



Housing and Community Safety Committee

Tuesday, 13 February 2024

NOTICE IS HEREBY GIVEN that a Meeting of the **Housing and Community Safety Committee** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Tuesday, 13 February 2024** at **09:30**.

BUSINESS

1 **Sederunt**

2 **Declaration of Group Decisions and Members Interests ***

3 **Resolution**

Consider, and if so decide, adopt the following resolution:
"That under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Item 12 of business on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act."

4 **Minute of Meeting dated 21 November 2023** **5 - 10**

5 **Written Questions ****

6 **Housing Need and Demand Assessment 2023** **11 - 16**

Report by Depute Chief Executive (Economy, Environment and Finance)

7 **Rent Setting Policy Review Update** **17 - 50**

Report by Depute Chief Executive (Economy, Environment and Finance)

- | | | |
|----|--|----------------------|
| 8 | Allocations Policy Review Update | 51 -
140 |
| | Report by Depute Chief Executive (Economy, Environment and Finance) | |
| 9 | Moray Affordable Housing Investment Programme | 141 -
146 |
| | Report by Depute Chief Executive (Economy, Environment and Finance) | |
| 10 | Dampness and Condensation in Council Houses | 147 -
154 |
| | Report by Depute Chief Executive (Economy, Environment and Finance) | |
| 11 | Question Time *** | |
| | Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration. | |

Item(s) which the Committee may wish to consider with the Press and Public excluded

- 12 **Building Services Trading Operation Budget 2023-24 - Budget Monitoring [Para 9]**
- 9. Information on terms proposed or to be proposed by or to the Authority;

Summary of the Housing and Community Safety

Committee functions:

To deal with matters relating to Housing/HMOs, Housing Regeneration, Homelessness, Social Inclusion, Equalities, Community Safety, Anti-Social Behaviour (including road accidents) and Community Liaison.

GUIDANCE NOTES

* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

** **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

*** **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

MORAY COUNCIL

Housing and Community Safety Committee

SEDERUNT

Councillor Amber Dunbar (Chair)
Councillor Donald Gatt (Depute Chair)

Councillor James Allan (Member)
Councillor Neil Cameron (Member)
Councillor John Divers (Member)
Councillor Jérémie Fernandes (Member)
Councillor David Gordon (Member)
Councillor Sandy Keith (Member)
Councillor Scott Lawrence (Member)
Councillor Marc Macrae (Member)
Councillor Paul McBain (Member)
Councillor Shona Morrison (Member)
Councillor Derek Ross (Member)
Councillor John Stuart (Member)

Ms Anna Bamforth (Non-Voting Member)
Ms Jane Bartecki (Non-Voting Member)
Ms Elizabeth McKnockiter (Non-Voting Member)

Clerk Name:	Lissa Rowan
Clerk Telephone:	07765 741754
Clerk Email:	committee.services@moray.gov.uk

Minute of Meeting of the Housing and Community Safety Committee

Tuesday, 21 November 2023

Council Chambers, Council Office, High Street, Elgin, IV30 1BX

PRESENT

Councillor James Allan, Ms Jane Bartecki, Councillor Neil Cameron, Councillor John Divers, Councillor Amber Dunbar, Councillor Jérémie Fernandes, Councillor Donald Gatt, Councillor David Gordon, Councillor Sandy Keith, Councillor Scott Lawrence, Councillor Marc Macrae, Councillor Paul McBain, Councillor Shona Morrison, Councillor Derek Ross, Councillor John Stuart

APOLOGIES

Ms Anna Bamforth, Ms Elizabeth McKnockiter

IN ATTENDANCE

Chief Executive, Head of Housing and Property Services, Housing Strategy and Development Manager, Property Asset Manager, Ms Murray, Senior Housing Officer (Information) Mrs Anderson, Senior Solicitor and Mrs Robinson, Committee Services Officer as Clerk to the Meeting.

1 Chair

Councillor Dunbar, being Chair of the Housing and Community Safety Committee, chaired the meeting.

2 Note of Thanks

The Chair stated that Mr Tolmie, Tenant Representative, had announced his intention to step down from his role as Tenant Representative at the last meeting of the Tenant Forum and the Committee joined the Chair in thanking him for his service to the Committee. She further stated that Ms Elizabeth McKnockiter had agreed to fill the vacant position of Tenant Representative going forward however was unable to attend the meeting today.

3 Declaration of Group Decisions and Members Interests

In terms of Standing Order 21 and 23 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

4 Resolution

The Committee resolved that under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for the items of business detailed below, on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act.

Paragraph Number of Minute	Paragraph Number of Schedule 7a and Reason
15	9 - Information on terms proposed or to be proposed by or to the Authority.

5 Minute of Meeting dated 12 September 2023

The Minute of the meeting of the Housing and Community Safety Committee held on 12 September 2023 was submitted and approved.

6 Written Questions

The Committee noted that no written questions had been submitted.

7 Scottish Social Housing Charter Compliance

Councillor Morrison left the meeting during consideration of this item.

Under reference to paragraph 9 of the Minute of the meeting of this Committee dated 12 September 2023, the Committee had before it a report by the Depute Chief Executive (Economy, Environment and Finance) providing information on the details of the Council's 2022/23 performance following data published by the Scottish Housing Regulator and compliance with both the Scottish Social Housing Charter and Regulatory Framework.

Following consideration, the Committee unanimously agreed to:

1. note the Council's performance against the Scottish Social Housing Charter in 2022/23;
2. approve the action plan in Appendix II of the report relating to performance on the Scottish Housing Quality Standard for electrical testing set out also in Section 4.7 of the report;
3. note the actions taken on ensuring properties are not affected by mould and dampness; and
4. note the content of the Annual Performance Report detailed in Section 5 of the report.

8 Tenant Participation Strategy 2024-2029

The Meeting had before it a report by the Depute Chief Executive, (Economy, Environment and Finance) providing an update on the development of the Council's next Tenant Participation Strategy covering the period 2024-2029. The report further sought permission to consult with key stakeholders in this regard.

Following consideration, the Committee unanimously agreed:

1. to note the requirement to review the Tenant Participation Strategy;
2. to approve the draft Tenant Participation Strategy 2024-2029 set out in Appendix I and detailed in Section 4 of the report, for consultation;
3. that a consultation on the draft Tenant Participation Strategy 2024-2029 is undertaken with key stakeholders, as set out in Section 4 of the report;
4. to note the draft Integrated Impact Assessment (IIA) at Appendix II of the report and note that this may be updated following the consultation; and
5. to note that a further report detailing the outcome of the consultation and providing a revised draft Tenant Participation Strategy and updated Integrated Impact Assessment will be presented to this Committee in May 2024.

9 Strategic Housing Investment Plan 2024/2025 - 2028/2029 Report

Under reference to paragraph 10 of the Minute of this Committee dated 15 November 2022, the Meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) asking for approval of the Council's draft Strategic Housing Investment Plan (SHIP) 2024/2025 - 2028/2029.

Following consideration, the Committee unanimously agreed:

1. to note the draft SHIP;
2. to approve the consultative draft SHIP submitted to the Scottish Government on 16 October 2023; and
3. that further progress reports on the SHIP are presented to this Committee as required.

10 Rent Setting Policy Review

Under reference to paragraph 6 of the Minute of the Communities Committee dated 22 October 2013, the Meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) providing information on the need to review the methodology used to set council house rents and service charges in Moray. The report presented a revised Rent Setting Policy for consideration and sought agreement to consult with stakeholders on the revised policy. The report further sought approval to consult with tenants on rent levels to be included within the Housing Revenue Account (HRA) Budget 2024/25.

Following consideration, the Committee unanimously agreed:

1. the current practice and the requirement to review the Rent Setting Policy, as detailed in Section 3 of the report;
2. to approve the revised Rent Setting Policy, as set out in Section 6 and Appendix II of the report, for consultation;
3. that a consultation exercise on the revised Rent Setting Policy is undertaken, as set out in Section 8 of the report;
4. to note the Integrated Impact Assessment on the Rent Setting Policy as set out at Appendix III of the report and that it may be updated following the policy consultation;
5. to note that an update report, detailing the outcome of the consultation and providing a revised policy for approval, will be presented to this Committee in February 2024;
6. that Council tenants are consulted on rent levels as part of the HRA budget setting for 2024/25, as set out in Section 9 of the report; and
7. that the consultation outcome and the tenants' preferred option for the annual increase are included within the HRA Annual Budget for 2024/25, due to be presented to Council in March 2024.

11 Housing Investment 2023-24

Councillor Morrison re-joined the meeting at this juncture.

The Meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) informing it of the progress of the Housing Investment Programme 2023/24 to 30 September 2023.

Following consideration, the Committee unanimously agreed to note the Housing Investment Programme audited outturn to 30 September 2023, as detailed in Section 3 and Appendices I to VI of the report.

12 Housing and Property Services Budget Monitoring - 30 September 2023

The Meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) presenting the budget position for the Housing Revenue Account (HRA) and General Services Other Housing Budget for the period up to 30 September 2023.

Following consideration, the Committee unanimously agreed to note the budget monitoring report for the period to 30 September 2023.

13 Performance Report (Housing and Property Services) - Period to September 2023

The Meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) informing it of the performance of the service for the period to 30 September 2023.

Following consideration, the Committee unanimously agreed to note:

1. performance in the areas of Service Planning, Service Performance and other related data to the end of September 2023; and
2. the actions being taken to improve performance where required.

14 Question Time

RACC in Council Housing Stock

Under reference to paragraph 11 of the Minute of the meeting of this Committee dated 12 September 2023, Councillor Fernandes sought an update and reassurance in relation to the investigation into RAAC within the Council's housing stock.

In response, the Head of Housing and Property Services advised that RAAC would not be present in properties 10-15 years old therefore would not be included in the inspection. The Property Asset Manager further advised that property records have been reviewed to check where RAAC may be present and that it is most likely prevalent in non-traditional constructions of which there are not many.

Estate Walkabouts

Councillor Gatt queried when Estate Walkabouts would recommence.

In response, the Head of Housing and Property Services advised that they have restarted and that the programme will be checked and details provided in due course.

15 Building Services Trading Operation Budget 2023/24 - Budget Monitoring [Para 9]

The Meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) presenting budget monitoring information for the period to 30 September 2023 for the Building Services Trading Operation.

Following consideration, the Committee unanimously agreed to note:

1. the financial information for the period to 30 September 2023, as detailed in section 5 and Appendix I of the report;
2. Building Services operating performance for the period to 30 September 2023, as set out in section 6 of the report; and

3. the revised projected outturn to 31 March 2024, as detailed in section 7 and Appendix I of the report.



**REPORT TO: HOUSING AND COMMUNITY SAFETY COMMITTEE ON 13
FEBRUARY 2024**

SUBJECT: HOUSING NEED AND DEMAND ASSESSMENT 2023

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 To inform the Committee of the status of the Housing Need and Demand Assessment and its findings.
- 1.2 This report is submitted to Committee in terms of Section III G (10) of the Council's Scheme of Administration relating to the preparation and implementation of strategic housing plans.

2. RECOMMENDATION

2.1 It is recommended that the Committee:

- (i) **considers and notes the “robust and credible” status of the Housing Need and Demand Assessment 2023, and its key findings; and**
- (ii) **notes that a consultative draft Local Housing Strategy 2024-29 will be presented to Committee in winter 2024.**

3. BACKGROUND

- 3.1 The Housing Need and Demand Assessment (HNDA) is a statistical reference document which provides a key evidence base for both Local Housing Strategies (LHS) and Local Development Plans (LDP). It is largely analytical, using a wide variety of both national and local data sources, supplemented by qualitative information where appropriate, and using agreed assumptions.
- 3.2 The methodology of HNDA development is set out in Scottish Government Guidance. The Guidance requires that HNDA development is overseen by a Housing Market Partnership. Members include Officers from Housing and Property, Planning, local Housing Associations, Health and Social Care Moray, Cairngorms National Park Authority, and Homes for Scotland.

- 3.3 The Housing Market Partnership has been consulted throughout development of the HNDA, both as a body and individually, making use of particular specialisms of individual members or groups of members e.g. Registered Social Landlords, Health and Social Care Moray.
- 3.4 The Scottish Government's Centre for Housing Market Analysis (CHMA) appraise the process and methodology used to produce the HNDA and award "robust and credible" status when appropriate.

4. DEVELOPING THE HNDA

- 4.1 The draft HNDA 2023 was submitted to the Scottish Government on 8 September 2023 and "robust and credible" status was awarded on 21 December 2023. A full version of the HNDA is available on the Council's website at www.moray.gov.uk/hnda.
- 4.2 HNDA findings are interpreted and refined into Housing Supply Targets through development of LHS and LDP. Therefore, decisions about the amount and type of affordable housing that should be delivered are taken in the LHS Housing Supply Target. The allocation of a generous supply of land for housing is based on the LDP Housing Supply Target, not the HNDA findings.

5. CONSULTATION

- 5.1 In April 2022 the Council appointed Arneil Johnston to develop the HNDA. Arneil Johnston's activity has been overseen by an officer group which includes representatives from Housing and Planning. Formal governance of the development of the HNDA is provided by the Housing Market Partnership.
- 5.2 HNDA are developed firstly from secondary data, i.e. readily available statistical data. This has been supplemented by and triangulated with primary research delivered by Research Resource. This involved analysis of 506 responses to an online survey, and telephone interviews with 405 randomly selected households. The survey was publicised on the Council social media channels and the staff interchange, as well as via Housing Market Partnership contacts. The methodology of this research is detailed in the HNDA at Page 23-30 and Appendix B.
- 5.3 Arneil Johnston have facilitated a series of focus groups on the housing needs of specialist need groups e.g. professionals involved with delivery of services to people with learning disabilities, public and private sector organisations with an interest in housing for essential workers.
- 5.4 The HNDA includes a separate research report into the housing needs of the gypsy/traveller community.

6. **HNDA FINDINGS**

- 6.1 On 31 January 2024, Arneil Johnston delivered a presentation to elected members on the methodology, development and findings of the HNDA.
- 6.2 The HNDA findings are disaggregated into Housing Market Areas. There are 6 Housing Market Areas in Moray – Buckie, Cairngorms, Elgin, Forres, Keith and Speyside. These are intended to represent housing search areas which are recognisable to the general public and are derived from analysis of patterns in private house sales. Housing Market Areas form the basis for geographical target setting in both the LHS and LDP.
- 6.3 The HNDA is required to identify Key housing market drivers affecting the local housing market. These are detailed in Pages 31-38 of the HNDA but are listed below:
- Population decline
 - Ageing population
 - Increasing household numbers
 - Diminishing affordability levels
 - Access to mortgage finance
 - House purchase price and private sector rent increases
 - Local aspirations for economic growth.
- 6.4 The HNDA is required to provide an estimate of the number of additional housing units required. This estimate is presented as a range across 3 scenarios i.e. Scenario 1 based on the NRS principal household projection, Scenario 2 based on the NRS high migration household projection, and Scenario 3 where Scenario 2 has been enhanced with an allowance for housing need associated with economic growth anticipated as part of the Economic Growth Strategy. All scenarios have been found to be “robust and credible”. The Growth Scenario was favoured by the Housing Market Partnership for implementation and found there is a need for 6,730 additional housing units across Moray between 2022-2042. The main drivers for this need is projected growth in the number of households, associated with demographic change, the trend towards smaller households, and projected economic changes. Full details are available in Section 5 of the HNDA (from Page 39). These figures provide a key evidence base for the Housing Supply Target in the Local Development Plan 2027.
- 6.5 The HNDA provides the proportion of additional housing units required in each tenure, based upon agreed assumptions on housing costs and affordability and future economic conditions in Moray, detailed in the HNDA (Page 54). The HNDA has found that 55-66% of additional housing units are required to be priced at below market price i.e. affordable rented or intermediate tenure.
- 6.6 The HNDA makes an agreed assumption that the backlog of affordable housing need would be cleared in 5 years and finds that there is a need for 714 additional housing units per year for 20 years. These figures are shown in the table below.

Additional Housing units required per year (years 1-5), by tenure, by housing market area							
Tenure (Scenario 3 – Growth)	Buckie HMA	Cairn gorms HMA	Elgin HMA	Forres HMA	Keith HMA	Speyside HMA	Total
Social Rent	62	0	289	66	39	30	486
Below market rent/ Intermediate tenure	10	1	28	10	5	5	57
Private rent	9	1	45	15	5	5	81
Owner occupied	16	1	39	18	8	8	89
Total	97	12	401	109	57	47	714

Figures may not sum due to rounding

- 6.7 The HNDA has found that since 2001, population change across the Moray area has been driven by an ageing population with a 52% increase in those aged 65+ and an 86% increase in the 85+ age group. Population ageing is projected to continue with a 32% increase in those aged over 65 between 2022 and 2042. As a result, there will be a growing need for amenity housing and wheelchair accessible and in all tenures, to enable people to live well as independently as possible for as long as possible.
- 6.8 The HNDA includes an assessment of the need for wheelchair accessible and amenity housing (HNDA Appendix I), following consultation with key stakeholders in this area (HNDA Appendix O). The HNDA has found a need for 150 amenity units and 90 wheelchair accessible units per year for the next 5 years. The strategic response to this finding will require further consultation with Health and Social Care Moray and specialist Housing Associations and will be detailed in the forthcoming draft Local Housing Strategy.
- 6.9 The HNDA includes an assessment of the need for key worker housing (HNDA Appendix O). This assessment found that a shortage of key worker housing options is having a substantial impact on public and private sector recruitment and retention in Moray and that *“public sector employers and particularly the NHS, are experiencing major housing related recruitment problems”*. Competition in recruiting NHS and allied health professionals was exacerbating wider key worker housing pressures in Moray, with public sector organisations less able to be agile in the Moray housing market and less able to test creative solutions. The HNDA recommends that *“given the competing pressures across public and private employers, creating a definition of key workers that social landlords could use to target and prioritise the allocation of social housing is required”*, and that mid-market rent development should be considered as a model for new provision. These issues will be considered as part of development of the next Local Housing Strategy.
- 6.10 In December 2023 Officers initiated discussion with NHS Grampian with the aim of increasing supply of housing suitable for their needs. Addressing NHS Grampian housing need has been referenced in two reports elsewhere on this agenda i.e. Affordable Housing Programme and Allocations Policy.

- 6.11 The Gypsy Traveller Accommodation Needs Research recommends development of 1 or 2 public sites with a mixture of permanent and temporary pitches. Full details available in the HNDA (Page 87 and Appendix J).

7. FUTURE ACTIONS

- 7.1 The HNDA 2023 findings will be fundamental to the development of the next LHS. It is notable that although the methods used to deliver the HNDA 2023 vary from the previous HNDA, the findings are similar. This means that the priorities and approaches are likely to remain similar between current and new LHSs. Officers will present a consultative draft LHS to this Committee in winter 2024/25.
- 7.2 In addition, the HNDA findings from the baseline for the housing land requirement in the LDP, as well as identifying issues to be addressed through planning policy, e.g. provision for gypsy travellers etc.

8. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The HNDA provides a key evidence base to support development of the Councils strategic approach to housing issues, delivered through the LHS 2024-29 and LDP.

(b) Policy and Legal

The Scottish Government's HNDA Guidance states that "The Directorate for Planning and Environmental Appeals has commented that, where the CHMA has confirmed that an HNDA is robust and credible, the approach used should not be subject to any further procedure at a Development Plan examination. Any discussion at examination is therefore expected to focus on issues raised in representations that relate to the proposed policies and housing allocations included in the proposed Development Plan and their relationship with the findings of the HNDA. The HNDA 2023 findings form the baseline for the housing land requirement in the LDP.

(c) Financial implications

There are no financial implications arising from this report.

(d) Risk Implications

None. Action taken as a result of the HNDA findings will be developed through the LDP and the LHS 2024-29.

(e) Staffing Implications

There are no staffing implications arising from this report.

(f) Property

There are no property implications arising from this report.

(g) Equalities/Socio Economic Impact

The HNDA includes a needs assessment in relation to protected groups, particularly in relation to age and disability and will inform future decisions that will assist in meeting those needs.

The HNDA also includes an assessment of the need for affordable housing and can assist inform strategic decisions in accordance with the socio-economic duty under section 1 of the Equality Act 2010.

(h) Climate Change and Biodiversity Impacts

The HNDA will be a key evidence base for the forthcoming LHS. The aims of the LHS will be closely aligned to the Council’s Climate Change Strategy, and Local Heat and Energy Efficiency Strategy (LHEES).

(i) Consultations

This report has been subject to consultation with the Depute Chief Executive (Economy, Environment and Finance), the Head of Housing and Property Services, the Head of Economic Growth and Development, the Strategic Planning and Development Manager, the Equalities Officer and Lissa Rowan, Committee Services Officer.

9. CONCLUSIONS

9.1 Scottish Planning Policy requires that LDP and LHSs are developed in tandem, and that both are supported by a HNDA. This report advises the Committee that the Council’s HNDA 2023 was assessed as “robust and credible” on 21 December 2023.

9.2 This report summarises the HNDA 2023 findings and advises that a consultative draft LHS will be presented to this Committee in winter 2024/25.

Author of Report: Fiona Geddes, Housing Strategy and Development Manager

Background Papers: with author

Ref: SPMAN-1285234812-1485



**REPORT TO: HOUSING AND COMMUNITY SAFETY COMMITTEE ON 13
FEBRUARY 2024**

SUBJECT: RENT SETTING POLICY REVIEW UPDATE

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 This report provides the Housing and Community Safety Committee with the results of the Rent Setting Policy review consultation and presents a revised Rent Setting Policy for approval. It also advises Committee that a rent campaign will be undertaken to tackle high level arrears and seeks Committee approval to utilise any remaining allocation of the Service Development Budget for 2023/24 in order to administer the Tenant Sustainment Fund and any overhead costs associated with running the rent campaign.
- 1.2 This report is submitted to Committee in terms of Section III G (1a) of the Council's Scheme of Administration relating to capital and revenue budgeting, including the setting of rent levels for Council houses.

2. RECOMMENDATION

- 2.1 **It is recommended that the Housing and Community Safety Committee:-**
- (i) considers and notes the results of the public consultation on the Rent Setting Policy as set out in Section 4 and APPENDIX I;**
 - (ii) approves the revised Rent Setting Policy as set out in APPENDIX II;**
 - (iii) agrees that the revised Rent Setting Policy will be implemented on 1 April 2024;**
 - (iv) notes that a rent campaign will run from 1 March 2024 until 31 March 2024 which will target high level rent arrears (as set out in Section 6);**
 - (v) considers and approves the Tenancy Sustainment Fund which will operate during March 2024 (as set out in Section 7); and**

- (vi) approves that any remaining allocation from the Service Development Budget for 2023/24 is used to administer and deliver the Tenancy Sustainment Fund along with any overhead costs associated with running the rent campaign.**

3. BACKGROUND

- 3.1 The Rent Setting Policy was approved by the Community Services Committee on 23 November 2005 for implementation from 3 April 2006 (Para 5 of the Minute refers). The policy was further reviewed on 16 February 2010, when the Communities Committee agreed to include a premium for new Council houses and to allow a weekly charge for the installation of over bath showers, where tenants wanted these installed (Para 10 of the Minute refers). Minor policy amendments were approved by the Communities Committee on 22 October 2013 (Para 6 of the Minute refers).
- 3.2 The current structure calculates rents using a points-based approach which considers specific elements relevant to each property:
- Property type
 - Bedrooms
 - National Home Energy Rating (NHER) value
 - Garden
 - Kitchen standard
 - Location
 - Council new build
- In addition, there is a weekly charge for over bath showers installed at the tenant's request, which is calculated over a 12-year period.
- 3.3 At its meeting on 21 November 2023, Committee were informed of the rationale and requirement for a revised rent setting structure which would:
- provide a fair, consistent, transparent and accountable model for setting rents;
 - ensure that rents are affordable for tenants;
 - generate the income required to support investment; and
 - ensure that the Housing Revenue Account (HRA) remains financially viable.
- (Paragraph 10 of the Minute refers).
- 3.4 Committee were advised that as part of the review process, all Moray Council tenants were contacted and invited to provide feedback, via the completion of a questionnaire, on the principles of rent restructuring and to give their opinions on the potential property characteristics which could be considered for rent setting and on the methodology for applying service charges. Tenant feedback was used to inform the review process and the restructure of the rent setting framework.
- 3.5 The revised rent structure set out in the revised draft Rent Setting Policy used to calculate the weekly rent adopts a combined approach, which uses a minimum baseline rent, varied using a points-based scheme, based on the attributes relevant to the property.

- 3.6 The baseline rent has been developed around the rental charge for a two-bedroom, semi-detached property, which is the most common property size and type in Moray Council housing stock. The points-based scheme is calculated according to values awarded to the characteristics and amenities of each property, which are applied uniformly. The attributes which are taken into account are:
- Property size (number of bedrooms)
 - Property type (e.g. house or flat, mid or end terraced, detached or semi-detached, etc.)
 - Energy rating (based on the Energy Performance Certificate (EPC) rating)
 - Parking (private or shared parking)
 - Additional toilet
 - Garden (private or shared)
 - Sheltered housing (heating charge applicable to Larch Court, Elgin only)
- The rent is charged over 48 weeks per year.
- 3.7 Social landlords have an obligation to consult tenants and customers regarding proposals to change rents and have regard to their views in setting new rent levels. At its meeting on 21 November 2023, this Committee agreed that a public consultation on the revised draft Rent Setting Policy should be undertaken (Para 10 of the Minute refers).
- 3.8 The consultation, which commenced on 22 November 2023 and ended on 5 January 2024, was published on the Council's website and promoted across social media platforms. Tenants and Housing List applicants were contacted to inform them of the consultation and request their feedback, as were other key stakeholders.
- 3.9 To assist consultees, the Housing Service developed an explanatory leaflet, using plain language. This explained the review process, the key changes and their implications, including examples of rent calculations, details of the transitional arrangements and annual rent increases and set out the arrangements following the conclusion of the consultation. The leaflet included frequently asked questions.
- 3.10 An online questionnaire was developed for consultees to provide feedback. Paper copies of the consultation information and the questionnaire were available upon request.
- 3.11 To further inform Elected Members a briefing was delivered on 5 December 2023, facilitated by Arneil Johnston (consultants commissioned by the Council to complete a review of the rent structure and to assist develop the revised structure). The briefing provided Elected Members with the outcomes of the rent affordability review undertaken in 2022; an overview of issues with the current rent and service charge structure; outcomes from the initial tenant consultation undertaken in summer 2023; and an overview of the impact which the revised rent and service charge structure would have both on tenants and the HRA business plan.

4. CONSULTATION RESPONSES

4.1 The consultation questionnaire asked the following generic questions about the policy:

- (i) Do you support the introduction of the Rent Setting Policy?
- (ii) Did you find the Rent Setting Policy easy to read and understand?
- (iii) Is there a section that you would like to see reworded?
- (iv) Is there something that we've missed that you think should be included?
- (v) Is there anything you think should be removed?

Consultees were also invited to provide general comments that they may have on the revised Rent Setting Policy. Tenants who responded were also able to submit a request for additional support with their tenancy and rent.

