



# Doncaster Council

## Report

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**Date: 30 November 2022**

**To: The Mayor and Members of Cabinet**

**Report Title: Doncaster Council Housing Allocation Policy Review**

<b>Relevant Cabinet Member(s)</b>	<b>Wards Affected</b>	<b>Key Decision?</b>
<b>Cllr Glyn Jones</b>	<b>All</b>	<b>Yes</b>

### **EXECUTIVE SUMMARY**

1. This report sets out recommendations for fourteen proposed changes to Doncaster Council's Housing Allocations Policy.
  - 1.1. Drivers for the review include the change in demand for social housing in recent years and more significantly over the last 2 and a half years, the developing housing market and significant increases in applicants who are unsuitably housed or homeless, all of which are outlined in section 5.
  - 1.2. A key part of the review process has been to undertake extensive consultation with residents, active housing applicants, community groups, key stakeholders and elected members using a range of media and support to inform discussion. The consultation is summarised in section 15.
  - 1.3. The overall objectives of the Housing Allocations Policy are to:
    - Continue to prioritise those in housing need within Doncaster
    - Support sustainable and vibrant communities
    - Reflect local priorities
    - Make the best use of available housing stock
    - Have a clear system in place setting out a framework of eligibility, qualification and priority of access to council homes and nominations made to Housing Associations (Registered Providers)

- Fulfil the Council's obligations under Part VI and VII of the 1996 Housing Act, Homelessness Act 2002 (as amended by the Homeless Reduction Act 2017) and associated codes of guidance and statutory instruments
- 1.4. With demand for some stock exceeding supply, the proposed policy changes are about making the best use of the resources available by supporting applicants to make informed decisions about their housing options and access to social housing. This includes limiting the number of offers made to priority applicants and managing the process as effectively as possible to manage expectation.
  - 1.5. An extensive public and stakeholder consultation exercise was undertaken on the proposed changes. The groups, stakeholders and public consultees represent a good geographical spread across the Borough and demographic including vulnerabilities and hard to reach groups. In the public survey, all changes received a positive response.
    - All fourteen proposals were supported by a favourable combined score of strongly agree/agree of over 55%
    - Eight of which were supported by 70 – 80% agreement
    - Further analysis was completed on Change number 8 relating to the allocation of age designated accommodation and is outlined in section 17 below

## **EXEMPT REPORT**

2. No

## **RECOMMENDATIONS**

3. That Cabinet considers the outcomes of the review, public and stakeholder consultation as set out in this report and shown in **Appendices D and E**.
- 3.1. That Cabinet considers the recommendations on policy changes consulted on, full details of which are in **Appendix A**.
- 3.2. That Cabinet formally adopt the amended Housing Allocations policy as shown at **Appendix C**.

## **WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

4. This policy sets out the revised framework for housing allocations of council homes and housing association nominations in Doncaster. Each year approximately 1,400 council homes from a total housing stock of c. 20,000

and an additional 100 – 300 Housing Association properties become vacant to re-let, including new build schemes.

- 4.1. This review aims to ensure that this policy is fit for purpose, responsive to changes in housing supply and demand, and makes the best use of available housing stock. This is especially important given the current pressures on access to housing and local supply and demand outlined below.

## **BACKGROUND**

5. The Housing Allocations Policy was last reviewed in 2017/18. Six changes were made and implemented in April 2018 after a review of the Housing Register. It met its objectives to be compliant with legal changes in The Homeless Reduction Act 2017 and prioritising move on from supported housing into independent living to free up supported accommodation, which was a priority at that time.
- 5.1. Since 2019/20, over the last 2 financial years\* we have seen a substantial rise in the number of applicants in priority bands, demand for housing and competing priorities:
  - 93%\* increase in applicants in the highest Platinum Band, the majority of whom are statutory homeless
  - 38%\* and 32%\* increase in applicants in the Gold and Silver Bands respectively
  - 40%\* reduction in the number of family houses becoming vacant to relet
  - Demand exceeding supply for both family and single person (non-age designated) accommodation across the borough
  - 26,247 homeless approaches in 2021/22, a 78% increase from 2019/20
  - 160%\* increase in statutory homeless single and couples without children in the Platinum Band
  - Continued pressure on the use of temporary accommodation, an increase of 198% from 2019/20 to 2021/22 placements
  - Affordability in accessing the private rented sector and the growth of Houses in Multiple Occupation targeted at young professionals and not those on benefits
  - Employment opportunities in the Borough and demand for housing driving an increase in house prices

\* Based on data from 1 March 2020 and 1 March 2022

- 5.2. These trends have been factored into the review and helped develop and inform the proposals.

