



City of Doncaster Council

Report

Date: 16 August 2023

To the Mayor and Members of Cabinet

Report Title: City of Doncaster Council Local Lettings Policies Review

| Relevant Cabinet Member(s) | Wards Affected | Key Decision? |
|----------------------------|----------------|---------------|
| Cllr Glyn Jones | All | Yes |

EXECUTIVE SUMMARY

1. This report sets out recommendations following the review of 10 Local Lettings Policies which sit outside of the main Housing Allocations Policy in place across the borough in the allocation of council homes. This follows Cabinet approval of a revised Housing Allocations Policy in November 2022 which makes provision for Local Lettings Policies to be applied to specific schemes.
 - 1.1. Recommendations are confirmed in **section 7**.
 - 1.2. A key part of the review process has been to undertake consultation with members, Strategic Housing, SLHD housing management and partners in Locality Meetings to share knowledge of the particular schemes and also the wider area. The review has been led by the SLHD Access and Allocations Service Manager.
 - 1.3. The overall objectives of Local Lettings Policies are to:
 - Support housing management and/or strategic objectives by restricting or prioritising allocations for a certain area or scheme by excluding certain groups of people who have an active housing application
 - Support community cohesion
 - Reduce anti-social behaviour or mitigate against it
 - Recognise local priorities
 - Support tenancy sustainability

- 1.4. Of the existing policies:
 - Seventy percent support reduction or mitigation of anti-social behaviour
 - Twenty percent restrict dog ownership in communal entrance flats
 - Ten percent prioritise applicants with an enhanced local connection to a designated location of council house new builds for the first let and subsequent 12 months of relets. After the 12-month period, all allocations are made in accordance with the City of Doncaster Council's main Housing Allocations Policy.
- 1.5. With the demand profile for social housing increasing, the review of these policies have been completed to establish if they are fit for purpose and have ongoing relevance in accordance with Part VI of the 1996 Housing Act.

EXEMPT REPORT

2. No

RECOMMENDATIONS

3. That Cabinet consider the outcomes of the review and consultation
- 3.1 That Cabinet consider the recommendations on policy changes set out in **Section 7**.
- 3.2 That Cabinet formally adopt the amended Local Lettings Policies set out in **Appendix A**.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. This review sets out the revised and updated Local Lettings Policies operating outside of the Housing Allocations Policy in the allocation of council homes.
- 4.1 This review aims to ensure that these policies are fit for purpose, evidence based and subject to planned review to minimise the restriction of allocations outside of the Housing Allocations Policy. This is especially important given the current pressures on access to and supply of affordable housing.

BACKGROUND

5. There are currently 10 policies in place, the majority of which were introduced following the additional flexibilities given in The Localism Act 2011.

- 5.1 Local Lettings Policies support housing management and strategic objectives by restricting or prioritising allocations for a certain area or scheme by excluding certain groups of people who have an active housing application. These additional criteria are outside of the Housing Applications Policy.
- 5.2 The aim and expected outcomes of the policy are:
- To support sustainable communities
 - To support housing management through reduction/mitigation of ASB
 - To enable local people to access quality affordable housing
 - To increase the number of council houses released to relet to those most in need through the prioritisation of older people under occupying a council house for new build bungalow or flat
 - Support tenancy sustainability and the wellbeing and independence of older tenants of council houses by giving them priority to access a new build bungalow or flat.
- 5.3 The operation of these policies continues to be labour intensive as they require manual intervention to confirm if the criteria is met at the point of offer. This is especially relevant to New Build Homes where bidding cannot be restricted based on the enhanced local connection rules which vary from scheme to scheme and result in a higher number of applicants being bypassed before we can identify those with the enhanced connection.

OPTIONS CONSIDERED

- 6 Options considered were based on analysis of evidence and consideration of the vulnerability of tenants, as well as local knowledge.
- 6.1 The recommended options are outlined below.

REASONS FOR RECOMMENDED OPTIONS

- 7 Each scheme is listed below with reasons for the recommendation made.
- 7.1 **The Crescent, Duncroft – 53 houses – Review in 12 months and remove if lack of supporting evidence**
This scheme has had a 493% increase in demand over a 4-year period with average bids increasing from 29 in 2017/18 to 172 in 2021/22. ASB cases are below the borough average and turnover of properties is stable over the same period ranging from 2 – 15%. A short-term review of 12 months was requested to enable focus on continuing trends given rises in ASB in the wider area with the agreement that the LLP be removed following the review if there is a lack of ongoing evidence.

7.2 **Highwoods Crescent, Mexborough – 30 flats and 9 bungalows – Removal**

This scheme has had a 271% increase in demand over a 4-year period with average bids increasing from 8 in 2017/18 to 29.7 in 2021/22, although this continues to be a small number of bids in comparison to flats in other areas. ASB cases are stable, although higher than the borough average. Turnover of properties fluctuates between 5 – 33%. All recognised the scheme is less desirable due to location, has less impact on the surrounding area due to location next to a main road and within a defined boundary. All supported removal of the Local Lettings Policy.

7.3 **Coniston Road, Mexborough – 22 flats – Retain**

Although this scheme has had a 206% increase in demand over a 4-year period with average bids increasing from 10 in 2017/18 to 20.6 in 2021/22, this continues to be a small number of bids in comparison to flats in other areas. ASB issues have remained at a high level and consistent. Turnover is high and fluctuates between 23 – 55% over this period and so continues to be problematic. This may be attributable to the block of flats being located amongst age-designated bungalows, close to a primary school and near a private housing development and the impact on vulnerable individuals living there. For these reasons, all supported to retain the Local Lettings Policy to continue to support housing management interventions.

7.4 **Auckland Road, Mexborough – 23 flats and 1 house – Retain**

Although this scheme had a 260% increase in demand over a 4-year period with average bids increasing from 10 in 2017/18 to 26 in 2021/22, this continues to be a small number of bids in comparison to flats in other areas. ASB issues have continued to be an issue with an escalation in cases in 2020/21. Turnover fluctuated between 12.5 – 21% over the same period. Letting continues to be problematic with properties requiring re-advert to be let. Any issues impact on residents due to the road layout and mixed tenure of the street. For these reasons, all supported to retain the Local Lettings Policy to continue to support housing management interventions.

7.5 **The Oval, Conisbrough – 83 flats and 22 bungalows – Retain**

This is an age designated scheme with priority given to those aged 60 and over. Although demand has increased by over 1000% with average bids increasing from 2.26 in 2017/18 to 14.18 in 2021/22, flats have continued to be re-advertised to relet them. ASB issues have escalated in 2021/22 and numbers of tenants joining the transfer list have also increased. Given the vulnerability of current residents and continuing issues, all supported to retain the Local Lettings Policy to continue to support housing management interventions.

7.6 **Silverwood House, Town Centre – 128 flats – Retain**

This is an age designated high rise scheme with priority given to those aged 60 and over located on the Balby Bridge estate which has a higher rate of

ASB in comparison with other areas. Although demand has increased by 413% with average bids increasing from 2.57 in 2017/18 to 13.18 in 2021/22, flats have only recently not required re-advert to relet them. Although ASB has remained stable, all supported to retain the Local Lettings Policy as were aware that its removal would negatively impact on vulnerable tenants within the scheme.

7.7 **No dogs Balby Bridge Estate – Remove**

All agreed that this should be effectively managed through the tenancy management process as the current Local Lettings Policy is not enforceable as tenants may acquire a dog(s) after sign up. Although most cases are resolved through proactive housing management, this has been fed into the Tenancy Agreement review to ensure that this is updated to reflect the responsibility of tenants to ensure that communal areas both inside and outside of flats remain clear of dog fouling.

7.8 **No dogs Wheatley Unity Flats and Intake – Remove**

As above, all agreed that this should be effectively managed through the tenancy management process as the current Local Lettings Policy is not enforceable may acquire a dog(s) after sign up. Although most cases are resolved through proactive housing management, this has been fed into the Tenancy Agreement review to ensure that this is updated to reflect the responsibility of tenants to ensure that communal areas both inside and outside of flats remain clear of dog fouling.

7.9 **Jubilee Court, Wheatley – 42 flats – Retain**






This is an age designated former sheltered scheme with small rooms and shared communal areas located within the Ennerdale bungalow estate. Demand has shown a slight increase of 21% with average bids increasing from 5.55 in 2017/18 to 6.71 in 2021/22, although properties continue to require re-advert to be let. ASB cases have also increased in 2021/22. For these reasons, all supported to retain the LLP especially given the vulnerabilities of current residents and those in the surrounding area.