4.2 An overview of the responses, details of the comments returned and a response to the comments are included at **APPENDIX I**. The comments returned have been amended to correct grammatical and typing errors. Any comments relating to personal circumstances, or which were not relevant to the Rent Setting Policy review have been removed.

4.3 An overview of the feedback returned for the generic questions asked and a summary of the comments received is set out below.

Do you support the introduction of the Rent Setting Policy?

4.4 **833** respondents answered this question. Of these, **685** respondents (82.2% of those who answered the question) supported the introduction of the revised Rent Setting Policy.

Did you find the Rent Setting Policy easy to read and understand?

4.5 **829** respondents opted to answer this question and of these **713** respondents (86% of those who answered the question) found the revised Rent Setting Policy easy to read and understand.

Is there a section of the Rent Setting Policy that you would like to see reworded?

4.6 **820** respondents opted to answer this question and of these only **45** respondents (5.5% of those who answered the question) wanted a section of the Rent Setting Policy reworded.

4.7 The comments received regarding a section of the revised Rent Setting Policy which respondents would like reworded related to:

- legislative duties that the Council must comply with;
- an issue which is already considered in the Rent Setting Policy;
- a level of detail not included in the Rent Setting Policy but is included in accompanying information resources; and
- issues outwith the scope of the policy review, including but not restricted to individual cases.

4.8 Following consideration of the responses returned, no changes have been made to the Revised Rent Setting Policy.

Is there something that we have missed in the Rent Setting Policy that you think should be included?

- 4.9 **816** respondents opted to answer this question and of these **756** respondents (92.6% of those who answered the question) did not think that anything had been missed from the Rent Setting Policy and **60** respondents (7.4% of those who answered the question) thought that an item had been missed.
- 4.10 The comments received regarding an item that had been missed related to:
- a level of detail which is not included in the Rent Setting Policy but is included in accompanying information resources;
 - an issue which is already considered in the Rent Setting Policy; and
 - issues not included in the Rent Setting Policy but which are addressed by other housing policies.
- 4.11 Consideration was given to the feedback received, however given the above, no changes have been made to Rent Setting Policy.

Is there anything that you think should be removed from the Rent Setting Policy?

- 4.12 **810** respondents opted to answer this question and of these **775** respondents (95.7% of those who answered the question) did not think that anything should be removed from the Rent Setting Policy, whilst only **35** respondents (4.3% of those who answered the question) wanted an area of the policy removed.
- 4.13 The comments received regarding an area of the policy that should be removed related to:
- the change in rent levels that the Rent Setting Policy will introduce;
 - legislative duties that the Council must comply with; and
 - a level of detail already considered in the Rent Setting Policy.
- 4.14 Following consideration of the comments on removing detail included in the Rent Setting Policy, no changes have been made.

Do you have any other comments on the Rent Setting Policy?

- 4.15 **810** respondents opted to answer this question and of these **35** respondents (4.3% of those who answered the question) provided additional comments. These related to:
- legislative duties that the Council must comply with;
 - a level of detail already considered in the Rent Setting Policy;
 - issues not included in the Rent Setting Policy but which are addressed by and detailed in other housing policies, process and information resources;
- 4.16 Following consideration of the additional comments provided no changes have been made to the Rent Setting Policy.
- 4.17 The revised Rent Setting Policy is provided as **APPENDIX II** for this Committee's approval.

5. POLICY IMPLEMENTATION

- 5.1 Subject to this Committee's approval of the revised Rent Setting Policy, an implementation will be developed to ensure that a "go live" date of 1 April 2024 is achieved. This will include delivering staff briefings and training to ensure that all relevant staff awareness and understanding of the changes.

NEC

- 5.2 Officers have appraised the requirements of the NEC Housing system as part of the policy review. Consultancy from NEC Housing will be required to assist with the system modification requirements required to accommodate the revised Rent Setting Policy. The system modifications will be subject to robust and rigorous testing in advance of the policy implementation.

Informing and updating tenants and customers

- 5.3 Prior to its implementation, tenants will be fully informed of the changes associated with the revised Rent Setting Policy.
- 5.4 In line with Section 25 of the Housing (Scotland) Act, tenants will be provided with 4 weeks' notice of any change in their rent. Tenants will be provided with a breakdown of the rent mechanism used to calculate their rent. The 4 weeks' notice issued to tenants will also advise them of any annual increase for 2024/25 which may be agreed within the HRA Annual Budget for 2024/25, due to be presented to Council on 28 February 2024.
- 5.5 A review of all information resources will be required to ensure all information is updated to reflect the agreed changes. This will include updating the Council's website and developing guidance for applicants on the revised process. The information will provide financial information used in the rent mechanism to calculate rents. This will be reviewed and updated annually.
- 5.6 Following implementation, work will continue to ensure that tenants are fully aware of how the revised Rent Setting Policy will affect them and reassured that support will be available. This will include:
- articles in the Tenants' Voice;
 - contact with tenants who are provided transitional relief during the convergence period to ensure that they understand the implications;
 - personal contact with vulnerable tenants;
 - ongoing monitoring of rent accounts and early engagement with tenants who have rent arrears; and
 - ensuring that tenants at risk of arrears or financial insecurity have access to appropriate advice and support.

6. RENT CAMPAIGN

- 6.1 In recent years, tenants have had to contend with a number of financial challenges. Welfare Benefit reforms, the Coronavirus Pandemic and the Cost of Living Crisis have had an impact. This has resulted in higher levels of rent arrears which have been compounded by the eviction moratorium imposed by the pandemic restrictions and Cost of Living (Tenant Protection) (Scotland) Act 2022. This means that, until 31 March 2024, there is a ban on the

enforcement of evictions in Scotland, unless specific circumstances apply. For Scottish secure and short Scottish secure tenancies, eviction actions for rent arrears cannot be enforced unless the amount of arrears is £2,250 or more.

- 6.2 Like all social housing landlords, rent arrears continues to be an ongoing challenge. The Housing Service continues to perform well in the management of rent arrears in comparison to other local authority landlords. To assist this to continue, the Housing Service intends to undertake a rent campaign during March 2024. The aims and objectives of the campaign are to:
- reduce overall rent arrears by the end of Quarter 4 (31 March 2024);
 - reduce the number of high value rent arrears cases (tenancies who owe in excess of £1,000). There are currently 243 tenancies with arrears in excess of £1,000 (124 in Elgin, 73 in East and 46 in West);
 - make contact with each of the tenants with high level arrears and establish reasons for the arrears, mitigations and any barriers to a resolution and implement a suitable repayment arrangement;
 - arrange / request that personalised and tailored assistance is provided to the tenant from internal services and external agencies (e.g. housing management, housing support, welfare rights, benefits, debt advice, social work or other services) which will help support the sustainment of tenancies;
 - ensure that action is proportionate to the arrears and avoid the use of legal action and evictions to control rent arrears unless all attempts to address the debt have failed; and
 - identify instances where court action is reasonable and appropriate and ensure that measures are acted upon promptly.
- 6.3 The rent campaign will commence on Friday 1 March and continue until Sunday 31 March and will include daytime, evening and weekend activity. To assist and achieve the campaign objectives, staff in Housing Support, Area Housing and Money Advice will be able to work flexibly, with the options of condensed hours and overtime available.
- 6.4 The Corporate Communications Team will disseminate information to tenants advising that they make contact straight away if they are struggling to pay their rent or household bills, as help is available. Contact will be made with the Department of Work and Pensions and Citizens Advice Bureau to request that they also advise their customers of this.

7. TENANCY SUSTAINMENT FUND

- 7.1 If approved, the Housing Service intends to establish a Tenancy Sustainment Fund (TSF) which will assist vulnerable Council tenants who are facing financial hardship due to the cost of living crisis and will thereby support tenancy sustainment and remove the potential threat of homelessness.
- 7.2 The TSF will operate from 1 March 2024 until 31 March 2024 and will financially offer assistance where full repayment of arrears is uneconomic or inappropriate due to financial hardship.

- 7.3 Tenants must meet an eligibility criteria and consent to the referral in order access to the fund. Referrals will be made by the relevant Area Housing Officer and will be authorised by the Area Housing Manager. Each case will be considered on its own merit and it must be clearly demonstrated that the tenant is in financial hardship and is not able to repay arrears that have accrued.
- 7.4 A comprehensive and transparent audit trail of referrals, assessments and decisions will be maintained.
- 7.5 If approved by this Committee, Officers recommend that Committee agree that any money, which remains in the Service Development Budget for 2023/24, is used to administer and deliver the TSF along with any overhead costs associated with running the rent campaign. These elements will not exceed a total of £60k.
- 7.6 A full review and evaluation of the rent campaign and TSF will be completed in 2024 in order to establish if their objectives were met and assess if the TSF should be implemented on a recurring basis and provision will be made in future budgets on this basis.

8. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP)) identifies an increase in the supply of affordable housing as one of the key components of a growing, diverse and sustainable economy in Moray. Assuring the long-term financial stability of the Housing Revenue Account will contribute to delivery of this aim.

(b) Policy and Legal

There are no legal implications arising from this report.

(c) Financial implications

The Housing Revenue Account (HRA) deals with expenditure and income for the Council's housing stock. The HRA is expected to be self-financing, that is, the budgeted income is sufficient to cover the budget expenditure. The HRA is not permitted to show a deficit at the end of the financial year. The Rent Setting Policy will aid the long-term financial viability of the Housing Revenue Account and the HRA Business Plan.

Any financial implications resulting from the Tenancy Sustainment Fund and the rent campaign will be absorbed from any money which remains in the Service Development Budget for 2023/24.

(d) Risk Implications

The risk to the financial viability of the HRA has been assessed through the HRA Business Plan Review, completed in March 2023. These proposals aim to mitigate these risks and ensure sufficient funds are available to meet all Moray Council's statutory obligations in its role as a social landlord.

(e) Staffing Implications

There are no staffing implications arising from this report.

(f) Property

There are no property implications arising from this report.

(g) Equalities/Socio Economic Impact

An Equalities Impact Assessment was completed as part of the Rent Setting Policy review and no negative impacts identified. A review of the assessment undertaken during the policy consultation no further changes were identified.

(h) Climate Change and Biodiversity Impacts

The implementation of the revised Rent Setting Policy will ensure sufficient funds are available to meet all Moray Council's statutory obligations in its role as a social landlord. This includes delivery of EESSH/ESSH2, net zero carbon emissions and the aims of Housing to 2040.

(i) Consultations

Consultation on this report has taken place with the Head of Housing and Property, Housing Services Manager, Housing Strategy and Development Manager, Officers within the Housing Service, the Chief Financial Officer, Alistair Milne (Accountant), Georgina Anderson (Legal Services Senior Solicitor), the Equal Opportunities Officer and Lissa Rowan (Committee Services Officer) and any comments have been incorporated into the report.

9. CONCLUSION

9.1 This report provides the Housing and Community Safety Committee with the results of the revised Rent Setting Policy consultation. It presents a revised Rent Setting Policy for approval for implementation on 1 April 2024. It advises Committee that a rent campaign will be undertaken to tackle high level arrears, which will include the creation of a Tenant Sustainment Fund which will operate during March 2024. It seeks Committee approval to utilise any remaining allocation of the Service Development Budget for 2023/24 in order to administer the Tenant Sustainment Fund and any overhead costs associated with running the rent campaign.

Author of Report: Gillian Henly, Senior Housing Officer (Policy)
Background Papers: Rent Setting Policy Review (21 November 2023)
Review of Rent Setting Policy (22 October 2013)
New Build Council Housing (16 February 2010)
Rent Setting Policy Review (23 November 2005)
Ref: SPMAN-1285234812-1488

RENT SETTING POLICY REVIEW 2023/24 – CONSULTATION OUTCOMES

Do you support the introduction of the revised Rent Setting Policy?

Response	Tenant		Applicant		Other		Response total	
	Number	%	Number	%	Number	%	Number	%
Yes	565	67.8	85	10.2	35	4.2	685	82.2
No	137	16.4	4	0.5	7	0.8	148	17.8
Total	702	84.3	89	10.7	42	5.0	833	100

Did you find the revised Rent Setting Policy easy to read and understand?

Response	Tenant		Applicant		Other		Response total	
	Number	%	Number	%	Number	%	Number	%
Yes	595	71.8	80	9.7	38	4.6	713	86.0
No	103	12.4	9	1.1	4	0.5	116	14.0
Total	698	84.2	89	10.7	42	5.1	829	100.0

Is there a section that you would like to see reworded?

Response	Tenant		Applicant		Other		Response total	
	Number	%	Number	%	Number	%	Number	%
Yes	39	4.8	4	0.5	2	0.2	775	5.5
No	650	79.3	85	10.4	40	4.9	45	94.5
Total	689	84.0	89	10.9	42	5.1%	820	100.0

What would you like to see reworded?	Response to suggestion
Appendix 1 does not mention bungalows in property types	Bungalows are included as a house.

<p>The calculations don't really mean anything. There no explanation as to what the numbers mean. Need to be a more detailed layout of regular, planned maintenance. Such as guttering, roofing etc</p>	<p>The rent setting calculations have been included in APPENDIX I of the policy without financial detail. This will mean that the financial figures can be updated, if necessary, without having to amend the policy. The financial detail will be included information resources which will be published and available to tenants, including in any correspondence regarding the calculation of the tenant rents. This will be monitored and updated regularly.</p>
<p>State what the service charge would be and what for?</p>	<p>APPENDIX I of the policy confirms that the service charge is for the communal area and heating and applies only to the sheltered housing facility at Larch Court.</p>
<p>I think another copy in an easy read format could be sent out also. There is a lot of information to take in and can be daunting for some. I for one would rather a basic read with important points listed and then a full copy for all the little not so important things</p>	<p>Noted. An easy read leaflet explaining the policy and including examples was included as part of the consultation resources. This will be updated and made available if the policy is agreed.</p>
<p>Section 8.3 needs to be more in depth, especially when it comes down to EPC. Living in a very old property that has no proper insulation and despite having a good heating system is freezing all the time</p>	<p>This level of detail would not be included in the policy. An explanation is however available in the easy to read supporting leaflet, which was issued as part of the consultation undertaken. The easy to read leaflet will be updated and published if the policy is agreed.</p>
<p>You need to be clear about planned improvements, i.e. give examples and of waiting time reduction for improvements</p>	<p>Section 9.1 refers to property improvements and does private examples. Further examples will can be included in the supporting information resources, if the policy is agreed.</p>
<p>Thought the 28 days warning before rent increase a bit draconian.</p>	<p>This is in accordance with Section 25 of the Housing (Scotland) Act 2001 which specifies that tenants must be given no less than 4 weeks' notice of the increase.</p>
<p>It just needs to be fair for single occupants.</p>	<p>The policy uses property size as a factor in determining the rent calculation. Tenants will have been allocated properties deemed suitable to the size of their household as determined by the Allocations Policy. Therefore it will be a fair process for all.</p>

I think if you have private parking/ drive way you should pay more rather than parking on street/carpark.	The policy does use off street parking in calculations for charging rent. On street parking or car parks are not taken into account.
---	--

Is there something that we've missed from the revised Rent Setting Policy that you think should be included?

Response	Tenant		Applicant		Other		Response total	
	Number	%	Number	%	Number	%	Number	%
Yes	46	5.6	9	1.1	5	0.6	60	7.4
No	640	78.4	79	9.7	37	4.5	756	92.6
Total	686	84.1	88	10.8	42	5.1	816	100

What do you think should be included in the policy?	Response to suggestion
Reduction when tenants upgrade their homes or keep rents the same.	It is unlikely that most upgrades by tenants would affect the attributes taken into account in calculating rents. There may be rare instances where the type of upgrade a tenant makes would change the attribute. E.g. heating improvements that would change the EPC. It would depend on the type of improvement and if the council have to take assume liability for the maintenance and upkeep of the upgrade. It may be that the rent does not change until the tenant vacates and the property is void. This would be discussed with the tenant when they apply for permission for the upgrade. Each case will be assessed based on its own merit.
The perceived value of a property also relates to the availability of local amenities (or lack thereof), therefore it would seem prudent to reduce the rental charge for properties in villages where there are little or no public amenities when compared to properties in areas where more is provided.	Noted however the availability of local amenities is not a relevant attribute of the Rent Setting structure.

<p>An easy read version for people with learning disabilities - e.g. as per accessible information legislation</p>	<p>An easy read leaflet explaining the policy and including examples was included as part of the consultation resources. This will be updated and made available if the policy is agreed.</p>
<p>The amount of years a person has been a tenant and the type of housing e.g. Stone and lime houses or prefabricated like the ones we are in. Our houses went up to empty the long waiting lists and were only given a lifespan of 17yrs and we have lived in them for 55yrs.</p>	<p>These are not factors considered as attributes within the policy. The property fabrication may impact on the energy efficiency of a property which would be reflected in the EPC rating, which is an attribute.</p>
<p>I think standards of kitchen bathroom etc should be included. The standard of a new build kitchen/bathroom are far better than some other houses who have had the same old kitchen/bathroom for 15/20 years but will be expected to pay the same amount of rent</p>	<p>These have been removed from the rent structure in order to make the policy fairer, transparent and accountable and provide greater consistency and reduce the number of differing rent levels being charged. Older properties tend to have different features to new builds (e.g. lower EPC rating, no additional toilet or parking). This is reflected in the rent setting mechanism used.</p>
<p>Older houses should not be considered the same as a new build</p>	<p>Older properties tend to have different features to new builds (e.g. lower EPC rating, no additional toilet or parking). This is reflected in the rent setting mechanism used.</p>
<p>If you live next to antisocial neighbours. If rent is being paid for a property, Moray Council should do more to make sure antisocial neighbours are dealt with quicker. If MC do not deal with it in a timely fashion, points should be deducted.</p>	<p>Outwith the scope of the policy review. There is a separate policy and procedure for Neighbour Disputes and Antisocial Behaviour which would be followed.</p>
<p>Points deducted for high crime areas and areas with antisocial behaviour</p>	<p>Outwith the scope of the policy review. There is a separate policy and procedure for Neighbour Disputes and Antisocial Behaviour which would be followed.</p>
<p>Temporary or homeless accommodation rent should be lowered</p>	<p>Outwith the scope of the policy review. Homeless accommodation rents are set in accordance with the Temporary Accommodation Charging Policy</p>
<p>How it is different for disabled people and others</p>	<p>The policy applies to all tenants equally.</p>
<p>You haven't mentioned anything about people with disabilities. It might be relevant. For example if</p>	<p>The policy applies to all tenants equally. The only factors used to calculate and to set rents are as detailed in the policy and Appendix I of the policy.</p>

<p>someone has a feature of their home which they need solely due to a disability, is it fair that they are charged extra? Perhaps you feel that disability benefits should cover this and maybe they do but I just thought it was worth considering.</p>	<p>There are no additional charges attributed to disability included in the Rent Setting Policy. Other service charges such as a charge for a warden service are separate from the Rent Setting Policy.</p>
<p>Antisocial behaviour to advise future tenants if it is a problematic area</p>	<p>Outwith the scope of the policy review. There is a separate policy and procedure for Neighbour Disputes and Antisocial Behaviour which would be followed.</p>
<p>I think it fair that as a landlord you should protect yourselves and the properties with standards review of the actual properties and do a property inspection at least every 24 months internally and make it part of the tenancy agreement</p>	<p>Suggestion noted. Outwith the scope of the policy review</p>
<p>As above, car port/private drive way should pay more than on street/car parking as attached to their house. Large gardens should also pay more.</p>	<p>The policy does use off street parking and garden size in calculations for charging rent. On street parking or car parks are not taken into account.</p>
<p>I feel people's homes should be visited and reviewed and rent charges affected by how you look after your property.</p>	<p>Noted however this is outwith the scope of the policy. There are other policies which may be applied e.g. Rechargeable Repairs Policy.</p>
<p>If you do consider rent increase you should make sure us paying rent should have priorities over people that don't. Getting jobs done or getting repairs done to a better standard! Can't understand why jobs are half arsed. If it was done correctly in the first placed you wouldn't need to continue to come back out to repair the job again.</p>	<p>Outwith the scope of the policy review. The Council performs well regarding the percent of reactive council housing repairs completed right first time.</p>
<p>Are rents linked to cost of living index?</p>	<p>Ensuring that rents continue to be affordable for tenants has been a key consideration throughout the review and policy development process. In order to minimise any adverse impact on tenants, the policy will be phased in over a period of time. During this time tenants will be provided with transitional relief. This means that the maximum additional rent or reduction</p>

	in rent experienced by any tenant will be limited to £7.50 per week, until their rent changes to the amount calculated in the revised structure. The rent charged by the Council will continue to be less than other landlords and social housing providers and be the most affordable housing option in Moray.
Rent is significantly cheaper than private market	Noted. The Council will continue to have one of the lowest rents out all local authority and bordering social housing landlords. They offer the most affordable housing option in Moray.
That the rent of properties are already high enough, they shouldn't be reviewed and made more expensive.	The Council will continue to have one of the lowest rents out all local authority and bordering social housing landlords. They offer the most affordable housing option in Moray.

Is there anything you think should be removed from the revised Rent Setting Policy?

Response	Tenant		Applicant		Other		Response total	
	Number	%	Number	%	Number	%	Number	%
Yes	29	3.6	4	0.5	2	0.2	35	4.3
No	652	80.5	83	10.2	40	4.9	775	95.7
Total	681	84.1	87	10.7	42	5.2	810	100

What do you think should be removed from the policy?	Response to suggestion
Leave rent rates where they are don't let them rise anymore	This is required in order to ensure that the Housing Revenue Account continues to be financially viable and to enable the Council to deliver ongoing investment needed to the housing stock.
yes the thought of any increase	Annual increases are separate to the Rent Setting Policy. The impact on individual tenants has been a key consideration throughout the review and policy development process. In order to minimise any adverse impact on tenants, the policy will be phased in over a period of time. During this time tenants will be provided

What do you think should be removed from the policy?	Response to suggestion
	with transitional relief. This means that the maximum additional rent or reduction in rent experienced by any tenant will be limited to £7.50 per week, until their rent changes to the amount calculated in the revised structure. Tenants told us during the earlier consultation that this was their preferred option.
Service charge?	The only service charge include within the Rent Setting Policy is for the communal area and heating charge and applies only to sheltered housing at Larch Court. There may be other service charges, e.g. but these are separate to the Rent Setting Policy.
I don't think you should charge for an extra toilet	This reflects the additional amenities that the property has and therefore the additional rent charged. Generally, those properties with additional toilets will be in newer properties.
A property rented from the council should give the tenants a feel of having their own home, which includes having to pay to keep up maintenance. If you buy or rent a home you can't escape that either. Money should be managed accordingly to be able to make maintenance possible and in the future will also avoid having homes uncared for costing the council even more money to set straight. A slightly higher rent would cover this.	Noted
A few areas need amendments some things need removed and some things need added	Cannot comment without further detail.
Street parking	Off street parking is an enhanced feature of the property which is reflected in the restructure in terms of charging rent.
I don't think you should be deciding to charge someone more rent for if they've got a garden than those without gardens. You are given an allocation. You get two chances to say no. What if both of those have gardens, but you have no interest in a garden, why should you have to pay more for a luxury you don't want?	Gardens are included in the current Rent Setting Policy as a factor for calculating rent.

SPMAN-1285234812-1488

Did you have any other comments on the revised Rent Setting Policy?
--

Response	Tenant		Applicant		Other		Response total	
	Number	%	Number	%	Number	%	Number	%
Yes	29	3.6	4	0.5	2	0.2	35	4.3
No	652	80.5	83	10.2	40	4.9	775	95.7
Total	681	84.1	87	10.7	42	5.2	810	100

Do you have any other comments?	Response to suggestion
think this will be fine as long as the council adhere to their own policy and don't start moving goalposts	Noted
I think that if a tenant carries out internal works that help you to increase the value of your property we should be rewarded by a discount on our rent	In line with legislation, there is separate provision for tenants who make improvements to their home. Section 30 of the Housing (Scotland) Act 2001, states what is a qualifying improvement and the process that must be followed.
Worried my increase will be more than I can afford	The impact on individual tenants has been a key consideration throughout the review and policy development process. In order to minimise any adverse impact on tenants, the policy will be phased in over a period of time. During this time tenants will be provided with transitional relief. This means that the maximum additional rent or reduction in rent experienced by any tenant will be limited to £7.50 per week, until their rent changes to the amount calculated in the revised structure.
The rent account is set up so we the tenants start and remain behind in rent by no fault of our own because of how the payment system is set up from the onset.	When a tenancy starts, tenants are expected to pay the rent one week in advance. This is explained at the tenancy sign up and in tenant information resources.
If Moray Council is reviewing the rent then houses of the council tenants should be up graded	A key aim of our investment programme is to make sure that our houses meet the Scottish Housing Quality Standard (SHQS) and the Energy

SPMAN-1285234812-1488

	<p>Efficiency Standard for Social Housing (ESSH). All social housing landlords must make sure that their stock meets the second stage of ESSH by 2032. This will help make tenants' homes warmer and also make heating homes more affordable.</p>
<p>I don't think Moray Council tenants should be penalised for staying in a new build, that was offered to them and for example turning it down isn't really an option. But it means more rent than an older style property. Which is understandable but also unfair. Especially when our roads don't even get gritted etc..... fairer rent is important but increasing rent should be stopped also when if I could get one, a mortgage would be cheaper.</p>	<p>The Rent Setting Policy aims to be fairer, consistent and charge rent which is reflective of the features/benefits that a property benefits from. For example, newer properties which are more energy efficient will be charged more (as the EPC will be higher) however this may be offset by a saving in energy bills. Factors such as gritting roads are not within the scope of the Rent Setting Policy.</p>
<p>I'm concerned that my rent is going to be increased by the Rent Setting Policy AND by the annual rent level review, at a time of high inflation and a cost of living crisis.</p>	<p>The impact on individual tenants has been a key consideration throughout the review and policy development process. In order to minimise any adverse impact on tenants, the policy will be phased in over a period of time. During this time tenants will be provided with transitional relief. This means that the maximum additional rent or reduction in rent experienced by any tenant will be limited to £7.50 per week, until their rent changes to the amount calculated in the revised structure.</p>
<p>Putting up the rent the council need to make sure all housing is fit to standard e.g. insulation and damp free</p>	<p>A key aim of our investment programme is to make sure that our houses meet the Scottish Housing Quality Standard (SHQS) and the Energy Efficiency Standard for Social Housing (ESSH). All social housing landlords must make sure that their stock meets the second stage of ESSH by 2032. This will help make tenants' homes warmer and also make heating homes more affordable.</p>
<p>You need to take into consideration the cost of living</p>	<p>The impact on individual tenants has been a key consideration throughout the review and policy development process. In order to minimise any adverse impact on tenants, the policy will be phased in over a period of time. During this time tenants will be provided with transitional relief. This means that the</p>

	<p>maximum additional rent or reduction in rent experienced by any tenant will be limited to £7.50 per week, until their rent changes to the amount calculated in the revised structure. The rent charged by the Council will continue to be less than other landlords and social housing providers and be the most affordable housing option in Moray.</p>
<p>Rent constantly increases with zero home improvements</p>	<p>The Housing Service has an investment programme. A key aim of this is to make sure that our houses meet the Scottish Housing Quality Standard (SHQS) and the Energy Efficiency Standard for Social Housing (EESHS). All social housing landlords must make sure that their stock meets the second stage of EESHS by 2032. This will help make tenants' homes warmer and also make heating homes more affordable.</p>
<p>I think it's very fair provided tenants understand why</p>	<p>Noted</p>
<p>I think if you are increasing rent you should carry out work needed in homes</p>	<p>The Housing Service has an investment programme which aims to make sure that our houses meet the Scottish Housing Quality Standard (SHQS) and the Energy Efficiency Standard for Social Housing (EESHS). The income generated from council rents funds the investment programme.</p>
<p>All good</p>	<p>Noted</p>
<p>once you set something in stone. Don't go and suddenly changing it and forget to tell the tenant first. We tenants have rights. Just remember that.</p>	<p>We comply with housing law and consult tenants on rent changes and give tenants at least 4 weeks' notice of any increase.</p>
<p>Tenants who are spending a lot of money upgrading properties themselves should not have to pay rent increases.</p> <p>If people do not look after properties and maintain them there should be charges for the damages and maintenance costs. There should be more home inspections. People who claim benefits seem to get all the new properties and don't look</p>	<p>Tenants who make improvements to their homes will not necessarily have a rental increase. It would depend on the type of improvement and if the council have to take assume liability for the maintenance and upkeep of the upgrade. It may be that the rent does not change until the tenant vacates and the property is void. This would be discussed with the tenant when they apply for permission for the upgrade. Each case will be assessed based on its own merit.</p> <p>There is a separate Rechargeable Repairs Policy and Procedure which would address situations of wilful damage.</p>

<p>after them and working people are given homes that need a lot of work doing to them.</p>	<p>The Allocations Policy provides the framework for how council properties are allocated. This includes the factors taken into account to prioritise applications. Benefits/income is not a factor that is taken into account.</p>
<p>It's irrelevant what we say. You will always put up the rent as much as you can get away with.</p>	<p>We act in line with housing law and consult tenants on rent changes and give tenants at least 4 weeks' notice of any increase.</p>
<p>I don't think that off street parking should be classed as the same as a driveway. A driveway is more private. Off street parking should be minus, as not private to a tenant. Anyone can park there A driveway would be a bonus</p>	<p>Off street parking includes private driveway, car port and garage. On street parking would be available for anyone to park in.</p>
<p>My own opinion is that your rents are more than acceptable for the homes and properties and if I'm honest they are quite low compared to other housing rents. I would imagine your rents are some of the cheapest in the whole country</p>	<p>Noted</p>
<p>I think it's unfair how I moved in just over a month ago under the pretence that my rent was stable and now I'm finding out I have to dig deep some more</p>	<p>Tenants should be advised at sign up that the rent may vary and may be subject to an annual increase, following consultation with tenants. We act in line with housing law and consult with tenants on increase levels and provide tenants with at least 4 weeks' notice of any increase.</p>
<p>We have an increase of rent every year, why should we get charged more rent for a kitchen that meets the standard that Moray council has set for them by the government. That's not fair to put that back on us. As for how energy efficient the property is, that's just laughable. These flats are ridden with damp and mould, not just mine. Every single person I speak to on the ground floor flats are exactly the same. It's clearly coming from the foundations and not environmental like we have been told. These flats should have been brought up to a standard years ago, not when the</p>	<p>The attributes used in the revised Rent Setting Policy have been changed and kitchens will no longer be used in the rent setting methodology. The ongoing investment programme is addressing property standards to ensure that houses meet the Scottish Housing Quality Standard (SHQS) and the Energy Efficiency Standard for Social Housing (ESSH).</p>

SPMAN-1285234812-1488

<p>government put a date on it. So unfortunately I don't agree with either your rent settling policy or either of your rent increases.</p>	
<p>The rent should also look at older properties, and the new standards of what a property should be, eg updating kitchens, windows, insulation. Look at the council properties that are dangerous or close to main roads with no parking. If moray council are going to charge more rent then the condition and state of the internals needs to reflect that which for a lot of older council property isn't happening or leaving some houses Condemned. Older properties should be brought up to at least national standards. The tenant should not be liable for poor performance of the property because of failed upgrades or maintenance, also what tenants pay towards rent should also be revised in line with the current cost of living crisis.</p>	<p>The Rent Setting Policy aims to be fairer, consistent and charge rent which is reflective of the features/benefits that a property benefits from. For example, newer properties which are more energy efficient will be charged more (as the EPC will be higher). Factors such as roadside location are not relevant in terms of the rent charged. A key aim of our investment programme is to make sure that our houses meet the Scottish Housing Quality Standard (SHQS) and the Energy Efficiency Standard for Social Housing (ESSH). All social housing landlords must make sure that their stock meets the second stage of ESSH by 2032. This will help make tenants' homes warmer and also make heating homes more affordable.</p> <p>The improvements needed to meet the standard are mainly heating upgrades and better insulation.</p>
<p>The rent is very sufficient in these times. Private rents are blocked from being raised so should council houses.</p>	<p>Noted</p>



MORAY COUNCIL

RENT SETTING POLICY

Author	Housing and Property Services
Date agreed	TBC by Housing and Community Safety Committee
Date of next review	TBC (or earlier if required by changes to legislation or guidance)

Index

1. **Scope of the Rent Setting Policy**
2. **Strategic context**
3. **Aim, principles and objectives of the Rent Setting Policy**
4. **Legislative and regulatory context**
5. **Equality and diversity**
6. **Confidentiality and data protection**
7. **Rental income**
8. **Methodology for calculating rent**
9. **Changes to attributes**
10. **Review of rent levels**
11. **Consulting with tenants**
12. **Review of decisions and complaint arrangements**
13. **Performance monitoring**
14. **Policy review**

1. Scope of the Rent Setting Policy

1.1 The Rent Setting Policy details the framework and methodology used to calculate rent charged to Scottish secure tenants living in council housing in Moray.

1.2 This policy complies with and supplements the Moray Council's Financial Regulations.

2. Strategic context

2.1 The Rent Setting Policy will assist the Council to meet to meet the objectives of the Local Housing Strategy and the Tenant Participation Strategy.

3. Aim, principles and objectives of the Rent Setting Policy

3.1 The aim of the policy is to provide a framework for setting rents which is equitable, transparent and consistent, considers affordability and ensures that the service remains financially viable and the Housing Revenue Account (HRA) Business Plan is sustainable.

3.2 The specific objectives of the policy are:

- To provide a method of calculating rent which is equitable and consistent for all properties of similar characteristics.
- To ensure that rent charged reflects the attributes of the property.
- To ensure that the method of calculation is transparent, easily understood and is supported by tenants.
- Deliver a fair and equitable rent scheme that meets future and long terms needs, based on consistency, transparency, durability, financial viability and affordability.
- To ensure that the Council sets rents at a level which is sufficient to provide efficient and quality services that offer value for money.

3.3 The principles underpinning the Rent Setting Policy are:

- The Council will ensure that the policy complies with and reflects the legal framework and good practice.

- All tenants are consulted on the development and implementation of the policy.
- Communication with tenants should be in plain language and easily understood.
- The Council will implement detailed procedures and agreed practices uniformly across the service.
- Staff training is provided to ensure that staff are equipped to carry out the roles expected of them.

4. Legislative and regulatory context

- 4.1 Moray Council will ensure that the Rent Setting Policy complies with current legislation and guidance, while promoting good practice.
- 4.2 The Housing (Scotland) Act 2001 (Section 23) sets out an obligation to provide tenants with a written agreement, stating the terms of the tenancy, including the obligation to pay rent lawfully due. The landlord must, upon request, provide information to tenants on its policy and procedure in relation to setting of rents and charges.
- 4.3 In accordance with the Housing (Scotland) Act 2001, the Council is required to consult with tenants and take account of their views when making decisions about proposed rent increases. Section 25 of Housing (Scotland) Act 2001 allows landlords to increase rents (or any other charge payable) under a Scottish secure tenancy, provided that they give tenants at least four weeks' notice of the increased rent due to be paid. Prior to issuing this notice, social landlords must consult with tenants affected by the proposal and take their views and opinions into account.

Scottish Social Housing Charter

- 4.4 The Scottish Social Housing Charter sets out the standards and outcomes that all social landlords should aim to achieve for their tenants and other customers when performing their housing activities. The relevant standards and outcomes are:

Charter Indicator 13: Value for Money

Social Landlords manage all aspects of their business so that:

- tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay.

Charter Indicators 14 and 15: Rent and Service Charges

Social Landlords set rents and service charges in consultation with their tenants and other customers so that:

- a balance is struck between the level of services provided, the cost of the services and how far current and prospective tenants and other customers can afford them.
- tenants get clear information on how rent and other money is spent, including details of any individual items of expenditure above thresholds agreed between landlords and tenants.

- 4.5 These outcomes reflect the Council's legal duty to consult tenants about rent setting, the importance of landlords taking account of what their current and prospective tenants and other customers are likely to be able to afford, and the importance that many tenants place on being able to find out how their money is spent. What is crucial is that discussions take place and the decisions made reflect the views of tenants and other customers.

5. Equality and diversity

- 5.1 The Council will seek to ensure that it complies with its duties under the Equalities Act 2010. The Council will seek to ensure that this policy is applied in a manner that is fair to all sections of the community regardless of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation.

- 5.2 Full consideration will be given to the Council's Public Sector Equality Duty (PSED). This requires public authorities to: eliminate discrimination, harassment and victimisation; advance equality of opportunity; and to foster good relations between persons who share a relevant protected characteristic and those who do not.

6. Confidentiality and data protection

- 6.1 Moray Council recognises the importance of data protection legislation, in protecting the rights of individuals in relation to personal information that it may handle, use and disclose about them, whether on computer or in paper format. The Council will ensure that its practices in the handling, use and disclosure of personal information as part of the processes outlined in this policy comply fully with the Data Protection Act 2018 and General Data Protection Regulation (GDPR).
- 6.2 Relevant Privacy Notices will advise tenants how personal information may be collected, used, stored, shared and securely disposed of, the legal basis for doing so and what their Data Subject Rights are.

7. Rental income

- 7.1 The Rent Setting Policy takes into account affordability and the costs involved in managing and maintaining stock, including the future work required in order to ensure that housing stock meets with minimum standards.
- 7.2 The costs that have to be covered by rental income and which are shared by all tenants include:
- Housing management costs – these are associated with the provision of housing management services.
 - Voids and bad debts – these are the amounts of income lost when a property is empty or when rent arrears cannot be recovered.
 - Property maintenance costs – these are associated with the provision of the day to day repairs service and the cyclical maintenance programme.
 - Planned maintenance – these are costs associated with upgrading and improving or replacing building components.
 - Interest charges – these are associated with borrowing for previous investment, funding new building or improving the housing stock.
 - Indirect and overhead costs – these are costs related to running the service and include staff salaries, technology and so on.

8. Methodology for calculating rent

8.1 The Council will ensure that the rent setting process will be transparent and accountable and that a fair and consistent rent structure is in place. Rents will be calculated based on the most recent housing stock and financial information.

8.2 The methodology used to calculate the weekly rent is a combined approach, using a minimum baseline rent per week plus a points based scheme.

Baseline rent	+ / - attribute adjustments relevant to each property	= Weekly rent
---------------	---	---------------

8.3 The baseline rent has been developed using a two bedroom, semi-detached property (the most common property size and type). The points based scheme is calculated according to the property characteristics and amenities of each property, which are applied uniformly. The attribute values which are added or deducted, relevant to each individual property are:

- Property size (number of bedrooms)
- Property type (e.g. house or flat, detached or semi-detached, bungalow etc.)
- Energy efficiency (based on the Energy Performance Certificate (EPC) rating)
- Parking
- Additional toilet
- Garden (private or shared)
- Sheltered housing

The rent is charged over 48 weeks.

8.4 A full list of attributes and point values used in the Rent Setting Policy is detailed in [APPENDIX I](#).

8.5 Tenants will, upon request, be able to receive details of how the rents for their houses have been calculated.

8.6 Service charges which are over and above the rent, for example for warden services in sheltered housing, will be charged separately and tenants will be advised of these.

9. Changes to attributes

9.1 The Council will review the rent of a property following a change / or correction to any of the attributes used in the calculation of the rent. For example, following an improvement to a property, such as a heating upgrade, which improves the Energy Performance Certificate rating.

9.2 The Council will give tenants 28 days' written notice of any increase in rent.

9.3 When a property becomes void, the rent will be recalculated to reflect any change in attributes in accordance with Section 8 above and the incoming tenant will be advised of the rental amount in their offer letter.

10. Review of rent levels

10.1 When reviewing rents, consideration will be given to the investment programme, service delivery arrangements and any new duties or initiatives. The aim will be to set rents which represent best value and affordability to the majority of tenants.

10.2 There are no legal provisions on how often landlords should change rent or by how much it would be acceptable to increase rent charges. In accordance with Scottish secure / short Scottish secure tenancy agreements, the Council will not change the rent charged more than once per year (unless the attributes of the property change as detailed in Section 9). The Council will always consult with tenants prior to increasing rents or service charges.

11. Consulting with tenants

11.1 The Housing (Scotland) Act 2001 (Sections 25 & 54) requires landlords to give each tenant no less than four weeks' notice, in writing, before increasing rents or service charges. Where a landlord proposes to increase rents generally, it must first consult those tenants who would be affected by the

proposal and then have regard to the views expressed by those consulted. This is reaffirmed in the Scottish secure tenancy agreement and the Tenant Participation Strategy which confirm that the Council will consult with tenants about proposals for changes in rent and service charges.

- 11.2 The Housing Service will carry out a thorough consultation with tenants in relation to any proposed general increase in rent. This process will include articles being placed in tenant newsletters, on the Council website and social media platforms and contacting tenants individually, outlining options for consideration and inviting feedback. Tenants will be provided with detailed information including budget information and planned investment and expenditure, to assist them to reach an informed decision. The results of this exercise will be presented to the relevant Council Committee for full consideration prior to making a final decision.

12. Review of decisions and complaint arrangements

- 12.1 There is no external appeal process for Scottish secure tenants against rents set by their landlord. The Council has therefore developed a review process for tenants who are not satisfied with the way their rent has been calculated. In the first instance a tenant can ask for an explanation from their Area Housing Officer. If the tenant is not satisfied with the explanation they should write to the Housing Services Manager requesting a review of the rent level.
- 12.2 The Council operates a Complaints Procedure that is available to any tenant who is not satisfied with the way their case has been dealt with. Details of the Complaints procedure can be obtained from any Council office or the website.

13. Performance monitoring

- 13.1 The Council will monitor rent levels and rental income generated under this policy.
- 13.2 Reports will be submitted to the Council and Housing and Community Safety Committee as part of the budget setting and monitoring process.

13.3 The Council will monitor the satisfaction of tenants of tenants who feel that the rent for their property represents good value for money which is reported in the Annual Performance Report.

14. Policy review

14.1 This policy will be reviewed in 2029 or sooner if required due to legislative changes.

Working Draft

Rent mechanism: Calculation process

Baseline rent =	2 bed semi- detached rent
Add / subtract attributes as follows:	
Property size	
Bedsit	- 2
1 bedroom property	- 1
2 bedroom property	0
3 bedroom property	+ 2
4 bedroom property	+ 3
5 bedroom property	+ 4
6 bedroom property	+ 8
7 bedroom property	+ 13
Property type	
4 in a block	- 2
End terrace house	- 2
Mid terrace house	- 3
Flat	- 4
Maisonette	- 4
Semi-detached house	0
Detached house	+ 3
EPC rating	
A	+ 1
B	0
C	0
D	- 2
E	- 4
F	- 5
G	- 6
Parking	
Off street parking (includes private driveway, car port and garage)	+ 2
Garden	
Private garden	+ 2
Shared garden	+ 1
No garden	0
Additional toilet	+ 1
Sheltered housing (service charge for communal area and heating applicable only to Larch Court)	+ 4



**REPORT TO: HOUSING AND COMMUNITY SAFETY COMMITTEE ON 13
FEBRUARY 2024**

SUBJECT: ALLOCATIONS POLICY REVIEW UPDATE

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 This report provides the Housing and Community Safety Committee with the results of the Allocations Policy review consultation and presents a revised Allocations Policy for approval.
- 1.2 This report is submitted to Committee in terms of Section III (G) (4) of the Council's Scheme of Administration relating to the allocation and letting of houses and homelessness.

2. RECOMMENDATION

- 2.1 It is recommended that the Housing and Community Safety Committee:-**
- (i) considers and notes the results of the public consultation on the Allocations Policy as set out in Section 4 and APPENDIX I;**
 - (ii) approves the revised Allocations Policy as set out in APPENDIX II; and**
 - (iii) agrees that the revised Allocations Policy will be implemented on 1 April 2024.**

3. BACKGROUND

- 3.1 Access to social housing is governed by legislation and guidance. The primary legislation governing allocations of Council housing is contained within the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001, the Homelessness etc (Scotland) Act 2003 and the Housing (Scotland) Act 2014.
- 3.2 The Allocations Policy sets out all aspects of the Council's approach to allocating properties. The main aim of the Allocations Policy is to accurately assess housing need so that vacant properties are allocated to those with the

greatest assessed need, in line with current legislation and guidance, whilst making best use of housing stock. It also assists the Council to achieve, in combination with other actions, balanced and sustainable communities.

- 3.3 Social landlords are expected to regularly review their Allocations Policy. In accordance with Section 20A of the Housing (Scotland) Act 1987 (as amended), social landlords have a duty to consult on and set out how they will prioritise the allocation of houses, transfers and exchanges and to publish these rules in an allocation policy. Social landlords have a legal duty to consult the following groups before making or altering their allocation policies:
- applicants on the housing list;
 - their tenants;
 - registered tenant organisations; and
 - any other persons as landlords see fit.
- In addition, the Housing (Scotland) Act 2014 requires social landlords to prepare and publish a report on the consultation undertaken of its allocation policy.
- 3.4 At its meeting on 12 September 2023, Committee agreed that a public consultation on the revised draft Allocations Policy was undertaken (Para 7 of the Minute refers).
- 3.5 The consultation, which commenced on 13 September 2023 and ended on 27 October 2023, was published on the Council's website and promoted across social media platforms. In addition, tenants and applicants on the Housing List were contacted to inform them of the consultation and request their feedback, as were other key stakeholders.
- 3.6 To assist consultees, the Housing Service developed an easy-to-read version of the Allocations Policy, in a question and answer format, using plain language. The consultation survey provided consultees with an overview of what the current policy is, what the proposed change is and what the potential effect of the change might be.
- 3.7 An online questionnaire was developed for consultees to provide feedback. Paper copies of the consultation information and the questionnaire were available upon request.

4. CONSULTATION RESPONSES

- 4.1 The consultation prompted **268** responses overall. The online questionnaire used question mapping, giving consultees the option either to complete the whole survey or answer the specific questions on those issues which are of interest to them. This is reflected in the variance in the number of responses to each question posed.
- 4.2 The consultation questionnaire asked the following generic questions about the policy:
- (i) Do you support the introduction of the revised Allocations Policy?
 - (ii) Did you find the Allocations Policy easy to read and understand?
 - (iii) Is there a section that you would like to see reworded?

- (iv) Is there something that we've missed that you think should be included?
- (v) Is there anything you think should be removed?

In addition, consultees were asked specific questions regarding the principal changes proposed in the revised Allocations Policy. Consultees were provided with a range of options to indicate their support for the principal change, ranging from strongly agree to strongly disagree. Consultees were also invited to provide additional comments on the principal proposed changes along with any general comments that they may have on the revised Allocations Policy.

- 4.3 An overview of the responses, details of the comments returned and a response to the comments are included at **APPENDIX I**. The comments returned have been amended to correct grammatical and typing errors. Any comments relating to personal circumstances, or which were not relevant to the Allocations Policy review, have been removed.
- 4.4 An overview of the feedback returned for the generic questions asked and a summary of the comments received is set out below.

Do you support the introduction of the Allocations Policy?

- 4.5. **181** respondents opted to answer this question and of these, **158** respondents (87.29% of those who answered the question) supported introduction of the revised Allocations Policy.

Did you find the Allocations Policy easy to read and understand?

- 4.6 **184** respondents opted to answer this question and of these **162** respondents (88.04% of those who answered the question) found the revised Allocations Policy easy to read and understand.
- 4.7 The Allocations Policy contains complex and detailed information needed to explain the framework within which the policy operates. The Allocations Policy has been developed using plain language where possible and the Council has also developed a plain language, easy read version of the policy. In addition, supporting guidance will be available for applicants which explains the policy framework and its operational context.

Is there a section of the Allocations Policy that you would like to see reworded?

- 4.8 **172** respondents opted to answer this question and of these only **13** respondents (7.56% of those who answered the question) wanted a section of the Allocations Policy reworded.
- 4.9 The comments received regarding a section of the policy which respondents would like reworded related to:
 - a level of detail which is not included in the Allocations Policy but is included in other housing policies and schemes;
 - legislative duties that the Council must comply with; or
 - an issue which is already considered in the Allocations Policy.
- 4.10 Following consideration of the responses returned, no changes have been made to the Allocations Policy.

Is there something that we have missed in the Allocations Policy that you think should be included?

- 4.11 **173** respondents opted to answer this question and of these **128** respondents (73.99% of those who answered the question) did not think that anything had been missed from the Allocations Policy, **13** respondents (21.17% of those who answered the question) thought that an item had been missed.
- 4.12 The comments received regarding an item that had been missed related to:
- legislative duties that the Council must comply with;
 - a level of detail which is not routinely included in housing policies but which is included elsewhere. For example, supporting procedures or separate policies; or
 - an issue which is already considered in the Allocations Policy.
- 4.13 Consideration was given to the feedback received, however given the above, no changes have been made to Allocations Policy.

Is there anything that you think should be removed from the Allocations Policy?

- 4.14 **162** respondents opted to answer this question and of these **151** respondents (93.21% of those who answered the question) did not think that anything should be removed from the Allocations Policy, whilst only **11** respondents (6.79% of those who answered the question) wanted an area of the policy removed.
- 4.15 The comments received regarding an area of the policy that should be removed related to:
- legislative duties that the Council must comply with; and
 - misinterpretation of the policy.
- 4.16 Following consideration of the comments on removing detail included in the Allocations Policy, no changes have been made.

Do you have any other comments on the Allocations Policy?

- 4.17 **161** respondents opted to answer this question and of these **21** respondents (13.04% of those who answered the question) provided additional comments. These related to:
- legislative duties that the Council must comply with;
 - a level of detail which is not routinely included in housing policies but which is included elsewhere. For example, supporting procedures or separate policies;
 - issues which are already addressed in the Allocations Policy;
 - the complexity of the Allocations Policy;
 - personal circumstances which cannot be considered as part of the review; and
 - endorsement of the policy review and changes.
- 4.18 Following consideration of the additional comments provided, no changes have been made to the Allocations Policy.

- 4.19 An overview of the feedback returned on the key questions relating to the principal changes to the Allocations Policy along with a summary of the comments received is set out below.

Key issue one: Awarding points to applicants who are transferring as part of the tenant incentive scheme

- 4.20 **189** consultees opted to answer this question. There was strong support for awarding points to those applicants transferring as part of the tenant incentive scheme. Only **6** consultees (3.18% of those who responded to the question) did not agree with the proposal.
- 4.21 **32** consultees provided additional comments regarding the tenant incentive scheme. These related to:
- personal circumstances which cannot be considered as part of the policy review;
 - detail already included in the Allocations Policy;
 - legislative duties that the Council must comply with; and
 - endorsement of the change.
- 4.22 Based on the feedback received, no changes have been made to the Allocations Policy relating to the award of points to tenants transferring as part of the tenant incentive scheme.

Key issue two: Awarding of points to applicants who experience domestic abuse

- 4.23 **190** consultees opted to answer this question. There was strong support (87.89% of those who answered the question) for introducing the award of points to applicants who experience domestic abuse and who require urgent rehousing. **12** respondents (6.31% of those who answered the question) did not agree with the policy amendment.
- 4.24 **38** consultees provided additional comments regarding awarding points to applicants who experience domestic abuse and who have an urgent need for rehousing. These related to:
- personal circumstances which cannot be considered as part of the policy review;
 - legislative duties that the Council must comply with;
 - actions which are not currently within the parameters of legislation. However, anticipated forthcoming legislation, will provide the Council with powers in the future which would address the issues raised;
 - reassurance that supporting guidelines would be developed to reduce the risk that the points would be exploited and used as a means to circumvent the policy;
 - a level of detail which is not routinely included in housing policies but which is included elsewhere. For example, supporting procedures or separate policies; and
 - support for the change.
- 4.25 Consideration has been given to the feedback received, however no changes have been made to awarding points to applicants who experience domestic abuse and who have an urgent need for rehousing.

Key issue three: Awarding points to applicants who are key workers

- 4.26 **184** consultees opted to answer this question and of these **114** (61.96%) were supportive of the policy change, whilst **48** consultees (26.08%) did not agree with the policy change.
- 4.27 **32** consultees provided additional comments regarding the award of key worker points and these which related to:
- the criteria and definition of a key worker;
 - misconception/concern regarding the use of SSSTs and the 12-month timeframe given to key workers to source alternative accommodation
 - support for the change;
 - apprehension that housing key workers, who respondents considered to be in well paid jobs, will be to the detriment of others who may have a greater need for affordable social housing; and
 - issues outwith the scope of the policy review, including but not restricted to individual cases.
- 4.28 Based on the feedback received, no changes have been made to the Allocations Policy relating to the award of points to key workers. The Council will, however, ensure that criteria and definition of key worker used for the purposes of the Allocations Policy is publicised and kept updated.

Key issue four: Removing the award of need to reside points

- 4.29 **175** consultees opted to answer this question. Of those who responded, **82** (46.86%) supported the change, **46** (26.29%) did not support the change and **39** (22.29%) neither agreed nor disagreed with the change.
- 4.30 **19** consultees provided additional comments relating to the removal of need to reside points. These related to:
- individual cases which are outwith the scope of the policy review;
 - legislative duties that the Council must comply with;
 - support for the change;
 - apprehension that removing the point criteria would risk access to support.
- 4.31 Currently, such a large number of applicants are eligible for the award of need to reside points, that it has diluted their impact and rendered them ineffective. Since so many applicants have need to reside points, removing the points will have minimal impact across the Housing List. Replacing need to reside points with more targeted points for care and support, which has a higher level of points, will assist households to provide and receive ongoing care and support.
- 4.32 Based on the feedback received, no further changes have been made to the Allocations Policy and need to reside points have been removed.

Key issue five: Awarding points for care and support

- 4.33 **181** consultees opted to answer this question. The majority of those who responded were supportive of the change, (**159** consultees/87.84%) while only **6** (3.31%) did not support the change.

- 4.34 **29** consultees provided additional comments relating to the award of points for care and support. These related to:
- support for the policy change;
 - individual cases which are out with the scope of the policy review; and
 - detail already included in the Allocations Policy.

