

Committee Name and Date of Committee Meeting

Cabinet – 15 September 2025

Report Title

Housing Allocation Policy

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Ian Spicer, Strategic Director of Adult Care, Housing and Public Health

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

In June 2024, Cabinet approved the review of the current Housing Allocation Policy to include a 12-week public consultation. The review and consultation have now concluded, and this report recommends the adoption of a new Housing Allocation Policy (Appendix 2) incorporating 22 amendments. The review and consultation also incorporated proposed revisions to the Strategic Tenancy Policy which are also recommended for adoption (Appendix 3).

The new Housing Allocation Policy and Strategic Tenancy Policy will be effective from 1st December 2025 to allow for a three-month implementation period. This will include changes to IT systems, staff training, communication with stakeholders and applicants, and necessary changes to existing housing applications.

Recommendations

That Cabinet:

1. Notes the outcome of the consultation and the Council's response to the broad themes identified (Appendix 1).

2. Approves the adoption of a revised Housing Allocation Policy (Appendix 2).
3. Approves the adoption of a revised Strategic Tenancy Policy (Appendix 3).
4. Delegates authority to the Strategic Director responsible for Housing in consultation with the Cabinet Member for Housing to make minor amendments to the Housing Allocation Policy including local lettings policies to meet the needs of a local area.
5. Delegates authority to the Strategic Director responsible for Housing in consultation with the Cabinet Member for Housing to agree reciprocal arrangements with other placing Local Authorities in respect of Care Leavers.

List of Appendices Included

Appendix 1 - Consultation Report
Appendix 2 - Revised Housing Allocation Policy
Appendix 3 - Revised Strategic Tenancy Policy
Appendix 4 - Table of Changes
Appendix 5 - Equality Analysis Assessment – Part A and Part B
Appendix 6 - Carbon Impact Assessment

Background Papers

Current Housing Allocation Policy
Current Strategic Tenancy Policy
Housing Allocation Code of Guidance

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Housing Allocation Policy

1. Background

- 1.1 A Housing Allocation Policy provides the framework for ensuring the allocation of social housing is carried out fairly, consistently, and in line with local and national policy and legislation.
- 1.2 The Housing Act 1996 requires that each Housing Authority shall have a policy for the allocation of accommodation. The Act specifies groups of people who must be given reasonable preference in the policy. Subject to these provisions being met, the Council can decide the principles on which the scheme is to be framed.
- 1.3 The Council's current Housing Allocation Policy was adopted in 2014. Since then, it has undergone periodic revisions and additions. The most recent update was in November 2023, which strengthened the Council's commitment to the Armed Forces Covenant. Prior to this, the last partial review was in April 2021, which focused on the impact of the Homelessness Reduction Act 2017.
- 1.4 In June 2024, Cabinet agreed to review the Housing Allocation Policy. A revised draft Policy was published on 13 January 2025 and a twelve-week consultation period concluded on 6 April 2025. Consultation feedback has been analysed and changes made to the revised Policy. This report seeks Cabinet agreement to adopt the revised Housing Allocation Policy and Strategic Tenancy Policy.
- 1.5 The Council is committed to improving access to suitable accommodation. The Council tries to make the best use of its housing stock to ensure that tenants live in the most suitable accommodation. The Strategic Tenancy Policy sets out how the Council will continue to achieve these outcomes. The Localism Act 2011 introduced flexibilities which allow registered providers (including local authorities and registered social landlords) increased flexibility in the way they allocate and provide tenancies.

2. Key Issues

- 2.1 The Housing Allocation Policy determines how the Council makes any allocation of accommodation. The term "allocation of accommodation" is when the Council selects a person to be either:
 - A secure or introductory tenant of accommodation held by the Authority.
 - Nominates a person to be a secure or introductory tenant of accommodation held by another housing authority.
 - Nominates a person to be an assured tenant of accommodation held by a Private Registered Provider.
- 2.2 The intention is to continue to rank priorities considering the Housing Act 1996, which requires that Allocation Policies must give reasonable preference to the following groups:

- People who are homeless as defined in Part VII of the Housing Act 1996.
- People owed certain other homelessness duties in the following sections:
 - 190 (2), eligible for assistance, homeless, in priority need and intentionally homeless.
 - 193 (2), eligible for assistance, homeless, in priority need and not intentionally homeless.
 - 195 (2), duty in cases of threatened homelessness (the prevention duty).
- People occupying unsanitary 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 a disability).
- People who need to move to a locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

2.3 The review identified 22 proposed amendments to the existing Housing Allocation Policy. A revised draft Allocation Policy incorporating these amendments was published alongside a summary table of changes. As proposal 22 relates to the use of fixed term tenancies, a revised draft Strategic Tenancy Policy was also published. During the 12-week consultation period, 220 formal responses were received. Council officers also engaged widely with the public, partners, and staff during the consultation period.

2.4 The table of 22 changes is included in Appendix 4 and the table below provides the response rate to all 22 proposals. Overall, there was strong support for all proposals. Following consultation, 5 amendments to the original 22 changes have been proposed and are detailed in sections 2.7 to 2.19.

2.5 Full details of the consultation methods and outcomes, including the following table below are contained in Appendix 1.

	NUMBER OF RESPONDERS					% OF RESPONDERS					% RESPONDERS	
	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	Total Disagree	Total Agree
Change 1 - Local connection	27	19	23	54	97	12.3%	8.6%	10.5%	24.5%	44.1%	20.9%	68.6%
Change 2 - Debt policy	12	17	29	75	87	5.5%	7.7%	13.2%	34.1%	39.5%	13.2%	73.6%
Change 3 - Applicants who do not qualify	19	10	32	56	103	8.6%	4.5%	14.5%	25.5%	46.8%	13.2%	72.3%
Change 4 - Owner occupiers with savings	18	19	32	48	103	8.2%	8.6%	14.5%	21.8%	46.8%	16.8%	68.6%
Change 5 - Next steps plan	7	5	60	73	75	2.7%	2.7%	27.3%	33.2%	34.1%	5.5%	67.3%
Change 6 - Tenancy fraud	3	2	16	45	154	7.3%	2.0%	20.5%	70.0%		2.3%	90.5%
Change 7 - Pre-tenancy interviews	21	19	32	65	83	9.5%	8.6%	14.5%	29.5%	37.7%	18.2%	67.3%
Change 8 - Allocation of new build	15	19	26	61	99	6.8%	8.6%	11.8%	27.7%	45.0%	15.5%	72.7%
Change 9 - Local lettings policy	7	14	49	73	77	5.4%	22.3%	33.2%	35.0%		9.5%	68.2%
Change 10 - Age restricted properties	8	8	35	86	83	15.9%		39.1%	37.7%		7.3%	76.8%
Change 11 - Making best use of stock	7	6	30	66	111	13.6%		30.0%	50.5%		5.9%	80.5%
Change 12 - Shared care of children	16	9	36	63	96	7.3%	4.1%	16.4%	28.6%	43.6%	11.4%	72.3%
Change 13 - Direct lets	12	5	50	81	72	5.5%	22.7%	36.8%	32.7%		7.7%	69.5%
Change 14 - Band One bidding criteria	8	9	31	63	109	4.1%	14.1%	28.6%	49.5%		7.7%	78.2%
Change 15 - Housing needs	7	10	44	73	86	4.5%	20.0%	33.2%	39.1%		7.7%	72.3%
Change 16 - Transfer band	13	12	38	68	89	5.9%	3.3%	17.3%	30.9%	40.5%	11.4%	71.4%
Change 17 - Advertising quota	7	12	56	70	75	5.5%	25.5%	31.8%	34.1%		8.6%	65.9%
Change 18 - Deliberate worsening of circumstances	5	3	30	52	130	13.6%		23.6%	59.1%		3.6%	82.7%
Change 19 - Auto-bid	12	8	26	71	103	5.5%	3.6%	11.8%	32.3%	46.8%	9.1%	79.1%
Change 20 - Failure to bid	25	10	14	69	102	11.4%	4.5%	6.4%	31.4%	46.4%	15.9%	77.7%
Change 21 - Assignments, successions and mutual exchanges	3	4	57	74	82	25.9%		33.6%	37.3%		3.2%	70.9%
Change 22 - Fixed term tenancies	3	9	51	74	83	4.1%	23.2%	33.6%	37.7%		5.5%	71.4%

2.6 Following consultation, amendments to the original 22 proposals described below are recommended to Cabinet. A table of all proposed changes can be seen in Appendix 4. The revisions have been made to the revised Housing Allocation Policy (Appendix 2) and Strategic Tenancy Policy (Appendix 3).

