 Details of the subsequent letting will be announced through the Council's website, local offices, Parish notice boards, libraries, etc. This will enable Housing Register applicants to monitor lettings. Unsuccessful applicants that were invited to apply will be informed in writing that their application has not been successful. Feedback will also be given on those properties excluded from Choice Based Lettings.
- 6.3 Unless there is limited local demand, we may give priority to those with local residential connection links for vacancies in towns/villages. The local connection criteria devised is as detailed in **Annexe 3**.
- 6.4 The process which will be followed in letting vacant properties, with the exception of the excluded properties, is as set out below:
- The property is allocated a banding.
- The property is labelled.
  - The 20 applicants with the longest time on the Housing Register for the band to which the property is allocated, having regard to their chosen area, and need for the size of property, will be invited to apply. Applicants can then apply in writing; email to apply on-line by telephone; or in person.
  - Applicants are given 7 days to express their interest and apply for a property.
  - Applications are shortlisted, sorted and the applicant with the longest time on the register is identified as the successful applicant, unless a priority card is used by an applicant. If two priority card applicants are made then priority will be defined by the date of first registration on the Housing Register.
  - The applicant's eligibility is verified.
  - The property is offered; and an accompanied viewing will be offered to the successful applicants.
  - Details of the letting are announced on the Council's website, Council and Parish Council notice boards. This feedback on allocations will be undertaken every four weeks.
- 6.5 Properties provided through the rural exceptions site policy or under some planning agreements will have specific lettings requirements, which normally restrict lettings to applicants from the parish or surrounding parishes. Any such requirements will be complied with when identifying new tenants.

# HOUSING ALLOCATION POLICY – CHOICE BASED LETTINGS

## PART B – The Housing Allocation Scheme in Detail

This section provides greater detail on how the Allocations Policy will operate in practice.

### Eligibility for inclusion on the Housing Register

7.1 Applicants for housing will be accepted onto the East Devon Housing Register if they are aged 16 years or over and are a qualifying person. If accommodation is offered to persons between the ages of 16 years and 18 years it will be necessary for a guarantor to underwrite the tenancy obligations and the Council will explain what this means when a young applicant goes on the Housing Register.

### Qualifying Persons

8.1 Qualifying persons include all persons with a local connection ( i.e. 6 months residency in the district), over the age of 16 years, whom the Council is satisfied are homeless or threatened with homelessness (i.e. within 28 days) in priority or non-priority need. Those considered to be intentionally homeless are only eligible for inclusion within the Bronze band.

8.2 Applicants are **not** qualifying persons if they are in one of these groups:

- Anyone who is subject to immigration control within the meaning of the Asylum and Immigration Act 1996, unless they fall into a category defined by the Secretary of State for the Environment.
- Anyone who the Secretary of State for the Environment defines as falling into a non-qualifying category.
- The applicant has been guilty of unacceptable behaviour and, that behaviour is serious enough to make him/her unsuitable to be a tenant of the Council and, at the time of application he/she is still unsuitable to be a tenant by reason of that behaviour.

8.3 Unacceptable behaviour is defined as that which, if the applicant were already a secure tenant would entitle the Council to a possession order under the grounds for possession in the Housing Act 1995, Schedule 2 Part 1, other than Ground 8. This covers the behaviour of both the applicant and his or her household. Applicants refused inclusion on the register because of their behaviour will be notified of that decision in writing and the grounds for it and have the right to request a review.

Unacceptable behaviour includes, but is not restricted to:

- Harassment
- Violence
- Drug Dealing
- Eviction for anti-social behaviour
- Domestic violence
- Using the property for illegal or immoral purposes
- Non-payment of rent

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- 8.4 Additionally applicants will not normally qualify for housing if they have significant arrears of rent. Significant in this context means arrears in excess of £500. The Council does not operate a blanket policy in this respect, and each case will be individually considered to see if there are exceptional circumstances.
- 8.5 There also is a right to request a review of any decision the Council has made in connection with the allocation of the accommodation to the applicant. Your decision letter will tell you what facts the Council took into account. A review should be requested within 21 days of a decision letter being issued.
- 8.6 The Housing Register will be reviewed periodically to ensure that applications are current and applicants will be invited to update their application details, including changes in circumstances.

### **Indicators of housing need (Gold Banding)**

#### **Housing and Transfer applicants**

- 9.1 To be eligible for the gold band applicants will need to demonstrate one or more of the following housing need factors:

##### **1. Homelessness**

Homeless applicants within the meaning of the Housing Act 1996, as amended by the Homelessness Act 2002, who fall into any of the following groups will normally be considered to be in urgent housing need:

- People who are homeless or threatened with homelessness and in priority need within the meaning of the above Act.
- Applicants still in urgent housing need, who have within the previous two years received advice and assistance from East Devon District Council to prevent homelessness arising and were not notified in writing of their gold band status or continuing priority at that time.

##### **2. Temporary or insecure accommodation**

Applicants living in non-secure accommodation will normally be in urgent housing need. Examples of non-secure accommodation arrangements are as follows:

- Tied accommodation where the applicant is close to retirement age.
- Tenants/Licensees of hostels, refuges, bed and breakfast establishments if a temporary arrangement.
- Assured Shorthold tenancies where the applicant is threatened with homelessness and in priority need.
- Applicants with no fixed abode (and in priority need).
- Separate households sharing with relatives or friends.
- Interim / Temporary accommodation.

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### 3. Disrepair

Where, on the written advice from the Council's Environmental Health Service, an applicant's home is in disrepair and their housing conditions need to be resolved through rehousing, then this applicant will normally be in urgent housing need.

