

# CABINET

## Review of Lancaster City Council Housing Allocation Policy Cabinet meeting 11<sup>th</sup> February 2025 Report of Chief Officer Housing and Property

PURPOSE OF REPORT			
To seek approval for the reviewed Housing Allocation Policy, which sets out the Council's approach to the allocations and lettings of Council accommodation and that of partner Registered Providers with whom nomination agreements exist.			
Key Decision	X	Non-Key Decision	Referral from Cabinet Member
Date of notice of forthcoming key decision	16 <sup>th</sup> December 2024		
This report is public			

### RECOMMENDATIONS OF CAROLINE JACKSON

- (1) That the revised Housing Allocation Policy (as set out in this report and shared as a background paper) be adopted

#### 1.0 Introduction

- 1.1 The requirement for all Local Authorities in England to have an allocation policy is contained within Part VI of The Housing Act 1996. The amendment through the Localism Act 2011 gave Councils the power to change their Housing Allocation Policies to support better management of waiting lists to meet local housing needs.
- 1.2 The Act provides that every local housing authority in England must have an allocation policy, which sets out the criteria and procedure for the allocation of social housing and nominations for to housing associations in the district. The Council will only admit those applicants for housing who meet the necessary eligibility criteria and who qualify on to its housing register.
- 1.3 There are a limited number of social housing units available each year and the demand outweighs supply. The key features of the policy are summarised as follows;
- Provides a fair and transparent system by which people are prioritised for social housing
  - Helps those most in need of housing including homeless households
  - Makes better use of the Council's housing stock
  - Promotes the development of sustainable mixed communities
- 1.4 Section 166A (3) of the Act imposes a mandatory requirement on local

authorities to ensure that their allocation schemes are framed so as to secure that reasonable preference is given to the following categories of persons;

- People who are homeless (within the meaning of part 7 of the Housing Act 1996. This includes applicants who are intentionally homeless).
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- People who need to move on medical or welfare grounds (including any grounds relating to disability)
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others)

1.5 Priority can be given, and allocations can be made to, categories of applicants who do not fall within the reasonable preference groups (for example current tenants who are under-occupying their current homes). However, we must ensure that the reasonable preference requirement is met, and we must ensure that any locally-determined priority categories do not dominate the Policy such that the statutory reasonable preference categories have relatively little chance of being rehoused.

## **2.0 Context and background**

2.1 The Council's existing Housing Allocations Policy was last reviewed in 2020. A review is now required to ensure that the policy is in line with most recent guidance and continues to reflect local priorities. This 2024 review is 'light touch' and focusses on small changes and updates rather than the more comprehensive review carried out in 2020.

2.2 Many of the local challenges identified during the 2020 review remain relevant, such as;

- The numbers of cases presenting as homeless and the requirement for temporary accommodation this creates
- Continued increased demand for housing across the district and the pressure this places on limited social housing stock

2.3 In reviewing the policy local factors were taken into consideration, and guidance was followed from the Ministry of Housing, Communities and Local Government (MHCLG)<sup>1</sup> and from other sources of current policy guidance in the social housing sector including the Housing Quality Network.

## **3.0 Proposed Changes**

3.1 The following additions have been made to the policy:

- 3.3.1 Local Connection addition reads: "They are a victim of domestic abuse who wants to move to the Lancaster district to escape violence or harm". Previously, local connection only applied where an applicant had *already fled* to the district.
- 3.3.1 Local Connection addition reads: "Any gap in a person's residence, which is not of their own choice (i.e. being detained in prison or under the Mental Health Act), will be disregarded". This relates to the qualifying period of time with regard to local connection. Previously this gap would count against the applicant's period of residence in the district.

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<sup>1</sup> [Allocation of accommodation: guidance for local authorities - Guidance - GOV.UK](https://www.gov.uk/guidance/allocation-of-accommodation-guidance-for-local-authorities)

3.2 The following amendments have been made to the policy:

- 3.3.1 Local Connection

Previously read:

“Is serving in the Regular Armed Forces or has served in the previous five years.”

Amended to:

“Is serving or has served in the Regular Armed Forces.”

- 3.3.1 Local Connection

Previously read:

“Is a social housing tenant in another Local Authority area who is needing to move to the Lancaster district to take up employment or apprenticeship opportunity within the district.”

Amended to:

“Is a resident in another Local Authority area who needs to move to the Lancaster district to take up employment or apprenticeship opportunity within the district.”

- 3.13 Assessing Medical Priority

Band C: Medium housing need 10-15 medical points

Previously read:

“Alternative housing is required to prevent a significant and serious deterioration to their health and wellbeing in the short/ medium term (within 2 years).”