2.7 Local Connection / Residency Test

Proposal 1 was to change from a 3-year Local Connection criterion to a 2-year residency test. The data shows that:

- 68.6% of all responses agree with the proposed changes on Local Connection criteria in Rotherham, which demonstrates that the majority are in favour.
- 66.3% of Rotherham residents agreed with the proposal.

2.8 It is worth noting however, that this proposal had the highest proportion of respondents across the consultation.

- 20.9% of all responses disagreed or strongly disagreed with the changes to the criteria.
- 22.5% of Rotherham residents stated they disagreed with the proposed change.

2.9 In addition to the response rates, supplementary comments were provided. Whilst there was support to change to a residency test, there was strong opposition to reducing the timescale from the current 3-years to 2-years. Many

comments stated that the 3-years should be retained with some suggesting this should be increased. Considering the feedback, the proposal is to implement the residency test and unless exempt, the revised criteria will require applicants to have lived in Rotherham for 3 out of the last 4 years.

- 2.10 Applicants who are employed in the Borough will align with the timescale of the residency test, requiring paid employment for 3 out of the last 4 years.

2.11 Care Leavers

- 2.12 Proposal 15 relates to the housing need categories within the Housing Allocation Policy. The proposal is to award Band One to Rotherham care leavers, and Band Three to out of Borough care leavers including care leavers who have been placed in Rotherham by other local authorities.

- 2.13 On 10 July 2025 the Government published updated regulation including the “Allocation of accommodation: guidance for local housing authorities in England”. Following the updated guidance the Council will seek to agree reciprocal agreements with other local authorities in prioritising the housing need of care leavers, and the delegation to enable this is provided for in this report.

2.14 Assignments, successions, and mutual exchanges

Proposal 21 relates to assignments of tenancies, successions within council housing and mutual exchanges. The wording in the draft revised Housing Allocation Policy has been amended following advice from the Council’s Legal Services. This is because there is no description of the criteria and processes for assignments, successions, and mutual exchanges in the current Allocation Policy.

2.15 Applicants who have been evicted from a Council or Housing Association tenancy.

Proposal 3 relates to qualifying criteria for applicants who have been evicted from a Council or Housing Association tenancy; in these circumstances, applicants are not able to re-join the housing register for five years. Applicants who have breached the conditions of their tenancy may voluntarily terminate their tenancy to avoid the eviction process and then rejoin the housing register. The proposal is to extend the qualifying criteria to include tenancies where the Council or Housing Association has attained a Court possession order but prior to eviction, the applicant has voluntarily handed back their tenancy. This includes tenancies outside of Rotherham.

- 2.16 Following feedback, the recommended change is to retain the above but exclude where an applicant has been evicted solely due to rent arrears and within the five-year period has repaid the debt in full. In these circumstances the applicant will be allowed to join the housing register. This incentivises applicants to re-pay the debt and recognises that applicants may have had a change in circumstances from the time in which they were evicted.

2.17 Fixed term tenancies

2.18 Proposal 22 relates to the use of fixed-term tenancies. The consultation explored the option of extending these to include the following:

- a) Fixed term tenancies to be granted to families where a son or daughter is over the age of 18 at the point of signing for the tenancy and there are no dependent children under the age of 18. Discretion will be applied in circumstances where the son or daughter over the age of 18 has ongoing support needs.
- b) Applicants who do not have indefinite leave to remain but are eligible by virtue of their inclusion in a class set out in the Allocation of Housing and Homelessness (Eligibility)(England) Regulations 2006. The length of a fixed-term tenancy will depend on individual circumstances and will be reviewed in line with their immigration status.