### 4. Lack of Essential Facilities

Where the applicant's home is lacking essential facilities and their housing conditions need to be resolved through re-housing then they will normally be in urgent housing need. Essential facilities are defined as follows:

- Cooking facilities;
- Bath or shower;
- Internal WC;
- Piped water supply;
- Hot water supply;
- Electricity supply.

### 5. Medical, Welfare and/or Economic Circumstances

Where an applicant or household member has a significant medical condition, welfare problem or economic circumstance which is caused or aggravated by the property occupied, and where this condition needs to be alleviated or resolved by re-housing, the applicant will normally be considered to be in urgent housing need.

The well-being of an applicant will firstly be considered with the input from appropriate partner organisations and regular joint assessment meetings with the Team Managers of Housing/Social Services/Health.

**Welfare** priority will be defined as follows:

**Urgent Case** - Delegation to the Housing Needs Manager in conjunction with the relevant Team Manager(s) from Social Services/Health.

**High Priority (Critical)** – The applicant experiences a high level of risk – there is a serious housing need because of the threat to remain living independently in the community.

**Medium Priority (Substantial)** – A move would help with daily living tasks and mobility would be improved. Would not offer a serious threat to their independence.

**Low Priority (Moderate)** – Improve the applicants quality of life – but would not lose their independence by not moving.

A system of self certification by applicants is detailed on a medical assessment form. The Housing Needs Manager will decide the banding status with a medical opinion being sought where this is considered necessary.

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**Medical** priority will be defined having regard to the following:

**Urgent Case** - Essentially needing an urgent move as soon as possible and it is not possible for them to maintain themselves in their present accommodation or is unable to return to their property.

**High Priority (Critical)** - Where someone is experiencing difficulties with their accommodation such that it is not a sustainable option for them to stay in their accommodation in the short to medium term i.e. 6-12 months.

**Medium Priority (Substantial)** - There is usually small interference with health and causes inconvenience in their activities of day to day living.

**Low Priority (Moderate)** - Someone whose accommodation isn't ideal for them and would benefit from alternative accommodation.

The degree of medical priority will only be awarded if it is considered that the applicant's medical condition is aggravated by their current accommodation, or if the applicant's disability is such that it renders the current accommodation unsuitable.

### 6. Shared Facilities

Where an applicant is sharing essential facilities with other households, they will normally be in urgent housing need except for those properties, which comply with the Council's adopted houses in multiple occupation standards. Essential facilities are defined under this section as follows:

- Bathroom/shower.
- WC.
- Kitchen.
- Living Room.

### 7. Household Separation

Where a household want to live together, has done so previously and there is no suitable accommodation for them to occupy together now, they will normally be considered to be in urgent housing need.

### 8. Sheltered Accommodation

Where an elderly (over 60 years of age) or disabled person is eligible for sheltered accommodation and wishes to move into sheltered accommodation they will normally be in urgent housing need.

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### 9. ADHAC

Anyone who the Agricultural Dwelling Housing Advisory Committee recommends for re-housing will normally be in urgent housing need.

### 10. Essential workers

Where an applicant has a firm offer of employment to provide an essential local service and has provided evidence that :

- the position cannot reasonably be filled by a local person living within reasonable travelling distance, and
- the applicant has insufficient means to secure suitable accommodation on the open market or is ineligible for key worker housing through another source.

Each application will be individually considered for eligibility by the Housing Needs Manager.

### 11. Overcrowding

Applicants who overcrowd their accommodation will normally be in urgent housing need. For the purposes of defining overcrowding the following factors apply:

- Only one room will be classified as a living room, all others (except bathrooms and kitchens) as bedrooms provided they are suitable for sleeping in.
- Rooms less than 50 square feet are not suitable for use as sleeping accommodation.
- Depending on the size of the room, one bedroom may be suitable for a single person, a couple, or one or two children under 10 years of the same sex and same generation.

### 12. Need to move from a designated isolated area

Where applicants have a need to move to a particular locality within the district and failure to meet the need would cause hardship to themselves or others, then they will normally be in urgent housing need. Decisions on applications under this section may be taken by Members of the Housing Review Committee, if appropriate. Designated isolated areas are set out on **Annexe 2**.

### 13. Armed Forces Service Occupants

Applications from those living in armed forces accommodation will not be registered in the Gold or Silver Band until twelve months before the date of discharge. To be eligible to join the Gold or Silver Band, applicants or partners must have originated from an address in the East Devon District immediately prior to enlisting or have some form of local connection with the East Devon District.

Applicants from the armed forces who have more than twelve months to serve before their date of discharge will be registered in the Bronze Band. Applicants with less than twelve months to serve before their date of discharge where no-one in the household has a local connection to East Devon will also be registered in the Bronze Band.

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The Council reserves the right not to offer accommodation to armed forces applicants in need of additional care until such time as a suitable care package arrangement has been made available and accepted.

### 14. Homebuy

Homebuy is a home ownership initiative funded by the Government and run by the Devon and Cornwall Housing Association (in East Devon) to assist Housing Association and Local Authority tenants obtain on a shared ownership basis, a property on the open market. Homebuy is a pathway to home ownership and suitable applicants can be nominated by the Council to the Devon and Cornwall Housing Association provided their request meets the established eligibility criteria. An information leaflet is available and full details can be obtained from the Housing Needs Team.

### Transfer Applicants only

10.1 For applications to transfer on the following grounds the sections outlined above also apply to transfer applicants:

- Medical / Welfare / Economic Grounds;
- Local connection with a rural parish;
- Household separation;
- Sheltered accommodation;
- Overcrowding;
- Need to move to a particular locality;
- Estate management grounds.

