

Classification: Open	Decision Type: Key
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Report to:	Cabinet	Date: 14 October 2026
Subject:	Review and amendments to Bury Council's Housing Allocations Policy	
Report of	Cabinet Member for Housing Services	

Summary

1. The council is required under Section 166A of the Housing Act 1996 to have an allocations policy for determining the priorities and procedures to be followed in allocating housing accommodation.
2. The council last reviewed the policy in September 2024 and following consultation published the Allocations Policy in May 2025. The policy states it will be reviewed every year or earlier if new legislation requires major amendments to be made.
3. We have reviewed the Allocations Policy and propose two minor changes;
 - a. The policy makes no provision for retiring service tenants whose accommodation is a condition of their employment and who will lose their service accommodation on retirement. The paper proposes amending the Allocations Policy to take account of such circumstances so that retiring service tenants can be rehoused by the council through a direct let.
 - b. The policy as currently drafted only allows direct lets at the discretion of the Director of Housing in limited circumstances. It is proposed that the policy is amended to enable the Director of Housing to have discretion to make direct lets in any circumstance consistent with the law and policy aims.
4. No further changes are proposed as part of the review save for minor non-material grammatical corrections.

Recommendation(s)

5. That Cabinet approve the proposed amendments to the Allocations policy.

Reasons for recommendation(s)

6. The council has properties it lets to employees such as caretakers or park wardens as part of their employment contract. When these employees retire they lose their service tenancy and are at risk of becoming homeless. In order to prevent them becoming homeless and to ensure they enjoy a planned rehousing move it is recommended that the Allocations Policy is amended to allow for a direct let to a council tenancy at the point of retirement.
7. The policy should reserve discretion to the Director of Housing make direct lets in such circumstances she considers necessary subject to the law and aims of the policy. Such lettings should be very few in number and will not affect overall compliance with the law.

Alternative options considered and rejected

8. Do nothing and not amend the Allocations Policy. This option has been rejected as it would leave long standing employees at risk of homelessness and will avoid the Director of Housing having to seek cabinet approval for individual direct lettings under the policy.

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Background

9. The Council is required under Section 166A of the Housing Act 1996 to have an allocation policy for determining the priorities and procedure to be followed in allocating housing accommodation. It must also publish details of the process, eligibility criteria and the key factors that will be considered when determining applications.
10. The Allocations Policy must comply with the statutory framework set out in Part 6 Housing Act 1996 (as amended) and provides a consistent approach to dealing with the housing needs and aspirations of the local population. The council also understands that a small number of people have complex needs and so the policy allows for some management discretion to achieve positive outcomes for those individuals who do not easily fit the mainstream.
11. The council carried out a full review of its Allocations Policy in 2024 and the draft for consultation was signed off by Cabinet at its meeting on 4th September 2024. Cabinet also delegated any post consultation amendments to the Cabinet member for Housing in consultation with the Director of Law and Governance. Following consultation, the Allocations Policy was published in May 2025.

Allocations policy aims and objectives

12. The general aim of the policy is to assist as many people as possible into settled accommodation by offering applicants a choice of quality housing, whilst continuing to give reasonable preference of those in the most urgent housing need.
13. The objectives of the policy are;
- Meet housing need and support the most vulnerable
 - Create sustainable tenancies
 - Balance housing needs as far as possible with customer aspirations
 - Make best use of the Council's housing stock
 - Make best use of the Council's nominations rights to housing associations/ private registered provider properties
 - Ensure a quality lettings service that embraces equality and diversity
14. Demand for social housing continues to outstrip the number of properties available and it is up to the council to ensure that there remains fair and equitable access to what has become a scarce resource. The law requires the council to give 'reasonable preference' to certain groups of people, and this is reflected in the policy.
15. At the end of March 2026, we had 2052 applicants on the housing register. The breakdown of their housing need by bedroom is shown in the table below. The table also shows the average waiting time in days for each property size.

Bedroom requirement	Number of applicants as at 31st March 2026	Average waiting time in days as at 31st March 2026
One bed	1040	449
Two bed	517	624
Three bed	415	754
Four bed	72	693
More than four beds	14	1199
Total	2052	

16. The table below shows the number of people on the housing register in each band.

Band	Number of applicants at 31st March 2026
Band 1	347
Band 2	470

Band 3	625
Band 4	418
Band 5	192
Total	2052

17. In 2025/26 we allocated 567 properties. The table below shows the number of properties advertised on choice based lettings;

Bedroom size	Advertised
One bed	223
Two bed	171
Three bed	35
Four bed	0
More than four beds	0
	429

18. We also approved 138 direct lets, 95 of which were made to applicants in band 1. Direct lets made up 24% of all lets. A breakdown of the reasons for direct lets is shown below;

- 57 Homeless applicants
- 45 Managed moves
- 36 Care leavers

19. 36% of allocations were to applicants in band one in 2025/26 showing that a significant proportion of available homes need to be prioritised to meet statutory duties.

Allocating properties and direct let

20. The Allocations Policy applies to all available homes for let which are owned by the Council and housing associations that are subject to Council nomination rights. Most properties are allocated through the Council's choice based lettings scheme. The policy also recognises that there may be some exceptional circumstances that are not suitable for Choice Based Lettings. In these instances the Director of Housing is authorised to let a property directly based on the merits of the case.
21. The circumstances where a direct let may be appropriate are set out in section 7 of the Allocations Policy. These are;
- The safeguarding and protection of applicants and existing tenants for reasons of domestic violence, harassment or hate crime or where Multi Agency Protection Arrangement (MAPPA) or National Witness Mobility Scheme has recommended that an applicant should not bid for fear of being identified.