- 4.35 Based on the feedback received, no changes have been made to the Allocations Policy relating to the award of points for care and support.

Key issue six: Amending the criteria for the award of functional assessment points

- 4.36 **159** consultees opted to answer this question. Of those who responded, **106** (66.67%) supported the change, **37** consultees (23.27%) neither agreed nor disagreed with the change and **8** consultees (5.03%) did not support the change.

- 4.37 **23** consultees provided additional comments relating to the criteria use for awarding functional assessment points. These related to:
- individual cases which are out with the scope of the policy review;
 - a level of detail which is not routinely included in housing policies but which is included elsewhere. For example, supporting procedures or separate policies or applicant guidance; and
 - support for the change.

- 4.38 Based on the feedback received, no changes have been made to the Allocations Policy regarding the criteria for functional assessment points.

Key issue seven: Prioritising under occupation of social housing points to transfer applicants

- 4.39 **167** consultees opted to answer this question. Of these, **143** consultees (52.63%) expressed strong support for prioritising points for the under occupation of social housing to transfer applicants. Only **29** consultees (5.39%) did not agree with the change.

- 4.40 **31** consultees provided additional comments on prioritising points the under occupation of social housing to transfer applicants. These related to:
- issues out with the scope of the policy review, including but not restricted to individual cases;
 - legislative duties that the Council must comply with;
 - some respondents being confused regarding the difference between points for under occupancy of social housing and points for those tenants who have been accepted on to the Tenant Downsizing Incentive Scheme; and
 - support for the change.

- 4.41 Based on the feedback received, no changes have been made to the Allocations Policy regarding prioritising points the under occupation of social housing to transfer applicants. Officers will, however, ensure that applicant/tenant information resources explain that points for under occupancy and downsizing are separate points criteria. Although tenants who are under occupying their home may be awarded 250 points (per bedroom under occupied), they might not be on the Tenant Downsizing Incentive Scheme

since they might not meet the eligibility criteria. The award of Downsizing points is in addition to under occupancy points. This approach aims to ensure that those on the Scheme are reached for an offer soonest and free up larger housing which is in great demand.

Key issue eight: extending the timeframe for the award of points for the loss of tied accommodation

- 4.42 **132** consultees opted to answer this question. Of these, **85** (64.39%) consultees were in support of extending the timeframe for the award of points for loss of tied accommodation, **25** (18.94%) neither agreed nor disagreed and 21 consultees (15.19%) did not agree.
- 4.43 **20** consultees provided additional comments in relation to extending the timeframe for the award of points for loss of tied accommodation and these related to:
- legislative duties that the Council must comply with; and
 - support for the change to the timeframe.
- 4.44 Based on the feedback received, no changes have been made to the Allocations Policy regarding extending the timeframe for the award of points for loss of tied accommodation.
- 4.45 The revised Allocations Policy is provided as **APPENDIX II** for this Committee's approval.

5. POLICY IMPLEMENTATION

- 5.1 Subject to this Committee's approval of the revised Allocations Policy, an implementation plan will be developed to support a "go live" date from 1 April 2024. This will include:
- changes to the NEC housing system and system testing;
 - updating the Housing Online application form and information; and
 - updating operational procedures and delivering staff briefings / training.
- 5.2 Housing List applicants will be contacted a month prior to the changes being implemented to inform them of changes and to advise of any changes to the level of points their housing applications has been awarded. Applicants will be able to review their application and the level of points that their application has via the Housing Online portal.
- 5.3 It may be necessary to freeze the Housing List and temporarily pause the process for making offers of housing in order for the NEC housing system changes required to be progressed. If this is needed, Officers envisage that this would only be for a maximum five working days. Any such measures would be publicised on the Housing Online application portal, the Council's website and social media platforms to ensure that applicants and stakeholders are informed.
- 5.4 A review of all information resources will be required to ensure they accurately reflect the agreed changes. This will include updating the Council's website and amending guidance for applicants on allocations and related processes.

- 5.5 As part of the implementation process, the revised Allocations Policy and the associated changes will be publicised on the Council's website, social media platforms and on the Housing Online application portal. An article will be included in the next edition of the Tenants' Voice to inform tenants of the consultation outcome and of the changes to the Allocations Policy.
- 5.6 The operation of the Allocations Policy is reported to this Committee on an annual basis most recently on 27 June 2023 (Para 8 of the Minute refers). Officers will report on the operation of the new Allocations Policy after its implementation in summer 2025.

6. **SUMMARY OF IMPLICATIONS**

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP)) identify the need to address the shortage of affordable housing and tackle homelessness. The Allocations Policy seeks to make the best use of the Council's housing stock and promote healthier citizens and adults living healthier, sustainable independent lives safeguarded from harm.

(b) Policy and Legal

The principal legal framework governing the social housing allocations is detailed in the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001, the Homelessness etc. (Scotland) Act 2003 and the Housing (Scotland) Act 2014. Other legislation is also relevant to ensuring allocations are legally compliant in areas such as homelessness, equalities, human rights and data protection.

The Scottish Social Housing Charter sets out standards against which the Scottish Housing Regulator will assess local authorities as part of its inspection regime.

(c) Financial implications

There are no financial implications arising from this report.

(d) Risk Implications

There are no risk implications arising from this report.

(e) Staffing Implications

There are no staffing implications arising from this report.

(f) Property

There are no property implications arising from this report.

(g) Equalities/Socio Economic Impact

An Equalities Impact Assessment was completed as part of the Allocations Policy development and no negative impacts identified. A review of the assessment was undertaken during the policy consultation and did not identify any further changes.

(h) Climate Change and Biodiversity Impacts

There are no climate change or biodiversity implications arising from this report.

(i) Consultations

Consultation on this report has taken place with the Head of Housing and Property, Housing Needs Manager, Housing Services Manager, Housing Strategy and Development Manager and Officers within the Housing Service, Georgina Anderson (Legal Services Senior Solicitor), the Equal Opportunities Officer, Andy Stewart (Principal Environmental Health Officer) and Lissa Rowan (Committee Services Officer) have been consulted and any comments have been incorporated into the report.

7. CONCLUSION

7.1 This report provides the Housing and Community Safety Committee with the results of the Allocations Policy review consultation and presents a revised Allocations Policy for approval for implementation on 1 April 2024.

Author of Report: Gillian Henly, Senior Housing Officer (Policy)
Background Papers: [Allocations Policy Review 2023](#)
[Allocations Policy Review 2019](#)
[Allocations Policy Annual Performance Report 2022/23](#)
Ref: SPMAN-1285234812-1482

ALLOCATIONS POLICY REVIEW 2023/24 – CONSULTATION OUTCOMES

Do you support the introduction of the revised Allocations Policy?

Response	Number	%
Yes	158	87.29%
No	23	12.71%
Total	181	100%

Did you find the revised Allocations Policy easy to read and understand?

Response	Number	%
Yes	162	88.04%
No	22	11.96%
Total	184	100%

Is there a section that you would like to see reworded?

Response	Number	%
Yes	13	7.5%
No	160	92.5%
Total	172	100%

What would you like to see reworded?	Response to suggestion
More points for downsizing scheme	The policy review has awarded points for downsizing. Modelling of the housing list indicates the point levels would be suffice for applicants to be reached for an offer of housing.
All of it, it's not in plain English or in layman's terms	Noted. The Council also offers an easy read version of the policy and an explanatory leaflet both of which use plain language.

do not give key workers extra points you discriminate against non-keyworkers	The purpose of key worker points is to provide a short term housing solution, enabling the person to take up employment and provide a skill needed in Moray whilst they search for alternative housing solutions.
The section on transfer applicants being awarded 250 points for moving to smaller housing was unclear. From reading the paragraph, it would appear that this applies to tenants who have volunteered to downsize, but not to those who have not chosen to downsize?	The award of 250 points (per bedroom under occupied) may be awarded to those who are under occupying on the transfer list. Not all of these applicants will be on the Downsizing Scheme (not all will be eligible). The award of Downsizing Scheme points is in addition to under occupancy points and aims to ensure that those on the Scheme are reached for an offer soonest and free up larger housing which is in great demand.
Social housing is not for life and just on loan to help	Scottish secure tenancies can only be ended in specific circumstances. This provides tenants with security of tenure for as long as they want it, unless any of the specific circumstances, set out in legislation, apply.
More points for people in overcrowded houses	It is anticipated that generating stock turnover via the award of points to those who under occupy their homes and downsizing, will free up larger homes which will be awarded to those living in overcrowded housing.

Is there something that we've missed from the revised Allocations Policy that you think should be included?

Response	Number	%
Yes	47	27.17%
No	128	73.99%
Total	17	100%

What do you think should be included in the policy?	Response to suggestion
Local residents should be given more priority than anyone else coming into the area.	The Allocations Policy must comply with relevant legislation. Section 20 of the Housing (Scotland) Act 1987 (as amended) states that the Council will not take account of whether an applicant lives in the area in specific circumstances
I think people with children should be awarded extra points to find suitable accommodation faster.	The Allocations Policy would not award points solely for this reason. The award of points would depend on the individual applicant's circumstances and would reflect their level of housing need.

<p>Introducing known criminals and known drug users in the heart of communities that otherwise did not have before is a key part missing. There are many examples across Moray where these individuals are continually moved from community to community bringing many issues. Not only that, it is the continual damage of council properties in the housing stock, costing tens of thousands to correct. This needs to be captured in policy to ensure that the law abiding majority in the Moray area are protected from these people. Key amendments to the housing allocation policy can take cognisance of this.</p>	<p>Where we have evidence of tenancy related antisocial behaviour (through either eviction or the granting of an antisocial behaviour order) we may suspend the application for up to 12 months. If clear evidence is given showing that there has been a change in behaviour, for a minimum period of three months, the suspension may be lifted. Other policies may also be relevant. For example Rechargeable Repairs Policy, Eviction Policy and Homelessness Policy.</p>
<p>Allocation of points for length of time on waiting list.</p>	<p>The Allocations Policy uses criteria intended to reflect a person's housing needs. Time on a waiting list is not considered to reflect a person's housing need and therefore has not been included as a determining factor.</p>
<p>Local people should be awarded points to get housed much sooner than incoming tenants, despite the circumstances. Private rents are so expensive and local people are unable to access council housing</p>	<p>The Allocations Policy must comply with relevant legislation. Section 20 of the Housing (Scotland) Act 1987 (as amended) states that the Council will not take account of whether an applicant lives in the area in specific circumstances</p>
<p>More points allocated to people with health reasons needing moved.</p>	<p>Such instances would be assessed under the Functional Housing Assessment and points levels would be dependent on the individual circumstances and level of evidenced housing need.</p>
<p>I think the most important point is that tenants residing in properties which are especially built for very disabled people should give up that property on the death of the disabled partner so that very disabled tenants trying to survive in one room because nothing can make their lives ok, i.e. adoptions etc should have the chance of moving into a specialist designed unit which has been vacated by a healthy person after death of their disabled partner...these specialist designed homes are vital but so many tenants would refuse to move as the en suite is luxury. I think there should be a clause which the Council add that these properties are tenants by those whose lives are rubbish due</p>	<p>Outwith the scope of the policy, however the Council already has a process in place for such scenarios (in accordance with housing law).</p>

<p>to inappropriate properties while waiting for suitable disabled properties which could take forever..</p>	
<p>Again, a need to introduce reassessment of tenants needs every 5 years to ensure housing remains appropriate and to help eradicate under occupancy. Peoples circumstances change all the time, so needs should be reassessed regularly to ensure housing remains allocated to those most in need. It's unfair that someone who was, at one point, a parent of 2 young children with another on the way and not working, remains in a large family home with only one child and a joint income of over £100,000 - this is a family I know of in social housing!</p>	<p>The review cannot comment on individual cases. However, it should be noted that the Council must comply with legislative requirements. There are only specific instances when the Council can take action to recover property. Under occupation is not included within the parameters of housing law. Social landlords can give greater priority to these tenants if they want to move. This is a voluntary choice, made by the applicant.</p>
<p>Yes, people with a disability that have children with a disability should have priority over other tenants with disability equipment they need and storage</p>	<p>Such instances would be assessed under the Functional Housing Assessment and would be dependent on the individual circumstances and level of evidenced housing need.</p>
<p>Difficulty within homes not being suitable for those with mobility problems and chronic illness(es)</p>	<p>Such instances would be assessed under the Functional Housing Assessment and would be dependent on the individual circumstances and level of evidenced housing need.</p>
<p>I think tenants who look after their homes should be offered new build allocation in new developments and those who aren't working get those houses vacated by those who have stepped up to new builds.</p>	<p>New build properties are let in accordance with the <u>Local Lettings Plan</u> which aims to ensure that the Council makes best use of its housing stock and help sustain communities.</p>
<p>Workers should score higher</p>	<p>The policy will assess an individual's circumstances to determine their level of housing need. Generic employment is not a factor.</p>
<p>More points for overcrowding. Overcrowding should be given more points than key worker</p>	<p>It is anticipated that generating stock turnover via the award of points to those who under occupy their homes and downsizing, will free up larger homes which will be awarded to those living in overcrowded housing.</p>
<p>More points for those requiring care so they can live independently and for unpaid carers who give care as these people are saving the council a fortune with many people needing care and getting next to nothing from the council</p>	<p>The policy is being amended to introduce 150 points for applicants who provide/receive care and support.</p>

Is there anything you think should be removed from the revised Allocations Policy?

Response	Number	%
Yes	11	6.79%
No	151	93.21%
Total	81	100%

What do you think should be removed from the policy?	Response to suggestion
Those in tied houses, e.g. armed personnel they should not be given preferential treatment above people on the list at the moment.	Comment noted. As detailed within the Policy, the Council has a legal duty to pay due regard to the principles of the Armed Forces Covenant. This includes considering the Covenant when developing, delivering and reviewing the Allocations Policy and decisions we make on allocations which may impact the Armed Forces community. The award of points to Armed Forces personnel who are leaving tied accommodation also assists the Council with homeless prevention and to deliver the Armed Forces Housing Referral Protocol.
They must reside locally	The Allocations Policy must comply with relevant legislation. Section 20 of the Housing (Scotland) Act 1987 (as amended) states that the Council will not take account of whether an applicant lives in the area in specific circumstances
para 19: "Officers are not aware of other landlords who provide reciprocal arrangements. The result of this increased turnover benefits other landlords and their tenants..." is somewhat specious and redundant. What about Housing Associations?	This quote is from the Allocations Policy Review Report and not the policy. The reference from the report includes RSLs.
I wouldn't like to think that people may be forced to leave their homes of many years!!! I think further clarity on this policy should be given. For instance are people going to be forced to give up their homes? Or will they have a choice? I understand the shortages of housing. But forcing someone to move away from well-established friends and family for older people could have a devastating effect on their remaining lives! I would like to know more about what you intend to enforce, or if there is a reasonable choice given?	The Council will ensure that it complies with legislative requirements. As such, there are only specific instances where the Council would make someone leave there home. For example, if a person is living in specially adapted housing and they no longer have a need for this house type. The Council would follow the correct legal process in these rare instances. If the respondent is referring to the Downsizing Incentive Scheme, this is entirely voluntary.

SPMAN-1285234812-1483

What do you think should be removed from the policy?	Response to suggestion
I feel the points system is not appropriate and means testing needs to be applied. Also more affordable homes need to be built.	The policy advocates that the points system is a fair and transparent process. Means testing would contravene housing legislation and may not ensure that housing need is addressed.
The removal of need to reside points. They're important	Noted. However they are being replace with a more specific award of points which will be more effective and help those in greatest housing need.
The need to reside points being removed should not be removed!	Noted, however they are being replace with a more specific award of points which we feel will be more effective and help those in greatest housing need.

Did you have any other comments on the revised Allocations Policy?

Response	Number	%
Yes	21	13.04%
No	140	86.96%
Total	161	100%

Do you have any other comments?	Response to suggestion
Moray needs to be able to keep people with specific skills which might be needed, this also will mean that less people wish to move away from Moray, hence anything that the policy can do to keep skilled workers in Moray is vital.	Noted
It is high time that the criteria be amended to accommodate the diverse personal/family needs in communities and the priorities now in these amendments should help those in greatest need be attended to more promptly. Also this should help the council determine future housing development needs. Other housing organisations in Moray should be made to adopt equal prioritising criteria.	Noted. Moray Council cannot impose/dictate how other RSLs in Moray operate. All social landlords comply with relevant legislation and meet regulatory standards. This includes the right to develop their Allocation Policy.

2 years and it will change again	We aim to review the Allocations Policy every three years to ensure that we are addressing housing need, complying with legislation and regulatory standards and addressing any ongoing issues identified.
More point should be awarded for age/mental health of those stuck in middle age living with family because there is a lack of housing. Where are the houses for people who work but can't afford a mortgage/private rent? Why don't we have social housing schemes for these people like they do in Aberdeen and elsewhere? Private rent in Elgin is higher than Aberdeen now!	This would be addressed under the functional assessment process. This would identify if the impact of the person's current housing situation and if the issue would be changed/improved/resolved by moving to alternative housing. Noted. Options such as mid-market rent properties are aimed at households with low earnings who would have low priority for Council/Housing Association properties. The rent levels mid-market properties are generally at or very close to, the Local Housing Allowance (LHA), applicable to the private rented sector. Moray's private sector rents and LHA are both much lower than nearby bordering areas e.g. Aberdeen/Aberdeenshire, Inverness and it is challenging to bring forward a financially viable new build MMR development at current LHA rates.
Is it possible that the downsizing scheme and under occupancy could be one section with the same allocation of points as in the downsizing scheme?	Noted however we would need to keep these as separate point awards. Not all who under occupy will be eligible for downsizing.
Build more 4 and 5 beds than 2 and 3	Council new build requirements reflect the outcomes of the Local Housing Strategy and the Housing Need and Demand Assessment. Outwith the remit of the Allocations Policy
Initially I found some changes hard to understand e.g. "functional assessment until I got into the later stuff.	Noted
I think it's updated Allocation and made more points available where necessary but dropping points for other Allocations which are not so important but I think overall, it's about fairness and ensuring people understand	Noted
More council housing needs to be built, to provide housing to accommodate people to the area, for those who have lived in Moray all their lives.	Noted. The Council does have a new build programme. These properties are let in accordance with the Local Lettings Plan. Both it and the Allocations Policy must comply with housing legislation which specifies who can be allocated housing to.

Have the potential changes been explained clearly?

Response	Number	%
----------	--------	---

SPMAN-1285234812-1483

Strongly agree	36	20.11%
Agree	105	58.66%
Neither agree nor disagree	32	17.88%
Disagree	3	1.68%
Strongly disagree	1	0.56%
Don't know	1	0.56%
Don't want to answer	1	0.56%
Total	179	100%

Have the potential effects been explained clearly?

Response	Number	%
Strongly agree	36	20.22%
Agree	106	59.55%
Neither agree nor disagree	32	17.98%
Disagree	1	0.56%
Strongly disagree	1	0.56%
Don't know	1	0.56%
Don't want to answer	1	0.56%
Total	178	100%

Key issue one: Awarding points to applicants who are transferring as part of the tenant incentive scheme

Response	Number	%
Strongly agreed	85	44.97%
Agreed	89	47.09%
Neither agree nor disagree	5	2.65%
Disagree	1	0.53%

SPMAN-1285234812-1483

Strongly disagree	5	2.64%
Don't know	4	2.12%
Total	189	100%

Key issue one – comments received	Response to suggestion
I think this should also include people in 2 beds who need a 1 bed	Outwith the scope of the policy review. However, changing the criteria would place even greater pressure on one bedroom properties which are already under great demand.
No penalising for refusing home in the wrong area	Applicants on the downsizing scheme will receive unlimited offers without any risk of suspension.
This means potentially two families have the property that suits their needs.	Agreed. This is the intention.
It's good to know that applicants will not be penalised for refusing an offer	Noted
Downsizing points would encourage more people to move to smaller accommodation. Freeing up larger properties for those in need of extra space due to e.g. additional children, who live in inadequate cramped conditions.	Noted
Local people should come first also	The Allocations Policy must comply with relevant legislation. Section 20 of the Housing (Scotland) Act 1987 (as amended) states that the Council will not take account of whether an applicant lives in the area in specific circumstances
It is a social house, clients must sign and understand it's not a house for life. Thus an agreement to that format.	Scottish secure tenancies can only be ended in specific circumstances. This provides tenants with security of tenure for as long as they want it unless any of the specific circumstances, set out in legislation, apply.
Is there the housing stock available for people to downsize to!	The purpose is to make best use of housing stock and we will use appropriate and available stock as it becomes available
I would have some concerns that this could cause a bottleneck for any applications for smaller properties from those already on the waiting list	Modelling of the Housing List indicates that this will not happen.
Downsizing is stressful and means having to dispose of belongings and furnishings. Signing a new contract not on comparable terms to the old lease means less security of tenure.	There will be no difference in the security of tenure and there will only be minimal difference in rights

SPMAN-1285234812-1483

<p>Lots of pensioners should be offered smaller housing to free up the family homes for younger families and also younger fitter tenants in smaller same level housing.</p>	<p>Noted however the downsizing scheme is open to any tenant who meets the eligibility criteria. Age is not a factor.</p>
<p>Yes I agree if the tenant is willing to downsize. I myself as a single person have a two bedroom bungalow, but I definitely need the other bedroom as I have several medical conditions that require another person staying over when I am totally incapacitated due to illness.</p>	<p>Noted.</p>
<p>Perhaps the council should place persons/families in the appropriate house size firstly, once the family or size of occupants reduces, then automatically be moved to an appropriate sized property, when available. Removing the volunteer problem.</p>	<p>Households will be allocated the size appropriately at the point the property is let. Over time though circumstances change and for some, household sizes reduce. Legally, we cannot and would not wish to force people to move home to downsize. It is entirely voluntary.</p>
<p>Yes, too many tenants live in oversized properties for their needs but some are loathe to transfer because older residents fear the actual move and what it entails</p>	<p>Noted</p>
<p>I also feel that occupants should have their need reassessed, say every 5 years, to help aid the downsizing initiative and free up larger homes where families are no longer in residence i.e. when children have grown up and left home, those in larger properties should be incentivised to move to a smaller property</p>	<p>Scottish secure tenancies can only be ended in specific circumstances. This provides tenants with security of tenure for as long as they want it unless any of the specific circumstances, set out in legislation, apply.</p>
<p>In a lot of cases, a household will have been assigned a property due to size of the family. Children grow up and move out and the parents no longer need to larger property, however this family will have spent a lot of time and money making this a comfortable home. The policy should take this into consideration and the quality of home offered should reflect what they are giving up. A tenant should be able to refuse a property if the location and condition is not up to standard</p>	<p>Scottish secure tenancies can only be ended in specific circumstances. This provides tenants with security of tenure for as long as they want it unless any of the specific circumstances, set out in legislation, apply. When properties are let, they will meet the Council's Letting Standard. Tenants are able to refuse a property if the location/condition is not suitable.</p>

Key issue two: Awarding of points to applicants who experience domestic abuse and have an urgent need for rehousing

Response	Number	%
Strongly agreed	100	52.64%
Agreed	67	35.26%
Neither agree nor disagree	8	4.21%
Disagree	7	3.68%
Strongly disagree	5	2.63%
Don't know	3	1.58%
Total	190	100

Key issue two – comments received	Response to suggestion
There would have to be defined guidelines for awarding these points, including social work involvement. To avoid exploitation.	Guidelines will be developed for staff however each case will be assessed on its individual merit. The aim is to prevent a vulnerable household from becoming homeless.
There would need to be a record that someone has experienced abuse such as a police report or open court case to avoid false claims.	Guidelines will be developed for staff however each case will be assessed on its individual merit.
This would also make the process less stressful for victims of abuse. If being placed directly into a new home and skipping the homeless accommodation is possible then it would be a huge help. Although being given any property, homeless or permanent is a blessing under these circumstances, you still have the stress of having to move twice. This can be worse if there are children involved because it takes longer for them to feel a sense of safety and security until they are in a permanent home.	Noted.
A really positive move towards helping those desperate for a move due to domestic abuse	Noted
If there is police proof as a lot of people around here would lie to get a house quicker!	Guidelines will be developed for staff however each case will be assessed on its individual merit. The aim is to prevent a vulnerable household from becoming homeless.

APPENDIX I

Absolutely, but there should be processes and criteria (police/social work input) in place to ensure this is not misused	Guidelines will be developed for staff however each case will be assessed on its individual merit. The aim is to prevent a vulnerable household from becoming homeless.
My sympathies to those suffering under circumstances of domestic abuse. This point scheme would hopefully assist them, especially if there are children involved.	Noted
It goes without saying that domestic abuse has an awful effect on individuals and families!!! There should be priority for those who are victim to domestic abuse. Any delay could result in loss of life!	Noted
Building a points scheme for domestic/ any form of abuse, is pointless. Build more affordable homes and provide designated safe houses in a secret location, so action can be taken immediately and offenders prosecuted and moved or incarcerated asap	The aim is to prevent homelessness and protect and empower vulnerable households.
But how to do so while keeping victim's dignity intact is a complex question.	Noted
Know most of these cases are genuine but there are some who claim abuse to gain accommodation then their 'abuser' moves in.	Noted. Guidelines will be developed for staff which will help to reduce the risk of this scenario.
I speak from experience, moving abused families to somewhere local doesn't always work because of small town gossip and the abuser finding the abused in the same locality, then, the Council would need to move them again. Also, there would need to be proof that this is the case and people are not using this just to move quicker than a normal transfer	Noted. Guidelines will be developed for staff which will help to reduce the risk of this scenario.
In my opinion, this score is not adequate to a given person's life situation.	Modelling of the housing list evidenced that the amount of points would ensure that the person is well placed on the housing list and would receive an offer of housing.
People will just claim domestic abuse to get a bigger accommodation like they used to abuse claiming homelessness to get a house	Guidelines will be developed for staff which will help to reduce the risk of this scenario.
Suffering domestic abuse is horrifying and the council should do all that they can to assist people out of these situations to safer homes	Noted
A lot of people will make up they are getting abused to get more points	Guidelines will be developed for staff which will help to reduce the risk of this scenario.

<p>I feel there are many people in the world going through domestic abuse, disabilities, mental health but I feel everyone should be prioritized equally because everyone has different mental health issues and struggling with their current living situation in different ways and it would be less likely for overcrowding, etc to be homed. I understand people with disabilities wheelchair users etc but mental health domestic abuse treated the same.</p>	<p>Noted</p>
<p>The abuser should be made to leave. If someone is being subjected to domestic abuse they could apply and go homeless and get help from agencies such as Moray Women's Aid.</p>	<p>Anticipated legislated will provide landlords with the power to do this. The policy amendment is intended to reduce risk, empower those experiencing domestic abuse and prevent homelessness.</p>
<p>What to stop someone saying there in a bad relationship just to get moved into a new house</p>	<p>Guidelines will be developed for staff which will help to reduce the risk of this scenario.</p>
<p>But only if the abuser is prosecuted so as to rule any abuse of the system as an easy way to obtain housing when no actual abuse is happening</p>	<p>The Council will develop guideline and procedures for staff which reflect national guidance and good practice. This does not promote that the abuser is prosecuted before assistance is provided.</p>

Key issue three: Awarding points to applicants who are key workers

Response	Number	%
Strongly agreed	52	28.26
Agreed	62	33.7
Neither agree nor disagree	20	10.87
Disagree	30	16.3
Strongly disagree	18	9.78
Don't know	2	1.09
Total	184	100

Key issue three – comments received	Response to suggestion
You would need to clearly define what "key worker" status is.	Noted. The policy will introduce a criteria which applicants will have to meet in order to be eligible of key worker points. The Council will have the final say about what role is considered to be a key work and if the allocation of housing will help address a recruitment shortage.
If they are working and can't find other suitable housing they should be able to stay in current property	The person will be coming from out of the area to take up employment in Moray so this will not be possible.
This should be tied in with key partners such as NHS, Police Scotland & Scottish Fire and Rescue Service. Often a huge barrier to recruitment and retention of a key skilled and talented workforce is the lack of affordable housing. Having a policy that supports these organisations with potentially allocated housing with key posts could bring wider support to the Moray area.	Noted. The policy will introduce a criteria which applicants will have to meet in order to be eligible of key worker points. The Council will have the final say about what role is considered to be a key work and if the allocation of housing will help address a recruitment shortage.
Bringing in key workers to the area is a good thing, if there is a shortage of that particular occupation.	Noted
What happens at the 12 month point if they cannot find a rented property or afford to buy one? Private rented properties are getting more expensive and harder to find. So does this scheme really offer an incentive to move here, I personally do not believe so.	We believe that 12 months offers a realistic timeframe to source alternative accommodation. The Council will recover the property after the 12 months and the tenancy will end. In the rare event that this happens, the key worker would have to consider all housing options available, including submitting a homeless application.

<p>As long as the keyworker is relocating and not coming in on a sponsorship so shortcutting the system</p>	<p>Noted. They key worker criteria will be quite specific and is intended to address local employment shortages. Only SSSTs will be used. These combined reduce any risk of the system being exploited.</p>
<p>by doing this you discriminate against those who AREN'T keyworkers</p>	<p>No. The policy is a points based system which uses the specified criteria to address housing need and in this instance help to resolve local recruitment issues</p>
<p>Both my wife and I work for education within moray council and have not heard of this</p>	<p>This is not in place yet. It is a suggested amendment to the policy.</p>
<p>I think the key worker policy is a great idea, however, the 6-12 months agreement part I struggle to understand! Surely if you want to encourage key workers to the area then they should be offered a normal tenancy in order to keep them in the area!</p>	<p>We also need to make best use of our housing stock and address housing need. By offering a short term housing solution to key workers, we hope to continue to do this whilst assisting to address local recruitment issues.</p>
<p>Although we need key workers, there are other people more in need of social housing who cannot afford private rent.</p>	<p>The key worker will only have a SSST for up to 12 month maximum. Thereafter the property will return for further allocation. We don't anticipate that large numbers of tenancies will be allocated to key workers. Currently around 10 applicants on the Housing List would benefit from the change.</p>
<p>Why if they are professional why do they need social housing. odd</p>	<p>Sourcing housing is a factor in encouraging key workers to take up employment in Moray. We know that lack of available housing has resulted in applicants having to turn down posts which are much needed locally. This short term housing solution will assist to resolve this.</p>
<p>Although I agree we need more people working in healthcare in all areas of the job, I also believe that everyone should be treated the same if going by their profession. It wouldn't sit right with me if I knew that a home-carer for example, had been given priority over a family that had suffered abuse or other trauma and needed a home too.</p>	<p>Noted</p>
<p>At a time where we struggle to attract key workers to the area this may be the opportunity for them to find accommodation until they are settled in their key role and area to live.</p>	<p>Noted</p>
<p>The majority of these jobs are reasonably well paid, the issue is the general lack of affordable housing in Moray. Whilst a great gesture I think it could potentially lead to professionals in very well paid jobs living in LA accommodation for far below market rent when those</p>	<p>Noted</p>

SPMAN-1285234812-1483

who may never be able to afford alternative housing are left still waiting. More affordable housing and a better private letting market in Moray would be more useful for this group of people, but the current climate is not supportive of that.	
Having been the beneficiary of an offer of an SST more than 20 years ago. If this scheme could lead to being offered an SST when the SSST ends I would be in favour.	We also need to make best use of our housing stock and address housing need. By offering a short term housing solution to key workers whilst they source alternative housing, we hope to continue to do this whilst assisting to address local recruitment issues.
Yes, I believe this is only fair	Noted
I was a key worker and was on a reasonable pay structure and could afford, private rental or even future house purchase. Surely means testing is required in this area.	The policy amendment recognises the pressures and demands in the housing sector in Moray. There is a particular shortage of suitable private rented accommodation for key workers to utilise. This has resulted in offers of employment being refused. It is anticipated that this short term housing solution will assist to address this issue.
Moray needs all the key workers it can get so anything which encourages them to move or stay would help.	Noted
Yes Moray needs key workers to fill vacancies that the public are suffering from not having i.e. say, Physios	Noted
People who aren't key works could be just as desperate for a house and to them their job is important	Noted
Whilst it's important to bring key workers into the area, I feel other circumstances are higher priority for housing	The key worker will only have a SSST for up to 12 month maximum. Thereafter the property will return for further allocation. We don't anticipate that large numbers of tenancies will be allocated to key workers. Currently around 10 applicants on the Housing List would benefit from the change.
Your waiting lists will get longer as there is hardly any houses	Noted
I'm am concerned that key worker applicants offered a short term tenancy will be unable to secure alternative housing (either rented or purchased) before the tenancy runs out. What would happen in this situation?	We believe that 12 months offers a realistic timeframe to source alternative accommodation. The Council will recover the property after the 12 months and the tenancy will end. In the rare event that this happens, the key worker would have to consider all housing options available, including submitting a homeless application.

<p>It's good to bring key workers to Moray but who's to say that after just a year they are able to secure accommodation. There is no guarantee, meaning that it may backfire and make people homeless</p>	<p>We believe that 12 months offers a realistic timeframe to source alternative accommodation.</p>
<p>This probably won't be enough points for areas in high demand - should it be higher? I would hope this would apply to NHS/care sector but also preschool childcare for under 3 which is impossible to find due to a lack of qualified staff and the pressure to deliver free childcare provision for older pre-schoolers (3-4). I would be sceptical of this policy change supporting private companies as could see it being exploited.</p>	<p>Modelling undertaken on the housing list evidenced that the level of points would equate with an offer of housing being made, including in areas of high demand. The policy will introduce a criteria, based on local research, which applicants will have to meet in order to be eligible for key worker points (see Section 28.3 of the draft policy). The Council will have the final say about what role is considered to be a key worker but the roles will be public sector and not in the private sector.</p>
<p>Covid 19 made it clear that a variety of sectors can be considered key work. While getting more healthcare workers and educational professionals is a priority, giving housing preferentially to "key workers" who have less need than non-key workers may cause more problems. I'd be interested to see what is considered key work and if the criteria could be combined with other factors i.e. salary</p>	<p>There is no nationally agreed definition of a key worker. Covid 19 used a definition based on work which was critical to the response to the Pandemic. The Allocations Policy has used local research (HNDA) to identify key roles for which there are recruitment shortages in Moray.</p>
<p>I am classed as a 'key worker' and earn over £100k a year. Key workers should not automatically get higher priority for housing.</p>	<p>Key workers will not automatically get priority. The applicant must fulfil the criteria set out in the policy, have support from the employer. Notably the council will have final say as to whether they are considered a key worker for the purposes of the Allocations Policy.</p>

Key issue four: Removing the award of need to reside points

Response	Number	%
Strongly agreed	29	16.57
Agreed	53	30.29
Neither agree nor disagree	39	22.29
Disagree	18	10.29
Strongly disagree	28	16.00
Don't know	8	4.57
Total	175	100

SPMAN-1285234812-1483

Key issue four – comments received	Response to suggestion
If you need housing you should accept suitable housing anywhere	Noted
If people need to live in an area for work, they need to live in that area. Moray is a rural area, hence if someone worked in Elgin however was forced to live in Tomintoul but didn't drive this would mean they'd be unable to work. Moray doesn't have the strongest public transport links, and it could become very expensive for people to live in a more rural part of Moray.	Noted
Some people would much prefer to be somewhere they are familiar with and have friends etc. I understand that if people need to move then the point system is to remove it.	Noted
anything that means removal of points which have been awarded means you risk further alienating tenants	Noted. So many applicants are eligible for the award of points, that it has diluted their impact and rendered them ineffective. Removal of the points should have minimal impact across the List.
I disagree with this because the previous question asked about giving priority points to key workers (in my opinion everyone is "key "it shouldn't come down to your job). If allocating points in this way helps even slightly then surely it's worth it.	Noted. So many applicants are eligible for the award of points, that it has diluted their impact and rendered them ineffective. Removal of the points should have minimal impact across the List.
Need To Reside points proved to be extremely beneficial to bringing up young children; their schooling requirements; keeping in regular employment and transport difficulties.	Noted, however, so many applicants were eligible for need to reside points, that it has diluted their impact and rendered them ineffective. Removal of the points should have minimal impact across the List.
Being a disabled person myself I strongly agree to this policy. I have first-hand experience of the need for family members to be nearby to support and help.	Noted. Although this points criteria is being removed, it is being replaced by a new points category of care and support which has a higher level of points.
If more affordable homes were built there wouldn't be a shortage and more choice for applicants in that position	Noted
I think awarding points for this situation is wastage of points	Noted
Should not be removed. Hard enough to get points as it is. Even with overcrowding and need to reside points, still far up the list.	Noted. So many applicants are eligible for the award of points, that it has diluted their impact and rendered them ineffective. Removal of the points should have minimal impact across the List.

As long as there is some other way of helping people to reside in area where they have a need, I would agree that this policy should be amended	Noted
This is essential for people or families who have a support system where they reside which is essential for people with mental health, chronic illness, children and mobility problems.	Noted. Although this points criteria is being removed, it is being a new point category of care and support is being added with a higher level of points.
As long as there is some other way of helping people to reside in area where they have a need, I would agree that this policy should be amended	Noted
This is essential for people or families who have a support system where they reside which is essential for people with mental health, chronic illness, children and mobility problems.	Noted. Although this points criteria is being removed, it is being a new points category of care and support is being added with a higher level of points.
Local persons should be a priority over persons from outwith the area	The Allocations Policy must comply with relevant legislation. Section 20 of the Housing (Scotland) Act 1987 (as amended) states that the Council will not take account of whether an applicant lives in the area in specific circumstances.

Key issue five: Awarding points for care and support

Response	Number	%
Strongly agreed	89	49.17
Agreed	70	38.67
Neither agree nor disagree	16	8.84
Disagree	4	2.21
Strongly disagree	2	1.10
Don't know	0	0
Total	181	100

Key issue five – comments received	Response to suggestion
Because in the majority of cases with elderly or disabled tenants, their conditions deteriorate over time and their needs alter.	Noted

APPENDIX I

People who wish to live independently however need extra care and support would benefit strongly by this change, so I'd personally highly recommend this change as vital.	Noted
Home is a better environment to be in	Noted
Anything to keep people's independence is a good thing for the individual	Noted
Employing more carers to fulfil the role of 'care in the community' would enable people to live in their homes without the need for admission to care homes or hospitals. The care sector is grossly understaffed at present and this is having a very negative affect on people's ability to remain in their own homes.	Noted
but you need to remember that "care" is a wide system	Noted however the type of care referred to would be care which would assist a person to live independently in their home.
As statutory care services are hard to come by and extremely over worked, if there is family/friends that are able to do this for someone even on a partial basis, as in possibly two visits per day, helping with housework, shopping and or personal care, this would significantly reduce the amount of home help from elsewhere. Therefore free up space for those who don't have family or friends available.	Noted
If it can be made easier for a person/s to live in their own home with potential carers living nearby, then this scheme should be encouraged - especially now as there is a scarcity of professional carers to provide help at home.	Noted
Yes providing there is a critical care need in line with current eligibility criteria, otherwise it is open to be misused.	Noted
Sounds good and helpful and to reduce costs of statutory care and support services	Noted
I think it is so important to give this care and help service. There is nothing like being able to be independent in your own home near family and establishment friends; also being surrounded with your treasured personal possessions of a lifetime!	Noted
However, it's putting more burden and pressure on families trying to give care/support on their loved ones. It's fairly obvious that the care support system is failing fast. This needs to be addressed by local authorities and central government..... It's being overlooked.	The policy intention is to aid people to give or receive support. It is not intended that this should add pressure to families to do so.
There's so much pressure on social care, it's important to assist as much as possible, those tenants who need to be close to specific support	Noted
Essential for those who need support	Noted
People with disabilities should get more points as these are the ones that really need the housing and not your drug addicts that seem to get everything	The policy provides a framework for assessing housing need and to make best use of housing

SPMAN-1285234812-1483

	stock and will be applied in a non-judgemental manner.
This is important for unpaid carers. There a lot of carers that do not live in the same area that still provide care and support to a family member. This support is important as it is actually saving the council money for not providing home care etc	Noted
How can people evidence these situations?	Examples of evidence are included in the policy
Many claim to care for family members in order to secure preferred place of residence, however speaking from an experienced home carer over the past 6 years, this isn't always the case. So evidence would be better to get in order to weed out people just saying they care for their loved ones when in actual fact they only visit granny once a month etc.	Evidence will be required, as stated in the policy.

Key issue six: Amending the criteria for the award of functional assessment points

Response	Number	%
Strongly agreed	40	25.16
Agreed	66	41.51
Neither agree nor disagree	37	23.27
Disagree	5	3.14
Strongly disagree	3	1.89
Don't know	8	5.03
Total	159	100

Key issue six – comments received	Response to suggestion
People who may need extra support sometimes may end up being ignored. I feel that if the policy was made very clear then this would help them to understand why their case was rejected if it was. This also would allow better support to those who do need assistance, by specifying exactly what assistance is there and how they can claim it.	Noted
Anything that will make life easier/simpler for applicants is a positive move. However, it would have to make sure that all criteria is still fully understood	There is additional information and guidance for applicants on the functional assessment process, written in plain language.

SPMAN-1285234812-1483

<p>and that applicants are aware of all help available and what it covers because a lot of people aren't aware of which needs apply and therefore could be missing out.</p>	<p>This is publicised and available on the council website and staff provide signposting to these resources.</p>
<p>it is easy to write on an application that you need help around the home, an assessment by a qualified person could go a long way as to either proving/disproving this and also to find a more suitable match of property for the applicant/s</p>	<p>A qualified Housing Occupational Therapist completes assessments and valid evidence is required.</p>
<p>I think there still needs to be a proper assessment of need to ensure all adapted houses are going to the correct people that need it.</p>	<p>This is undertaken using the functional assessment process set out in the policy.</p>

Key issue seven: Prioritising under occupation of social housing points to transfer applicants

Response	Number	%
Strongly agreed	85	50.90
Agreed	58	34.73
Neither agree nor disagree	13	7.78
Disagree	27	4.19
Strongly disagree	2	1.20
Don't know	2	1.20
Total	167	100

Key issue seven – comments received	Response to suggestion
No penalising for refusing home in a not suitable area	Transfer applicants will only be offered housing in lettings areas which they have selected in their housing application.
Prioritise locals	The Allocations Policy must comply with relevant legislation. Section 20 of the Housing (Scotland) Act 1987 (as amended) states that the Council will not take account of whether an applicant lives in the area in specific circumstances
I think they should be allowed to stay in their property especially 2 people in a 3 bed house.	There is no requirement forcing anyone to move.
I think that if say, a single person living in a 3/4/5 bedroom property is to be rehoused and only a 2 bedroom becomes available then they should still be considered for that move	There may be exceptional circumstances where, in order to make best use of housing stock, this would be considered.
Is this not similar to the downsizing scheme?	The Downsizing Scheme is a separate process.
Again do we have the stock to move the too	The purpose is to generate stock turnover, maximise allocation and make best use of available housing stock.
Yes but realistically there just need to be more properties added to housing stock to really make a difference.	Noted
New builds that are built should ne 4 and 5 beds only freeing up the 2-3 bedroom homes they currently occupy	New builds are planned and built to reflect the identified housing need established in the Housing Need and Demand Assessment.
not very clear who would get 250 points versus who would get 50 points	250 points are for transfer list tenants and 50 points for housing list applicants.

<p>Again, tenants should have a regular review of their circumstances to ensure under occupancy is eradicated and those no longer having a need for a large/family home are assisted to move to a smaller property. I believe there are many tenants occupying large homes, which were appropriate when awarded, but when children grow up and leave home, they remain in the property. I know one family of 2 parents and one child, still living in a 4- bedroom home, since 2 children are now adults and have left home. This is unfair, but there is currently no reassessment carried out to ensure housing remains appropriate</p>	<p>Scottish secure tenancies can only be ended in specific circumstances. This provides tenants with security of tenure for as long as they want it unless any of the specific circumstances, set out in legislation, apply.</p>
<p>Makes sense to free up a larger home for someone who (genuinely) needs one.</p>	<p>Noted</p>
<p>This will increase chances of families getting the bigger home they need as well as properties being under occupied to be appropriately used as above.</p>	<p>Noted</p>
<p>I think it's important for people to downsize so this allows another family to be allocated a house the fits them but I would also worry about how this is prioritised for people already waiting on the housing list.</p>	<p>Noted</p>
<p>Thought this already was the policy??? It said 500 points and now 250???</p>	<p>The award of 250 points (per bedroom under occupied) may be awarded to those who are under occupying on the transfer list. Not all of these applicants will be on the Downsizing Scheme (not all will be eligible). The award of Downsizing Scheme points is in addition to under occupancy points and aims to ensure that those on the Scheme are reached for an offer soonest and free up larger housing which is in great demand.</p>
<p>Families are in desperate need of larger accommodation and any change that makes that possible is good. Awarding points as incentive is a good idea</p>	<p>Noted</p>

Key issue eight: extending the timeframe for the award of points for the loss of tied accommodation

Response	Number	%
Strongly agreed	36	27.27
Agreed	49	37.12
Neither agree nor disagree	25	18.94
Disagree	13	9.85
Strongly disagree	8	6.06
Don't know	1	0.76
Total	132	100

Key issue eight – comments received	Response to suggestion
Armed Forces personnel can ask for an eviction notice - this assists in climbing the housing ladder. They can also ask to remain in the property though paying market rates (if there is availability). Lastly, only in extreme circumstances will a service person only have 3 months' notice to leave their accommodation. Everyone is aware of their contract end date from the start on engagement.	The cessation of housing certificate does not assist personnel to climb the housing ladder. Those in tied accommodation (which is not restricted to Armed Forces personnel) may have difficulty sourcing accommodation within the timeframe of their tenancy/accommodation and employment ending. The policy intention is to prevent and reduce homelessness.
Without this policy, people moving from tied housing usually have no alternative but to rely on the local authority.	Noted.
Moray is home to RAF Lossiemouth and Kinross Barracks, these people who work there actually fight for us and therefore need all the support they can get once they leave. They shouldn't be penalised for this, especially if they are skilled and may wish to stay in Moray since some wish to leave Moray taking their skillset with them.	Noted.
If it means people will have to refuse a property then this is not good	If they applicant has to refuse an offer because they are not able to accept due to timeframes for ending their tenancy, it will be deemed to be a reasonable refusal and the applicant will not be penalised.
They know they have to leave a tied property so they should be making prior arrangements. Why should people on the list be penalised and put up the list	Those in tied accommodation may have difficulty sourcing accommodation within the timeframe of their accommodation

SPMAN-1285234812-1483

because if these people. Some people have been in the list for numerous years for them to be ousted again for these persons	and employment ending. The policy intention is to prevent and reduce homelessness.
Yes it should, when you leave the forces after any time housing is a big worry. I know this from personal experience. I never received any offer of housing or points when I left the RAF and I am still in expensive private rented accommodation many years after leaving. So yes it needs to be sorted.	Noted.
Anything that helps to eliminate homeless has to be a positive for everyone.	Noted.
Prioritise locals	The Allocations Policy must comply with relevant legislation. Section 20 of the Housing (Scotland) Act 1987 (as amended) states that the Council will not take account of whether an applicant lives in the area in specific circumstances
Having lived in tied accommodation you have years to prepare for this event and never went with holidays etc to save up monies. Not everyone is the same but the companies they work should interject with the message prepare	Noted.
This seems a reasonable time frame to allow the chances of suitable property to become available	Noted.
Are there many applicants in tied housing, and would this have a significant impact?	At the time of drafting the policy, modelling identified 25 applicants on our Housing List. The amendment will provide these applicants with additional time to reach the top of the housing list and potentially be made an offer of housing.
My understanding is people in this situation usually have an awareness of it happening and should make alternative arrangements as any other person would, I don't think this should fall to the LA, however if it's a legislative requirement then it should be implemented accordingly.	Noted.
My son is in the armed forces and has been to war three times in Iraq and Afghanistan. We should as a nation look after our armed forces personnel, as they have looked after us as a nation!!!	Noted.
Especially for the armed forces who have served their country and worked for the crown and quite often get forgotten or fall through the net.	Noted.
They are in full time employment they know when it ends and should be more than capable of finding alternate accommodation	Those in tied accommodation may have difficulty sourcing accommodation within the timeframe of their tenancy and

	employment ending. The policy intention is to prevent and reduce homelessness.
--	--



MORAY COUNCIL

ALLOCATIONS POLICY

Author	Housing and Property Services
Date agreed	Agreed by Housing and Community Safety Committee on <to be confirmed>
Date of next review	2027 (or earlier if required by changes to legislation or guidance)

Index

1. [Scope of the policy](#)
2. [Strategic context](#)
3. [Principles and objectives of the Allocations Policy](#)
4. [Legislation, good practice and the Scottish Housing Charter](#)
5. [Equality and diversity](#)
6. [Confidentiality and data protection](#)
7. [Information and advice](#)
8. [Eligibility criteria](#)
9. [The Housing List](#)
10. [Applicant choices](#)
11. [Housing types](#)
12. [How applications for housing are prioritised](#)
13. [Factors that cannot be taken into account](#)
14. [The assessment of priority for housing](#)
15. [Priorities and points](#)
16. [Homelessness](#)
17. [Under occupancy](#)
18. [Overcrowding](#)
19. [Functional housing need](#)
20. [Downsizing](#)
21. [Domestic abuse](#)
22. [Leaving institutional/supported care](#)
23. [Underuse of specialist housing](#)
24. [Poor housing conditions](#)
25. [Sharing amenities](#)
26. [Flatted/maisonette accommodation](#)
27. [Tied accommodation](#)
28. [Key workers](#)
29. [Care and support](#)
30. [Exceptional circumstances](#)
31. [Management transfers](#)
32. [Bypassing applications](#)
33. [Suspensions](#)
34. [Deliberate worsening of circumstances](#)
35. [Local Lettings Plans](#)
36. [Sensitive lets](#)
37. [Application management](#)
38. [Offer of housing](#)
39. [Tenancy types](#)
40. [Refusal of an offer of housing](#)
41. [Social housing options](#)
42. [Review and complaint arrangements](#)
43. [Performance monitoring](#)
44. [Review of the Allocations Policy and consultation arrangements](#)
- [APPENDIX I](#)
- [APPENDIX II](#)
- [APPENDIX III](#)

1. Scope of the policy

- 1.1 This policy details the framework for the allocation of Council housing that makes best use of housing stock whilst taking into consideration the needs, demands and aspirations of applicants.

2. Strategic context

- 2.1 The Allocations Policy will contribute to the Moray Local Housing Strategy, the Rapid Rehousing Transition Plan, the Council's Corporate Plan and priorities from the Moray 10 Year Local Outcomes Improvement.
- 2.2 The Allocations Policy will assist the Council to fulfil its overall aim of the Local Housing Strategy, "to ensure that sufficient good quality, affordable housing is available to meet the needs of people living in or requiring housing in Moray." In addition it will assist the Council to achieve agreed outcomes of the Local Housing Strategy to:
- address housing need and improve access to housing;
 - meet statutory obligations to homeless households;
 - assist people with particular housing needs; and
 - promote successful, safe and sustainable communities and social inclusion.

3. Principles and objectives of the Allocations Policy

Principles

- 3.1 The Council's Allocations Policy is influenced by the following principles which will underpin the Council's approach to the allocation of housing:
- Legality – the Council seeks to ensure that its Allocations Policy reflects the legal framework and good practice;
 - Consistency – the Council will apply the Allocations Policy in a consistent manner so that all applicants with similar characteristics are treated in a similar manner to achieve similar outcomes;
 - Openness – the Council will provide explanatory leaflets on the Policy and information on the operation of the Allocations Policy (whilst maintaining individual confidentiality);

- Responsiveness – the Council seeks to have a policy which is capable of responding to a wide range of complex individual needs and circumstances and which embodies an appeals process; and
- Local co-operation – the Council seeks to work with other housing providers in the area to best meet housing needs in Moray.

Objectives

3.2 The specific objectives of the Allocations policy are to:

- address housing needs in the area and where possible, to take into account applicants' housing aspirations;
- assess applications for housing in an objective, consistent and fair manner, complying with all relevant legislation, guidance and best practice;
- make best use of the available housing stock;
- sustain and promote local communities as far as is possible;
- monitor performance and respond to changing patterns of need as they may arise by reviewing the Allocations Policy of the Council on a regular basis;
- inform the Council's strategic planning processes; and
- make sure that the Allocations Policy and practice is accessible to all applicants, by producing information in plain language that is clear and understandable.

4. Law, good practice and the Scottish Housing Charter

4.1 The primary legislation governing allocations of Council housing is contained within the Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Act 2001, the Homelessness etc (Scotland) Act 2003 and the Housing (Scotland) Act 2014. This legislation provides the Council with the discretion to develop allocation and local letting policies in line with local priorities.

4.2 Sections 19 and 20 of the Housing (Scotland) Act 1987 as amended by Sections 9 and 10 of the Housing (Scotland) Act 2001 and paragraph 4 of

schedule 2 to [the Housing \(Scotland\) Act 2014](#) set out the legal rules about social housing lists and allocations.

4.3 Landlords have a duty to make rules covering priority of allocation of houses, transfers and exchanges and to publish these rules (section 21 of the 1987 Act, as amended by section 155 of the Leasehold Reform, Housing and Urban Development Act 1993 and the 2001 Act).

4.4 The Allocations Policy will adhere to housing and other relevant legislation and the [Social Housing Allocations in Scotland: Practice Guide](#) and [Social housing allocations legal framework: statutory guidance for social landlords](#). A list of the laws which have been taken into account are detailed in **APPENDIX I**.

The Armed Forces Covenant Duty

4.5 The Armed Forces Covenant is a promise by the nation, founded on the unique obligations and sacrifices of those who serve, or have served, in the Armed Forces, that they and their families should be treated fairly. It was created to make sure that the sacrifices made by the Armed Forces Community in the national interest should not come at significant cost when accessing goods and services in the UK. Section 343B of the [Armed Forces Act 2006](#) (as amended) defines “service people” as:

- a) members of the regular forces and the reserve forces;
- b) members of British overseas territory forces who are subject to service law;
- c) former members of any of His Majesty's forces who are ordinarily resident in the United Kingdom; and
- d) relevant family members.