10.2 Applications under the following grounds apply only to transfer requests from tenants of the East Devon District Council or partner landlords e.g. Housing Associations, a separate list is detailed on Appendix 3.

- **Under Occupation**

Tenants who occupy properties with one or more bedrooms in excess of what they require will be in housing need. Where a tenant is a successor tenant who is under-occupying a property, the applicant will be placed into the Gold band.

- **Living in a flat**

Tenants with dependent and resident children under the age of 12 years living in a flat will normally be considered to be in urgent housing need.

10.3 It is the Council's policy that no offer of accommodation will normally be made if:

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- The tenants rent account shows significant arrears, (normally in excess of £500) as detailed under Part B - section 8.4 of this document; or
- The tenancy has not been conducted satisfactorily; or
- The standard of interior decoration is poor.

10.4 Transferring to a Smaller Home - To encourage tenants to transfer to a smaller property a cash incentive of £1,100 may be paid to assist removal. The money can be used to help furnish a new home or help with the cost of removal.

### 11. **Exceptions to indicators of need**

11.1 In certain circumstances, applicants or existing tenants may have an indication of being in urgent housing need and would normally be placed in the Gold banding category. However, where their individual circumstances make it clear that they have the ability to resolve their own housing situation in the private sector or that they are guilty of serious unacceptable behaviour, their application may be given a lower priority or no priority at all.

11.2 Most commonly this will be where applicants or tenants have the income and/or assets or equity to purchase a property, afford private rental levels or perhaps to put right any problems experienced with their current home. Cases will need to be dealt with on their own merits with regard to the individual circumstances of the applicant or tenant, and prevailing conditions in the housing market.

11.3 Where it is clear that an applicant or tenant can resolve their own housing problem they will be allowed onto the Housing Register but will be placed into the Bronze banding category, even if they would otherwise have an urgent housing need. Where applicants would otherwise have an additional priority and be in the Gold Banding, then they would be placed in the Bronze banding.

11.4 Where an applicant has exhibited behaviour which results in the Council deciding s/he is not eligible for an allocation of housing accommodation, that person may reapply if s/he considers s/he should no longer be treated as ineligible.

### 12. **The Lettings Process**

12.1 All vacancies in Council housing and nominations to housing association partners housing will be made under the following process unless there is a specific reason for exclusion, e.g. age group, no pets, sustainability aspects.

#### **Labelling of Properties**

12.2 The labelling of properties is a key feature of the Choice Based Lettings approach. Property labelling provides the applicant with information about the property available and which band of applicant is likely to be successful in securing the property.

12.3 The labelling of vacancies is an essential part of the lettings process which allows the Council to set parameters regarding which type of households can apply for vacancies and whether any household will be given preference over others (Section 167 (2E)(b) Housing Act 1996 – Part VI).

12.4 When labelling properties, the Council will aim to strike a balance between the need to make the best use of the housing stock, the requirement to house those in greatest need and the aim of giving applicants as much choice as possible to help create sustainable communities. Labelling should

## HOUSING ALLOCATION POLICY – CHOICE BASED LETTINGS

generally be as inclusive as possible to maximise choice whilst allowing preference to be given to certain household types and to make the best use of stock.

- 12.5 The Council has adopted targets for letting void properties and aims to let homes within 14 days of being ready for letting. A series of performance measures are routinely collected and reported on as outlined in the Service Plan.
- 12.6 As part of the labelling process, full details of each vacancy will take into account including, for example, street location, rent, landlord, property dimensions, facilities, council tax, etc. to assist in labelling the property. At a minimum, the labelling will set an appropriate occupancy level for vacancies and the criteria below will normally apply.

### Type of Vacancy

### Considered Suitable For

|                           |   |
|---------------------------|---|
| Sheltered bed-sit         | Single elderly or single disabled person who has need of and is suitable for sheltered housing.                         |
| Sheltered 1 bedroom       | Elderly single person or couple or disabled single person or couple with need of and suitability for sheltered housing. |
| Sheltered 2 bedroom       | Elderly or disabled couple preferably with a 2 bedroom need and with need of and suitability for sheltered housing.     |
| General purpose bed-sit   | Single or couple.   |
| 1 bedroom flat            | Single or couple.   |
| 2 bedroom flat/maisonette | Household with 2 bedroom need.  |
| 1 bedroom bungalow        | Elderly or disabled single or couple.   |
| 2 bedroom bungalow        | Elderly or disabled couple preferably with a 2 bedroom need, or single elderly or disabled or general 2 bedroom need.   |
| 3 bedroom bungalow        | Disabled household with 3 bedroom requirement, disabled household with 2 bedroom requirement or general 3 bedroom need. |
| 1 bedroom house           | Single or couple.   |
| 2 bedroom house           | Household with 2 bedroom need.  |
| 3 bedroom house           | Household with 3 bedroom need.  |
| 3 bedroom parlour house   | Household with 4 bedroom need, or household with 3 bedroom need.  |
| 4 bedroom house           | Household with 4 bedroom need, or household with 3 bedroom need.  |

## HOUSING ALLOCATION POLICY – CHOICE BASED LETTINGS

4 bedroom parlour house

Household with 5 bedroom need, or household with 4 bedroom need.

In all cases, the size of bedrooms may dictate the number of people in a household who can apply to be allocated a property.