7.10 **Park View, Adwick le Street – 48 flats – Retain**

This is an age designated low-level block of flats which was located adjacent to a sheltered scheme. The policy was introduced to mitigate ASB due to the vulnerability of residents and the nearby bungalow development. Demand has remained consistent, with average bids at 9.64. Re-adverts are still required to relet properties, mainly due to demand and the number of bungalows in surrounding areas. For these reasons and given the vulnerabilities of current residents, all supported to retain the Local Lettings Policy.

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 |
|--|------------------|----------------------------|---|----------------------------|
|  Tackling Climate Change | | | | ✓ |
| | | | | |
|  Developing the skills to thrive in life and in work | | | | ✓ |
| | | | | |
|  Making Doncaster the best place to do business and create good jobs | | | | ✓ |
| | | | | |
|  Building opportunities for healthier, happier and longer lives for all | ✓ | | | |
| <ul style="list-style-type: none"> Supporting sustainable communities in specific areas by restricting new housing allocations to support housing management interventions to reduce and/or mitigate anti-social behaviour Supporting people in accessing suitable housing within their communities by giving enhanced priority for new build council homes at the first point of allocation and for the following 12 months | | | | |
|  Creating safer, stronger, greener and cleaner | ✓ | | | |

| | | | | |
|--|-------------------------------------|--|--|-------------------------------------|
| communities where everyone belongs | | | | |
| <ul style="list-style-type: none"> • Allocating homes fairly and consistently in accordance with legal frameworks • Working with partners to ensure that allocations are appropriate and sustainable and support housing management • Being clear on restrictions on housing allocations outside of the main housing allocations policy | | | | |
|  Nurturing a child and family-friendly borough | <input checked="" type="checkbox"/> | | | |
| <ul style="list-style-type: none"> • Supporting people in accessing suitable housing within their communities to maintain family support networks and/or employment links by giving enhanced priority for new build council homes at the first point of allocation and within the following 12 months | | | | |
|  Building Transport and digital connections fit for the future | | | | <input checked="" type="checkbox"/> |
| | | | | |
|  Promoting the borough and its cultural, sporting, and heritage opportunities | | | | <input checked="" type="checkbox"/> |
| | | | | |
| Fair & Inclusive (there is no logo for this) | <input checked="" type="checkbox"/> | | | |
| <ul style="list-style-type: none"> • Operating legally compliant policies • Transparency in the allocation process • Subject to the right to review | | | | |

Legal Implications [Officer Initials: NC, Date: 13/03/2023]

- 9 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 must be legally compliant with Part VI of the Housing Act 1996, and statutory guidance issued by the Secretary of State. The current Allocation of accommodation: guidance for local housing authorities in England (“the statutory guidance”) was published in June 2012 and updated in January 2023.
- 9.1 In determining priorities, an allocation policy must secure reasonable preference for the following categories of people:
- Homeless persons, or person threatened with homelessness;
 - Persons occupying insanitary or overcrowding 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
- 9.2 The Statutory Guidance confirms that section 166A(6)(b) of the Housing Act 1996, gives the Council the flexibility to allocate accommodation to people of a particular description, whether they fall within the reasonable preference categories, provided that overall priority is given to people in the reasonable preference categories. This is the statutory basis for local lettings policies which may be used to achieve a wide variety of housing management and policy objectives such as those set out earlier in this report.
- 9.3 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
- 9.4 Protected characteristics are age, disability, race, sex, sexual orientation, gender reassignment, religion or belief, pregnancy, and maternity. Only the first aim of the PSED set out in paragraph 12 above applies to a further protected characteristic of marriage and civil partnership. In addition to the statutory protected characteristics referred to above, the Council has

chosen to adopt further non-statutory local protected characteristics of socio-economic status (poverty), Veterans and homeless and rough sleepers.

- 9.5 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 in disproportionality low
- 9.6 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 and appended to this report to assist elected members in this regard.