Amended to:

“Alternative housing is required to prevent a significant and serious deterioration to their health and wellbeing in the short/ medium term.”

3.3 In line with Government guidance an amendment was considered that, when considering bedroom allocations, as a minimum, a single bedroom is suitable for a pair of adolescents, aged 10-20 years, of the same sex. Lancaster City Council’s current allocation policy states that a single bedroom is suitable for two children of the same sex, under 16. Following internal consideration, and feedback through the consultation process, it was decided not to increase the suitable age for two children of the same sex to share a bedroom.

#### **4.0 Details of Consultation**

4.1 The consultation process began on 4<sup>th</sup> November 2024 and ran until 18<sup>th</sup> December 2024.

4.2 A phase 1 online consultation sought feedback on the current policy and any key areas we should be considering. This was circulated to key stakeholders including Ward Councillors, partner agencies across the district, and the council housing Tenant Voice group and other tenant and resident groups. Feedback was collated and informed phase 2 of the consultation

4.3 A phase 2 in person consultation event sought feedback on the changes proposed by the council following internal research and discussion, and feedback from the phase 1 consultation. This included circulation of a new draft policy, highlighting of proposed changes, and an opportunity to raise key concerns, questions or comments. The invitees for this event were Ward Councillors, partner agencies, current housing tenants and all current housing applicants.

- 4.4 A phase 2 online consultation which offered a final opportunity for those not attending the in-person event to provide feedback and have input into the re-drafted policy.
- 4.5 All consultees received feedback on the outcomes of the consultation
- 4.6 The final version of the policy included with this report takes into account all comments and feedback received during the two phases of consultation.

**5.0 Options and Options Analysis (including risk assessment)**

	<b>Option 1:</b> That the proposed allocation policy be adopted	<b>Option 2:</b> That the proposed allocation is not adopted
Advantages	Ensures the service is operating the allocation of council dwellings in a way which reflects current guidance, helps to deliver on local objectives, and is legally compliant	None
Disadvantages	None	An alternative approach to reviewing and developing a new allocation policy would need to be proposed which delivers the required policy framework
Risks	None	The Council continues working to the old version which requires update and doesn't reflect the necessary changes referred to in section 3.

**6.0 Officer Preferred Option (and comments)**

- 6.1 Option 1. The proposed allocation policy has been developed to reflect current requirements and guidance and has been the subject of legal review to ensure legislative compliance.

**7.0 Conclusion**

- 7.1 The allocation of council dwellings is carried out in an environment which creates a number of challenges, chiefly an under-supply of quality, affordable housing within the district.
- 7.2 Lancaster City Council's Housing Allocation Policy must support delivery of an allocations service which is fair and transparent, and responsive to the housing needs of applicants, whilst making best use of limited housing stock. The proposed policy set out in this report is designed to balance these competing factors.

**RELATIONSHIP TO POLICY FRAMEWORK**

The Housing Allocation Policy is a statutory policy which sets out the Council's approach to the allocation and lettings of council homes. It is aligned with the wider district Tenancy Strategy produced and published by the Council.

**CONCLUSION OF IMPACT ASSESSMENT  
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)**

Equality Impact Assessment included at Appendix A

#### **LEGAL IMPLICATIONS**

1. Subject to complying with Part VI of the 1996 Act authorities may allocate housing in any manner they consider appropriate, having regard to the guidance issued by the Secretary of State (the primary guidance document is referenced at the foot of p.2 of this policy; additional guidance may be found at [Social housing allocations guidance - GOV.UK](#)). Regard must also be had to the [Homelessness code of guidance for local authorities - Guidance - GOV.UK](#). This policy takes into account the relevant guidance.
2. In addition to the requirement to have an allocations policy the Council must also publish information about it.
3. Any policy should be kept under review, and amended where appropriate, for the reasons summarised at para 2.1.
4. As a general principle the Council must follow its policy and relevant guidance (unless it has good reasons to depart from it), and failure to do so may give rise to a public law challenge.
5. A specialist housing solicitor, working in collaboration with the in-house team, has reviewed the draft policy prepared by the Housing & Property service; and is satisfied that the revised Housing Allocation Policy presented for approval is compliant with the relevant legislation and guidance.

#### **FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report. The process of adopting and implementing the revised policy can be resourced from within existing budgets.

#### **OTHER RESOURCE IMPLICATIONS**

**Human Resources:**

None

**Information Services:**

None

**Property:**

None

**Open Spaces:**

None

#### **SECTION 151 OFFICER'S COMMENTS**

The S.151 Officer has been consulted and has no further comments to add

#### **MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no further comments to add

#### **BACKGROUND PAPERS**

Lancaster City Council Housing Allocation Policy

Appendix A – Equality Impact Assessment

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