## OPTIONS CONSIDERED

6. Options considered have been informed through legislative requirements, research, consultation and input from the project group key officers, including Doncaster Council’s Legal services.
- 6.1. Each of the fourteen changes are outlined in **Appendix A**, including:
- The proposed change
  - The reason for change
  - The public consultation outcome
  - The recommendation



Further analysis of proposal eight is set out in paragraph 17 below.





## REASONS FOR RECCOMENDED OPTIONS




7. Given the challenges outlined in section 5, the policy needs to be more responsive to the changing housing market and increasing pressures and demands on local people and services. This is especially important regarding the Council’s corporate responsibilities in supporting vulnerable people and investment in homeless prevention and support. Recommendations for each change are in **Appendix A** as outlined in 6.1.
- 7.1. Given that access to social housing is limited, the policy needs to support applicants who have a realistic chance of being rehoused, to make informed choices to access available housing within a shorter period. It sets out clear sanctions if not engaging, whilst still considering assessed needs in terms of reasonable offers of accommodation. This supports timescales in the homeless prevention agenda, reduced time in temporary accommodation and priority bands for those in the highest housing need.

## IMPACT ON THE COUNCIL’S KEY OUTCOMES

8.

Great 8 Priority	Positive Overall	Mix of Positive & Negative	Trade-offs to consider – Negative overall	Neutral or No implications
 <b>Tackling Climate Change</b>				

 <b>Developing the skills to thrive in life and in work</b>				<input checked="" type="checkbox"/>
 <b>Making Doncaster the best place to do business and create good jobs</b>				<input checked="" type="checkbox"/>
 <b>Building opportunities for healthier, happier and longer lives for all</b>	<input checked="" type="checkbox"/>			
<ul style="list-style-type: none"> <li>• Providing suitable and accessible housing which will significantly improve living circumstances</li> <li>• Supporting people in accessing suitable housing to meet their needs</li> <li>• Prioritising those most in need including those who are in reasonable preference groups as defined in 1996 Housing Act section 166A(3)</li> <li>• Ensuring people are prioritised who live in unsuitable or unsustainable accommodation</li> <li>• Providing information on housing need to inform new social housing provision</li> </ul>				
 <b>Creating safer, stronger, greener and cleaner communities where everyone belongs</b>	<input checked="" type="checkbox"/>			
<ul style="list-style-type: none"> <li>• Allocating homes fairly and consistently in accordance with legal frameworks</li> <li>• Working with partners to ensure that allocations are appropriate and sustainable</li> <li>• Working with partners to ensure that allocations are made to support risk management plans</li> <li>• Including a mechanism to respond to extraordinary circumstances where there is an overwhelming need for short term housing supply</li> </ul>				

 <b>Nurturing a child and family-friendly borough</b>	<input checked="" type="checkbox"/>			
<ul style="list-style-type: none"> <li>• Prioritising families in need for social housing</li> <li>• Prioritising children leaving care for rehousing to support them in their transition to independent living</li> <li>• Supporting new and existing foster carers to access suitable accommodation where the size and type of accommodation does not support their ability to foster</li> </ul>				
 <b>Building Transport and digital connections fit for the future</b>				<input checked="" type="checkbox"/>
 <b>Promoting the borough and its cultural, sporting, and heritage opportunities</b>				<input checked="" type="checkbox"/>
<b>Fair &amp; Inclusive</b>	<input checked="" type="checkbox"/>			
<ul style="list-style-type: none"> <li>• Operating a legally compliant policy</li> <li>• Supporting victims of domestic abuse in accessing alternative and suitable accommodation</li> <li>• Supporting older adults to remain independent in their homes by providing access to a range of housing options</li> </ul>				