### Special Labelling of properties

- 12.7 In addition to the general labelling criteria, set out in the occupancy levels above, other circumstances may apply which influence particular labelling of individual properties or estates. The examples below are for illustrative purposes only and are not exhaustive. Other factors may arise which could affect the labelling of properties.
- 12.8 In most circumstances, properties will normally be labelled so that preference is given to applicants with a connection with the East Devon district.
- 12.9 Where the Council is able to create vacancies within the affordable housing stock in the district which could increase the number of available homes, then properties may be labelled so that preference is given to transfer applicants.
- 12.10 Where a property is adapted for disabled use or where it has been provided for a specific purpose, such as supported accommodation, it will be labelled to give preference to the appropriate client group.
- 12.11 If there is a Section 106 planning agreement for a scheme, vacancies in that scheme will be labelled according to the criteria in the agreement. Similarly, if a scheme has been developed for a specific client group then the labelling will target that group.
- 12.12 Where the local connection criteria is applied to a vacancy the labelling will normally require that applicants must be in a reasonable preference group (Priority Card, Gold or Silver banding).
- 12.13 If there is an established need for designated essential workers to be housed to ensure the availability of an essential public service within the district, and the Council agrees that the essential worker issue takes priority over other housing issues, then vacancies can be labelled so that preference is given to employees who would be able to provide the service.
- 12.14 If there are no eligible applicants for a vacancy, then a vacancy may be labelled so as to increase the number of people who will be eligible. This could include, for example, being more flexible about bedroom requirements.
- 12.15 If it is known that there are a large number of people with an urgent or specific need for a vacancy, the labelling of the property may reflect that situation.

### 13. Lettings plans

- 13.1 Where there are issues such as a shortage of essential workers, difficult-to-let schemes or estates, problems with nuisance, crime and disorder, population density, sustainability or social exclusion and it is believed that lettings may have an impact, an individual lettings plan for a specific estate or scheme may be appropriate. The lettings plan will determine special labelling of vacancies over a

## HOUSING ALLOCATION POLICY – CHOICE BASED LETTINGS

defined scheme or estate and for a specific period of time. We will be able to tell you if a lettings plan applies to a particular estate.

- 13.2 If a lettings plan is to be considered, regard will be had to the level of housing need and the possible impact on specific client groups such as the homeless, vulnerable people or ethnic minorities.
- 13.3 A lettings guideline quotas system will be applied to assist in deciding what percentage of vacant properties will be let to applicants in each band. In order to ensure that applicants in all Bands have a chance of being rehoused some properties will be made available only to applicants in a certain band.

These quotas will be reviewed at least annually to make sure they continue to be appropriate for the levels of housing need in the East Devon area at the time. Any reviews to the quotas will be written into the allocations policy.

Quotas for lettings between 1<sup>st</sup> April 2006 and 31<sup>st</sup> March 2007 are anticipated as follows:

- 60% of homes to Gold Band
- 30% of homes to Silver Band
- 10% of homes to Bronze Band

Applicants with a Priority Card can apply for any of the above.

### 14. **Excluding properties from the Choice Based Lettings scheme**

- 14.1 On occasions, suitable vacancies will be excluded from the Choice Based Lettings system when effective housing management requires. For example when :
- a vacancy is required to enable East Devon District Council to discharge their duty to a statutory homeless household in priority need.
  - temporary / interim units of accommodation required to discharge homeless duties.
  - a vacancy is required because a tenant of East Devon District Council or a Housing Association partner has serious estate management reasons to provide other accommodation.
  - a vacancy is required to enable East Devon District Council to assist with nominations from other agencies.
  - a vacancy is required to enable East Devon District Council to decant a tenant from a property due for refurbishment or redevelopment.
  - accommodation is required for retiring wardens of East Devon District Council.
  - where community safety may be an issue, for example, re-housing under the Multi Agency Protection Panel Arrangements or the Witness Protection Scheme.
  - accommodation leased under the private sector leasing scheme.

The Council keep a list of properties which have been allocated for housing management reasons.

## HOUSING ALLOCATION POLICY – CHOICE BASED LETTINGS

### 15. Applicants needing care and support

- 15.1 East Devon District Council will work closely with the East Devon Primary Care Trust and East Devon Social Services to identify opportunities to rehouse those in need of housing with care packages or other means of support. Where such a package is not immediately available and this affects the suitability of the property the Council reserves the right not to offer accommodation until appropriate care or support arrangements are agreed and the client has signed up to the package.
- 15.2 Wardens will complete individual support plans for tenants in sheltered housing accommodation.

### 16. Move-on from supported housing

- 16.1 Applicants who are currently living in supported housing will be placed within the Bronze Banding until such time as it has been agreed between the relevant agencies that a move-on to more independent living is appropriate, at which point they will be given a priority card and placed in the gold band.

### 17. Housing Associations/Registered Social Landlords

- 17.1 There is no distinction made between the allocation of a Council house or nomination to a Housing Association. This means homes where the Council has a nomination will be given a banding by the Council. However, the Council does not have nomination rights to all Housing Association homes that become vacant. The names and addresses of the Housing Associations with housing stock in the East Devon area are listed under **Annexe 4**.

### 18. Specially adapted properties

- 18.1 Properties which are specifically designed or adapted to cater for elderly people and people suffering from mental illness or learning or physical disabilities will continue to be allocated/nominated based on the Council's assessment of individual need, following advice from Social Services or Health Authorities or other specialist agencies.

### 19. First Time Buyers and Shared Ownership

- 19.1 A list of interested persons is held on the Housing Register and from time to time the Council are requested to identify suitable nominations to housing associations or other partners. Applications are considered in date order of registration.
- 19.2 Shared ownership opportunities will be labelled and marketed to applicants on the Housing Register who have expressed an interest in low cost home ownership schemes.

### 20. Size and type of accommodation offered

- 20.1 Accommodation will normally be allocated according to the bedroom standard defined as follows:

|            |   |   |
|------------|---|---|
| 1 bedroom  | - | Up to two adults                                |
| 2 bedrooms | - | Up to two adults and two children, same sex     |
| 3 bedrooms | - | Up to two adults and two children, opposite sex |
| 3 bedrooms | - | Up to two adults and three children             |
| 4 bedrooms | - | Up to two adults and more than three children   |

## HOUSING ALLOCATION POLICY – CHOICE BASED LETTINGS

- 20.2 Bungalows and accommodation connected to the Council's Community Alarm system (Home Safeguard) will normally only be allocated to persons of pensionable age or who are registered physically disabled. Young children will not normally be considered for flats without gardens except in the case of temporary / interim accommodation.
- 20.3 The Council has adopted strict rules on the keeping of dogs and cats in flats (details are contained in the tenancy agreement) with communal entrances or gardens. In special circumstances permission for keeping a pet may be given.

### 21. **Preference Criteria**

In some cases, whilst other households may still be eligible to be offered accommodation, preference may be given to a certain type of applicant. For example, local residents in specific villages, towns, or applicants with special circumstances.

### 22. **Local lettings arrangements on new housing schemes**

- 22.1 In order to meet local lettings targets (specific lettings arrangements) for new schemes, RSLs, can decide phases of the scheme, with the Council's agreement, stating the community mix that they aim to achieve e.g. mix of age ranges, numbers of children etc. They can also apply labelling criteria that restrict maximum occupancy or age ranges. When the Council nominate to such schemes it will have regard to the community mix required.
- 22.2 Local lettings arrangements may be applied to an existing estate in order to manage particular problems.

### 23. **Genuine reasons to move to the East Devon area**

- 23.1 Examples of what circumstances would give someone a genuine reason to move to the East Devon area would include the following:
- A member of the household has a parent, brother, sister or child already living in the East Devon area.
  - A member of the household will provide significant levels of care and support to a close relative living in the area.
  - A member of the household has employment or a firm offer of employment in the area.
  - A member of the household is likely to need long term specialist health, education or other support services that are available in the East Devon area.
- 23.2 Applicants living immediately outside of the district who have access to affordable transport that would enable them to commute into East Devon, would not normally be regarded as having a genuine reason to move.

### 24. **Property information**

- 24.1 The letter of invitation to apply for a particular property will state the type of household that is eligible to apply. It will also state:

## HOUSING ALLOCATION POLICY – CHOICE BASED LETTINGS

- The size/type of property;
- The age of the property;
- The eligible household number for the size of the property;
- Appropriate age range for the type of accommodation; (sheltered/warden assisted/Home Safeguard connection);
- The defined local connection and/or local need where there is a planning agreement;
- Disabled adapted properties for people with restricted mobility or a physical disability;
- Weekly rent and Council Tax;
- Facilities in and around the property.

### 25. Landlord criteria

25.1 For certain vacancies, landlords (Council and RSLs) may wish to specify other eligibility restrictions in order to meet their organisation's own internal lettings policy, or for housing management reasons.

25.2 Examples of these criteria might include the following:

- Established local connection to the area;
- No pets allowed;
- Age restrictions.

### 26. Review Procedure

26.1 Applicants have the right to request a review of any decision relating to their eligibility to join the Housing Register, the assessment of housing need or any offer made to them. They also have the right to be informed of the decision on the review and the grounds for it.

26.2 Any applicant who is not accepted on the Housing Register or who is allowed to register but whose needs could not be met by self-contained Council accommodation. The Council will look at other housing options in these cases.

26.3 Applicants should request a review in writing within 21 days of receiving the original notification of the decision.

26.4 The review procedure follows the requirements of Section 167 of the Housing Act 1996 and the code of guidance. Further details of the review process are contained in **Annexe 5**.

### 27. Housing Review Committee

27.1 The Housing Review Committee has been established to consider specific discretionary matters relating to the Housing Register and Allocations policy. Statutory Regulations exclude a member from sitting on the Committee if:

- The accommodation concerned is in their ward, or
- The applicant(s) lives in their ward.

27.2 The Committee's terms of reference is to exercise on behalf of the Council the following functions:

## HOUSING ALLOCATION POLICY – CHOICE BASED LETTINGS

- Hearing appeals by individuals against initial bandings allocated under the Choice Based Lettings Scheme.
- Approval of an applicant's need for a move to a particular locality under the Choice Based Lettings Scheme.
- Any exceptional or unforeseen housing issues requiring a decision which fall outside the Council's adopted allocation criteria.
- Monitoring of the introduction of the Choice Based Lettings Scheme.

### **28. Refusals of Offers**

- 28.1 Should a statutory homeless applicant successfully bid for a property but subsequently refuse the offer made, East Devon District Council may notify the applicant that the Council has discharged their duty under the terms of homelessness legislation to provide them with accommodation and make no further offer; providing the Council is satisfied the offer was suitable.
- 28.2 Likewise, a general housing register applicant, who successfully bids for a property but subsequently refuses the offer made without good reason, will not be made a further offer for a period of six months. However, a person who has his/her application deferred in this way will have a right to a review by the Housing Needs Manager.
- 28.3 The Council will monitor the number of invitations sent and expressions of interests received for each property.

### **29. Deliberate worsening of circumstances**

- 29.1 If it is considered that an applicant has deliberately worsened his/her housing conditions the application will be placed into the Bronze Banding category for a period of twelve months. The applicant will have the right to request a review against any ruling made under this provision.
- 29.2 Where convicted sex offenders are allocated accommodation, this decision will be made in the light of information about managing any risks associated with their release from prison into the community, involving multi-agency arrangements with the police, probation services, social services, health professionals and other relevant bodies. The Council have regard to the DETR guidance issued to Chief Housing Officers in November 1999, about the management of risk in such cases.