4.6 In accordance with the statutory Armed Forces Covenant Duty, the Allocations Policy will have due regard to the following when admitting to and prioritising the Housing List and when allocating housing:

- a) the unique obligations of, and sacrifices made by, the armed forces;

- b) the principle that it is desirable to remove disadvantages arising for Service people from membership, or former membership, of the armed forces; and,
- c) the principle that special provision for Service people may be justified by the effects on such people of membership, or former membership, of the armed forces.

4.7 The operation of the Allocations Policy will ensure that veterans are not disadvantaged when applying for housing, particularly in relation to time spent outside of Moray as part of their Service career.

4.8 The Housing Service will endeavour to ensure that veterans and Service families are provided with knowledge about social housing services in Moray and how to access them.

Scottish Social Housing Charter

4.9 This Policy promotes good practice and complies with guidance from the Scottish Government and the Scottish Housing Regulator. This includes the standards and outcomes detailed in the Scottish Social Housing Charter. The Charter sets the standards and outcomes that all social landlords should aim to achieve when performing their housing activities. The standards and outcomes are:

Equalities:

Social landlords perform all aspects of their housing services so that:

- every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

Housing Options

Social landlords work together to ensure that:

- people looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them; and
- tenants and people on housing lists can review their housing options.

Social landlords ensure that:

- people at risk of losing their homes get advice on preventing homelessness.

Access to Social Housing

Social landlords will ensure that

- people looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and their prospects of being housed.

5. Equality and diversity

- 5.1 The Council is committed to preventing discrimination and promoting equality of opportunity for every person who applies for housing. In accordance with the [Equality Act 2010](#), the Council seeks to ensure that the Allocations Policy does not discriminate between individuals with one or more of the following protected characteristics: age, disability, gender reassignment, marital status/civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation.
- 5.2 In delivering the Allocations Policy, full consideration will be given to the Council's Public Sector Equality Duty (PSED). This requires public authorities to: eliminate discrimination, harassment and victimisation; advance equality of opportunity; and to foster good relations between persons who share a relevant protected characteristic and those who do not.
- 5.3 The Council will develop information and advice in a variety of formats such as large print, tape and Braille, upon request. The Council will provide interpreting services free of charge, where these are required to assist applicants.

6. Confidentiality and data protection

- 6.1 The Council will ensure that any information given to it as part of the application process will be used in accordance with the General Data Protection Regulations (GDPR) and the Data Protection Act 2018. Relevant Privacy Notices will advise applicants how personal information may be collected, used, stored, shared and securely disposed of, the legal basis for doing so and what their Data Subject Rights are.
- 6.2 The Council will treat all applicants for housing with courtesy, sensitivity and with complete confidence. Applicants can request an interview with a member of staff to discuss their housing application. Applicants may request a same sex interview if they have to attend any interview. Applicants will have the right to have a relative, friend or advisor present at any interview. Interviews will be conducted either over the phone (or via other secure digital options) or, if in person, will be in private interview rooms. All information will be treated in complete confidence.

7. Information and advice

- 7.1 The Council will provide applicants with information and advice about accessing council housing and on their housing application. The Council will provide advice leaflets on the Allocations Policy and related processes (using plain language). It will provide details of alternative housing options and accommodation in the area, where possible.
- 7.2 The Council will make sure that the Allocations Policy and a summary version of the policy are readily available, including at Council offices and on its website, free of charge.

8. Eligibility criteria

- 8.1 In accordance with the Housing (Scotland) Act 1987 (as amended), Moray Council operates an 'open' housing list. Eligibility for accessing a housing list only takes into account the age of the applicant. Anyone aged 16 years and over is entitled to be admitted to the Housing List. The right to be admitted to the list is not a right to be allocated a house.

- 8.2 The rights of non-UK nationals to housing and homelessness provisions are a complex area. The Council will ensure that applications received from non-UK nationals are processed in accordance with legislation.
- 8.3 The Council is committed in its support to both the UK and Scottish Government in supporting the resettlement of those displaced from their homes as a result of conflict and those in fear of persecution. Procedures are in place for dealing with re-housing requests from people who are non UK Nationals, Refugees or Asylum Seekers. These procedures take cognisance of legal duties concerning the rights of such individuals. The eligibility for Local Authority housing depends on an applicant's immigration status. If the applicant is a person who is "subject to immigration" control then they may not be entitled to public funds. As housing and homelessness assistance is classed as a public fund, anyone who holds a visa with no recourse to public funds is generally prohibited from accessing it. Each application will require to be assessed against the current applicable legislation and guidance.

9. The Housing List

- 9.1 Application to the Housing List is made via the web based Housing Online application which can be accessed on the Council's website. This is an applications portal which only collects information. It does not make any assessment of housing need.
- * An applicant, or person seeking to be housed with an applicant, who is subject to the notification requirements of the Sexual Offences Act 2003, must contact the Council's Sex Offender Liaison Officer (SOLO) to submit an application.
- 9.2 Applicants will be required to register and create a Housing Online account on the Council website. Applicants must keep their online application up to date and inform the Council of any change to their circumstances immediately after they occur. The Council will provide advice and assistance to applicants who do not have internet access or who may need additional support to complete the online application.

9.3 The Housing List consists of:

Transfer List	Applicants who are tenants of Moray Council
Homeless List	Applicants who have been assessed by the Council as unintentionally homeless
Waiting List	All other applicants

The Council will seek to admit applicants to the Waiting/Transfer List within 10 working days of their application being received by the Council.

9.4 Trends are monitored and analysed regularly and the ratio of allocations to be made to each List will be determined annually by the Housing and Community Safety Committee and will be applied at a Moray wide level (except for properties included in the [Local Lettings Plan](#). Refer to [Section 35](#) of the policy). For 2023 – 2024 the ratio of allocations to each list is as follows:

The homeless list	50% of allocations (+/-5%)
The waiting list	30% of allocations (+/-5%)
The transfer list	20% of allocations (+/-5%)

9.5 Upon acceptance of their application to the Housing List, applicants will be emailed a link to their online account, where they can check details of their point levels at any time.

9.6 Any allocation carried out under the terms of this policy which involves an Elected Member, an employee of Housing and Property, or a close relative of an employee of Housing and Property will be authorised by the Head of Housing and Property. In their absence, authority for making decisions will be delegated to Housing Strategy and Development Manager. In accordance with [Section 20\(3\) of the Housing \(Scotland\) Act 1987 \(as amended\)](#), Elected Members are not allowed to be directly involved in the allocation of houses concerning people living in their wards.

10. Applicant choices

10.1 Applicants will be asked to identify any preferred heating type and house type. In addition applicants will be asked to identify:

10.2 Preferred areas of choice

10.2.1 The Housing List maintained by the Council will be organised into lettings areas. Applicants can apply for as many or as few lettings areas as they want. Applicants will be considered equally for all of the letting areas that they have chosen. Applicants on the Homeless List may be considered for any available suitable property in Moray as long as it is considered reasonable in terms of homeless legislation.

10.2.2 Applicants will be asked to indicate the top three letting areas where they would prefer to live. The Council will use this information for strategic planning purposes including the Housing Needs and Demand Assessment (HNDA), Local Housing Strategy (LHS), Strategic Housing Investment Programme (SHIP), RRTP and new build programmes.

10.3 Size of housing

10.3.1 Applicants will be asked to indicate their preferred house size. However, actual house size required, based on the bedroom requirement, will be taken into consideration when allocating properties.

10.3.2 For the purposes of this policy, when assessing bedroom deficiency or overcrowding (see [APPENDIX II](#)), rooms which are less than 6.5 square metres (70 square feet) in area or without natural lighting will not be included.

10.3.3 When assessing the size of property needed by a household, the Council considers that separate bedrooms are required for:

- husband/wife or similar partnerships;
- each person aged 16 years or over;
- children aged 5 years or over of different sex from other children of any age;
- children of the same sex where there is an age difference of 5 years or more between the elder and the younger child; and
- no more than two people of any age should occupy one bedroom.

10.3.4 It should be noted that the Council's size criteria differs to the criteria used by the Department of Work and Pensions (DWP). The size of property allocated will depend on the household composition and will generally operate as follows:

Household size	bedroom size
Single person	One
Couple	One / two
Single parent or couple with one child or pregnant	Two
Single parent or couple with two children of the same sex	
Both children are aged under 16 and there is an age gap of less than 5 years	Two
Both children are aged under 16 but there is an age gap of more than 5 years	Three
One or both of the children are aged 16 or over	Three
Single parent or couple with two children of the opposite sex	
Both children are under the age of 5	Two
One child is aged 5 or over	Three
Single parent or couple with three children of the same sex	
Two children have an age gap of less than 5 years and both are under 16 years of age	Three
There is an age gap of more than 5 years between all three children	Four
All children are over the age of 16	Four
Single parent or couple with three children of the opposite sex	
Two children are able to share a room (both the same sex, less than a 5 year age gap and both under 16 years of age)	Three
None of the children are able to share a room due to opposite sexes and age	Four
Single parent or couple with four children of the opposite sex	
All children are able to share a bedroom	Three
Only two of the children are able to share a bedroom	Four
None of the children are able to share a bedroom	Five

Each application will be considered on an individual basis. In order to make best use of housing stock and maximise choice there may be exceptions to this.

10.3.5 Applicants can apply for and may be offered properties larger or smaller than the standard household matching detailed above. However, points will be adjusted accordingly and overcrowding and under-occupation points may not apply.

10.3.6 In order to make best use of housing stock and meet specific housing need, for the purposes of one and two bedroom properties only, the Council will offer flexibility for the house size that a couple may be considered for.

10.3.7 In the event that an applicant is deemed to require a three bedroom property and is eligible for either overcrowding or under occupancy points and the applicant decided to accept two property, the award of overcrowding points or under occupancy would be adjusted accordingly. For example, a couple occupying a three bedroom Council house would receive 500 under occupancy points when being considered for a one bedroom property. The award of points, when being considered for a two bedroom property, would be adjusted to 250 under occupancy points.

10.4 Ground floor properties

10.4.1 Applicants aged 70 years and over will only be considered for ground floor housing, unless the applicant has expressed otherwise.

10.4.2 In order to make best use of housing stock and meet specific housing need, for the purposes of one and two bedroom ground floor properties only, the Council will offer flexibility for the house size that an applicant may be considered for.

10.4.3 Applicants assessed as requiring a one bedroom ground floor property will (upon the applicant's request) also be considered for two bedroom ground

floor properties. The applicant with the highest level of need will be allocated the property.

10.4.4 In the event that an applicant is deemed to require a one bedroom ground floor property and is eligible for under occupancy points and the applicant decided to accept a two bedroom ground floor property, the award of under occupancy points would be adjusted accordingly. For example, a single person household occupying a three bedroom Council house would receive 500 under occupancy points when being considered for a one bedroom ground floor vacancy. The award of points, when being considered for a two bedroom ground floor vacancy, would be adjusted to 250 under occupancy points.

11. Housing types

11.1 The main type of housing provided by Moray Council is general needs or “mainstream housing”. However, the following house types are also provided for particular needs groups:

11.2 Sheltered housing

11.2.1 This type of housing are groups of self-contained properties for adults of any age who have an assessed health / support need to live in a sheltered housing environment. There are usually communal facilities on site. The main form of support is a warden service and/or an emergency call service. Applicants must have an assessed need for sheltered housing which will be determined by the completion of a functional assessment (see Section 19).

11.3 Specialist housing

11.3.1 This type of housing includes properties that meet the needs of people with a physical disability. Homes may be partially adapted or fully adapted. Applicants must have an assessed need for housing with adaptations which will be determined by the completion of a functional assessment (see [Section 19](#)). The Council may match some properties that have been specially adapted or designed to meet a person’s needs.

11.3.2 The Housing (Scotland) Act 2001 (as amended), provides the Council with the flexibility to make better use of adapted properties as short term interim accommodation, where at the point of allocation there is no applicant requiring the adapted property. Where possible, adapted properties be allocated to those applicants who need them. If no applicant on the list requires that adaptation at the point of relet, to avoid creating lengthy void times and incurring rent loss, the property will be used for short term interim accommodation. It will be allocated to an applicant who does not need the adaptation with the proviso that they will be expected to move to alternative accommodation in the event that the property is required for a household who needs the adaptation.

12. How applications for housing are prioritised

12.1 In line with [Section 20 of the Housing \(Scotland\) Act 1987](#) (as amended), 'reasonable preference' must be given to certain groups. Priority must be awarded to:

- people who are homeless or threatened with homelessness through no fault of their own and have unmet housing needs;
- social housing tenants who are under occupying their home; and
- people who are living in unsatisfactory housing conditions and have unmet housing needs.

Unmet housing need

12.2 Applicants are considered to have unmet housing needs if they have a housing need which is not capable of being met by their current housing circumstances. For example, an applicant with disabilities whose housing needs can only be met in social housing because it is not possible to make essential adaptations to their current home.

13. Factors that cannot be taken into account

13.1 Section 20 of the Housing (Scotland) Act 1987 (as amended) details certain factors which the Council cannot take into account when allocating housing.

These are:

- a) the length of time an applicant has lived in the area;
- b) any outstanding liability (such as rent arrears) attributable to the tenancy of a house of which the applicant was not the tenant when the liability accrued;
- c) any rent or other arrears accrued by the applicant on a previous tenancy which are no longer outstanding;
- d) any liability which is outstanding but where
 - i) the extent of the liability is not more than one twelfth of the annual amount payable by the tenant to the landlord in respect of the tenancy;
or
 - ii) the applicant:
 - has agreed arrangements with the landlord for paying the outstanding liability;
 - has made payments in accordance with that arrangement for at least 3 months; and
 - is continuing to make such payments.
- e) any outstanding debts (including council tax arrears) of the applicant, or anyone who it is proposed will reside with the applicant, which do not relate to the tenancy of a house (this would include a previous tenancy) i.e. which are not rent arrears or service charges. This means that any outstanding debts which do relate to the tenancy of the house – e.g. rent, repair recharges or service charges – can be taken into account.
- f) the age of the applicant provided that the applicant is 16 years of age or over except in the allocation of
 - (i) houses which have been designed or substantially adapted for occupation by persons of a particular age group
 - (ii) houses for persons who are, or are to be, in receipt of housing support services (within the meaning of Section 91 of the Housing (Scotland) 2001) for persons of a particular age group or by persons with particular needs.

g) the income of the applicant and their family.

13.2 When deciding whether an applicant is eligible for the allocation of housing, social landlords cannot impose the following requirements:

- a divorce or judicial separation to be obtained; or
- the applicant to no longer be living with, or in the same house as, some other person.

Applicants resident outwith Moray

13.3 In allocating housing, the Council can take no account of whether the applicant is resident in Moray if:

- they are employed, have been offered employment or are seeking employment in the area; or
- they need to move into Moray to be near a relative or carer; or
- they have a special social or medical reason for requiring to be housed in Moray; or
- they want to move to the area because they are fleeing harassment or at risk of domestic abuse.

14. The assessment of priority for housing

14.1 The Council will assess all applicants for housing on a fair and consistent basis whilst giving priority to those in the greatest housing need. All applications will be assessed and points awarded for a range of circumstances, based on an assessment of an applicant's housing needs. These categories and levels of points are summarised in [Section 15](#).

14.2 The position on the Transfer or Waiting List will be determined by the number of points awarded to an applicant, on the basis of their current circumstances. There is no maximum level of points that will be awarded to these applicants.

14.3 Applicants on the Homeless List will have no points awarded whilst they remain on this list. Their priority will be determined by the date of the

homeless application unless there are exceptional circumstances that merit an urgent offer of accommodation.

- 14.4 Applicants are responsible for notifying the Council of any changes in their circumstances and for keeping their Housing Online application up to date. Any change in an applicant's circumstances, may affect the points that their housing application has been awarded and their position on the Housing List.

15. Priorities and points

Summary of priorities and points level		
Priority category		points
Homelessness		0
Under occupancy (per bedroom short)	Transfer tenants living in social housing	250
	Waiting list applicants	50
Downsizing scheme		500
Domestic abuse		500
Overcrowding		100
Periodic contact		50
Functional housing need		0 – 500
Leaving institutional/supported care		350
Underuse of specialist housing		250
Poor housing conditions	Below Tolerable Standard and a Closing / Demolition Order has been served	250
	Below Tolerable Standard and lacks 2 or more facilities*	150
	There are minor deficiencies to the state of repair of the property, which are through no fault of the tenant; or The property is affected by condensation and mould due to the poor construction.	100
Sharing amenities		100

Summary of priorities and points level		
Flatted/maisonette accommodation Applicants with children under 16 years of age who are currently occupying flatted/maisonette accommodation where there is shared access within the building are awarded points as follows	Residing in a first floor flat or above ground floor access maisonette.	40
	Residing in a second floor or over flat or maisonette where the living accommodation is on the second floor.	75
Tied accommodation		350
Key workers		400
Care and support		150
Exceptional circumstances		0 – 500

16. Homelessness

- 16.1 Applicants who have been assessed as homeless or threatened with homelessness under the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001 and the Homelessness etc (Scotland) Act 2003 and who have an unmet housing need will be placed on the Homeless List. Applicants on the Homeless List will receive no points but are prioritised in accordance with the date of their homeless application.
- 16.2 All homeless applicants will receive the same number of offers as any other applicant is entitled to under this Policy. However, in recognising the immediate need for accommodation of those placed on the Homeless List, the Council will consider offering any vacant property to an applicant who is on that list, providing that the offer can be regarded as reasonable given the particular circumstances of the applicant. This may include property in lettings areas or property types which the applicant has not selected.
- 16.3 In determining whether an offer is considered reasonable, the Council will take into account the particular circumstances, the needs of the applicant and their household, the sustainability of the accommodation and stock availability, turnover and legislative requirements.

17. Under occupancy

- 17.1 An applicant's current accommodation will be assessed in accordance with [Section 10.3.2](#) of this policy and points for under occupation awarded where there is an additional bedroom which is surplus to the requirements of the household.

For transfer tenants living in social housing , for each bedroom surplus to requirements.	250 points
For waiting list applicants , for each bedroom surplus to requirements.	50 points

18. Overcrowding

- 18.1 [Part V11 of the Housing \(Scotland\) Act 1987](#) (as amended) defines overcrowding (see [APPENDIX II](#)). An applicant's current accommodation will be assessed in accordance with [Section 10.3.2](#) of this policy and points awarded where there is a bedroom deficiency. For each bedroom for which the applicant's current accommodation is deficient, **100 points** will be awarded.
- 18.2 Where an applicant believes that a bedroom is insufficient in size to allow two persons to share, an applicant may request that a visit is made to assess whether additional overcrowding points should be considered.
- 18.3 In cases where an additional bedroom need arises from pregnancy, applications will be assessed for the size of property needed by the applicant's household. Overcrowding points will not be awarded to the application until the Council has received confirmation that the baby has been born.

Periodic contact

- 18.4 Where an additional bedroom is required for frequent and regular overnight contact with children, a total of **50 points** will be awarded. Proof of contact arrangements must be provided from the Court or solicitor or Social Worker or the parent with whom the children usually reside.

- 18.5 An applicant will only be eligible for one additional bedroom irrespective of the number of children covered by any contact agreement.
- 18.6 Applicants who are awarded periodic contact points and who may be affected by the removal of the spare room subsidy will be made aware of the shortfall in benefit entitlement upon assessment of their application.

19. Functional housing need

- 19.1 Applicants applying for housing because they think that their home is not suitable due to a health condition and/or a disability will be required to complete a Housing Functional Assessment Form. A housing functional assessment is not an assessment of a person's condition or disability. It is a more holistic approach, taking into account mental health, physical and learning disability issues. It is an assessment of the need for another home that would either help to stabilise a clinical condition or disability or allow a person to function more independently. The clinical condition or disability must be seen in the context of whether a move to different housing would make a significant difference to the applicant's quality of life.
- 19.2 The policy will be reactive in situations where an application includes a person with rapidly progressive conditions which has a life limiting terminal diagnosis (for example Motor Neurone Disease) and where their current home is unsuitable for their current or future needs.
- 19.3 Applicants, including those who are leaving the armed forces due to injury or disability, who require access to adapted / specialist social housing will be deemed to have a significant level of housing need. This will be addressed through a housing functional assessment.
- 19.4 Housing functional assessments are completed by the Housing Occupational Therapist (or their representative) who will award functional assessment points in accordance with the points criteria detailed at Section 19.5. In more complex cases or where further evidence is needed to make a decision, the Housing Occupational Therapist (or their representative) will request

additional information from the applicant and/or any of the services/professionals included in the completed assessment form.

19.5 Points may be awarded as follows:

Category	Criteria	Points
A	<p>Awarded where it has been established by health professionals that:</p> <ul style="list-style-type: none"> the person can no longer remain in their current home; and there is a critical and urgent need for the person to move to accommodation which will support them to carry out essential daily living activities or will help with the provision of essential health and social care needed to carry out daily living activities. 	500
B	<p>Awarded where</p> <ul style="list-style-type: none"> the person is long term and substantially disabled and this is likely to increase whilst living their current home; and it has been established by health professionals that the person cannot safely access and use facilities in their home needed to carry out essential activities of daily living. 	350
C	<p>Awarded where it has been established by a health professional that a change of property would significantly increase the person's level of safety, ability and independence when completing essential activities of daily living.</p>	150
D	<p>Awarded where it has been established by a health professional that a change of property would moderately increase the person's level of safety, ability and independence when completing essential activities of daily living.</p>	50

Category	Criteria	Points
E	No points will be awarded where there are no recognised barriers in place for a person to carry out their day to day activities. No points will be awarded where Moray Council can provide alternative solutions to the reported difficulty in completing essential activities of daily living (e.g. aids and adaptations).	0

* Activities of daily living are the essential areas of self-care and general activities in and around the home that people need to do every day.

- 19.6 In instances where there is more than one person in a household with a health issue or disability which may mean that their current home is not suitable, only one award of points will be given and this will be based on the applicant with the highest need.
- 19.7 Applicants who are not satisfied with the outcome of their assessment will have the right to appeal. An appeals panel comprising of the Housing Needs Operations Manager, the Senior Housing Needs Officer and the Advanced Occupational Therapist will consider appeals. At the appeal hearing, the Housing Occupational Therapist will be required to present the reasons and rationale for their original decision and the panel would decide thereafter whether the level of priority should remain or change.
- 19.8 The appeals panel will write and advise the applicant of the outcome of the review and of the reasons for the decision.
- 19.9 As an additional oversight, the appeals panel will also carry out a random sample of routine functional assessments every quarter to ensure consistency, transparency and good practice.

19.10 The Council will not accept another functional assessment application from the applicant's household for twelve months from the date of the original decision, unless:

- there is a significant decline in the health of those who have applied for points and there is evidence to verify this;
- a different person within the household applies for points;
- there is a change of address;
- their housing situation becomes worse; or
- the person who has been awarded the functional assessment points leaves the household.

20. Downsizing

20.1 The Council's Tenant Downsizing Incentive Scheme aims to assist the Council to make best use of housing stock. It encourages:

- tenants who are under occupying council houses to move to smaller accommodation, thus releasing a larger property; and
- tenants who are living in specialist housing (of any size) which their household no longer needs to move to alternative suitable accommodation.

This voluntary scheme offers a combination of practical and financial assistance to those council tenants who qualify.

20.2 In order to ensure that the Council can make best use of its stock and in recognition of the sacrifice that the applicants make, once accepted on to the Downsizing Incentive Scheme, applicants will be awarded 500 points.

20.3 Applicants with downsizing points will receive unlimited offers and will not have their application suspended for refusing a reasonable offer of housing.

500 points

21. Domestic abuse

21.1 Where a person requires urgent rehousing as a result of domestic abuse, 500 points may be awarded to their housing application. When considering if someone has experience of domestic abuse, the policy will adhere to the Scottish Government's definition.

“Domestic abuse (as gender-based abuse), can be perpetrated by partners or ex-partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse, withholding money and other types of controlling behaviour such as isolation from family or friends).

This definition will apply to anyone experiencing domestic abuse including men, lesbian, gay, bisexual, transgender people and gender non-binary people (LGBT+).

21.2 The Council is committed to ensuring that those who experience domestic abuse are given as much support and assistance to rebuild their lives away from the abuse and harm. Housing provision is a key element of support and the Council recognises the importance of housing advice and flexible housing options which are person centred and prioritise the person's safety and well-being. This will support the person to make informed choices regarding their housing situation.

21.3 Where someone discloses that they are experiencing domestic abuse and it is not possible for them to, or they opt not to remain in their home, the focus will be on preventing homelessness where possible and maximising opportunities to access settled accommodation.

21.4 There may be instances where the evidence to substantiate abuse is required. The Council may request evidence from agencies etc but the perpetrator will never be contacted.

21.5 Those who are recovering from the impact of domestic abuse may have physical and mental health issues which may be complex and long lasting and which may come under the definition of disability under the Equality Act 2010. The Council will have due regard for its Public Sector Equality Duty and ensuring that any discrimination is prevented.

500 points

22. Leaving institutional/supported care

22.1 Applicants will be awarded points if any of the following circumstances apply and are confirmed by a Social Worker, Care Manager, Care Provider, Housing Support Provider, Community Psychiatric Nurse, General Practitioner, Doctor or Consultant, as may be appropriate given the individual circumstances of each case.

Where residential care/hospital/specialist supported housing is no longer appropriate.	350 points
Where an applicant is leaving a care environment. For example, supported accommodation, supported lodgings or foster care.	
Where a kinship care placement is no longer appropriate.	

22.2 For care experienced young people, points will be awarded up to the point that they are permanently housed. Thereafter if they experience housing difficulties and reapply for council housing (up to the age of 26) a referral would be made to the Housing Needs Review Group to consider their application.

22.3 Although points may be awarded, the applicant may be bypassed for an offer of housing if there is not a valid and up to date support plan in place which confirms that the applicant will have sufficient support to assist them to sustain their tenancy (see Section 32).

23. Underuse of specialist housing

23.1 Specialist housing can help people to achieve and maintain personal independence and can improve their wellbeing and quality of life. The Council will strive to ensure the effective allocation of specialist housing and to make best use of housing stock. There can be situations where the person who the property was allocated for is no longer living there and nobody else living there has a need for specialist housing.

23.2 For the purpose of the Allocations Policy, specialist housing is defined as any social housing property in Moray which meets the following criteria:

- A fully adapted/accessible ground floor property; or
- A property:
 - with wheelchair accessible access (either level or ramped); and
 - has a wheelchair accessible level access shower or wet room facilities on the ground floor; and/or
 - has sufficient space to permit a wheelchair dependent person to live there (as set out in “Housing for Varying Needs” 1998 or subsequent updated design guidance).

This above criteria will encompass new build properties which are designed to accessible standards.

23.3 Underuse of specialist housing points may be awarded to households living in specialist housing who no longer have a need for this type of housing and who want to move.