Financial Implications [Officer Initials: NF | Date: 22/03/2023]

- 10 An effective Allocations Policy will contribute positively to robust budgetary control and to meeting Key Performance Indicator (KPI) targets.
- 10.1 In terms of budgets, SLHD manage the Choice Based Lettings (CBL) service at a budgeted cost of £0.9m per year, out of the wider total Housing Management and Customer Services budget of £10m. Almost all of this £0.9m is employee related costs. SLHD receives a Housing Revenue Account (HRA) management fee to deliver these CBL and other housing services. SLHD also receives a Management Fee from the General Fund of £2.1m, together with other forms of income totally £1.1m, to deliver the Housing Options service at a budgeted cost of £3.2m per year.
- 10.2 In addition, minimising the period a property is empty will reduce the Void Rent Loss cost to the HRA, which is budgeted at £0.98m per year.
- 10.3 In turn, this will have a positive impact on a number of SLHD managed KPIs, notably Void Rent Loss, Average Void Re-let times, Tenancy Sustainability, Anti-Social Behaviour (ASB) and tenant satisfaction.

Human Resources Implications [Officer Initials: KJ | Date: 22/03/2023]

- 11 There are no HR implications associated with this report.

Technology Implications [Officer Initials: PW | Date: 16/03/2023]

- 12 There are no technology implications in relation to this report. The author has confirmed that the criteria of the policies cannot be applied to the housing application form as they are too time sensitive and complex so therefore require additional manual processing to determine.

RISKS AND ASSUMPTIONS

- 13 There is potential for legal challenge against any aspect of the policies by an individual or organisation. All applicants bypassed as not meeting the criteria have the right to request a review within 28 days of the decision being made. In terms of the recommendations made the review 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 A consultation exercise was undertaken with elected members from relevant wards, City of Doncaster Council Locality Teams, including partner organisations, Strategic Housing and SLHD, and an additional cross ward focus group on New Build Council Homes including those representing wards with arising developments. These meetings were led by the SLHD Access and Allocations Service Manager.
- 14.1 Twenty elected members participated in the consultation through attending meetings or giving feedback.
- 14.2 The structure of the consultation consisted of:
- A newsletter giving details of the policies, schemes consultation and decision-making process
 - Presentations on each scheme including number of properties, current restrictions, turnover of properties, average number of bids, housing management cases by type and level and local intelligence
 - Additional meetings to accommodate member's commitments
 - Several updates to the Housing Portfolio Holder
 - Reports to SLHD EMT for input and feedback on the process
 - A further update newsletter circulated to all members in February 2023 giving updates on the consultation outcomes

CONSULTATION OUTCOMES

- 15 Key outcomes of the consultation were:
- 30% of the Local Lettings Policies were supported as no longer relevant
 - 10% are subject to a 12-month interim review and removal should there continue to be low tenancy management issues and turnover
 - The request for one additional policy was not pursued following lack of supporting evidence
 - An amendment was supported for New Build Council Homes to give current council house tenants with the enhanced local connection priority for new build bungalows and age designated flats. This will free up council houses to relet to those most in need and align to the objectives of the overarching Housing Allocations Policy review
 - All updated and amended policies can be found in **Appendix A**

DUE REGARD STATEMENT

- 16 A Due Regard Statement have been completed is in **Appendix B**. The statement also considers alternative stock that is not subject to these restrictions.
- 16.1 After consideration there are three potential positive impacts, seven neutral impacts and four negative impacts. The negative impacts are reduced due to the limited amount of stock subject to the additional criteria of the policies and also additional schemes we have in place to facilitate access to housing.
- 16.2 Any unforeseen adverse impacts will be identified through monitoring processes and statistical/data analyses.

APPENDICES

- A** Updated Local Lettings Policies
- B** Due Regard Statement
- C** Monitoring Matrix

BACKGROUND PAPERS

- None

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

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

REPORT AUTHOR & CONTRIBUTORS

Andrea Jarratt, SLHD Access and Allocations Service Manager

01302 737176 | andrea.jarratt@stlegerhomes.co.uk

Neil Concannon, Doncaster Council Head of Service Litigation

01302 734023 | neil.concannon@doncaster.gov.uk

Lead Officer

Mark McEgan SLHD Director of Housing and Customer Services

01302 862706 | mark.mcegan@stlegerhomes.co.uk