### **30. False statements and withholding of information**

- 30.1 It is a criminal offence if an applicant knowingly or recklessly makes a statement which is false or withholds information which the Council has reasonably required them to give. This may result in legal action to evict tenants who have misled the Council in this way.

### **31. Equal Opportunities**

- 31.1 The Council has adopted an Equal Opportunity Policy and Racial Equality, which covers housing allocations and nominations.
- 31.2 In operating this policy the Council will comply with the Data Protection and Freedom of Information legislation.

## **HOUSING ALLOCATION POLICY – CHOICE BASED LETTINGS**

- 31.3 This policy is consistent with the Council's adopted Customer First Policy which attempts to ensure services are provided how, where, and when the customer needs them.
- 31.4 As a result we are committed to ensuring that no one applying for housing is discriminated against on the ground of ethnic origin, disability, age, gender, sexual orientation, religion or for any other reason.
- 31.5 Information on ethnicity is asked for as part of the application process, this information is used to monitor diversity and equality in the operation of the policy. Information on disability is collected in order that we can assess future needs for adapted homes and so we can ensure that any home offered to you is suitable for your needs. The information is treated as confidential and will not adversely affect how your housing application is dealt with.

### **32. Advice**

- 32.1 The Council provides free, confidential and comprehensive housing advice. This is available by letter, telephone, or e-mail or personal visit either to the Knowle, or the Housing Needs Advisory Service at Exmouth which is held as follows:

Exmouth Town Hall Offices: every Tuesday and Thursday mornings – 9.30 a.m. to 12.30 p.m.

- 32.2 A member of the Housing Needs Team will normally be available for advice at the Knowle, Sidmouth, during normal office hours. However, to be sure of an appointment, please telephone Sidmouth (01395) 516551 ext 2669/2201.
- 32.3 A greater emphasis will be given to home visits and tenants will be assisted to maintain/sustain their tenancies where appropriate.

### **33. Change of circumstances**

- 33.1 It is important that the Housing Needs Team are advised of any change of circumstances. Failure to notify a change of address may result in an application being deleted when the Housing Register is reviewed.
- 33.2 Applicants will be contacted bi-annually to check if they wish to remain on the Housing Register.

### **34. Supporting Vulnerable Home Seekers**

- 34.1 Some vulnerable home seekers may need assistance in responding when they are notified of vacancies. The Housing Needs Team will seek to identify vulnerable home-seekers at the application stage and help them to make an application for housing by contacting them personally if their application is in the 20 applicants invited to record their interest in a particular property. Similarly when making referrals or nominations to other agencies assistance will be offered.

### **35. Managing Choice**

- 35.1 Homeless applicants will have the same degree of choice as other applicants and their level of applications will be monitored. If they are not applying for suitable properties for which they would have a reasonable chance of success then assistance will be given in applying for suitable properties. If they continue to exhibit a low level of application for suitable properties then they maybe offered a suitable property even though they have not asked to be considered for it.

## HOUSING ALLOCATION POLICY – CHOICE BASED LETTINGS

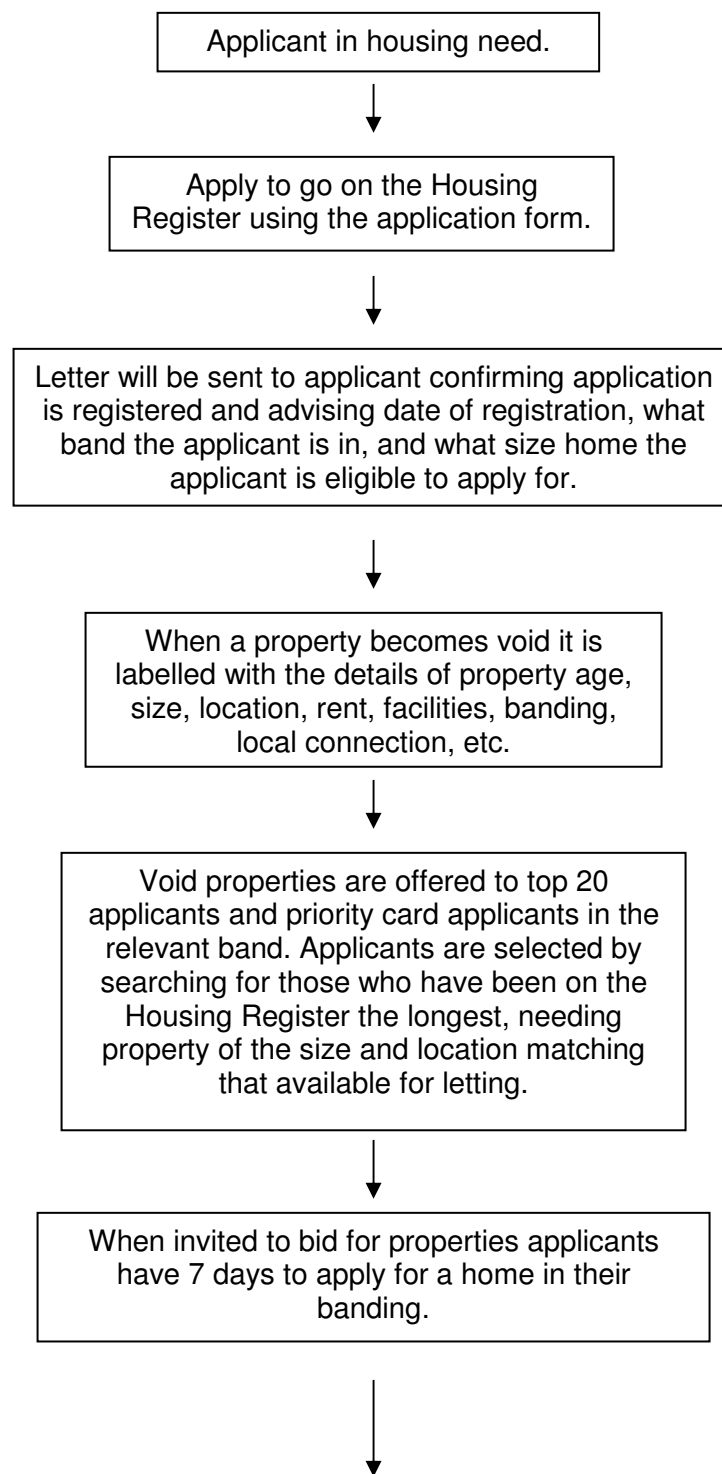
### **36. Review of this policy**

- 36.1 This policy will be carefully monitored and reviewed annually. If the policy is not meeting the aims and principles changes will be proposed to ensure that particular groups are not being disadvantaged, or if the Council's ability to fulfill its statutory obligations are being compromised.

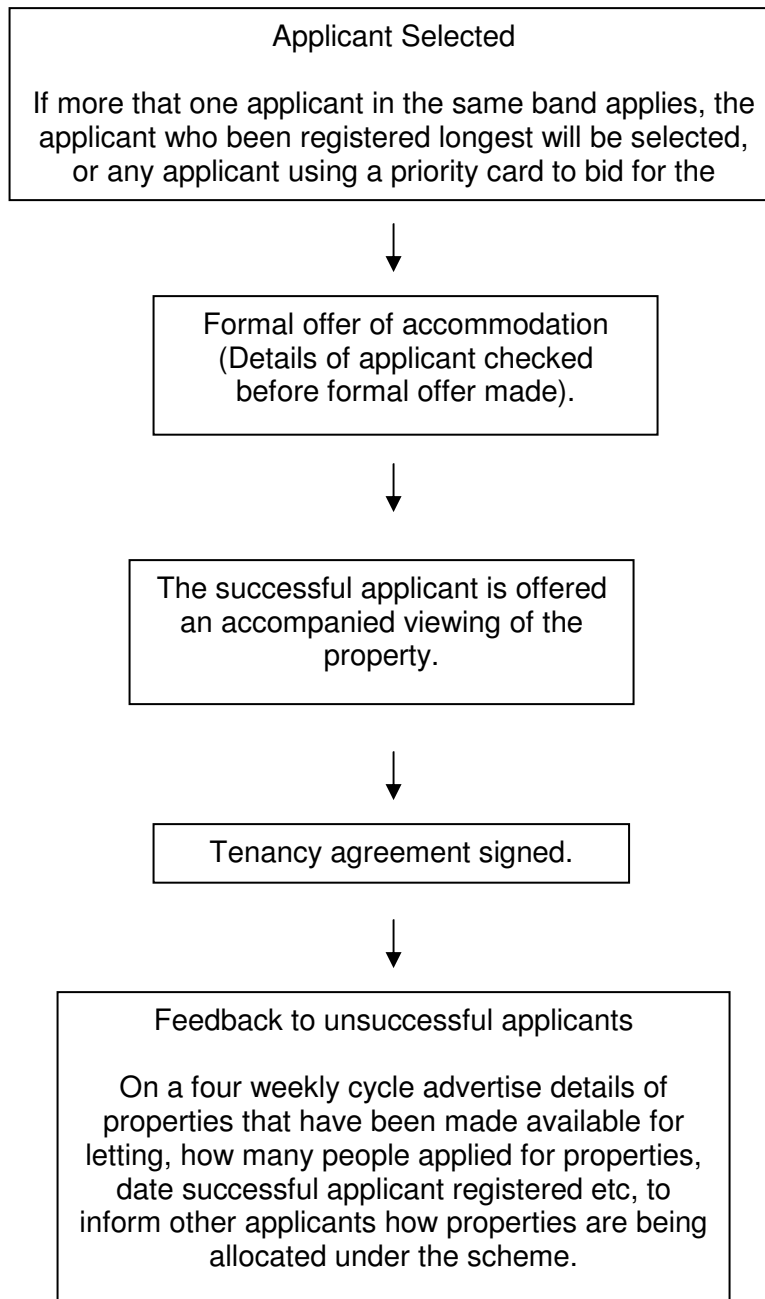
### **37. Complaints**

- 37.1 Sometimes applicants will want to complain about the application of this Policy. When this happens we should aim to resolve the issue quickly. Applicants should be advised of the Council's complaints procedure if the issue is not resolved.
- 37.2 Where the Council's complaints procedure has not addressed the complainants concerns they may wish to complain to the Local Government Ombudsman.

## HOW THE ALLOCATION POLICY WORKS



## HOUSING ALLOCATION POLICY – CHOICE BASED LETTINGS



## HOUSING ALLOCATION POLICY – CHOICE BASED LETTINGS

### Annexe 2

#### DESIGNATED ISOLATED AREAS

|   |                                |
|---|--------------------------------|
| Aylesbeare  | Payhembury (inc.<br>Colestock) |
| Bicton (Yettington)                                       | Plymtree                       |
| Bramford Speke  | Poltimore                      |
| Broadhembury (inc. Dulford<br>And Colliton Cross)         | Rewe                           |
| Buckerell   | Rockbeare                      |
| Chardstock (inc. Waggsplot,<br>All Saints and Smallridge) | Sheldon                        |
| Clyst Honiton   | Shute (inc. Whitford)          |
| Clyst Hydon   | Southleigh                     |
| Clyst St Lawrence   | Stockland                      |
| Clyst St Mary   | Stoke Canon                    |
| Combe Raleigh   | Talaton                        |
| Combpyne Rousdon  | Upottery                       |
| Cotleigh  | Upton Pyne (inc. Cowley)       |
| Dalwood   | Yarcombe                       |
| Dunkeswell (inc.<br>Dunkeswell Abbey)                     |                                |
| Farringdon  |                                |
| Farway  |                                |
| Gittisham   |                                |
| Hawkchurch  |                                |
| Luppitt   |                                |
| Membury   |                                |
| Monkton   |                                |
| Northleigh  |                                |

### **Local Connection with a Town or Village**

We may give priority to those with local residential connection links for vacancies in villages. The local connection indicator will be defined by giving preference to an applicant who has a local connection with the Town/Parish specified.

- |          |  |
|----------|--|
| Band A - | Persons who live or have their workbase in a parish and have done so for 10 years or more, or who have lived in the parish or an adjoining parish for the last 10 years.   |
| Band B - | Persons who live or have their workbase in the parish and have done so for between 5 and 10 years, or who have lived in the parish or adjoining parish for between 5 and 10 years within the last 15 years, or whose parents, siblings or adult children live in the parish and have done so for 10 years or more. |
| Band C - | Persons who live or have their workbase in the parish and have done so for between 1 and 5 years, or who have lived in the parish for between 1 and 5 years within the last 15 years, or whose parents, siblings or adult children live in the parish and have done so for 5 years or more.                        |

Applicants who do not fall within these bands will not have a local connection except where they satisfy local need or local connection requirements as set out in Section 106 agreements (planning consents, and are nominated by the Council.)

Applicants residing outside the East Devon District Council area will normally be placed in the Bronze Band category unless under the local connection criteria it is relevant to consider Gold or Silver Band status.

If there is no suitable Gold or Silver Band applicants a vacant property may be offered direct to any Band applicant including those from outside the area who has a genuine reason for requiring accommodation within the East Devon area.

In labelling properties the Housing Needs Manager will decide whether a local connection criteria are to be applied having regard to the rural nature of the area, the demand for homes from people on the Housing Register and the availability of properties in the area concerned.

# HOUSING ALLOCATION POLICY – CHOICE BASED LETTINGS

Annexe 4

## HOUSING ASSOCIATIONS WITH PROPERTIES IN THE EAST DEVON AREA ADDRESSES & TELEPHONE NUMBERS

### **Anchor Housing Association**

The Business Support Centre, Milestone Place, 100 Bolton Road, Bradford, West Yorkshire, BD1 4DH Tel No : (0845) 7758595

### **Devon Community Housing Society Ltd**

Hillfields House, Matford Court, Sigford Road, Exeter, EX2 8NL. Tel No: (01392) 686686

### **Devon & Cornwall Housing Association**

The Mount, Paris Street, Exeter, EX1 2JZ. Tel No : (01392) 252566.

### **Guinness Trust Housing Association**

3<sup>rd</sup> Floor, Balliol House, Southenhay Gardens, Exeter, EX1 1NP. Tel No : (01392) 456600.

### **Hastoe Housing Association**

Fleur de Lis, Middlemarsh Street, Poundbury, Dorchester, Dorset, DT1 3GX. Tel No : (01305) 250103.

### **Housing 21**

Longwood House, Love Lane, Cirencester, Glos, GL7 1YG. Tel No : (01285) 659928.

### **Magna Housing Association**

Hollands House, Poundbury Road, Dorchester, DT1 1SW. Tel : (01305) 216000, or  
Bridport (01308) 428410

### **Orbit Housing Association**

Ground Floor, Stanway House, Almondsbury Business Park, Woodlands, Bradley Stoke, BS32 4QH.  
Tel No : (0845) 8500500

### **Raglan Housing Association**

Unit 4, Vincent Court, 89 Soundwell Road, Staple Hill, Bristol, BS16 4QR. Tel No : 0845 0707772

### **Sanctuary Housing Association**

Vale House, Pynes Hill, Rydon Lane, Exeter, EX2 5SJ. Tel No : 0845 6021214.

### **Signpost Housing Association**

Hawthorn House, Exeter Business Park, Exeter, EX1 3QS. Tel No : (01392) 361122.

### **Sovereign Housing Association Ltd**

Unit 2, Orchard Court, Heron Road, Sowton Industrial Estate, Exeter, EX2 7LL. Tel No : (01392) 888000.

### **Westcountry Housing Association**

Hatfield House, Hatfield Road, Torquay, TQ1 3HF. Tel No : (01803) 200300.

**Review Procedure**

This Allocation Policy shows areas where applicants have a legal right to request a review of certain decisions made. For ease of reference the following detail has been compiled:

| <b>Page Number</b> | <b>Clause</b> | <b>Contact</b>   | <b>Timescale</b>   | <b>Reviewer</b>           |
|--------------------|---------------|--|--|---------------------------|
| 2                  | 3.2           | A decision made to refuse registration on the Housing Register.  | Within 21 days from receipt of written explanation of reasons. | Housing Needs Manager.    |
| 3                  | 4.5           | A review of the “banding” their application has been placed in and the date this application was registered. | Within 21 days from receipt of written notification.           | Housing Review Committee. |
| 8                  | 8.3           | Refused inclusion on the register because of their behaviour.  | Within 21 days from receipt of written notification.           | Housing Needs Manager.    |
| 9                  | 8.5           | A review of any decision made by the Council in relation to the allocation of accommodation to you.          | Within 21 days from receipt of decision letter being issued.   | Housing Needs Manager.    |
| 21                 | 28.1          | A refusal of the offer of accommodation.   | Within 21 days from the date the offer was made.               | Housing Needs Manager.    |