23.4 Applicants will only be eligible for underuse of specialist housing points if:

- the property is defined as specialist housing (as set out at 23.2); and
- the applicant’s household was allocated the property due to the existence of a specific need for specialist accommodation within their household; and
- they are moving from specialist housing to alternative housing which is not defined as specialist housing.

250 points

24. Poor housing conditions

24.1 Applicants in the private sector (including caravans) will be awarded poor housing condition points, if during an inspection, Officers have identified any of the following:

The property is deemed to be Below Tolerable Standard and a Closing / Demolition Order has been served	250 points
The property is deemed Below Tolerable Standard and lacks 2 or more facilities*	150 points
There are minor deficiencies to the state of repair of the property, which are through no fault of the tenant; or The property is affected by condensation and mould due to the poor construction.	100 points

*Facilities are defined as sink, wash-hand basin, bath or shower, an inside toilet and hot and cold water supply to facilities (refer to **APPENDIX III**).

25. Sharing amenities

25.1 Amenities considered for sharing points are kitchen, toilet and bathroom.

25.2 Applicants whose household share amenities with another household (points will only be awarded to applicants who are not the tenant/owner of the property).

100 points

26. Flatted/maisonette accommodation

26.1 Applicants with children under 5 years of age will not be considered for flatted/maisonette accommodation which has communal access and is above ground floor, unless the applicant has expressed an interest in being housed in this property type.

26.2 Applicants with children under 16 years of age who are currently occupying flatted/maisonette accommodation where there is shared access within the building are awarded points as follows:

Residing in a first floor flat or above ground floor access maisonette	40 points
Residing in a second floor or over flat or maisonette where the living accommodation is on the second floor or above	75 points

27. Tied accommodation

27.1 An applicant may live in accommodation which is part of the conditions of their employment. Applicants will have no right to reside in the accommodation once their employment ends. Applicants living in tied accommodation will be awarded tied accommodation points if the applicant is retiring or their employment ends, which results in them having to leave the accommodation. In the event that the tenant has died, points for tied accommodation may be awarded to the partner or spouse of the tenant. However, in instances of relationship breakdown, points will not be transferred to family members. Applicants must provide valid evidence of the loss of accommodation.

27.2 Applicants who are serving Armed Forces personnel and who occupy service accommodation which is due to be terminated will be awarded tied accommodation points. Applicants will be required to provide a copy of their Certificate of Cessation of Entitlement to Occupy Service Living Accommodation which is issued six months before discharge.

27.3 Points for tied accommodation will be awarded up to six months before the applicant's tenancy ends. Applicants with tied accommodation points will not be penalised in the event that they are not able to accept an offer of housing due to restrictions in terminating their current tenancy.

350 points

28. Key workers

28.1 The aim of key worker points is to offer a non-permanent accommodation option for a specific period of time in order to assist and support people moving into Moray who may otherwise not be able to accept employment. This follows research which identified particular issues in the public sector, notably NHS and local authority. This approach will provide applicants with sufficient time to source an alternative permanent housing solution and will assist to resolve local recruitment issues associated with the lack of available housing.

28.2 In accordance with [Schedule 6 of the Housing \(Scotland\) Act 2001](#) (as amended), tenancies granted to applicants with key worker points will be a short Scottish secure tenancy (SSST), which has fewer rights as a Scottish secure tenancy and security of tenure is limited to the term of the SSST.

28.3 Applicants may be eligible for the award of key worker points if they meet the following criteria:

- They are professional staff required to fill a role in the public sector, such as NHS health care professionals (e.g. consultants, GPs, physiotherapists, speech and language therapists, nurses) or teachers or technical staff where skills cannot be filled locally and recruitment shortages can be evidenced by prospective employer.
- They live outwith Moray when they apply for housing; and
- They will accept a short Scottish secure tenancy (SSST).

In determining the award of key worker points, the Council will retain absolute discretion regarding whether a role is considered to be a 'key worker' and whether the allocation of housing will alleviate a recruitment shortage. Points will be awarded upon proof of eligibility.

28.4 In establishing if an applicant may qualify for key worker points, the Council will require the applicant's employer to provide confirmation and support for a request for key worker points.

28.5 In the event that the applicant with key worker points moves into temporary accommodation in order to commence their employment and is still seeking a permanent housing solution, the key work points will remain valid for 6 months from the date they move into Moray.

28.6 A SSST granted to applicants with key worker points will last a minimum of six months (Section 34 of the Housing (Scotland) Act 2001, as amended). There is no maximum period for the term of a SSST granted under this ground. There will be no SST offered to key worker tenants. In order to make best use of housing stock, the Council will seek to ensure that SSSTs granted to a key worker lasts no longer than 12 months. Applicants will be advised of this prior to signing a SSST. The operation of the SSST (including termination) will be in accordance with the Short Scottish Secure Tenancy Policy and the Housing (Scotland) Act 2001, as amended.

400 points

29. Care and support

29.1 The award of care and support points will assist to alleviate and reduce demand on care and support services and promote living independently at home. Care and support points may be awarded to applicants who need to move to either:

- provide essential care and support to a vulnerable person which will enable them to continue to live independently at home and reduce demand on statutory care services; or
- receive essential care and support which will allow them to live independently at home, reduce demand on statutory service and/or eliminate admission to a care home. For example, if the applicant is vulnerable and needs to be closer to their carer; and
- it is not reasonable to deliver or receive the level of care and support required, unless they live closer to the person in receipt of / person providing the care and support.

29.2 The applicant will need to provide evidence of the care and support needs before points will be awarded to their application. For example, evidence of entitlement to relevant benefits such as Carers Allowance Supplement or Disability Living Allowance, Personal Independence Payment or Adult Disability Payment or other supporting evidence from a professional agency (e.g. Social Work or NHS).

150 points

30. Exceptional circumstances

30.1 There are occasions where the Council needs to use discretion and allocate housing outwith the core Allocations Policy. 'Exceptional circumstances' points may be awarded in cases which cannot be appropriately considered within the Allocations Policy.

30.2 Applicants may request that their circumstances are referred to the Housing Needs Review Group for consideration of the award of such points. Any award of 'exceptional circumstances' points may only be made by the Housing Needs Review Group. A transparent and robust audit trail will be maintained in order to evidence accountability in the decision making process.

30.3 Exceptional circumstances points may range from **0 to 500 points**, depending on the specific circumstances of the applicant and the availability of housing.

31. Management transfers

31.1 There may be occasions when the Council needs to move one or some of its current tenants. A management transfer is used to assist in urgent re-housing cases where the allocation policy would not deliver a resolution quickly enough.

31.2 Management transfers will only be granted where there is a serious risk to the tenant should they remain in the current tenancy or where, for compelling

and exceptional reasons, the Council wants to re-house the applicant as a matter, or urgency. Examples of this are:

- Information obtained from Police or similar agency that the person is under threat if they remain in their present accommodation.
- Requests regarding child or adult protection services to remove an individual or family for personal safety reasons, e.g. under a Multi-Agency Risk Assessment Conference (MARAC).
- Other reasons as deemed necessary by the landlord such as a serious housing management problem or if a property or properties are being demolished or where repairs will take a long time to complete.

31.3 A recommendation report for a management transfer may be submitted by Officers for consideration by the Housing Services Manager, whose decision must be sanctioned by the Housing Needs Manager. In order to ensure a transparent and accountable process is upheld, a robust audit trail of all decisions made will be maintained.

32. Bypassing applications

32.1 The Council will endeavour to make best use of its housing stock. In making allocation decisions the Council must consider the match between the needs of the applicant and the suitability of the property. The Council will normally offer the property to the applicant with the highest number of points and who has a need for that particular size and type of house. However, there may be some situations where applicants may be bypassed for an offer of housing. Reasons for this may include:

- there is evidence that the allocation would place the community, or an individual at risk;
- enquiries into the household's circumstances provide clear evidence that a particular allocation is unsuitable or inappropriate;
- the property has special features which are not required by the applicant or the applicant's household;
- the applicant or a household member has a health condition or disability which makes the property unsuitable;

- the applicant requires support and assistance to sustain a tenancy and the support is not available or in place;
- the applicant is in supported accommodation and is not ready to move to independent living;
- the applicant does not reside in Moray and does not meet the criteria specified in Section 9 of the Policy;
- the applicant does not have a support plan; and
- the applicant's circumstances have changed and information is awaited or required to enable their application to be re-assessed.

32.2 The Council will ensure that when bypassing applicants it will:

- administer the process using a robust evidenced based approach to ensure that decisions are accountable, transparent, their use carefully monitored and an audit trail is in place;
- comply with legislation;
- manage processes in such a way so as to support individuals and communities and ensure that people are not unintentionally or unfairly disadvantaged;
- make sure that no applicants are bypassed inappropriately and that no pattern of discrimination emerges through bypassing particular groups. Sensitive lets will not be used as a means of 'screening out' households that may require greater support or involvement from staff; and
- monitor the impact on those individual applicants who are bypassed, including the number of times they are bypassed and any significant extra waiting time for an offer.

33. Suspensions

33.1 A suspension happens when someone has been assessed for and accepted on to the Housing List but is told that he or she will not be eligible for an offer of housing until:

- a specified period has elapsed;
- it is evident that the conduct has changed; or

- a change in circumstances has occurred.

In accordance with legislation, homeless applicants cannot be suspended from receiving offers of housing.

33.2 The Council will not automatically suspend applicants from receiving offers of housing. The Council will attempt to work proactively with applicants, to ensure that the number of suspensions is kept to a minimum. Each case will be assessed on its own merits. The Council will always take personal circumstances and the extent of housing need into account before suspending applicants from receiving offers of housing. The Council will make sure that a balanced approach is taken and that the urgency of the applicant's housing need is of paramount importance.

33.3 Applicants may be suspended from receiving an offer of housing (unless specified exceptions to this exist) in the following circumstances:

- (i) where an applicant, or any person who is proposed to reside with the applicant, has housing related debt of more than 1/12th of the annual amount payable (or which was payable) to the landlord and no repayment arrangement has been agreed or maintained. In such cases, the suspension period may continue until the applicant (or person who is proposed will reside with the applicant) has a reasonable repayment arrangement in place and maintained for a minimum period of three months. The Council will take into account the reasons why the debt has arisen;
- (ii) where there is evidence of antisocial behaviour (through either eviction or the granting of an Antisocial Behaviour Order) which is related to the conduct of a tenancy. In such cases, the application may be suspended for a period up to 12 months. If clear evidence is provided showing that there has been a change in behaviour, for a minimum period of three months, the suspension may be lifted. Each case will be assessed on its own merit;
- (iii) where an applicant has refused two reasonable offers of housing within one year. In such cases, the suspension period will be six months. During that period, no further offers of accommodation will be made.

Appeals against the suspension of offers of housing will be considered in terms of the appeals process detailed in [Section 42](#) of this policy.

- 33.4 If a social housing tenant in Moray has accrued rent arrears as a direct result of the removal of the spare room subsidy and wants to move to a smaller property, the Council may disregard the rent arrears accrued if it is satisfied that the tenant has done all they can practicably be expected to do to avoid falling into arrears.
- 33.5 In all cases where the applicant knowingly provides false or misleading information in order to improve their position on the Housing List, the application shall be suspended from receiving offers of housing during an investigation. If the investigation determines that false or misleading information was knowingly provided, the application will be suspended for six months. The Council may seek court action to recover any tenancy granted on the basis of false or misleading information knowingly provided.
- 33.6 Before an allocation is made to a transfer list applicant, a tenancy inspection will be carried out. If it is identified that the tenant is not adhering to the conditions of their current tenancy agreement, they may be suspended from receiving an offer of housing, until they meet the conditions of their tenancy. For example, if the tenant does not take reasonable care of their house (Scottish secure tenancy agreement 5.17). This suspension will be reviewed after a period of 3 months.

34. Deliberate worsening of circumstances

- 34.1 The Council will undertake investigations where it has reason to believe that an applicant deliberately did or failed to do something which, in consequence, led to a worsening of their housing circumstances in order to improve their position on the Housing List. For example, an applicant gives up settled accommodation in order to move into less settled or overcrowded accommodation.

- 34.2 In order to determine if an applicant has deliberately worsened their circumstances, the Council will investigate and assess each application on its own merits, taking into account all contributory factors. This will include ascertaining whether the applicant was aware of the consequences of their action and whether their actions were reasonable.
- 34.3 Where there is evidence to substantiate that an applicant deliberately did or failed to do something which has resulted in the worsening of their housing circumstances in order to improve their position on the Housing List, the applicant may be suspended from receiving an offer of housing for six months, unless there is a change in circumstances.
- 34.4 Following the suspension period, the application will be reinstated. The action taken by the applicant who was considered to have deliberately worsened their circumstances will no longer be taken into account and the level of points will be reviewed accordingly.
- 34.5 When the Council has decided to suspend an applicant from receiving offers, it will explain:
- why the Council is suspending the application;
 - what this means in practical terms;
 - how long the suspension will last;
 - what action the applicant should take to have the suspension lifted;
 - and
 - the applicant's right to request a review of the decision to suspend their application.

35. Local Lettings Plans

- 35.1 The Council may consider the use of local lettings plans for specific lettings areas. Local lettings plans provide an open and transparent framework which set out any variation to the Allocation Policy needed to take account of and address local needs and circumstances. Local lettings plans are used to develop letting arrangements that:

- respond to local housing need and demand;
- help to suitably match applicants to properties; and
- help the Council to achieve a balance housing mix within a particular area.

The main aim of a local lettings plan is to build a strong and sustainable community.

- 35.2 A local lettings plan may have the effect of introducing additional criteria in the allocations process which may result in allocations not being determined in accordance with applicant's points. The Housing and Community Safety Committee will consider proposals for the declaration of any local lettings plan.
- 35.3 Any local lettings plan agreed by the Council must accord with the overall principles and objectives of the Allocations Policy. Where a local lettings plan is proposed, detailed evidence to support the need for such an approach and why this cannot be met by the Allocations Policy itself will be considered by the Committee.
- 35.4 Where a local lettings plan is agreed for a specific lettings area, the Council will ensure that applicants are advised of the Plan.
- 35.5 Any local lettings plan will be agreed for a specified period by the Housing and Community Safety Committee or any other relevant Committee.
- 35.6 The Council will promote the development of sustainable communities by allocating all "new supply" properties on the basis of local lettings plans. This ensures that new build programmes will meet the widest possible range of needs and avoid the creation of concentrations of vulnerable households in specific communities.
- 35.7 All agreed Local Lettings Plans will be published on the Moray Council website.

36. Sensitive lets

- 36.1 The Council may regard some lets as sensitive. Sensitive lets may be used in exceptional circumstances, where it is deemed necessary for the Council to deviate from the Allocations Policy. The process involves approaching the selection of the most appropriate applicant from both a person and property perspective.
- 36.2 The Council will always consider the extent to which the allocation has the potential to create a lack of stability or imbalance in the local community or would be detrimental to the applicant's social wellbeing. The Council will ensure that the needs of the applicant and the suitability of the property match.
- 36.3 When considering a sensitive let, instead of allocating a property to the applicant at the top of the list (the person in most housing need, as defined by the Allocation Policy), the Council will consider the suitability of the applicant for the vacancy, on the basis of the information it has about the applicant and on the knowledge it has about the property, its location or neighbours.
- 36.4 The Council will ensure that all decisions regarding sensitive lets are accountable, transparent and monitored. Discretion may be applied when identifying sensitive let applicants or properties. For example, consideration will be given to the significance of the applicant's previous social conduct. Considerations may include, to what extent has the conduct affected the applicant's life and the life of others? Has there been legal involvement? Has there been a significant improvement?
- 36.5 The Council will monitor the use of sensitive lets in order to make sure that there is no pattern of bypassing particular groups.

37. Application management

Review of applications

- 37.1 All applicants for housing will be asked to renew their housing application annually, from the date that the last amendment was made to the housing

application. Failure to respond to this request will result in the application being removed from the Housing List. Requests for re-instatement to the Housing List after a period of three months from removal will require the applicant to complete a new housing application form.

Change in circumstances

- 37.2 Applicants are advised to notify the Council as soon as possible of any change in circumstances which may affect their housing application. Applicants are responsible for amending their online housing application. For example, a change in family circumstances, change of address and so on.

Cancelled applications

- 37.3 On notification of an applicant's death, the application will automatically be transferred to the surviving partner residing with the applicant. Where there is no surviving partner, the application may be transferred to any other person named in the application who has been resident with the applicant for a period of six months, providing that that person is aged 16 years or over. The applications will be re-assessed within 28 days of notification of the change in circumstances to the Council.

38. Offer of housing

- 38.1 The Council is committed to ensuring that offers of housing are fair and based on the knowledge of the needs, circumstances and preferences contained within the application for housing.
- 38.2 An offer will normally be considered reasonable if it is situated in a lettings area deemed acceptable by the applicant and otherwise meets the applicant's stated housing need as detailed on the application form and the necessary pre-tenancy checks have successfully been completed.
- 38.3 An offer of accommodation from a RSL under the Nomination Process will count as a reasonable offer, providing that the applicant has indicated willingness to be considered for such nominations.

38.4 Offers of housing are made in writing to applicants. The offer of housing will give full information about the potential allocation and should be responded to within the timescale specified.

39. Tenancy types

39.1 Below are the types of tenancy agreements which the Council may offer housing applicants:

Scottish secure tenancy (SST)

39.2 In most circumstances an applicant will be offered a Scottish secure tenancy. Unless a tenant ends the tenancy, abandons the tenancy or the council obtains a court order to end the tenancy, the SST will usually continue for as long as the tenant wants.

Short Scottish secure tenancy (SSST)

39.3 The Council may offer a short Scottish secure tenancy for a minimum term of 6 months in specific circumstances as set out in the Short Scottish secure tenancy (SSST) Policy. These circumstances will apply if:

- there is evidence that an applicant or someone in their household or a visitor to their home has been involved in antisocial behaviour in or near their home within the last three years;
- an applicant or someone in their household has been evicted for antisocial behaviour or subject to an antisocial behaviour order within the last 3 years;
- an applicant is moving to Moray take up employment; or
- an applicant needs housing support to help them maintain their tenancy;

39.4 At the end of the term of the SSST the Council can:

- offer a full SST (some types of SSST automatically convert to SSTs after 12 months);
- offer a further SSST; or
- seek repossession.

39.5 In all cases the Council will serve an applicant with a notice informing the applicant that they are being offered a SSST. This notice will also state why they are being offered a SSST and the period for which the SSST is being offered.

39.6 For some types of short Scottish secure tenancies the Council must provide, or ensure the provision of, housing support services. If an applicant is unwilling to cooperate with this support, the tenancy offer may be withdrawn.

40. Refusal of an offer of housing

40.1 If an applicant refuses a reasonable offer, they will be given the opportunity to review their preferences and options and will be provided with a realistic overview of their housing options.

40.2 If an applicant refuses two reasonable offers of housing within one year, the application will be suspended for a period of six months (except where the stated exemptions apply). During that period, no further offers of accommodation will be made.

Refusal due to the removal of the spare room subsidy

40.3 If an applicant refuses an offer of accommodation, on the grounds of a housing benefit shortfall due to the removal of the spare room subsidy, the Council would consider this a reasonable reason for refusing an offer. This would only be permitted once. Thereafter, the size of property that an applicant will be offered will be amended.

40.4 For example, if in accordance with section 10.3.2, an applicant is assessed as requiring a three bedroom property but the applicant refuses it due to the removal of the spare room subsidy, this would be considered a reasonable refusal. This would only be permitted once. The applicant would then be placed on the two bedroom property list and points adjusted accordingly.

41. Social housing options

- 41.1 The Council will negotiate Nomination Arrangements with Registered Social Landlords (RSLs). These arrangements will provide the Council with the right to nominate applicants from the Council's Housing List for vacancies arising within the RSL's housing stock. The arrangements will not provide the Council with the right to allocate such vacancies and such allocations will be carried out in accordance with the specific RSL's Allocations Policy and Rules. The Council will inform applicants who have been nominated to an RSL of the nomination.
- 41.2 Applicants will be asked to indicate on their housing application whether they wish to be considered for a nomination to RSLs.
- 41.3 The Council has Section 5 protocols in place with RSLs in Moray. Section 5 of the Housing (Scotland) Act 2001 provides a statutory mechanism for local authorities to refer applicants assessed as homeless to RSLs for allocation of any forthcoming empty houses. This addresses the contribution that RSLs can make to tackling homelessness in the area.
- 41.4 Existing tenants of Moray Council have the right to apply for permission to effect a mutual exchange with another public sector or Registered Social Landlord tenant. Such requests will be considered under the terms of the Housing (Scotland) Act 2001 and permission to exchange will not be unreasonably withheld. Applicants can apply for a mutual exchange on the House Exchange website.

42. Review and complaints arrangements

- 42.1 In accordance with legislation, neither any Local Member for a Lettings Area in which a vacancy is situated nor any Local Member for a Lettings Area in which an applicant currently resides will be involved in the allocation decision for that vacancy.

42.2 If an applicant needs help to make and follow up on a complaint, review or appeal, Council staff will provide guidance or will refer the applicant to an appropriate agency who may assist the applicant.

Request for a review of a decision

42.3 Separate from the Complaints Procedure, a Review Procedure exists within the Allocations Policy to deal with instances where an applicant is dissatisfied with the decisions made on any aspect of the application.

42.4 An applicant who is not satisfied with decisions made on their application for housing can request a review. The applicant should make the request in writing to the Senior Housing Needs Officer. The request for a review should include the grounds on which it is made.

42.5 The request for a review will be considered by a senior manager not previously involved with the original decision with a target of 28 days to respond to the applicant.

42.6 If an applicant remains dissatisfied, the applicant may write to the Housing Needs Operations Manager to ask that the Housing Needs Review Group consider their case.

42.7 The Housing Needs Review Group will convene monthly to consider any appeals and housing applications in certain circumstance, for example the award of exceptional circumstances points.

42.8 The Housing Needs Review Group is comprised of the Housing Needs Operations Manager (Allocations/Homelessness), an Area Housing Manager, a Housing Needs Officer, the Housing Needs Operations Manager (Support) or the Supported Accommodation Manager and a minute taker. At the review group hearing, the senior officer who carried out the review of the original decision will present the reasons and rationale for their request/decision.

42.9 The review group will decide:

- if the decision made on the application will remain or be overturned;
- the outcome of certain housing applications. For example if exceptional circumstances points should be awarded and what level these will be.

42.10 The Housing Needs Review Group will write and advise the applicant of the outcome of the appeal and of the reasons for their decision within 7 days.

42.11 Where the Housing Needs Review Group uphold the decision to offer a SSST or convert a SST to an SSST and the applicant/tenant is still not satisfied, they will have a right of appeal to the Sheriff Court (Housing (Scotland) Act 2001, Section 38 for an offer or by summary application under Section 35 for a conversion.

42.12 An applicant has the right to pursue any complaint of maladministration in relation to a housing application with the Scottish Public Services Ombudsman or to seek a judicial review where this is appropriate.

Complaints

42.13 The Council has a Complaints Policy which details Council's complaints process which is available to any applicant who is not satisfied with the way in which the application has been dealt with. The Complaints Policy and explanatory information are available on the Council website and from any Council Office or Access Point.

43. Performance monitoring

43.1 The Council currently monitors its performance in relation to the time taken to relet vacant properties and the amount of rent lost as a result of vacant properties. Reports on these performance indicators are presented to the Economic Growth, Housing and Environmental Sustainability Committee or any other relevant Committee on a quarterly basis.

- 43.2 The Council will set performance standards in relation to its Allocations Policy and will monitor its achievement of these standards.
- 43.3 The performance indicators are reported to the Housing and Community Safety Committee or any other relevant Committee. These reports will be public documents. The confidentiality of individual applicant's circumstances will be maintained.
- 43.4 The Council will welcome the views of applicants on the Allocations Policy, the procedures adopted by the Council and how applications are dealt with.
- 43.5 The Council will review the operation of the Allocations Policy on an annual basis. A review report will be considered annually by the Housing and Community Safety Committee.

44. Review of the Allocations Policy and consultation arrangements

- 44.1 If the monitoring of performance detailed in Section 43 suggests that there are areas where the policy needs to be improved, the policy may be amended or a further review may be undertaken. If any changes to be made are substantive, the Council will consult with tenants, applicants and other key stakeholders before making these changes.
- 44.2 The Council will undertake a full review of this policy every three years or earlier if required by changes to legislation or guidance. In line with housing law, consultation will be ongoing during the review process and not just once the policy has been finalised.
- 44.3 Moray Council will consult the following groups before making or altering the Allocations Policy:
- Applicants on the Housing List;
 - Council tenants;
 - Registered tenant organisations; and
 - Any other stakeholders considered relevant.

44.4 Moray Council will prepare and publish a report on the consultation following the consultation on the Allocations Policy.

Legislative framework

The following legislation regulates the legal framework for the Allocations Policy:

- The Human Rights Act 1998
- The Data Protection Act 2018
- The Housing (Scotland) Act 1987
- The Housing (Scotland) Act 2001
- The Homelessness etc (Scotland) Act 2003
- The Housing (Scotland) Act 2006
- The Housing Scotland Act 2014
- The Equality Act 2010
- Immigration and Asylum Act 1999
- Protection from Harassment Act 1997
- Domestic Abuse (Protection) (Scotland) Act 2021
- The Matrimonial Homes (Family Protection) (Scotland) Act 1981
- The Civil Partnership Act 2004
- The Family Law Act 2006
- The Children (Scotland) Act 1995
- Adult Support and Protection (Scotland) Act 2007
- Management of Offenders etc (Scotland) Act 2005
- The Sexual Offences Act 2003

The above list is not exhaustive.

Overcrowding

[Part VII of the Housing \(Scotland\) Act 1987](#) (as amended) provides the legal definitions of overcrowding based on the room standards and the space standard. If either or both of them apply then a dwelling will be statutorily overcrowded. This is an offence unless the overcrowding falls within one of the exceptions.

The room standard

The room standard is set out in Section 136 of the Housing (Scotland) Act (as amended) and is based on the number and sex of people who must sleep in one room. The room standard will be contravened in a situation where two people of the opposite sex must sleep in the same room. The exceptions to this rule are:

- cohabiting or married couples who can live in the same room without causing overcrowding
- children under the age of ten who are completely ignored in the calculation.

'Room' is defined as being available for 'sleeping accommodation' only if it is of a type normally used in the area as a bedroom or a living room. However the standard does not limit the number of people of the same sex who can live in the same room (but see the space standard).

The space standard

The space standard is set out in Section 137 of the Housing (Scotland) Act (as amended) and is based on the number of people who may sleep in a dwelling of a particular size. The number of people depends on the size of the room, the number of living rooms and bedrooms in the building and the age of the occupants. There are two ways of calculating the space standard and both should be applied. The method that gives the lower figure for the number of persons entitled to occupy will be the statutory limit.