## **Legal Implications [Officer Initials: NC | Date: 27/09/22]**

9. Each Local Authority has a duty to publish a Tenancy Strategy under the Localism Act 2011, setting out the types and length of tenancies allocated within their area. The individual Housing Allocation Policy of the Authority sits under this Strategy. Section 166A of the Housing Act 1996 requires that every Local Housing Authority must have an allocations policy for determining priorities between people who qualify for an allocation of housing and the procedure to be followed. Local Authority Housing Allocations Policies have to be legally compliant with Part VI of the Housing Act 1996, and statutory guidance issued by the Secretary of State.
  - 9.1. The current Allocation of accommodation: guidance for local housing authorities in England was published in June 2012 and updated in March 2022. In addition, the Local Housing Authority must have regard to Department of Levelling Up, Housing and Communities Homelessness Code of Guidance for Local Authorities published in February 2018 and updated in June 2022.
  - 9.2. In formulating or amending their allocation policies, the Local Housing Authority must also have regard to:
    - Its current homelessness strategy under section 1 of the Homelessness Act 2002; and
    - Its tenancy strategy under section 150 of the Localism Act 2011
  - 9.3. In determining priorities, an allocation policy must secure reasonable preference for the following categories of people:
    - Homeless persons or persons threatened with homelessness
    - Persons occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
    - Persons who need to move on medical or welfare grounds; and
    - Persons who need to move to a particular locality within the local authority's area and a failure to meet that need would cause hardship to themselves or others.
  - 9.4. A Local Housing Authority must not allocate housing accommodation except in accordance with their allocation policy section (166A (14) Housing Act 1996).
  - 9.5. In compliance with the duty on the Council to act fairly, an extensive public and stakeholder consultation exercise has been undertaken on the proposed changes to the Allocations Policy. The responses received as part of the consultation must be consciously taken into account by elected members, before a final decision is made on the proposals.

- 9.6. In considering the proposals contained within this report, elected members are also reminded of their obligations under section 149 Equality Act 2010. This section contains the Public Sector Equality Duty (PSED), which obliges public authorities, when exercising their functions, to have 'due regard' to the need to:
- a) Eliminate discrimination, harassment and victimisation and other conduct which the Act prohibits;
  - b) Advance equality of opportunity between people who share relevant protected characteristics and those who do not; and
  - c) Foster good relations between people who share relevant protected characteristics and those who do not
- 9.7. Protected characteristics are age, gender, disability, race, sex, sexual orientation, gender reassignment, religion or belief and pregnancy and maternity. Only the first aim of the PSED set out in paragraph 9.6 above applies to a further protected characteristic of marriage and civil partnership.
- 9.8. Having due regard to advancing equality involves:
- Removing or minimising disadvantages suffered by people due to their protected characteristics;
  - Taking steps to meet the needs of people from protected groups where they are different to the needs of other people; and
  - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low
- 9.9. Elected members must consciously consider and have due regard to the three aims of the general equality duty when dealing with the recommendations contained within this report. A completed due regard statement has been produced at **Appendix B** to assist elected members in this regards.

### **Financial Implications [Officer Initials: JC | Date: 27/09/2022]**

10. Financial implications are implicit in all six of the policy objectives listed in 1.3 above, but likely to be reflected most in:
- Prioritising those in housing need within Doncaster
  - Making best use of available housing stock
  - Fulfil the Council's Obligations under Housing and Homeless Acts and associated codes of guidance and statutory instruments



10.1. The financial implications of this updated policy have not yet been quantified, but should:

- Make better/best use of housing stock;
- Improve lettings performance thereby reducing rent lost from empty properties; and
- Improving availability of stock should also reduce the ongoing, high costs relating to homelessness, temporary accommodation and bed and breakfast
- Change 1 may incur additional costs in terms of incentives to be paid (details of any incentive scheme will need to be agreed) but should be recovered via more efficient use of the housing stock.

### **Human Resources Implications [Officer Initials: AA | Date: 27/09/22]**

11. There are no direct HR Implications in relation to this report.

### **Technology Implications [Officer Initials: PW | Date: 27/09/22]**

12. There are no direct technology implications in relation to this report and it is assumed that the changes to policy can be accommodated by the Choice Based Lettings system. (SLHD are in the process of moving from the Abritas system to a new CBL module in Open Housing).

### **RISKS AND ASSUMPTIONS**

13. There is potential for legal challenge against any aspect of the policy by an individual or organisation. In terms of the recommendations made the extent and robustness of the consultation is mitigation but no guarantee that a challenge will not be made. As accommodation becomes scarcer, the potential for challenge increases.

13.1. Legal services have provided advice and guidance through the review as further mitigation against a successful challenge.

### **CONSULTATION PROCESS**

14. The review process began in February 2022 when eighteen potential changes were discussed in meetings with the Mayor, Portfolio holder, elected members and MPs. These were informed by best practice, feedback from staff, stakeholders and customers and corporate priorities.

14.1. Our Community Involvement Team also completed a survey with 234 council tenants identified as under-occupying a council house by two or more bedrooms, of pensionable age, and claiming help with their housing

costs. This was to inform proposals relating to Change number 1, incentivising tenants of houses to release family houses to relet and move into bungalows or flats. This has informed the proposed policy change and additional work being carried out with our Tenancy Sustainability Team to consider extending available support.

- 14.2. There were two rounds of seminars with elected members in both March and May 2022, with 47 elected members attending over the five meetings held. A monthly newsletter giving updates was also provided and presentation to Regeneration and Housing Overview and Scrutiny Panel. Regeneration and Housing Overview and Scrutiny Panel have also considered the way the consultation has been carried out as well as consideration of the final report. A verbal update will be given to Cabinet from the Regeneration and Housing Overview and Scrutiny Panel meeting of 23 November 2022.
- 14.3. Extensive consultation followed with partner organisations and stakeholders including Registered Providers, the Voluntary Sector, Public Health and Homeless Charities, in addition to staff within Doncaster Council and St Leger Homes. Contact and responses were invited up to the end of the full consultation period in September 2022.
- 14.4. We consulted with 451 organisations with 59 given face-to-face presentations on the changes. Following feedback on the initial proposed changes and further research, this was reduced to 14 potential changes to take to Public Consultation in June 2022.
- 14.5. An additional workshop was held with Supported Housing Providers to look at the implications of Change 6 with our Single Point of Access Team in Home Options after initial concerns.
- 14.6. Public consultation began on 20 June 2022 for a period of 10 weeks closing on 31 August 2022 with an online survey and additional support through our SLHD Customer Access Team for those without internet access and the SLHD Customer Involvement Team supporting local community groups.
- 14.7. The consultation was promoted through a Communications Plan and included press releases, social media posts, direct messaging to over 8,000 housing applicants, a House Proud publication to 20,000 council tenants, newsletter updates to stakeholders and frontline staff and support for community groups through our Customer Involvement Team enabling 239 individuals to complete the online survey.

## CONSULTATION OUTCOMES

15. There were 897 responses in total, 866 via the online survey and an additional 1041 comments (these are listed verbatim in **Appendix E** excluding redactions for identification or offence).
- 15.1. The survey explained each potential change, the reason why the change is being suggested, using the five-point Likert scale (Strongly Agree, Agree, Neither Agree nor Disagree, Disagree and Strongly Disagree), as well as an opportunity to comment on each proposal and whether any other changes should be considered.
- 15.2. Of the 866 online respondents, 702 confirmed their postcode. Only 15 confirmed that they lived outside of the borough, 11 of which have active housing applications. Respondents represent a good geographical spread across the borough. These responses are mapped by location and volume in **Appendix D**.
- 15.3. 47% of respondents have an active house application, 29% were council tenants, 21% private tenants, 10% owner-occupiers and the remaining were other tenures or no response.
- 15.4. All of the 14 proposals consulted on received a favourable minimum combined score of Strongly Agree/Agree of over 55% with eight supported by 70 – 80% agreement.
- 15.5. 222 commented on the open question relating to any additional policy changes that should be considered. Fifty of these comments have been redacted due to identification or offence; the remaining comments have been grouped by theme, with top themes being:

### a) **9.5% Return to time waiting list**

We are legally required under the 1996 Housing Act to give reasonable preference (priority) to certain groups of applicants including those who are homeless, overcrowded, living in unsuitable and insanitary accommodation and accommodation that does not meet their medical needs. We do have time waiting elements within each band, and the lower bands of Bronze and General are in date order of application although we cannot change the whole register.

### b) **6% Provide more help for those struggling to afford private rented accommodation**

This is outside of the scope of the Housing Allocations Policy but is a key part of the investment in our Home Options Service, to open up the private rented sector in providing access to more affordable housing.

c) **5% Prioritise people in the surrounding area first**

We prioritise applicants with an enhanced local connection under the Local Lettings Policy for New Build Council Homes and this has been included in a recent Housing Association new build Scheme in the North of the Borough. Given the demand for accommodation and number in priority bands, we would not recommend extending this further as it would compromise the Council's ability to meet its statutory duties.

d) **5% Related to own personal circumstances**

Applicants commented on their own personal circumstances without identifying themselves (so these comments were not redacted) the circumstances of which are covered in the existing policy framework.

## **DUE REGARD STATEMENT**

16. Partner and stakeholder and public consultation has been at the heart of the policy review. A Due Regard Statement has been completed and is in **Appendix B**. Analysis of the proportion of each protected characteristic in comparison with the profile of the current Housing Register demonstrates a comparable percentage response. This is positive considering the number of unanswered responses in the survey to the equality information, which range from 13 - 27%.
  - 16.1. The one disparity was that the proportion of female respondents to the survey was higher than the gender profile of applicants on the housing register.
  - 16.2. Given the length and content of the survey, the level of engagement and completion is positive and reflects the current focus on access to affordable housing.
  - 16.3. There are 19 potential positive impacts on protected groups in the fourteen recommended changes, particularly around impact on homeless households, which supports one of the policy priorities.
  - 16.4. Any unforeseen adverse impacts will be identified through monitoring processes and statistical/data analyses.

## **ADDITIONAL ANALYSIS CHANGE EIGHT**

17. Review of age-designated properties shortlisting rules.
  - 17.1. As part of the consultation process Doncaster Council's Strategic Housing Team requested further data analysis and clarification from Legal Services be undertaken on Change 8, due to concerns regarding the increase in more complex individuals, demand, potential impact of right to buy, community cohesion and sustainability.
  - 17.2. Change 8 proposes to alter the way we prioritise applicants for age-designated flats and bungalows that are advertised to applicants under 60 due to lower demand from those age 60 and over.
  - 17.3. Currently we prioritise applicants' aged over 60 first, in priority band order and remaining applicants are then considered in descending age order, regardless of their priority. Therefore, we are considering these applicants in age order before considering their level of housing need. Due to the increases in applicants in priority bands this can mean that someone is lower on the shortlist because of their age but may be in the highest band, including statutory homeless cases.
  - 17.4. Analysis confirmed that in 2021/22 478 properties were age designated flats and bungalows and represented c 40 percent of the properties available to relet. Of the 478 properties, 203 were allocated to applicants under 60. This includes applicants with medical needs and those on Doncaster Council's Accessible Housing Register. It also includes applicants who were allocated properties based on descending age order after exhausting age 60 and over bidders.
  - 17.5. In Quarter 1 of 2022/23 123 age-designated properties were advertised to bid on, of which 11 were allocated to older applicants in the Platinum Band. One hundred and eight of the total bids were made by Platinum Band applicants. This confirms that stock access is limited to those in priority bands due to the age restrictions and current shortlisting rules in place.
  - 17.6. Demand has increased from people aged 60 and over for some property types and locations and we review individual demand before deciding on what age the property is advertised to. Giving additional preference to applicants aged 60 and over ensures that they are prioritised for this type of accommodation, even when it is advertised to 50+ or 40+ age bands.
  - 17.7. Legal services confirmed that so long as the local authority have complied with its statutory duties (to have regard to its homelessness and tenancy strategies and to frame its allocations policy to secure reasonable and additional preference for the groups of people referred to in section 166A of the Housing Act 1996), then it has flexibility in drafting its Allocations Policy

to meet local needs and priorities. However, the local authority's approach must still be a rational one based on evidence linked to those local needs and priorities.

- 17.8. We were also able to identify other Local Authority housing allocations policies which gave additional preference to applicants aged 60 and over.
- 17.9. Outcomes from the public consultation noted that 75% were in favour of the change, 14% were neutral, 9% disagreed/strongly disagreed, and 2% did not respond. Sixty percent of the respondents who disagreed/strongly disagreed made an additional comment, of which 35% thought that this type of accommodation should be reserved for the elderly and seriously disabled.
- 17.10. Having considered a number of options, and whilst recognising the strong support for this proposal from the consultation exercise, on balance it is felt that there is a continuing need to prioritise older applicants aged 60 and over, to access appropriate sheltered housing to maintain their independence, health and wellbeing. Therefore, the recommendation is to continue to prioritise applicants aged 60 and over for this type of accommodation, and consider any remaining applicants under 60 by band order and not by age. Applicants under 60 who have assessed medical needs for adapted accommodation will also continue to be given priority for this type of accommodation.
- 17.11. There are three additional safeguards in place to support this change.
- 17.12. Of the ten Local lettings policies currently in place, four have an age restriction and further restrictions regarding conduct and convictions.
- 17.13. The policy already contains a mechanism to use a sensitive let working with housing management to identify where this is required, for example following an eviction or anti-social behaviour of the previous tenant.
- 17.14. There is an additional safeguard in the policy changes covered by Change 13 where we will make it clear in the policy when the council reserve the right to refuse making an offer of accommodation. The relevant example is "Where the behaviour or lifestyle of applicants or members of their household will not support a sustainable tenancy, for example in a sheltered housing bungalow or flat complex." This allows the applicant to be bypassed for an unsuitable offer of accommodation although they retain the right to appeal against this decision.

## **APPENDICES**

- A** Table of changes and recommendations
- B** Due Regard Statement
- C** Doncaster Council Housing Allocations Policy and Property Eligibility Table
- D** Consultation Response Report
- E** Public Consultation Comments excluding redactions

## **GLOSSARY OF ACRONYMS AND ABBREVIATIONS**

- SLHD St Leger Homes of Doncaster
- EMT Executive Management Team

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