2.19 The revised recommendation is to only extend fixed term tenancies to option b, where applicants who do not have indefinite leave to remain. The draft Strategic Tenancy Policy has been updated to reflect the revised recommendation.

2.20 Implementation period

2.21 If the 22 proposals are agreed, the new Housing Allocation Policy and Strategic Tenancy Policy will be adopted in December 2025 and will apply to existing applicants and new applicants wishing to join the Council's housing register.

2.22 In June 2024 Cabinet approved the review of the current Housing Allocation Policy. The report stipulated that the intention was not to remove existing applicants from the housing register but assist those in greatest housing need whilst making best use of stock. Therefore, existing applicants who do not meet the new qualification criteria will not be removed from the housing register. However, all other criteria will apply to existing housing applications. This includes the updated housing need categories, meaning that amendments to housing applications will be made in line with the revised bandings. The updated occupancy levels set out in the revised Policy, including the criteria for shared care of children will also apply to existing housing applications to ensure the Council is making best use of its housing stock and assisting applicants in greatest housing need.

2.23 All new properties advertised and undertaken from 1 December 2025 will be allocated in accordance with the new Housing Allocation Policy and Strategic Tenancy Policy. Properties that were advertised prior to the new Policies being implemented will be verified and offered in accordance with the current Policies. Applications will not be re-dated and will retain their original effective date.

3. Options considered and recommended proposal

3.1 Option 1 – Do nothing (not recommended)

This is not recommended due to the factors outlined in this report. Failing to update the Housing Allocation Policy in light of altered circumstances risks leading to poor outcomes for residents.

3.2 Option 2 - Take some recommendations and not others

This is not recommended due to factors outlined in the report.

3.3 Option 3 – Agree the 22 proposals and adopt the new Housing Allocation Policy and Strategic Tenancy Policy (recommended)

The review of the current Housing Allocation Policy has identified 22 proposals. Agreeing these changes would provide the Council with a stronger policy to assist those in greatest housing need and make best use of the available council stock.

Proposal 22 is to extend the use of fixed term tenancies; therefore, the Strategic Tenancy Policy has been updated to reflect this change.

Results from the consultation evidence that there is strong support from the public in making these changes.

4. Consultation on proposal

4.1 The overall aim of the Council's Housing Allocation Policy is to help people in greatest housing need to gain access to suitable and appropriate accommodation, as well as supporting mixed and balanced communities and, where possible, providing choice. The proposed new Housing Allocation Policy has been developed to reflect the changing environment, updated due to legislative changes, adopted best practice, and shaped to improve re-housing for applicants in greatest housing need.

4.2 A 12-week public consultation, including telephone and online surveys has been undertaken. To supplement this, engagement with cross-party Elected Members has been completed. The Council has liaised with a number of partner organisations including Housing Associations, Housing Improvement Panel, and the Armed Forces Covenant Group.

4.3 Appendix 1 provides a full report of the consultation including, engagement with partners and agencies, response rates to the 22 proposals, and supplementary comments.

4.4 In addition to response rates, supplementary comments have been reviewed and considered. Sections 2.7 to 2.19 outline further amendments to the original proposals. The revised Housing Allocation Policy (Appendix 2) and Strategic Tenancy Policy (Appendix 3) has been amended to include these.

5. Timetable and Accountability for Implementing this Decision

- 5.1 The Head of Housing Options will have responsibility for implementing the Policies. It is proposed that the new Policies are introduced 3-months following the approval date as this provides sufficient time to deliver an implementation plan. The Implementation Plan will support the launch of the new policies to ensure they are communicated with professionals and customers. A briefing paper summarising the amendments will be distributed to Elected Members.

6. Financial and Procurement Advice and Implications

- 6.1 Whilst there are no procurement implications associated with the recommendation to make changes to the existing policies, consideration must be given where external support from third parties is required to implement the changes, including amendments to systems. All new procurement activity, or modifications to existing contracts to support the implementation, must be undertaken in compliance with the relevant procurement legislation (the Public Contracts Regulations 2015 or the Procurement Act 2023) as well as the Council's own Financial and Procurement Procedure Rules.
- 6.2 Additional service costs will be incurred relating to the activities required to implement the new Policies. There will be additional printing costs, but these can be funded via existing HRA budgets. The cost of updating the NEC system is included within IT budgets for this purpose. All other activity will be contained within existing resources. No further budget or resources are requested as a result of the changes.

7. Legal Advice and Implications

- 7.1 The Housing Act 1996 requires every housing authority to have an allocation scheme to determine housing priorities, and a procedure to be followed when allocating accommodation.
- 7.2 Local Authorities should review their housing allocations policy every 3-5 years to ensure it remains effective and responsive to changing housing needs, and in line with new/incoming legislation.
- 7.3 When amendments are made to an allocation scheme or to the Strategic Tenancy Policy which reflect a major change of Policy, an Authority must ensure that those likely to be affected by the change have the effect brought to their attention within a reasonable time frame. This is usually done by way of consultation.
- 7.4 Caselaw has established 4 guiding principles guidelines of a fair consultation:
- 1) Consultation must be at a time when proposals are still at a formative stage.
 - 2) The proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response.
 - 3) Adequate time must be given for consideration and response.
 - 4) The product of consultation must be conscientiously taken into account in finalising any statutory proposals.

7.5 The consultation process (noted at Appendix 1), along with the final draft of the revised Housing Allocations Policy evidence compliance with the consultation requirements of both statute and the guiding principles noted above.

7.6 Legal Services have reviewed the Housing Allocation Policy in order to ensure that no elements of the Policy are deemed unlawful.

8. Human Resources Advice and Implications

8.1 There are no HR related concerns relating to this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 There are provisions within the Strategic Tenancy Policy and Housing Allocation Policy to support vulnerable adults. Section 3.6 of the new Policy seeks to safeguard vulnerable adults in housing need. Section 6.6 (auto-bid) ensures that vulnerable applicants who require support with bidding can be placed on auto-bid.

9.2 The revised Housing Allocation Policy has retained the highest priority to Rotherham Care Leavers, enabling them to move to independent accommodation when ready to do so. Whilst the review has amended the requirements for shared care, the Policy has ensured that in exceptional cases, the Council will have the discretion to allocate houses to applicants with shared care. Evidence will be sought via a multi-agency approach and where there is a proven need for a house.

10. Equalities and Human Rights Advice and Implications

10.1 An Equalities Analysis has been completed to ensure that there is no adverse impact on a particular group, and this is attached at Appendix 5.

11. Implications for CO2 Emissions and Climate Change

11.1 Climate change poses a significant threat to environments, individuals, communities, and economies on local, national, and international scales. In recognition of this the Council has aimed to be net carbon neutral as an organisation by 2030, and for Rotherham as a whole to achieve the same position by 2040.

11.2 A Carbon Impact Assessment has been completed as part of the policy review and is attached at Appendix 6.

12. Implications for Partners

12.1 During the 12-week consultation period, wider engagement with partners and a range of local and regional stakeholders has been undertaken.

12.2 The draft Housing Allocation Policy, Strategic Tenancy Policy, and table of changes was published alongside the public consultation.

13. Risks and Mitigation

- 13.1 The summary of risks associated with the review are summarised in the table below.

Risk	Mitigation
Potential legal challenge against any aspect of the Policies by an individual or organisation.	Engagement of legal services to ensure the proposed Policies are compliant and meets the proposed aims and objectives. A 12-week public consultation has reduced the risk of challenge but there is no guarantee that a challenge will not be made. As accommodation becomes scarcer, the potential for challenge increases.
Reputational risk arising from proposed changes.	Recommendations based on evidence and data from the public consultation. Recommendations based on increasing demand and assisting those in greatest housing need. The Housing Act specifies groups where reasonable preference is required.
Internal staff capacity to implement the new Policy – Housing, Legal etc.	Following approval, a 3-month implementation period is required. An implementation and training plan will support the launch of the new Policies to ensure that it is communicated with professionals, members, and customers.

14. Accountable Officers

Sandra Tolley, Head of Housing Options

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	John Edwards	18/08/25
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	18/08/25
Assistant Director of Legal Services (Monitoring Officer)	Phil Horsfield	18/08/25

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