Method one	
Number of rooms	Number of people
1	2
2	3
3	5
4	7.5
5+	2 per room

Method two	
Floor area of room (sq. feet)	Number of people
110	2
90 - 109	1.5
70 - 89	1
50 - 70	0.5

For both the above assessments:

- children under one year old are not counted
- children under ten years old but not under one count as a half
- rooms under 50 square feet are not included
- a room is counted if it is available as sleeping accommodation

Below Tolerable Standard

The tolerable standard criteria are detailed in section 86 of the Housing (Scotland) Act 1987. The criteria states that the dwelling house should:

- be structurally stable: this provision is mainly aimed at problems of subsidence
- be substantially free from rising or penetrating damp (it is important to note the use of the term 'substantially free', not 'completely free', and to note also that the standard does not extend to condensation dampness, although that may be covered by the next point)
- have satisfactory provision for natural and artificial lighting, for ventilation and for heating. Adequate natural lighting under good weather conditions should be available in rooms intended for sleeping, sitting or eating meals. A test for this is whether normal domestic activities can be undertaken without the aid of artificial light. Ventilation is thought to mean that fresh air can circulate easily to all rooms
- have satisfactory thermal insulation
- have an adequate piped supply of wholesome water available within the house. The water supply is for domestic use
- have a sink provided with a satisfactory supply of both hot and cold water within the house
- have a water closet, or waterless closet, available for the exclusive use of the occupants of the house and suitably located within the house. The toilet should be accessible to occupants without compromising their privacy and should be adequately lit and ventilated
- have a fixed bath or shower and a wash-hand basin, all of which must have a satisfactory supply of hot and cold water and be suitably located in the house
- have an effective system for the drainage and disposal of foul and surface water. Factors taken into account are the capacity of the system, susceptibility to leakages or blockages and whether foul air from sewage can enter the building
- have a supply of electricity, where electricity is supplied to the property, that complies with the relevant requirements in relation to electrical installation for that supply and is adequate and safe to use

- have satisfactory facilities for the cooking of food within the house. This does not necessarily mean that a cooker is actually installed, but as a minimum that there is the means of installing a gas or electric appliance
- have satisfactory access to all external doors and outbuildings. If there is no adequate means of access to a house then there may be a breach of the landlord's repairing obligation.
- satisfactory equipment installed for detecting fire, and for giving warning of fire or suspected fire
- satisfactory equipment installed for detecting, and for giving warning of, carbon monoxide present in a concentration that is hazardous to health

A house will not meet the tolerable standard if fails to fulfil one or more of the criteria above.

('House' is defined as including a flat and any yard, garden and outhouse etc. that belongs to it or is usually enjoyed by it).

Closing orders

If the local authority is satisfied that a house does not meet the tolerable standard and should be demolished then it can make a closing order. A closing order is used where the house in question forms part of a building and there are other houses in the building that meet the tolerable standard. A closing order prohibits the use of the house for human habitation.

Demolition orders

A local authority can make a demolition order if is satisfied that the house(s) in question do not meet the tolerable standard, and the house(s) ought to be demolished.

If the building is listed or subject to a building preservation order then the authority has to issue a closing order instead.



**REPORT TO: HOUSING AND COMMUNITY SAFETY COMMITTEE ON 13
FEBRUARY 2024**

SUBJECT: MORAY AFFORDABLE HOUSING INVESTMENT PROGRAMME

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 To inform the Committee of progress on the Affordable Housing Investment Programme in Moray.
- 1.2 This report is submitted to Committee in terms of Section III G (10) of the Council's Scheme of Administration relating to the preparation and implementation of strategic housing plans.

2. RECOMMENDATION

2.1 It is recommended that the Committee:-

- i) scrutinises and notes progress on the Moray Affordable Housing Investment Programme; and**
- ii) scrutinises and notes progress on the delivery of the Council's new build and acquisition programme.**

3. BACKGROUND

- 3.1 The Council receives an annual resource allocation from the Scottish Government to fund the supply of new affordable housing in Moray. The Council's Strategic Housing Investment Plan (SHIP) determines how this funding will be used to plan and deliver the affordable housing priorities of the Local Housing Strategy. The investment and project priorities set out in the SHIP form the basis of an annual Strategic Local Programme Agreement (SLP) between the Council and the Scottish Government. The SLP details the projects that will be funded during the year, the affordable housing developers who will deliver them, the targets for grant expenditure and the milestones by which progress on delivery will be measured. The Council and Registered Social Landlords (RSLs) are the principal developers of affordable housing in Moray.

- 3.2 On 15 July 2021, the Scottish Government provided the Council with a Resource Planning Assumption (RPA) of £46.2m for 2021/22 to 2025/26.

Year	2021/22	2022/23	2023/24	2024/25	2025/26	Total
Moray	£10.357m	£8.927m	£8.902m	£8.933m	£9.981m	£46.200m

- 3.3 On 21 November 2023, this Committee approved the Council's SHIP (paragraph 8 of the draft Minute refers).
- 3.4 The last update on the Affordable Housing Investment programme was presented to this Committee on 27 June 2023 (paragraph 7 of the Minute refers).

MORAY STRATEGIC LOCAL PROGRAMME (SLP)

- 4.1 The Scottish Government and the Council have agreed a SLP for 2023/24 based on the resource allocation of £8.902m.
- 4.2 As in previous years, the Moray programme will be delivered by a combination of the Council and the RSLs, Grampian Housing Association, Cairn Housing Association, Osprey Housing.
- 4.3 In recent years, the amount of More Homes Division grant has been over-committed against RPA, and this has the support of the Scottish Government as an opportunity to take advantage of programme slippage in other local authority areas and to contribute to the aims of Housing to 2040. However, the Scottish Government has advised that we should expect a revised, lower, RPA for 2024/25. At the time of writing this figure was not available but officers will aim to provide a verbal update to Committee.
- 4.4 In anticipation of a lower RPA for 2024/25, the SLP has been reprioritised and reprofiled. Opportunities to deliver corporate and strategically important projects, housing for people with learning disabilities, Growth Deal Housing Mix Project developments, NHS key worker housing, and open market acquisition of empty homes have been prioritised.
- 4.5 The following tables illustrate the SLP following this reprioritisation exercise:

Currently under construction

Site	Town	No of units	Landlord	Completion date (est)
Banff Road Phase 2	Keith	26	Moray Council	Jan 2025
Ferrylea R3 Phase 2	Forres	43	Grampian HA	May 2024
Findrassie Ph2b	Elgin	16	Grampian HA	tbc
Total		85		

Site start expected during 2023/24

Site	Town	No of units	Landlord	Site start (est)
Speyview Phase 1	Aberlour	39	Moray Council	Mar 2024
Total		39		

Site start expected during 2024/25

Site	Town	No of units	Landlord	Site start (est)
Garmouth Road	Lhanbryde	30	Grampian HA	Jun 2024
Bilbohall Phase 1 (R2)	Elgin	106	Moray Council	Nov 2024
Western Village, Elgin South	Elgin	44	Grampian HA	Mar 2025
Total		180		

Site start expected during 2025/26

Site	Town	No of units	Landlord	Site start (est)
Speyview Phase 2	Aberlour	31	Moray Council	Apr 2025
Dallas Dhu	Forres	24	Grampian HA	TBA
High Street/South Street regeneration	Elgin	38	PfP/ Castle Rock Edinvar	TBA
Bilbohall Phase 2a	Elgin	22	Grampian HA	TBA
Total		115		

4.6 Officers will continue to maintain a substantial shadow programme of developments. Should additional grant funding become available, officers will be able to bring a project(s) forward from the shadow programme, in accordance with the priorities set in the SHIP.

4.7 Progress on programme delivery will be reported to this Committee on a biannual basis.

5. **COUNCIL NEW BUILD PROGRAMME**

Bilbohall, Elgin

5.1 Planning consent was granted for 194 units and associated shared infrastructure on 23 March 2021. The tender exercises completed after planning approval have not resulted in a commercially viable construction contract. Officers have appointed a multi-disciplinary Design Team who will pursue an alternative site design for Phase 1 with a density comparable to commercial housebuilders. This will increase Phase 1 from 84 units to 106 units, and is more likely to achieve financial viability. The Design Team will prepare and submit a further planning application before a further tender can be issued. It is anticipated that this development will achieve site start during winter 2024/25.

Speyview, Aberlour Phases 1 and 2

5.2 Moray Council acquired the land for 30 units, with the support of Scottish Government funding, from Springfield Properties in March 2022. The

purchase was subject to a 1 year buy back agreement. The planning consent had lapsed but a revised planning consent was granted on 19 December 2023. Contractual negotiations with Springfield Properties are at an advanced stage. It is anticipated that Phase 1 (39 units) plus shared infrastructure will achieve site start before 31 March 2024. Both the Growth Deal Housing Mix project and the Scottish Government More Homes Division are contributing to the cost of infrastructure provision which facilitates this development.

- 5.3 There is an opportunity to deliver a further 31 affordable units in Phase 2 of development at Speyview. The Scottish Government More Homes Division have agreed to front fund the cost of infrastructure required for future phases of affordable housing, due to the strategic importance of this development. Best value for the significant amount of publicly funded investment in infrastructure would be achieved by moving sequentially from Phase 1 to Phase 2 construction and avoiding construction site closure. This approach has been reflected in the SHIP approved by this Committee on 21 November 2023. Officers intend to seek Moray Council approval to purchase the land for Phase 2 in Feb/Mar 2024.

6. COUNCIL ACQUISITION PROGRAMME

- 6.1 The SHIP provides facility to purchase properties from the open market for provision of affordable housing, where strategic and value for money criteria have been met.
- 6.2 Open market purchases will be prioritised as follows:
1. Where the purchase will assist the Council with delivery of SHQS/ EESSH/ capital improvements.
 2. Where the purchase will assist the Council to meet housing need in pressured areas and/or where new affordable housing development is constrained.
 3. Where the purchase will assist the Council to meet specialist housing need.
 4. Where the purchase will bring an empty property back into occupation.
- 6.3 Open market acquisitions approved to proceed:

Housing Market Area (HMA)	completion 2023/24(est)	completion 2024/25(est)
Buckie HMA		1
Elgin HMA		1
Forres HMA		1
Keith HMA		
Speyside HMA	1	
Cairngorms National Park HMA		

7. WIDER ECONOMIC CONDITIONS

- 7.1 The timing of the delivery of new Council housing must be within the capacity for prudential borrowing, taking cognisance of the HRA Business Plan assumptions. Following review of the Housing Business Plan in March 2023, the Council agreed that provision for 50 council houses to be built per annum would continue to be made, noting that this is a multi-year outlook and actual output year to year will vary according to development programmes.
- 7.2 The current economic conditions are adversely affecting progress and affordability. Supply chain shortages are easing, but labour shortages persist. Financial issues relating to increased development costs, interest rates and inflation combined with limited Scottish Government subsidy levels continue to make achieving financial viability very challenging.
- 7.3 In this context, Moray Council projects have been delayed i.e. Bilbohall, Elgin in common with a Grampian HA project at Garmouth Road, Lhanbryde which are both being redesigned and retendered. In the context of potential reductions in RPA and uncertainties associated with inflation, it may be necessary to delay site starts of projects which do not meet the criteria identified in Para 4.4.

8. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Addressing the shortage of affordable housing in Moray is a key priority of the Corporate Plan and 10 Year Plan, the Council's Local Housing Strategy and Strategic Housing Investment Plan (SHIP) and the Housing and Property Service Plan. The Strategic Local Programme reflects priorities for investment in the provision of new affordable housing to meet need identified in the Local Housing Strategy.

The affordable housing programme supports the aims of the 10 Year Plan by providing new affordable housing for an increasing population and a growing and diversifying economy. The target of 50 Council house completions per annum will be delivered within the investment planning and funding framework provided by the programme.

(b) Policy and Legal

The affordable housing supply programme contributes to meeting the Council's statutory duties to address homelessness and meet housing need in Moray.

(c) Financial implications

The report provides details of the resources being made available by the Scottish Government to fund affordable housing in Moray. The Council has agreed that 50 new council houses will be built per annum. The current HRA Business Plan has made provision for the level of borrowing required to fund the Council's housebuilding programme.

(d) Risk Implications

There is a risk that slippage or reduction in the programme will result in loss of Scottish Government More Homes Division grant funding to Moray, with the funds diverted to other LAs.

The programme may be impacted by economic and market conditions and site specific issues as developments proceed. In particular, the increase in interest rates will impact on the cost of borrowing. There are processes in place to manage these risks and mitigations considered.

(e) Staffing Implications

There are no staffing implications arising from this report.

(f) Property

The report details the ongoing programme for development of additional affordable housing in Moray in response to strategic needs and specifically the Council new build programme to increase the Council's own supply of affordable housing.

(g) Equalities/Socio Economic Impact

The housing needs of equalities groups are identified in the Local Housing Strategy (LHS). The Moray Affordable Housing Programme seeks to deliver the housing priorities contained in the LHS.

(h) Climate Change and Biodiversity Impacts

The aims of the affordable housing programme are closely aligned to the Council's Climate Change Strategy, and Local Heat and Energy Efficiency Strategy (LHEES).

(i) Consultations

This report has been subject to consultation with the Depute Chief Executive (Economy, Environment and Finance), the Head of Housing and Property Services, Legal Services Senior Solicitor (Georgina Anderson), the Property Asset Manager, the Head of Economic Growth and Development, the Strategic Planning and Development Manager, the Chief Financial Officer and Lissa Rowan, Committee Services Officer.

9. CONCLUSIONS

9.1 The report provides details of an update on the current and future affordable housing investment programme. The report also provides an update on the Council's own new build and acquisition programme, including an update on development of Bilbohall, Elgin.

Author of Report: Fiona Geddes, Housing Strategy and Development Manager
Background Papers: with author
Ref: SPMAN-1285234812-1481



**REPORT TO: HOUSING AND COMMUNITY SAFETY COMMITTEE ON 13
FEBRUARY 2024**

SUBJECT: DAMPNESS/CONDENSATION IN COUNCIL HOUSES

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 This report advises the Committee on the measures that the service has adopted to take a more proactive approach to deal with issues of dampness and condensation within the Council's housing stock.
- 1.2 This report is submitted to Committee in terms of Section III G (3) of the Council's Administrative Scheme relating to the maintenance of the Council's housing stock.

2. RECOMMENDATION

2.1 It is recommended that the Committee scrutinises and notes:

- (i) the current range of damp control measures carried out, as highlighted in Section 4 of the report;**
- (ii) the damp and mould procedure that is now in place within the service, as highlighted in Section 5 of the report;**
- (iii) future damp control measures identified to deal with property types identified 'at risk', as highlighted in Section 6 of the report; and**
- (iv) notes that this Committee will receive a further progress update later in 2024 to summarise the number of properties in each housing area where damp treatment work has been identified or carried out.**

3. BACKGROUND

- 3.1 An initial report was submitted to Communities Committee on 18 August 2015 (paragraph 8 of the minute refers) advising Committee of proposals to carry out a pilot project on a number of different house types to arrive at a model specification for work that will render such properties 'condensation proof'.
- 3.2 Further progress update reports were submitted to Communities Committee on 21 June 2016 (paragraph 10 of the minute refers), and 22 August 2017 (paragraph 11 of the minute refers) advising of progress. However, the Committee has received no further update since 2017.
- 3.3 An increase in the volume of damp and mould complaints and number of properties identified 'at risk' has led to a review of damp and mould procedures within the service, as well as the introduction of a number of measures to treat and alleviate the issues in these and other similar property types.

4. DAMP CONTROL MEASURES CARRIED OUT TO DATE

- 4.1 Following the initial pilot in 2016/17, a more proactive approach to deal with dampness and condensation within the housing stock was adopted by applying a standard specification of works to specific houses with condensation problems and applying measures on a programmed basis as part of routine void repairs or planned maintenance works.
- 4.2 The main types of house types where damp treatment works has been carried out to date, include:
- No-Fines Concrete (solid concrete walls)
 - Cruden (steel framed)
 - Weir Multicom (timber framed)
 - Traditional Stone (solid walled)
- 4.3 These house types represent the main 'non-traditional' construction types within Moray and make up 24% of the housing stock. They also relate to properties where the most considerable number of complaints concerning dampness and condensation arise. The remaining 76% of the housing stock are standard cavity walled construction. The vast majority of these having been cavity filled and having elements such as good condition windows, doors and heating systems making them easier to heat and reducing the levels of dampness and condensation.
- 4.4 The range of measures carried out to date has included.
- External Wall Insulation (EWI)
 - Internal Wall Insulation (IWI) – Strapping and lining.
 - Internal Wall Insulation (IWI) – Freestanding insulated panels
 - Internal Wall treatment (IWI)– Thermal lining products
 - Heat Recovery Ventilation Fans (HRV)
 - Pressurised Ventilation systems (PV)

External Wall Insulation

- 4.5 External Wall Insulation (EWI) has previously been applied to 'non-traditional' homes in the Buckie and Forres areas as part of the Home Energy Efficiency Project Scotland: Area Based Scheme (HEEPS: ABS). The Council had also previously carried out a number of installations to No-Fines Concrete housing in Lossiemouth and Swedish Timber houses in the Cullen.
- 4.6 The installation of EWI improves the thermal efficiency of properties by up to 8 Standard Assessment Procedure (SAP) points which should in practice make the properties easier to heat, retain that heat longer and improve air quality. The insulation also means that the fabric of the property will be more liable to be at a warmer temperature leading to less likelihood of moisture condensing out on these surfaces and causing dampness.

Internal Wall Insulation – Strapping and Lining

- 4.7 Internal wall insulation (IWI) is an acknowledged way of improving the thermal insulation of properties with the intention of reducing condensation occurring. The installation normally involves the provision of a timber frame of varying thickness with insulation placed between the framing and then a new internal surface finish consisting of either normal or insulated plasterboard. The major drawback of this type of system is that it is quite disruptive to tenants.
- 4.8 Like EWI, strapping and lining improves the thermal efficiency of properties making them easier to heat, retain that heat longer and improve air quality. The insulation also means that the fabric of the property will be warmer leading to less likelihood of moisture condensing out on these surfaces and causing dampness.

Internal Wall Insulation – Freestanding insulated Panels

- 4.9 Two properties in the Forres area previously had a new type of freestanding insulated panel installed whilst void. The panels consisted of a rigid foam core with a Gyproc plasterboard finish bonded to the core to provide the internal decorative face. The panels were purpose made for the properties and involved a pre-survey by the manufacturer and delivery to site as a kit. Building Services installed the system, which came with all requisite parts to complete the installation, including finishing panels for all junctions and electrical extensions to allow sockets to be relocated to the new internal face.
- 4.10 Again, the effect of this type of internal wall insulation is like those noted in 4.8 and 4.9 above, however, this method is extremely costly compared to other measures and has not been pursued further.

Internal Wall Treatment

- 4.11 A number of different wall treatments have been applied to houses throughout Moray including products that purport to be condensation 'cures'. The relative success of these products depends on the extent of the installation.

Heat Recovery Ventilation Fans

- 4.12 Heat Recovery Ventilation Fans (HRV) were previously installed as part of the specification for a kitchen contracts. The main purpose of these fans is to save energy in the home; however, they are also proposed to reduce condensation.

Pressurised Ventilation systems

- 4.13 The installation of pressurised ventilation systems (PV) has been used as a method of reducing condensation for a number of years by the Housing Service. As at 31 January 2024, 549 properties have PV units fitted and in most cases the fans have been successful in reducing condensation and work by pressurising the air within the house and driving moist air out through window vents and other air gaps in the fabric of the building.
- 4.14 The main concern from tenants about this form of anti-condensation measure is the cost of running the fan element which operates continually. However, the cost of running the fan on the latest units is now equivalent to £70 annually (or £0.29p per day). Some tenants have also complained about increased draughts but in most cases, this was found to be a perception rather than based on any clear evidence.

Damp Monitoring Devices

- 4.15 A trial of AICO/HomeLink damp monitoring devices was fitted to thirty-three properties recently acquired at Pinegrove. These monitoring devices can be remotely accessed to provide data in relation to dampness in properties, and data is regularly monitored by the Housing Asset team to monitor any further remedial works that may be required.
- 4.16 In terms of a 'model' specification for each non-traditional house type these can be split into two distinct groups.

Cruden, No-Fines, Weir Multicom

- 4.17 The preferred specification to make houses under this category 'condensation proof' as far as practicable is as undernoted:

Gas Available	Heating – Gas 'A' rated boiler. Windows – Double glazed as a minimum with a U value of 1.2W/M2K. External Walls – Retro-fitted with external wall insulation to achieve U vale of 0.30W/M2K. Ventilation – Pressurised Ventilation System
No Gas Supply	Heating – Air Source Heat Pump Windows – Double glazed as a minimum with a U value of 1.2W/M2K. External Walls – Retro-fitted with external wall insulation to achieve U vale of 0.30W/M2K. Ventilation – Pressurised Ventilation System

Solid Stone Properties

- 4.18 The preferred specification to make houses covered under this category 'condensation proof' as far as practicable is as undernoted:

Gas Available	<p>Heating – Gas ‘A’ rated boiler.</p> <p>Windows – Double glazed as a minimum with a U value of 1.2W/M2K.</p> <p>External Walls – Retro-fitted with internal wall insulation to achieve U vale of 0.30W/M2K.</p> <p>Ventilation – Pressurised Ventilation System</p>
No Gas Supply	<p>Heating – Air Source Heat Pump</p> <p>Windows – Double glazed as a minimum with a U value of 1.2W/M2K.</p> <p>External Walls – Retro-fitted with internal wall insulation to achieve U vale of 0.30W/M2K.</p> <p>Ventilation – Pressurised Ventilation System</p>

- 4.19 The effectiveness of any measures carried out are also reliant on tenants becoming more aware of the causes of condensation, how to prevent it occurring and how to treat minor incidences of associated mould growth to prevent the spread to other areas. In many cases where complaints of condensation have been received, specialist Damp Surveyors have visited and found that the tenants are exacerbating problems by not heating or ventilating the property sufficiently to prevent condensation occurring.
- 4.20 To inform tenants on how condensation will be dealt with within their homes the Housing Service have developed a suite of information sheets on condensation issues. The service also provides details to tenants to deal with fuel poverty through links with local community-based groups such as REAP.

5 DAMP AND MOULD PROCEDURES

- 5.1 A working group was set up in early 2023 to look at damp and mould issues within the housing stock, which was identified using repairs and complaints data, as well as known ‘at risk’ property types.
- 5.2 The data revealed that over 400 properties have reported damp issues in 2022 and 2023, 314 of which occurred in 2023. 371 independent surveys were requested and received in 2023, with remedial works carried out to over 250 of these properties to date, with a further 61 currently in the process of having works carried out.
- 5.3 Current response times and measures carried out to deal with reports of damp and mould were also reviewed, and a detailed procedure was implemented in April 2023 to deal with all cases in relation to damp and mould.
- 5.4 The procedure sets out specific duties and timescales that Officers must deal with damp reports, with higher priority given to the vulnerability of tenants and the severity of each case reported. The key procedural steps are highlighted below:
- Contact tenant /arrange inspection by Repairs Officer (3 days vulnerable or serious report or 7 days standard).

- If only minor works are required (e.g. relay insulation and make good damage), works are instructed immediately to be completed within a maximum of 20 days.
- If a specialist damp survey is required, Repairs Officer orders a specialist report (to be carried out within 14 days of inspection, or sooner if serious).
- Damp report then shared with Housing/Asset Management, within 3 days of receipt.
- Report reviewed/remedial work instructed by Housing Asset team (within 7 days of report received).
- Copy of report issued to tenant by Repairs Officer (within 7 days of report received).
- Contact made with tenant to discuss report/recommendations (within 7 days of report received).
- Remedial works ordered and completed (within 20 days of instruction, however, serious cases prioritised).
- Follow up with tenant by Housing Officer (within 5 days of the works completed).
- Concerns to be raised by tenant (within 20 days of works completed).
- Further contact with tenant to check that remedial works are a success (within 3 months of works completed).
- Data recorded on the Housing Management system for future review/analysis.

5.5 The aim of the procedure is to ensure a visit takes place within a requisite timescale, and if required an independent specialist damp survey is carried out, with a copy provided to the tenant and remedial works identified and then carried out. Relevant Officers have received training on damp and mould inspection and have also been provided with specialist equipment that includes thermal imaging cameras and moisture meters (protimeter) to assist initial investigation of property condition.

5.6 Once a specialist report is received, the recommendations are discussed and remedial action where appropriate is carried out in agreement with the tenant in a bid to alleviate the issues and provide tenants with support and guidance on how to prevent condensation and mould, which in a number of cases does require lifestyle changes.

5.7 Procedures are regularly reviewed, and the working group continues to meet to deal with issues that arise particularly during the winter months when damp reports and complaints are at a peak.

6 FUTURE MEASURES TO DEAL WITH PROPERTIES 'AT RISK'

6.1 Following detailed analysis, a number of properties 'at risk' in specific locations have been identified for further planned improvement works. These include initially over 100 properties at Bezack Street, Pinegrove and Kingsmills, Elgin which will have a range of works carried out that includes EWI, IWI, cavity insulation replaced, PV systems fitted, and damp monitoring devices installed.

6.2 This Committee will be provided with further detailed updates as part of future Housing Investment reports on progress in relation to this programme.

7 SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

This proposal relates to:

- (i) Priority 4 – A growing and diverse economy.
- (ii) Service Plan priorities 3 - Improving housing quality and 4 – Improving housing service quality.

(b) Policy and Legal

Maintenance and Improvement works are carried out to meet statutory requirements and in accordance with current relevant policies.

(c) Financial implications

All works highlighted are funded from the Housing Investment Budget.

(d) Risk Implications

Budget Managers are aware of responsibilities for managing budget allocations and approval for variance will be sought from Committee in line with the Financial Regulations. Failure to deal with issues of condensation and dampness may affect the Council's ability to maintain its stock at the Scottish Housing Quality Standard.

(e) Staffing Implications

There are no staffing implications associated with this report.

(f) Property

The improvement and maintenance of the housing stock will ensure that it remains sustainable in the longer term both physically and environmentally.

(g) Equalities/Socio Economic Impact

There are no equalities or socio-economic impacts implications in this report.

(h) Climate Change and Biodiversity Impacts

The investment in the Council owned housing stock identified in this report will assist the Council achieve its climate change targets by utilising a range of energy saving measures that incorporate zero or low carbon into design, construction materials and systems that also supports the Council in achieving The Energy Efficiency Standard for Social Housing (EESH).

(i) Consultations

This report has been prepared in close consultation with the Head of Housing and Property Services, Housing Asset Manager, Housing Services Manager, the Design and Construction Manager and Lissa Rowan (Committee Services Officer), who all agree with the recommendations of this report.

8. CONCLUSION

- 8.1 The damp and condensation process and procedures identified in this report will assist the Council to improve its homes as well as living conditions for a number of tenants in properties 'at risk', which inevitably will improve tenant satisfaction and reduce complaints. Ongoing investment in the Council's housing stock enables the Council to address these issues, improve the quality of housing stock available to tenants in Moray and enables the stock to be maintained to achieve the Scottish Housing Quality Standard and Energy Efficiency Standard for Social Housing (ESSH).**

Author of Report: Mike Rollo, Building Services Manager
Background Papers: Held by Author
Ref: SPMAN-1285234812-1501