- The accommodation of applicants who present with complex needs.
 - Households recommended for, or subject to, A Family Intervention Tenancy (FIT).
 - Applicants that have been under occupying and requiring rehousing to a smaller property due to hardship or affordability issues.
 - Allocating homeless households to temporary accommodation through the Housing Options Service.
 - Applicants requiring specially adapted properties.
 - Rehousing tenants who are vacating a specially adapted property or large family homes in favour of an applicant on the Housing Register to whom the property is more suited.
 - Retirement living accommodation, in extra care units or properties designated for elderly applicants.
 - Civil contingency emergencies, meeting the Council's obligations (such as refugee crisis) and the allocation of properties that fail to attract bids.
22. In reviewing the Allocations Policy, it has been identified that the policy makes no provision to enable a direct let for retiring service tenants whose accommodation is a condition of their employment and who will lose their service accommodation on retirement.
23. It is proposed to add an additional provision to the list above that states;
- Retiring service tenants whose current accommodation is a condition of their contract of employment and who will lose their accommodation when they retire.
24. The review of the policy also highlighted that the current policy does not allow for direct lets at the discretion of the Director of Housing outside the list above. It is proposed to add the following amendment to the Section 7 of the policy. The proposed text is in bold italics;
- ‘The council reserves the power to make as many direct let offers as it thinks fit to meet the needs outlined above, ***and in other similar circumstances at the discretion of the Director of Housing.*** The council will, however, ensure that the number of offers under direct lets remains a fraction of the total lettings. The majority of properties will continue to be let through Choice Based Lettings.’
25. The rest of the Allocations Policy remains unchanged.

Minor change not requiring consultation

26. There are consultation requirements in s.166A(13) and s.168(3) of the Housing Act 1996 but these only apply where an allocation policy is amended to reflect a major change of policy. The proposed amendments do not alter

the scheme's fundamental priorities, materially affect applicants' relative priority, or introduce significant procedural changes. Accordingly, they do not constitute a major change of policy and the statutory consultation requirements are not engaged

Links with the Corporate Priorities:

Please summarise how this links to the Let's Do It Strategy.

27. The Allocations Policy main aim is to assist as many people as possible into settled accommodation by offering applicants a choice of quality housing, whilst continuing to give reasonable preference of those in the most urgent housing need. The policy links to the Let's do It Strategy through supporting;

Local – supporting local residents into permeant sustainable accommodation whilst balancing housing needs with resident aspirations.

Enterprise – making the best use of the social housing stock in the brough.

Together – Ensure a quality lettings service that embraces equality and diversity

Strengths – though choice based lettings, empowering households by providing transparency and choice on the properties available.

Equality Impact and Considerations:

*Please provide an explanation of the outcome(s) of an initial or full EIA and make **specific reference regarding the protected characteristic of Looked After Children**. There must be a signed off EIA template appended with a full analysis or explanation as to why an analysis is not needed for the report to be put forward to Cabinet. Sign off to be completed by the Council's Equality, Diversity and Inclusion (EDI) Manager (contact l.cawley@bury.gov.uk for advice).*

28. The current policy was equality impact assessed when it was first introduced with no equality concerns identified. The proposed changes in this report do not materially change the policy in terms of equalities and the initial assessment remains live and relevant. The application of the policy is continually monitored for equalities considerations and will continue to be so
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Environmental Impact and Considerations:

*Please provide an explanation of the Environmental impact of this decision. Please include the impact on both **Carbon emissions** (contact climate@bury.gov.uk for*

advice) and **Biodiversity** (contact S.Tinsley@bury.gov.uk and Dennis.whittle@bury.gov.uk for advice

Assessment and Mitigation of Risk:

Risk / opportunity	Mitigation
By not making the amendment there is a risk that on retirement service tenants will become homeless.	Put in place provisions within the Allocations Policy to plan for termination of a service tenancy to prevent homelessness including ability to make a direct let.

Procurement Implications:

29. No Procurement Implications

Legal Implications

30. The council is required under Section 166A of the Housing Act 1996 to have an allocations policy for determining the priorities and procedures to be followed in allocating housing accommodation.

The proposed changes set out in this report are lawful insofar as compliance with the statutory framework being Part 6 Housing Act 1996 (as amended).

The change to provide explicitly for the rehousing of retired Council service tenants of tied accommodation (e.g. gardeners at park lodges) updates the allocation policy to correct an omission which presented operational challenges in these scenarios.

The change to expand the Director of Housing's discretion to make direct offers of tenancies is requested because the current drafting may be interpreted as being restricted to the scenario examples listed in the policy. The Director of Housing needs to be able to exercise her discretion as widely as the statutory framework will allow. Cabinet and applicants for rehousing should be assured that the Director of Housing's discretion is circumscribed by the statutory framework and terms of the policy.

Both changes reflect common practice across Local Housing Authorities.

Legal Services also advised on whether a statutory consultation with Registered Providers would be required and advised that the requirement is not engaged for the reasons set out in the report.

Financial Implications:

31. There are no financial implications arising directly from the report.

Appendices:

Please list any appended documents (please save these as clearly labelled separate documents in the Teams folder).

Appendix one – proposed amended Allocations Policy with track changes showing proposed amendments for approval.

Background papers:

Please list any background documents to this report and include a hyperlink where possible.

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning