



Communities Committee

Tuesday, 02 April 2019

NOTICE IS HEREBY GIVEN that a Meeting of the **Communities Committee** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Tuesday, 02 April 2019 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 Items 15 - 17 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 of 5 February 2019 **7 - 10**

5 Written Questions **

6 Local Housing Strategy 2019-24 **11 - 14**

Report by the Corporate Director (Economic Development, Planning and Infrastructure)

7 Tenant Participation Strategy 2017-20 **15 - 20**

Report by the Corporate Director (Economic Development, Planning and Infrastructure)

8	Housing (Scotland) Act 2014 Part 2 - Consultation Outcome Report Report by the Corporate Director (Economic Development, Planning and Infrastructure)	21 - 78
9	Council New Build Housing Progress Report by the Corporate Director (Economic Development, Planning and Infrastructure)	79 - 84
10	Tenant Survey 2018 Report by the Corporate Director (Economic Development, Planning and Infrastructure)	85 - 92
11	Housing and Property Services Budget Monitoring - 31 January 2019 Report by the Corporate Director (Economic Development, Planning and Infrastructure)	93 - 102
12	Housing Investment 2018-19 Report by the Corporate Director (Economic Development, Planning and Infrastructure)	103 - 118
13	Proposed Housing Investment Budget 2019-20 Report by the Corporate Director (Economic Development, Planning and Infrastructure)	119 - 134
14	Question Time *** Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration.	

Items which the Committee may wish to consider with the Press and Public excluded

- 15 Council New Build Phase 7 - Report on Contract Price [Paras 6 & 9]**
- Information relating to the financial or business affairs of any particular person(s);
 - Information on terms proposed or to be proposed by or to the Authority;

**16 Building Services Trading Operation Budget 2018-19 -
Budget Monitoring [Para 9]**

- Information on terms proposed or to be proposed by or to the Authority;

**17 Building Services Trading Operation Budget 2019-20
[Para 9]**

- Information on terms proposed or to be proposed by or to the Authority;

Summary of the Communities 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.

Any person attending the meeting who requires access assistance should contact customer services on 01343 563217 in advance of the meeting.

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.

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THE MORAY COUNCIL
Communities Committee

SEDERUNT

Councillor Louise Laing (Chair)
Councillor Paula Coy (Depute Chair)
Ms Anna Bamforth (Member)
Ms Jane Bartecki (Member)
Mrs May McGarrie (Member)
Councillor Theresa Coull (Member)
Councillor Gordon Cowie (Member)
Councillor Lorna Creswell (Member)
Councillor Ryan Edwards (Member)
Councillor Donald Gatt (Member)
Councillor Aaron McLean (Member)
Councillor Maria McLean (Member)
Councillor Ray McLean (Member)
Councillor Derek Ross (Member)
Councillor Ron Shepherd (Member)
Councillor Sonya Warren (Member)

Clerk Name: Caroline Howie
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Minute of Meeting of the Communities Committee

Tuesday, 05 February 2019

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

PRESENT

Ms Anna Bamforth, Ms Jane Bartecki, Councillor Theresa Coull, Councillor Gordon Cowie, Councillor Lorna Creswell, Councillor Ryan Edwards, Councillor Louise Laing, Councillor Aaron McLean, Councillor Ray McLean, Councillor Derek Ross, Councillor Ron Shepherd, Councillor Sonya Warren

APOLOGIES

Councillor Paula Coy, Councillor Donald Gatt, Mrs May McGarrie, Councillor Maria McLean

IN ATTENDANCE

The Head of Housing and Property; the Housing Strategy and Development Manager; the Asset Manager; the Building Services Manager; Fiona Geddes, Senior Housing Officer Strategy; Emma Armit, Senior Housing Officer Policy and Mrs Caroline Howie, Committee Services Officer as Clerk to the Meeting.

1 Chair of Meeting

The meeting was chaired by Councillor Laing.

2 Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 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.

3 Exempt Information

The meeting resolved that in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of the items of business appearing at the relevant paragraphs of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

Paragraph No. of Minute Paragraph No. of Schedule 7A

14

9

4 Minute of Meeting of 20 November 2018

The minute of the meeting of the Communities Committee dated 20 November 2018 was submitted and approved.

5 Written Questions **

The Committee noted that no written questions had been submitted.

6 Strategic Housing Investment Plan 2019-24

Under reference to paragraph 5 of the Minute of the meeting dated 17 October 2017 a report by the Corporate Director (Economic Development, Planning and Infrastructure) sought approval of the Council's draft Strategic Housing Investment Plan (SHIP) 2019-24.

Following consideration the Committee agreed:

- i. to note that the draft SHIP was submitted to the Scottish Government in October 2018, in accordance with SHIP Guidance; and
- ii. that further progress reports on the SHIP would be presented to the Committee as required.

7 Housing Investment 2018-19

A report by the Corporate Director (Economic Development, Planning and Infrastructure) informed Committee of the budget position to 30 November 2018 for the Housing Investment Programme for 2018/19 and following consideration the Committee agreed to note the report.

8 Housing and Property Services Budget Monitoring - 30 November 2018

Under reference to paragraph 13 of the Minute of the Council dated 14 February 2018 a report by the Corporate Director (Economic Development, Planning and Infrastructure) presented the budget monitoring for the Housing Revenue Account and General Services Other Housing Budget for the period to 30 November 2018 and following consideration the Committee agreed to note the report.

9 Allocations Policy Review 2019

Under reference to paragraph 7 of the Minute of the meeting dated 20 November 2018 a report by the Corporate Director (Economic Development, Planning and Infrastructure) provided Committee with the results of the Allocations Policy review consultation and presented a revised Allocations Policy for approval.

Following consideration the Committee agreed:

- i. to note the results of the public consultation on the Allocations Policy as set

out in Section 4 and Appendix A of the report;

- ii. approve the revised Allocations Policy as set out in Appendix B of the report; and
- iii. that the revised Allocations Policy will be implemented on 1 May 2019.

Councillor Aaron McLean joined the meeting during discussion of this item.

10 Housing and Property Services - Service Improvement Plan 2018-19

A report by the Corporate Director (Economic Development, Planning and Infrastructure) provided the Committee with a progress report on the Housing and Property Service Improvement Plan 2018/19 to 31 December 2018.

Following consideration the Committee agreed to note the progress that has been achieved in relation to the Housing and Property Service Improvement Plan for 2108/19, as set out in Appendix I of the report.

11 Housing (Scotland) Act 2014 Part 2 - Progress Report

Under reference to paragraph 6 of the Minute of the meeting dated 20 November 2018 a report by the Corporate Director (Economic Development, Planning and Infrastructure) provided the Committee with an update on the commencement of the outstanding provisions of Part 2 of the Housing (Scotland) Act 2014 and identified the legislative changes required to the Council's Neighbour Nuisance and Antisocial Behaviour Policy, short Scottish Secure Tenancy (SSST) Policy and Eviction Policy prior to public consultation.

Following consideration the Committee agreed to:

- i. approve the revisions made to the Neighbour Nuisance and Antisocial Behaviour Policy, SSST Policy and Evictions Policy which reflect the legislative changes required by Part 2 of the Housing (Scotland) Act 2014;
- ii. the Service consulting with service users, tenants and other key stakeholders as set out in Section 7 of the report; and
- iii. note that a progress report on the consultation feedback with final draft policies will be presented to the next Committee on 2 April 2019 for approval.

12 Consultative Draft Local Housing Strategy 2019-24

Under reference to paragraph 5 of the Minute of the meeting dated 1 May 2018 a report by the Corporate Director (Economic Development, Planning and Infrastructure) advised the Committee on the progress made in the development of the Council's next Local Housing Strategy (LHS) covering the period 2019-24.

Following consideration the Committee agreed to:

- i. a period of public consultation on the full consultative draft LHS from 6 February to 15 March 2019; and

- ii. note that the final LHS will be presented to the Committee on 2 April 2019, for agreement, prior to publication.

13 Question Time ***

In response to a question from Councillor Ross the Head of Housing and Property advised an article would be placed in the Tenants Voice to raise awareness of litter. He further advised he did not have the remit to make decisions in regard to litter and undertook to discuss the issue with both the Head of Direct Services and the Head of Development Services.

14 Building Services Trading Operation Budget 2018-19 - Budget Monitoring [Para 9]

Under reference to paragraph 18 of the Minute of the meeting dated 26 June 2018 a report by the Corporate Director (Economic Development, Planning and Infrastructure) presented the budget monitoring information for the period to 30 November 2018 for the Building Services Trading Operation.

Following consideration the Committee agreed to note the:

- i. financial information for the period to 30 November 2018, as detailed in Appendix I of the report;
- ii. revised year end forecast to 31 March 2019 as detailed in Appendix I of the report; and
- iii. Building Services operating performance and the Business Plan 2017 - 2020 update as set out in sections 6 & 7 of the report.



REPORT TO: COMMUNITIES COMMITTEE ON 2 APRIL 2019

SUBJECT: LOCAL HOUSING STRATEGY 2019 – 2024

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING AND INFRASTRUCTURE)**

1. REASON FOR REPORT

1.1 The report provides the Committee with the results of the public consultation on the Consultative Draft Local Housing Strategy 2019-2024.

1.2 This report is submitted to Committee in terms of Section III G (11) 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 Communities Committee:

(i) **notes the results of the public consultation carried out from 6 February to 15 March 2019; and**

(ii) **approves the Local Housing Strategy 2019 – 2024 for publication and implementation.**

3. BACKGROUND

3.1 The Housing (Scotland) Act 2001 requires local authorities to produce a Local Housing Strategy (LHS) supported by an assessment of housing need and demand.

3.2 On 5 February 2019, the Communities Committee approved the Consultative Draft LHS 2019-24 for public consultation (paragraph 12 of the draft Minute refers). The consultation ran from 6 February to 15 March 2019.

4. CONSULTATION

4.1 Extensive consultation has been carried out with stakeholders and partners throughout the LHS development period, particularly with colleagues in Community Care and in Health and Social Care Moray, Development Planning colleagues, local Registered Social Landlords and Housing Strategy Group partners. These discussions have resulted in a high level of correlation

between the outcomes of the LHS and those of the emerging Moray Local Development Plan 2020 and the Health and Social Care Moray Joint Commissioning Plan.

- 4.2 The consultative draft LHS was issued to all Housing Strategy Group members and Community Councils on 5 February 2019 with comments invited by 15 March 2019. A reminder was sent on 6 March 2019. This resulted in minor comments from some Housing Strategy Group members, which have been incorporated into the final LHS.
- 4.3 A public consultation was launched on 5 February 2019 and ended on 15 March 2019. This took the form of an online questionnaire. The consultation was publicised via the Council's Facebook page, website, Twitter, and intranet. For each LHS action, the questionnaire sought an approval rating for that action, additional comments on that action, and ideas for "what else could we do?" Responses were anonymous but respondents were invited to indicate their age, town and tenure to aid analysis of the results.
- 4.4 The public consultation resulted in 15 online responses. This low response rate is similar to the last two LHSs.
- 4.5 Although the number of responses is too low to allow any statistically robust conclusions to be drawn, the responses were generally positive. 12 out of 15 respondents "strongly agreed" or "agreed" with the LHS priorities proposed.
- 4.6 The strongest support expressed by respondents was for increasing the supply of accessible and extra care housing, and for making the best use of existing housing through social landlord Allocations Policies and Downsizing Incentive schemes.
- 4.7 Several comments received referred to constraints on public sector spending as an obstacle to delivery of LHS outcomes.
- 4.8 Comments and suggestions mainly related to the detail of how LHS actions might be implemented, rather than suggesting alternative actions. For this reason, no substantial changes to the consultative draft LHS previously considered by Committee are proposed. Comments received will be valuable as the LHS Action Plan is implemented.

5. LHS PUBLICATION

- 5.1 It is proposed that the LHS is published on the Council's website, and implementation begins with immediate effect.

6. LHS PEER REVIEW

- 6.1 In 2009, the Scottish Government and COSLA published a new approach to supporting the development and improvement of local housing strategies. The approach was endorsed by both the Society of Local Authority Chief Executives (SOLACE) and the Association of Local Authority Chief Housing Officers (ALACHO) and reflects a primary focus on promoting good practice and supporting improvement, a strong emphasis on partnership working given

the new relationship between central and local government and a commitment to streamlining of processes.

- 6.2 The Council submitted the consultative draft LHS to the Scottish Government on 5 February 2019, during the consultation period. The Scottish Government will make arrangements for a Peer Review to be carried out by a panel of officers from the Scottish Government and other local authorities. The findings of the panel are intended to be learning opportunities. The Council is not required to make further changes to its final LHS as a result of the Peer Review process.

7. SUMMARY OF IMPLICATIONS

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

The Moray Council's priorities for National Outcome 10 of the Single Outcome agreement include:

- The volume and quality of housing throughout Moray will increase
- People assessed as homeless will be provided appropriate accommodation.

The Local Housing Strategy focuses on a set of outcomes that contribute to the achievement of Single Outcome Agreement priorities.

(b) Policy and Legal

It is a requirement of the 2001 Housing (Scotland) Act that local authorities have a Local Housing Strategy. Detailed guidance has been produced by the Scottish Government.

(c) Financial implications

There are no direct resourcing implications associated with this report.

(d) Risk Implications

There are no risk implications arising directly from this report.

(e) Staffing Implications

There are no staffing implications arising directly from this report.

(f) Property

There are no property requirements/implications arising directly from this report.

(g) Equalities/Socio Economic Impact

It is a statutory requirement that equality issues should be addressed in the LHS. Data and evidence about the particular housing and support needs of equalities groups has been gathered as part of the Council's Housing Need and Demand Assessment. The LHS will set out how the Council intends to address these needs. The LHS includes an Equalities Impact Assessment. Equality groups were consulted as part of the preparation of the LHS.

(h) Consultations

Consultation on this report has taken place with the Corporate Director (Economic Development, Planning And Infrastructure), Acting Head Of Housing And Property, Head of Development Services, Head of Environmental Services, Gary Templeton (Principal Planning Officer), the Head of Community Care, Head of Health and Social Care Moray, Deborah O'Shea (Principal Accountant), Legal Services Manager, Corporate Policy Unit Manager, Equal Opportunities Officer, Caroline Howie (Committee Services Officer), and senior managers within Housing and Property Services.

8. CONCLUSION

8.1 This report provides the Communities Committee with details of the results of consultation on the consultative draft Local Housing Strategy 2019 - 2024. The report seeks approval to publish and implement the final Local Housing Strategy.

Author of Report:	Fiona Geddes, Acting Housing Strategy and Development Manager
Background Papers:	Held by author
Ref:	FG



REPORT TO: COMMUNITIES COMMITTEE ON 2 APRIL 2019

SUBJECT: TENANT PARTICIPATION STRATEGY 2017-20

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING AND INFRASTRUCTURE)**

1. REASON FOR REPORT

1.1 To inform the Committee of the progress achieved on the implementation of the Tenant Participation Strategy during 2018/19.

1.2 This report is submitted to Committee in terms of Section III (G) (2) of the Council's Scheme of Administration relating to the Council exercising its functions as a housing authority.

2. RECOMMENDATION

2.1 It is recommended that the Communities Committee considers and notes:

(i) **the progress made on the Tenant Participation Strategy Action Plan during 2018/19; and**

(ii) **agrees that a further report on the progress will be presented to the Committee next year.**

3. BACKGROUND

3.1 The Housing (Scotland) Act 2001 introduced a requirement for social landlords to develop and implement a tenant participation strategy. The Act also requires social landlords to consult with their tenants on a range of housing issues and take account of their views.

3.2 The Housing (Scotland) Act 2010 introduced the Scottish Social Housing Charter which came into force on 1 April 2012. The Charter sets out the minimum standards that tenants can expect from their landlord and is monitored by the Scottish Housing Regulator. Outcome 2 (communication) and Outcome 3 (participation) of the Charter are the most relevant to the Tenant Participation Strategy.

3.3 The Housing Service has developed and implemented tenant participation strategies since 2003. Following a consultation with tenants, the Tenant

Participation Strategy 2017-2020 was approved by this Committee on 7 March 2017 (paragraph 10 of the Minute refers).

4. PROGRESS ON STRATEGY IMPLEMENTATION

- 4.1 The overall aim of the Tenant Participation Strategy is to “work in partnership with our tenants to design and deliver good quality housing services”. The strategy is centred around three key outcomes:-

Outcome 1	A strong representation of tenants’ views and a wide range of engagement opportunities.
Outcome 2	Our tenants are fully engaged in the process of policy formation, service review, scrutiny and decision making.
Outcome 3	Our tenants, Council staff and Elected Members have the capacity to work together effectively.

- 4.2 These outcomes are supported by an Action Plan which monitors the implementation of the strategy. As part of the monitoring arrangements, the Communities Committee reviews the Action Plan on an annual basis. Progress achieved during 2018/19 on each of the key outcomes is explained in detail below.

Outcome 1: A strong representation of tenants’ views and a wide range of engagement opportunities.

- 4.3 The Council has one consolidated Registered Tenant Organisation (RTO), the Moray Tenants’ Forum, which represents Council tenants in all areas. The Forum regularly invites guest speakers to its meetings to learn about the challenges in delivering housing services and to be briefed on areas of interest. In 2018/19, guest speakers covered a wide range of topics including housing support, tenancy sustainment, housing allocations, homelessness and disabled adaptations. The Forum also hosted a visit from Stirling Tenants Assembly to share ideas on how tenants are involved in decision making processes.
- 4.4 The Buckpool New Build Tenant Group formed in November 2017. Last year the group were successful in a bid for funding through the Bucks4Buckie initiative and intend to purchase benches for their estate. The group meets regularly to review management issues within the estate. Improvement actions driven by the group include the installation of fencing around the play area and the replanting of trees.
- 4.5 The Housing Service works in partnership with other landlords to promote tenant participation and to share good practice and resources. Last year, North East Tenants Residents and Landlords Together (NETRALT) were runners up in the ‘Best Practice in Involving Customers in Services’ TPAS (Tenant Participation Advisory Service) award for a tenant-led mystery shopping project. The Keith Access Point was one of the locations selected and received positive feedback with just one recommendation to improve signage which has been actioned.
- 4.6 In August 2018, tenant representatives reviewed and tested the Tenant Survey before it was sent to all tenants. Satisfaction with the opportunities to participate has increased from 60% in 2015 to 74% in 2018. A report on the

findings of the 2018 Tenant Survey is a separate item on this Committee's agenda.

- 4.7 The 'Moray Council Tenants' Facebook Group was launched in September 2017 and has over 200 tenant members. The list of interested tenants has 186 members and is used regularly to gather feedback and consult with tenants.

Outcome 2: Our tenants are fully engaged in the process of policy formation, service review, scrutiny and decision making.

- 4.8 Tenant-led scrutiny can be a fairly intensive process for those involved and this has created challenges in developing a programme in Moray. Although the Service Improvement Panel (SIP) has been re-established, there are only three members. Other social landlords are facing similar challenges, with some having to consider incentives to encourage participation. To date the SIP members have completed their induction training and developed an introductory pack for new members. As an introductory scrutiny exercise, the SIP plans to review the Housing Service's written communications with tenants whose homes are undergoing planned maintenance works.
- 4.9 During 2018/19, the Housing Service consulted tenants and other service users on a broad range of subjects:
- Local Housing Strategy;
 - Allocations Policy;
 - Evictions Policy;
 - Short Scottish Secure Tenancy (SSST) Policy; and
 - Neighbour Disputes and Antisocial Behaviour Policy.
- 4.10 On 7 March 2017 this Committee agreed to a change to the way the environmental improvement budget was managed (paragraph 10 of the Minute refers). Tenants have the opportunity to influence how this budget is spent by taking part in annual estate walkabouts with housing staff and Elected Members.
- 4.11 The Moray Tenants' Forum helped to develop the Housing Service's 2017/18 Annual Performance Report which included the tenant approved stamp on the front cover. Tenant feedback also suggested that the report should only be printed on request which resulted in a substantial financial saving to the Council.
- 4.12 Tenant representatives have the opportunity to scrutinise the Council's performance through representation on Communities Committee and Housing Best Value Group.

Outcome 3: Our tenants, Council staff and Elected Members have the capacity to work together effectively.

- 4.13 The actions under this outcome relate mainly to communication materials and the provision of training.
- 4.14 Housing staff work closely with tenant representatives to ensure that they have the skills and support to help them fulfil their role. They attend events together where it is possible to learn about the latest developments in the sector and about good practice in Scotland. In 2018/19, tenant

representatives participated in a consultation event for the development of the next Energy Efficiency Standard for Social Housing (EESH) and attended the annual TPAS conference in Aviemore. One tenant composed an article on their experience of the TPAS conference for the Tenants' Voice newsletter with the aim of encouraging tenants to get involved.

- 4.15 Moray Council is one of eight social landlord applicants chosen to take part in the Next Steps Programme. This is a Scottish Government funded programme which aims to support landlords to develop their tenant participation strategies, scrutiny arrangements and improve their performance against the outcomes and standards of the Scottish Social Housing Charter. TPAS are facilitating several workshops and will carry out a desktop audit of the Council's tenant participation arrangements and prepare an improvement action plan.

Housing Service Support for Tenant Participation

- 4.16 The Housing Service supports the Moray Tenants' Forum by making £3k available each year in grant funding to cover its running expenses.
- 4.17 As part of the Council's Housing Investment Programme, funding of £100k per annum is available for environmental improvement projects identified through estate walkabouts with tenants, housing staff, and Elected Members.
- 4.18 The Housing Service also provides additional resources to support tenant participation including:
- staff time;
 - access to free publicity; and
 - administrative support (for example, taking minutes at meetings and arranging venues).
- 4.19 In line with the monitoring and evaluation arrangements of the Tenant Participation Strategy, the next progress report will be presented to this Committee next year. Since this will occur within the final year of the strategy, a draft strategy will also be developed in consultation with tenant representatives and other stakeholders.

5. SUMMARY OF IMPLICATIONS

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

Both Moray 2026 and the Service Plan recognise the importance of involving tenants and other service users in the design and delivery of services.

(b) Policy and Legal

There are no legal implications associated within this report.

(c) Financial implications

There are no financial implications arising directly from this report. Costs associated with the implementation of the Tenant Participation Strategy are included in the Housing Revenue Account budget.

(d) Risk Implications

The Scottish Housing Regulator requires that tenants are provided with meaningful opportunities to participate in the day to day management of their homes and to be involved in the strategic decision making process. Failure to develop an appropriate tenant involvement structure presents a regulatory risk along with a failure to provide a customer focused service.

(e) Staffing Implications

The work required to implement the Tenant Participation Strategy is met from existing staff resources.

(f) Property

There are no property implications arising from this report.

(g) Equalities/Socio Economic Impact

Equalities issues have been considered as part of the development of the Tenant Participation Strategy.

(h) Consultations

Consultations have taken place with the Acting Head of Housing and Property, Senior Solicitor (Kathryn Macpherson), Deborah O'Shea (Principal Accountant), the Equal Opportunities Officer, Caroline Howie (Committee Services Officer) and senior managers within Housing and Property. Their comments have been reflected in the report.

6. CONCLUSION

6.1 This report updates the Committee on progress with the delivery of the Tenant Participation Strategy and Action Plan during 2018/19.

Author of Report: Daska Murray, Senior Housing Officer (Information)
Background Papers: With author
Ref:



REPORT TO: COMMUNITIES COMMITTEE ON 2 APRIL 2019

SUBJECT: HOUSING (SCOTLAND) ACT 2014, PART 2 – CONSULTATION OUTCOME REPORT

BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT, PLANNING AND INFRASTRUCTURE)

1. REASON FOR REPORT

- 1.1 This report provides Communities Committee with the results of the consultation on proposed changes to the Neighbour Nuisance and Antisocial Behaviour Policy, the Short Scottish Secure Tenancy (SSST) Policy and the Evictions Policy and presents three revised policies for approval.
- 1.2 This report is submitted to Committee in terms of Section III (G) (2), (4) and (14) of the Council's Scheme of Administration relating to exercising the functions of the Council as a Housing Authority, dealing with the allocation and letting of houses and homelessness and developing policies in relation to Community Safety and Antisocial Behaviour.

2. RECOMMENDATION

2.1 It is recommended that the Communities Committee:-

- (i) considers and notes the results of the public consultation on the Neighbour Nuisance and Antisocial Behaviour Policy, the Short Scottish Secure Tenancy (SSST) Policy and the Evictions Policy as set out in Section 4 and APPENDIX I;**
- (ii) approves the revised Neighbour Nuisance and Antisocial Behaviour Policy as set out in APPENDIX II;**
- (iii) approves the revised Short Scottish Secure Tenancy (SSST) Policy as set out in APPENDIX III;**
- (iv) approves the revised Evictions Policy as set out in APPENDIX IV; and**
- (v) agrees that the implementation for all three policies will be 1 May 2019.**

3. BACKGROUND

- 3.1 The proposed changes have been made in response to the commencement of the provisions of the Housing (Scotland) Act 2014, Part 2 (herein referred to as the 2014 Act). The Communities Committee has been regularly updated on the policy work being carried out to ensure compliance with the new legislation with reports being considered on 26 June and 20 November 2018 (paragraphs 12, 7 and 11 of the respective Minutes refer).
- 3.2 On 5 February 2019, this Committee approved revisions to the Neighbour Nuisance and Antisocial Behaviour Policy, the Short Scottish Secure Tenancy (SSST) Policy and the Evictions Policy prior to a further consultation (paragraph 11 of the draft Minute refers).
- 3.3 The consultation, which ran from 8 February to 15 March 2019, was publicised on the Council's website and via social media. The consultation involved:
- publishing each revised policy along with an easy read version;
 - developing an online questionnaire to collate feedback;
 - contacting a random sample of applicants on the Housing List to inform them of the consultation and request feedback;
 - issuing the draft policy to the Moray Equalities Forum for feedback; and
 - seeking feedback from the following stakeholders:
 - Moray Council tenants;
 - the Moray Tenants' Forum and the register of interested tenants;
 - Community Councils and Area Forums;
 - current service users for example, homelessness and housing support; and
 - relevant stakeholders, including representatives from the Council's Criminal Justice Team, Community Safety Team and Police Scotland.

4. CONSULTATION RESPONSES

- 4.1 The following responses were received from stakeholders:
- Neighbour Nuisance and Antisocial Behaviour Policy – 32 responses;
 - Short Scottish Secure Tenancy (SSST) Policy – 40 responses; and
 - Evictions Policy – 30 responses.
- 4.2 The consultation survey asked five key questions relating to each revised policy. In addition, respondents were invited to provide any other general comments that they may have on the policy.
- 4.3 An overview of the feedback, including details of the comments received along with a response to the comment, are included at **APPENDIX I**. Those comments which relate to personal cases or were not relevant to the policy review have not been included. A summary of the feedback for each policy is set out below.

4.4 Neighbour Nuisance and Antisocial Behaviour Policy

- There was strong support for the use of the new ground which allows the use of a SSST for new and existing tenants where there has been a course of antisocial behaviour within the past three years. 96.88% of respondents stated that they were in favour of using the new ground.
- 93.75% of respondents stated that the policy was easy to read and understand.
- 87.5% of respondents did not want the policy reworded.
- 81.25% of respondents did not think that anything had been missed from this policy. Only 2 respondents (6.25%) thought an item had been missed. These related to:
 - an issue which is already currently addressed by the policy and/or by other council departments;
 - an issue which falls outwith the remit of the policy; and
 - an issue which had been dealt with during previous reviews of the policy.
- 90.63% did not think that anything should be removed from the policy with only one respondent being unsure.
- Other comments received regarding this policy included:
 - legislative duties which the Council must comply with;
 - issues which are out with the remit of the policy; and
 - support for the policy.

4.5 Following full consideration of the comments returned, no changes have been made to the revised Neighbour Nuisance and Antisocial Behaviour Policy which is provided as **APPENDIX II** for this Committee's approval.

4.6 Short Scottish Secure Tenancy (SSST) Policy

- There was strong support for the use of the new ground which allows the use of a SSST for new and existing tenants where there has been a course of antisocial behaviour within the previous three years. 95% of respondents stated that they were in support of using the new ground.
- 85% of respondents stated that the policy was easy to understand.
- 90% did not want the policy reworded. Only one respondent wanted a change to the wording which related to a legal definition used in the policy. A minor change has been made as a result of this and is highlighted as a track change in the policy in **APPENDIX III**.
- 70% of respondents did not think that anything had been missed from this policy. Only one respondent thought that an item had been missed which related to an issue which is out with the scope of the policy but is addressed corporately.
- 75% did not think that anything should be removed from the policy. One respondent requested that an item be removed. This was in reference to "intentional homelessness" as per Section 26 of the Housing (Scotland) Act 1987, as amended. The term has not been removed from the policy however reference to the legislation has been added for clarity.
- The comments received regarding this policy include:
 - the complex nature of the policy; and
 - support for the policy.

4.7 Following consideration of the comments returned during the consultation, minor changes have been made to the revised Short Scottish Secure Tenancy (SSST) Policy, highlighted as track changes. The policy is provided as **APPENDIX III** for this Committee's approval.

4.8 **Evictions Policy**

- There was strong support for the use of the streamlined eviction process with 86.67% of respondents supporting this. Only four respondents (13.33%) were not sure.
- 96.67% stated that the policy was easy to read and understand.
- 83.33% did not want the policy reworded.
- 73.33% did not think that anything had been missed from the policy. Only two respondents thought that an item had been missed. These related to an issue which is beyond the scope of the Evictions Policy but which is considered in the other housing policies therefore no change has been made as a result of this.
- 76.67% did not think that anything should be removed from the policy.
- Comments received regarding this policy include:
 - issues already covered by the policy or other housing policies; and
 - the complex nature of the policy.

4.9 Following consideration of the comments returned during the consultation, no changes have been made to the revised Evictions Policy which is provided as **APPENDIX IV** for this Committee's approval.

5. **POLICY IMPLEMENTATION**

- 5.1 Subject to this Committee's approval, an implementation plan will be developed to support a "go live" date of 1 May 2019. This will include:
- minor changes to housing systems and aspects of system testing;
 - developing revised procedures to support the operation of the policies;
 - staff training;
 - a review of all information resources to ensure it reflects the agreed changes, including the Council's website and leaflets;
 - revising newly published, Scottish Government model tenancy agreements to reflect the Moray context for new tenants from 1 May 2019; and
 - publishing the revised policies and changes on the Council's website, social media and in the Tenants' Voice newsletter for awareness.

6. **SUMMARY OF IMPLICATIONS**

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

The Corporate Plan and Moray 10 Year Plan prioritises building a better future for our children and young people while empowering and connecting communities to become stronger and more resilient. The Neighbour Nuisance and Antisocial Behaviour Policy, Short Scottish Secure Tenancy (SSST) Policy and Evictions Policy allow the Council to use measures in an attempt to tackle antisocial behaviour and criminal activity within these communities, specifically within council housing.

(b) Policy and Legal

The Housing (Scotland) Act 2014 received Royal Assent on 1 April 2014. It amends some aspects of the law on social housing allocations and housing management. The Council is required to review its Neighbour Nuisance and Antisocial Behaviour Policy, Short Scottish Secure Tenancy (SSST) Policy, Evictions Policy in order to comply with the legislative changes.

(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

There are no equalities/socio economic impacts arising from this report.

(h) Consultations

Consultation on this report has taken place with the Acting Head of Housing and Property, Housing Needs Manager, Housing Services Manager, Housing Strategy and Development Manager and Officers within the Housing Service, Kevin Boyle (Principal Environmental Health Officer), Sgt. Chris Page (Partnership Development Officer, Police Scotland), Deborah O'Shea (Principal Accountant), Kathryn MacPherson (Senior Solicitor), Morag Smith (Senior Solicitor), Don Toonen (Equal Opportunities Officer), Caroline Howie (Committee Services Officer) and any comments have been incorporated into the report.

7. CONCLUSION

7.1 This report provides the Communities Committee with the results of the consultation on the changes to the Neighbour Nuisance and Antisocial Behaviour Policy, the Short Scottish Secure Tenancy (SSST) Policy and the Evictions Policy. A revised version of each policy is presented for approval and implementation on 1 May 2019.

Author of Report: Emma Armit, Senior Housing Officer (Policy)
Gillian Henly, Senior Housing Officer (Policy)

Background Papers: The Housing (Scotland) Act 2014 (1 March 2016)
The Housing (Scotland) Act 2014, Part 2 and Appendix I (26 June 2018)
The Housing (Scotland) Act 2014, Part 2 – Progress Report (20 November 2018)
The Housing (Scotland) Act 2014, Part 2 – Progress Report (5 February 2019)

Ref: HSA2014:APR2019

APPENDIX I

Neighbour Nuisance and Antisocial Behaviour Policy consultation results

Do you think the Council should use the new ground in an attempt to tackle and monitor situations of antisocial behaviour throughout Moray?		
Response	Number	%
Yes	31	96.88
No	0	0
Don't know	1	3.12
Don't want to answer	0	0
Total	32	100

Did you find the policy easy to read and understand?		
Response	Number	%
Yes	30	93.75
No	2	6.25
Don't know	0	0
Don't want to answer	0	0
Total	32	100

Is there a section that you would like to see reworded?		
Response	Number	%
Yes	1	3.13
No	28	87.5
Don't know	3	9.37
Don't want to answer	0	0
Total	32	100

Is there something that we've missed that you think should be included?		
Response	Number	%
Yes	2	6.25
No	26	81.25
Don't know	3	9.37
Don't want to answer	1	3.13
Total	32	100

Comments returned	Response to comments received
Action on litter, dog fouling and seagull feeding	Litter and dog fouling may be considered by the policy in event that they are a breach of a tenancy agreement. Other instances fall out with the scope of this policy but may be addressed by the Environmental Health Section or Community Wardens in line with their policies and procedures. It is not against the law to feed any bird including seagulls. However we encourage people not to do so within housing areas. Please refer to our website .

Serious consideration of the complaint category	The Neighbour Nuisance and Antisocial Behaviour Policy was subject to a review in 2017 and the categorisation of complaints was considered as part of this. Investigation and analysis of information prior to this review did not identify any issues with the categorisation and therefore this was not included as part of the current review.
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Is there something that you think should be removed?		
Response	Number	%
Yes	0	0
No	29	90.63
Don't know	2	6.25
Don't want to answer	1	3.13
Total	32	100

Other comments returned	
The target action times were a bit long.	These are maximum timescales. They have been set by category to allow for any necessary multi-agency work that is required to resolve the complaint. Complaints will always be dealt with as soon as is possible (or as resources allow) within this maximum timeframe.
Action on parking on pavements. Enforce the cutting of owner's trees and hedges overhanging or obstructing pavements.	Anti-social parking and maintenance of gardens are already covered under our current tenancy agreement.
Problem neighbours should be evicted quicker. Stop listening to social workers and talk to the people affected, they are the ones who suffer.	The new ground allows us to monitor this behaviour more closely on a SSST with a view to eviction where certain behaviour does not improve and/or conditions are not met.
No I think it's fair. Antisocial behaviour affects the whole community. Usually it's the few who can make life difficult for the many. Persistent and recurring ASB by the same people needs to be dealt with in a fitting manner.	The new ground will allow action to be taken where there is persistent and/or recurring anti-social behaviour.
I feel there is far too much leniency given to the person(s) causing the nuisance and I have no doubt that many cases will go unreported as complainants may fear retribution from the offenders.	All tenants are encouraged to report antisocial behaviour. It can be done anonymously but this limits the action that can be taken to address the problem.

Short Scottish Secure Tenancy (SSST) Policy consultation results

Do you think the Council should use the new ground in an attempt to tackle and monitor situations of antisocial behaviour throughout Moray?		
Response	Number	%
Yes	38	95
No	0	0
Don't know	1	2.5
Don't want to answer	1	2.5
Total	40	100

Did you find the policy easy to read and understand?		
Response	Number	%
Yes	34	85
No	4	10
Don't know	1	2.5
Don't want to answer	1	2.5
Total	40	100

Is there a section that you would like to see reworded?		
Response	Number	%
Yes	1	2.5
No	36	90
Don't know	3	7.5
Don't want to answer	0	0
Total	40	100

If you answered yes, please tell us what you would like reworded.	Response to comments received
Any section which refers to intentional homelessness. The phrase intentional homelessness should be clarified so it does not include anyone who has left their home because they have been bullied, harassed or in any way the victim of abusive behaviour. It is not just to claim someone has left their home intentionally under those conditions and that should be made manifestly clear which it isn't under the current wording.	<p>Intentionally homeless is defined by Section 26 Housing (Scotland) Act 1987, as amended. This reference will be added to the policy to provide clarity on the definition used.</p> <p>The assessment of homelessness considers if an applicant is intentionally homeless and will include a detailed investigation. Officers will consider all the circumstances of an applicant before coming to a decision on intentionality.</p>

Is there something that we've missed that you think should be included?		
Response	Number	%
Yes	1	2.5
No	28	70
Don't know	9	22.5
Don't want to answer	2	5
Total	40	100

If you answered yes, please tell us what you would like included.	Response to comments received
There seems to be no mention of tackling abusive behaviour where it occurs in privately owned homes. Is there any strategy for that or are we just simply deciding to completely ignore that?	The Neighbour Nuisance and Anti-Social Behaviour Policy recognises that issues can occur in any housing tenancy or between tenants and private tenants/owners. The Council's Public Protection Forum is also responsible for dealing with abusive behaviour and are responsible for action in this area.

Is there something that you think should be removed?		
Response	Number	%
Yes	1	2.5
No	30	75
Don't know	7	17.5
Don't want to answer	2	5
Total	40	100

If you answered yes, please tell us what you would like removed.	Response to comments received
Yes, remove the phrase 'intentional homelessness' and re-define to exclude situations where a person has left their home due to abuse, harassment, and or bullying.	<p>Intentionally homeless is defined by the Section 26 Housing (Scotland) Act 1987, as amended.</p> <p>The assessment of homelessness considers if an applicant is intentionally homeless and will include a detailed investigation. Officers will consider all the circumstances of an applicant before coming to a decision on intentionality. This would include taking into account situations where the person has left their home due to abuse, harassment, and or bullying.</p>

Other comments returned	Response to comments received
Bit longwinded and legalise.	The Short Scottish Secure Tenancy (SSST) Policy does contain a considerable amount of comprehensive and detailed information, including legislation. However this is required in order to explain the framework within which the policy operates and clarify the criteria which the policy adopts.
None... I am all for tackling antisocial behaviour!!! In this current political and economic climate council house tenants should consider themselves extremely fortunate to have a home with Moray	Any action taken under the revised policy may raise awareness of this.

<p>Council! For those that don't appreciate their accommodation, or respect their neighbours...should be reminded of how extremely fortunate they are!!! There are so many other people desperately wanting social housing!!!</p>	
<p>No it appears to be a fair policy.</p>	
<p>It seems like we are pandering to the needs of the few by allowing so many chances before more drastic action is taken.</p>	<p>Moray Council have a legal duty to provide support services and ensure every possible alternative action has been taken before taking eviction action.</p>

Evictions Policy consultation results

Do you support the introduction of the policy?		
Response	Number	%
Yes	26	86.67
No	0	0
Don't know	4	13.33
Don't want to answer	0	0
Total	30	100%

If you answered no, please tell us why	Response to comments received
I think a bit more investigation into a tenant's circumstances can be required prior to threatening them with court action.	The Council only use eviction as a last resort and we will take all available steps to try and avoid an eviction. This will include a detailed investigation into a tenant's circumstances. Any action taken will be in proportion to the issue being considered.

Did you find the policy easy to read and understand?		
Response	Number	%
Yes	29	96.67
No	1	3.33
Don't know	0	0
Don't want to answer	0	0
Total	30	100%

Is there a section that you would like to see reworded?		
Response	Number	%
Yes	0	0
No	25	83.33
Don't know	5	16.67
Don't want to answer	0	0
Total	30	100%

Is there something that we've missed that you think should be included?		
Response	Number	%
Yes	2	6.67
No	22	73.33
Don't know	6	20
Don't want to answer	0	0
Total	30	100%

If you answered yes what do you think should be included?	Response to comments received
Stop housing problem tenants in quiet areas.	We allocate our properties using our Allocations Policy or for new build properties we use our Local Lettings Plan. These both attempt to ensure that we offer properties to the applicant with a need for the particular housing and that the applicant is capable of sustaining a tenancy. In the event that there are any tenancy management issues, we will take action in proportion to the issue and will use the various tools available to us.

Is there something that you think should be removed?		
Response	Number	%
Yes	0	0
No	23	76.67
Don't know	7	23.33
Don't want to answer	0	0
Total	30	100%

Comments returned	Response to comments received
All very complicated but I suppose all steps must be taken before making someone homeless.	<p>The Evictions Policy does contain a considerable amount of complex information. This is required in order to explain the framework within which the policy operates and clarify the criteria which the policy adopts. We will only use eviction as a last resort and we will take all steps available to us to try and avoid an eviction.</p> <p>In the event that a person is made homeless, we have statutory duties towards that person which are set out in housing law.</p>
Everyone found dealing drugs from a council house should be struck off and never given a council house again.	The changes include a new streamlined process for eviction where someone within the Council tenancy has been convicted for drug dealing. This will allow us to use a quicker process due to the fact the conviction has already been proven in court.
There seems to be too many opportunities given to the offender before eviction would take place. People should be glad they have been given a roof over the heads and look after it, especially given it is not their property.	Moray Council have a legal duty to provide support services and ensure every possible alternative action has been taken before taking eviction action.

Appendix II



MORAY COUNCIL
HOUSING AND PROPERTY SERVICE

**Neighbour Nuisance And
 Antisocial Behaviour Policy**

1. Scope of the policy

- 1.1 The scope of this policy is to provide a clear and transparent framework for the Council to deal effectively with complaints and incidents of neighbour nuisance and antisocial behaviour throughout Moray. The Council recognises that neighbour nuisances and antisocial behaviour can occur in any housing tenure and that issues may arise between Council tenants and neighbouring owners or private tenants.

2. Strategic Context

- 2.1 The Neighbour Nuisance and Antisocial Behaviour Policy will assist in fulfilling the Council's overall aim of Moray 2027- Local Outcome Improvement Plan. Whilst recognising that Moray is a safe place to live, the Council and its partner agencies commit to protecting those who feel most vulnerable and at risk, in an attempt to ensure that its communities feel safe. The Public Protection Partnership (PPP) provides the strategic direction that is required. The PPP will co-ordinate and oversee the activities of the partnership that relates to ensuring community safety and reducing crime.

This policy will also contribute towards the:

- Moray Local Housing Strategy (LHS) 2019-24 which focuses on promoting sustainable communities while promoting social inclusion;
- Council's Corporate Plan; and
- Community Safety and Antisocial Behaviour Strategy for Moray 2018-2021.

3. Objectives and principles of the policy

3.1 The principal objective of this policy is to prevent, where possible, and alleviate neighbour nuisance and antisocial behaviour by responding to complaints in a timely and effective way.

3.2 The principles underpinning the Council's Neighbour Nuisance and Antisocial Behaviour policy are:

- Where appropriate, the Council will take early action to prevent issues escalating;
- The Council will seek to act in a manner that is consistent with accepted good professional practice;
- The Council will make sure that it does not act in a discriminatory manner when dealing with neighbour nuisance or antisocial behaviour complaints;
- Severe cases of antisocial behaviour are generally uncommon but where they do occur it can cause severe stress. The Council recognises this and will work to try and lessen the stress and impact caused by extreme cases within neighbourhoods and communities;
- Any response to neighbour nuisances and antisocial behaviour complaints often requires a multi-agency approach. The Council will therefore seek to work in partnership with relevant agencies in an attempt to achieve more effective results.

4. The legal framework

4.1 The legislation that governs the Council's statutory duties and powers in relation to antisocial behaviour is the Antisocial Behaviour (Scotland) Act 2004 and the Housing (Scotland) Act 2001, as amended by the Housing (Scotland) Act 2014, Part 2. Other associated legislation includes:

- Local Government in Scotland Act 2003;
- Civic Government (Scotland) Act 1982;
- Dangerous Dogs Act 1991;

- Dog Fouling (Scotland) Act 2003;
- Environmental protection act 1990, Sections 80-81;
- Equality Act 2010;
- Human Rights Act 1998 - incorporating the European Convention on Human Rights (ECHR) and associated guidance - [Human Rights at Home: Guidance for Housing Providers](#);
- Public Order Act 1986, Section 18;
- Protection from Harassment Act 1997, Sections 8-11; and
- The Regulation of Investigatory Powers (Scotland) Act 2000.

5. Equality and diversity

- 5.1 The Council is committed to preventing discrimination and promoting equality under the Equality Act 2010. The Council seeks to ensure that this policy does not discriminate between, or promote the harassment of, individuals on the grounds of age, disability, gender reassignment, marital status/civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation.
- 5.2 In 2011, The Equality and Human Rights Commission (EHRC) placed a duty on local authorities for all front line staff to be involved in identifying vulnerable persons, particularly in relation to incidences of antisocial behaviour. The Council is committed to Equalities Incidents Monitoring, which aims to eliminate discrimination and promote equality. Where incidents occur, they must be reported using the Equalities Incidents Monitoring Form.
- 5.3 The Council will develop information and advice upon request in a variety of formats such as large print, tape and braille.

6. Confidentiality and data protection

- 6.1 The Council will ensure that any information given as part of the complaints process will be used in accordance with the General Data Protection Regulations (GDPR) and the Data Protection Act 2018.

6.2 The Council is committed to encouraging households to report incidents of neighbour nuisances or antisocial behaviour and will deal with such complaints in a consistent, effective and sensitive manner. Complainants, alleged perpetrators and any witnesses will be treated fairly, in an unprejudiced and non-accusatory manner with sensitivity and in complete confidence. Where the complainant wishes to remain anonymous, this may limit the action that the Council is able to take and they will be informed of this. Depending on the type of complaint it may not always be possible to prevent the perpetrator from deducing the origin of the complaint.

7. What is neighbour nuisance and antisocial behaviour?

7.1 The spectrum of neighbour nuisance and antisocial behaviour is wide. Neighbour nuisance might refer to a dispute between two neighbours whilst antisocial behaviour might threaten the physical or mental health, safety or security of other households, individuals, disrupt neighbourhoods and communities. Where people live within close proximity to each other there is always scope for clashes and conflict caused by differing lifestyles. People from different age groups, cultural backgrounds or with different working or sleeping patterns can easily give rise to friction and/or disagreements. This policy is not intended to address behaviour that is merely different.

Legal definition

7.2 Section 143 of the Antisocial Behaviour (Scotland) Act 2004 sets out the legal definition of antisocial behaviour as:

‘a person is involved in antisocial behaviour if they:

- act in a manner that causes or is likely to cause alarm or distress to anyone who is not in the same household; or
- pursue a code of conduct that causes or is likely to cause alarm and distress to at least one person not of the same household as them.’

In this definition 'conduct' includes speech and a course of conduct must involve conduct on at least two occasions.

Categories

- 7.3 To provide a framework for prioritisation and to indicate clearly what types of behaviour the Council will act upon, the following categories exist:

Category A – Very serious antisocial behaviour, which normally includes criminal activity such as drug dealing, harassment or an individual due to a protected characteristic or assault.

Category B – Situations where the behaviour may stop short of criminal activity but could be a deliberate attempt to cause disturbance or annoyance to a neighbour. It is likely to be more than a clash of lifestyles and may involve threats, harassment, intimidation or damage to property such as vandalism/fire raising, causing danger and putting others at risk. This may not be able to be substantiated by witnesses. It may involve disregard for others with loud music and parties or where the incidents are persistent and attempts to change behaviour has not worked.

Category C – Minor issues solely between two neighbours and minor breaches of tenancy agreements. This includes the use of common areas, maintenance, the use of boundaries and noise.

- 7.4 The policy allows for other low level behaviours relating to the management of Council tenancies to be dealt with by the relevant area housing team. In persistent and recurring cases where, improvements in behaviour are not forthcoming, the behaviour may be reclassified to become antisocial behaviour.
- 7.5 Where any antisocial behaviour as classified above escalates and/or becomes more serious in nature, it is possible to re-categorise the complaint to more accurately reflect the escalation.

8. Making a complaint

- 8.1 The Council accepts complaints via the online reporting form, by letter, phone

or in person. Anonymous complaints will be recorded, but it may not be possible to take action unless a Council Officer can verify the complaint. The Council will respond to complaints of neighbour nuisances or antisocial behaviour as quickly as possible. Response target time scales are outlined below.

Category A - Visit/interview complainant and contact police within 1 working day.

Category B - Carry out initial investigation and assess appropriate action. Contact complainant by phone call/letter/visit within 2 working days to advise of assessment.

Category C - Investigate complaint and contact complainant by phone/letter or visit within 5 working days.

8.2 A customer's preferred means of communication will be used where possible. Where a customer prefers to communicate by email, response letters will be emailed as PDF attachments.

9. Dealing with a complaint

9.1 Depending on the category of the complaint, the Housing Liaison Officer or Community Warden will, in the first instance, deal with most complaints of neighbour nuisance or antisocial behaviour. More serious complaints, particularly Category A complaints will involve the Community Safety Team and be brought to the attention of both Police Scotland and the Housing Services Manager where applicable.

9.2 Complaints will normally be dealt with by taking action at the most appropriate level. Only in the most extreme cases will legal action be considered before a warning visit or interview is carried out. In all cases the complainants will be kept informed on the progress of the complaint and reasons for action taken or for closing of case. The stages of dealing with a complaint are detailed below:

- i) Initial receipt and categorisation. The details of the complaint will be logged and an initial categorisation made.
- ii) Initial action - depending on the severity of the case may include:
- Contact made with the complainant to arrange a suitable venue and time to meet to get further detail;
 - Contact with local police to gain further information;
 - Sending a letter to the offender outlining the complaint received and pointing out terms of tenancy agreement as appropriate;
 - A visit to the complainer to discuss complaint, investigate and gather further detail and so on;
 - If required, visits to neighbours for further information.
- iii) The locally agreed target timescales for investigating and resolving complaints are as follows:
- Category A -** 20 working days from the date the initial acknowledgement letter is sent.
- Category B -** 35 working days from the date the initial acknowledgement letter is sent.
- Category C -** 40 working days from the date the initial acknowledgement letter is sent.
- iv) These target timescales are a maximum timescale for reporting purposes and have been set to ensure adequate time for any necessary multi-agency working to resolve the complaints. All efforts will be made to resolve the complaints as soon as possible within these timescales.
- v) In exceptional cases, it may not be possible to investigate and resolve complaints within these timescales, for example, in complex cases where further information is needed to respond or input from other agencies is required. In these cases the Officer will contact the

customer to confirm a revised response date and the reason(s) for the delay.

- vi) After initial action, the Officer will detail steps taken to investigate the complaint and make sure that the complainant is kept informed and notified of action taken.

If the complaint is resolved, or the complaint is not found to be actionable, the case will be closed and the complainant advised of this. The definition of 'resolved' is drawn from guidance issued by the Scottish Housing Regulator, 'where the landlord has taken appropriate measures, as set out in its ASB policies, to address the cause of the antisocial behaviour complaint and has advised the complainant of the outcome; or where the landlord does not have the authority or powers to resolve, it has provided a full explanation of the landlord's position.'

- vii) If the complaint is not resolved, the Officer will draw up an action plan including details of possible further action, target timescales and details of contacts to be made with the complainant and the complainant. Where further evidence may be required from the complainant in order to pursue the complaint, a standard recording form will be provided to the complainant together with a guidance note on how to complete it.
- viii) In some cases the Officer may conclude that no further action or only a verbal warning is appropriate. If the complainant is not satisfied with this conclusion a complaint can be made using the Council's complaints procedure.
- ix) It is envisaged that the majority of complaints will be resolved without recourse to legal action. However where a complaint is assessed as justified and cannot be resolved without legal action, all forms of legal action available to the Council will be considered.

- x) Category A cases will be reviewed and monitored by the Community Safety Officer. The potential implications will be considered and appropriate action will be taken in consultation with the Community Safety Officer, the Police and other relevant agencies.

- xi) Referrals to Police Scotland: -
 - (i) A data sharing request can be made to Police Scotland to investigate cases, facts or any allegations made.
 - (ii) A Police Referral Form is used for any cases of extreme antisocial behaviour, where there is criminal activity in relation to the property, where there are concerns that may affect the safety of occupants and/or any neighbours or the Officer decides that the Police should be made aware of the incident.

9.3 Where a complaint is received from an owner or private tenant against a Council tenant, the complaint will be investigated and dealt with as outlined in this policy.

10. Legal Action

Antisocial Behaviour within previous three years – no court order

10.1 Where a prospective or existing Council tenant, joint tenant, a member of their household, or any visitors to their tenancy have conducted a course of antisocial behaviour within the previous three years, a short Scottish Secure tenancy (SSST) can be considered by the Council as per Schedule 6 of the Housing (Scotland) Act 2001, as amended by Section 7 (4) of the Housing Scotland Act 2014. This will reduce the person's rights under their tenancy agreement to allow a period of time to monitor and address the behaviour, using the relevant support where necessary. This can also be used as an attempt to try and provide respite or alleviate some of the issues with neighbours and/or the surrounding community.

10.2 There are many considerations and factors to be taken into account before an SSST can be considered. Fundamentally the behaviour must meet with the following criteria:

- meet the legal definition of antisocial behaviour as outlined in para 7.2 above;
- have happened on a minimum of two or separate occasions; and
- be substantiated with robust and corroborated evidence.

10.3 The Housing Liaison Officer will discuss the individual circumstances of the case with the relevant Area Housing Officer/Manager. All relevant factors must be considered as detailed in the Council's Short Scottish Secure Tenancy Policy. Where the decision is made to use an SSST the associated procedures will be followed and a robust audit trail will be maintained.

10.4 Where a complaint cannot be resolved, formal legal action will be considered where appropriate. In such cases the evidence gathered will be passed to Legal Services for advice. All possible legal remedies will be considered, subject to the level of evidence available. A list of legal remedies is provided within the Scottish Government's publication 'Guide to the Antisocial Behaviour (Scotland) Act 2004'. The Council will actively seek to use these remedies where appropriate in order to ensure that all types of antisocial behaviour are kept to an absolute minimum. The use of Antisocial Behaviour Orders (ASBOs) and eviction will only be considered as a last resort where other appropriate forms of action have been tried and have failed.

Antisocial Behaviour within previous three years – ASBO or Eviction Order

10.5 Where a prospective or existing Council tenant already has an ASBO or an eviction order due to antisocial behaviour, an SSST can be considered under Schedule 6 of the Housing (Scotland) Act 2001. The Council's Short Scottish Secure Tenancy Policy and associated procedures will be followed.

Convicted of a crime punishable by imprisonment

10.6 Where a perpetrator is a Council tenant, joint tenant, household member or regular visitor to a Council tenancy and has been found guilty of an offence punishable by imprisonment and convicted by a Court, the Council may

consider eviction action using a streamlined eviction action introduced by Section 14 of the Housing (Scotland) Act 2014. Although the crime is punishable by imprisonment, whether they have served an actual prison sentence will be irrelevant. All the individual circumstances of the case will be taken into account prior to any action being taken. The Housing Liaison Officer will discuss this possibility with the relevant Area Housing Manager/ Officer and the Council's Evictions Policy and associated procedures will be followed.

11. Liaison with other services and agencies

- 11.1 Liaison with other agencies can be critical to the effective management of antisocial behaviour. The Council has an Information Sharing Protocol in line with [Section 139 of the Antisocial Behaviour etc. \(Scotland\) Act 2004](#) with Registered Social Landlords, the Procurator Fiscal, Children's Reporter, Police Scotland, Scottish Fire and Rescue Service, NHS Grampian, Victim Support and SACRO. The protocol allows information to be shared in connection with tackling antisocial behaviour.
- 11.2 The measures described in this policy are intended to provide protection to individuals and groups whose quality of life is undermined by the antisocial behaviour of others. Individuals who experience prejudice, for example on the grounds of race, religion or belief, gender, age, disability, pregnancy/maternity, gender reassignment or sexual orientation may also be more likely to be the victims of antisocial behaviour.
- 11.3 Additional vulnerabilities and social issues can be prevalent in cases of antisocial behaviour. The Council will seek to involve the most appropriate service to ensure the relevant specialist support and /or accommodation is in place prior to considering any legal remedies. These issues may include:
- drugs, alcohol or other substances misuse and addiction;
 - mental health issues;
 - domestic violence;
 - any other vulnerabilities.

12. Training

- 12.1 Staff dealing with complaints of neighbour nuisances and antisocial behaviour will require the appropriate training. This may include training in various areas such as interview skills, statement taking, the use of legal remedies and mediation skills which the Council will arrange where appropriate.
- 12.2 The Council will seek to raise awareness of its policy on neighbour nuisance and antisocial behaviour across Council services and other partner agencies.

13. Record keeping and performance monitoring

- 13.1 It is essential that robust records are kept of any complaints made and action taken. This assists in monitoring cases and helps the Council to identify the nature, type, frequency and locations of particular incidents and problem areas. Standard action sheets will be used in Category A, B and C cases. This will ensure that the appropriate information is recorded should legal action be deemed necessary.
- 13.2 The monitoring of antisocial behaviour complaints allows the Council to measure the effectiveness of different actions that have been taken. The Council will use a number of methods to measure its effectiveness in managing antisocial behaviour. These include -
- i) Recording the number of complaints of neighbour nuisance and antisocial behaviour open at year end, received during year (by category of complaint) and closed during the year (within certain timescales);
 - ii) Number of cases of neighbour nuisance and antisocial behaviour cases resolved within locally agreed target times;
 - iii) Total number and type of action taken;
 - iv) Number of cases referred to mediation, community safety team or other agency and outcomes;
 - v) Number of evictions for antisocial behaviour;

- vi) Number of domestic noise complaints and the average time in hours between the complaint and attendance on site;
- vii) Customer satisfaction with antisocial behaviour service;
- viii) Number of incidents reported using the Equalities Incidents Monitoring Form.

13.3 The Council also has a statutory duty to complete the Annual Return on the Charter (ARC) to the Scottish Housing Regulator (SHR). This provides key information on our performance throughout the financial year in relation to resolving antisocial behaviour complaints that relate particularly to Council housing stock. This includes:

- i) Number of cases of antisocial behaviour reported within the year;
- ii) Number of cases resolved within the year;
- iii) Number of cases resolved within the locally agreed targets; and
- iv) Percentage of antisocial behaviour cases reported which were resolved within the locally agreed targets.

14 Measuring customer satisfaction

14.1 Individual customer satisfaction surveys will be sent to every customer when a complaint is resolved. In addition a three yearly Housing Tenant Satisfaction Survey is also sent to all Council tenants. This enables the Council to measure the views and opinions of tenants using the service, the value of the service provided and used to make further improvements to the service.

14.2 The feedback received from all surveys is collated and reported to the Communities Committee.

14.3 This policy will be reviewed in 2022 or earlier if required by changes to legislation and/or guidance.



MORAY COUNCIL

Housing and Property Services

Short Scottish Secure Tenancy (SSST) Policy

1. Scope of the policy

- 1.1 This policy sets out the legal framework used by Moray Council for the offer, provision and management of short Scottish secure tenancies (SSSTs) to facilitate temporary, short term or probationary tenancies, and assist in tenancy sustainment wherever possible. A SSST agreement can be given to prospective or existing tenants in specific circumstances as prescribed by legislation, see section 4.1 below.

2. Strategic context

- 2.1 The Short Scottish Secure Tenancy Policy contributes to the Moray Local Housing Strategy 2019-24, Moray 2027 and the Council's Corporate Plan.
- 2.2 The Short Scottish Secure Tenancy Policy will assist the Council in fulfilling many of the Local Housing Strategy's priorities for Moray by:
- improving access to housing in all tenures and alleviate housing need;
 - prevent and alleviate homelessness; and
 - assist people requiring specialist housing.

3. Principles and objectives of the policy

- 3.1 The Council's Short Scottish Secure Tenancy Policy is underpinned by the following principles when considering the use of a SSST:
- that the policy reflects a clear legal framework, in line with all relevant guidance and associated good practice, for the use of SSSTs and specifies the circumstances the Council will consider using them;
 - that consistency is applied where possible to ensure any measure taken under the Policy is proportionate;

- each case is assessed appropriately based on the individual circumstances of that case; and
- open and honest communication with tenants on the use of the Policy.

3.2 The specific objectives of the Short Scottish Secure Tenancy Policy are:

- to assist tenants to sustain their tenancies, with support where required, with a view to conversion to a Scottish secure tenancy (SST);
- to prevent homelessness occurring and assist with the Council's wider strategic role;
- to assist in the creation of safe and sustainable communities by tackling antisocial behaviour.

4. Legal framework

4.1 The SSST was introduced by the Housing (Scotland) Act 2001, as amended by the Housing (Scotland) Act 2014. A SSST has similar terms and conditions to a SST but, unlike a SST which is not time limited, a SSST is time limited. Schedule 6 of the 2001 Act, as amended by Section 7 of the 2014 Act, sets out the grounds that justify the use of a SSST. These grounds apply to any new prospective or existing tenants or other specified person¹ and are as follows:

- where an eviction order for eviction/repossession has been made against them in the UK on the grounds of antisocial or similar behaviour in the previous 3 years;
- where the tenant or specified person is the subject of an antisocial behaviour order (ASBO) under Part 2, Para 4 of the Antisocial Behaviour etc. (Scotland) Act 2004;
- where a course of antisocial behaviour has been carried out within the previous three years as set out in Section 7 of the Housing (Scotland) Act 2014;

¹ Any other specified person includes any one of the prospective joint tenants, any person proposed to reside with the prospective tenant, any person visiting, subletting or lodging at the tenancy.

- a temporary let is required to a person moving into the area to take up an offer of employment and seeks accommodation to do so. This is in line with the Council's Allocations Policy;
- if a temporary accommodation is required pending development work on a current property;
- if temporary accommodation is required to be given to a homeless person for six months or more;
- if temporary accommodation is given to a person in receipt of housing support services; or
- if the Council has leased the house from another body and the terms of the lease prohibit subletting under a Scottish secure tenancy.

A SSST cannot be granted unless the let falls into one of these categories.

4.2 Other associated legislation includes the Homelessness etc. (Scotland) Act 2003 and the Antisocial Behaviour etc. (Scotland) Act 2004.

5. Equality and Diversity

5.1 The Council is committed to preventing discrimination while promoting equality under the Equality Act 2010. The Council seeks to ensure that the Policy does not discriminate between individuals on the grounds of age, disability, gender, marital status/civil partnership, pregnancy, maternity, race, religion or belief and sexual orientation.

5.2 The Council will develop information and advice in a variety of formats upon request, such as large print, tape and Braille. 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 tenancy process will be used in accordance with the General Data Protection Regulations (GDPR) and the Data Protection Act 2018.

7. Short Scottish secure tenancy (SSST)

7.1 The rights under a SSST are the same as the full SST but for the following exceptions:

- no right of succession to the tenancy; and
- security of tenure is limited; and
- where section 36 of the 2001 Act, recovery for possession is raised, household members have no right to have a notice of proceedings served and no right to be sisted as parties to the action.

While the rights to assign, take in a lodger, sublet, etc. are available under a SSST, they are limited to the period of the SSST. Assignations will only be considered in exceptional circumstances provided they meet all the requirements under the Assignations Policy.

Term

7.2 The Council will ensure that the term of individual SSSTs meet the legislative requirements. This will vary depending on the ground used for the creation of the SSST:

- Part 2, Section 9 of the 2014 Act sets a minimum period of 12 months for SSSTs that are created on any of the ASB grounds. This can be extended by 6 months to 18 months where the tenant is in receipt of housing support services;
- Section 34 of the 2001 Act sets 6 months as the standard minimum period for SSSTs on all the other remaining grounds in Schedule 6 of the 2001 Act. There is no maximum period for these.

This term will start from the date the SSST is granted or the date the tenant is served with a notice to convert the tenancy from a SST to a SSST.

Rent

- 7.3 Tenants on a SSST will be liable for the payment of rent as with SSTs. Tenants may apply for the housing element of Universal Credit if they consider that they may be entitled to assistance with their rent. Tenants will be responsible for making an application to the Department for Work and Pensions (DWP).

8. Creation of SSST

- 8.1 Section 34 of the Housing (Scotland) Act 2001 as amended by the Housing (Scotland) Act 2014 prescribes the conditions required for the creation of a SSST. These ensure that the Council serves the correct statutory notice as prescribed by regulations on the prospective tenant before the creation of the tenancy (i.e. at the time the tenancy agreement is signed).
- 8.2 In order to create a new SSST, the Council must serve a notice in accordance with Section 34 (2) of the Housing (Scotland) Act 2001 on the prospective tenant. This notice must state that the tenancy to which it relates is to be a SSST, the ground the SSST is based on and the term of the tenancy.
- 8.3 The Council will ensure that when a SSST is granted it will be tailored to meet the individual needs of the tenant and where appropriate, support will offered. In certain instances, the acceptance of support may be a condition of the tenancy. For example, where a SSST has been granted as a result of antisocial behaviour, the Council may offer and provide housing support services with a view to helping the tenant convert the tenancy to a Scottish secure tenancy at the end of 12 month term (or 18 months where an extension has been granted).

9. Conversion from an existing Scottish secure tenancy to a SSST

9.1 Section 35 (2) of the Housing (Scotland) Act 2001, as amended by Section 7(2) of the Housing (Scotland) Act 2014 allows a Scottish secure tenancy to convert into a SSST where an existing tenant or specified person:

- is subject to an Antisocial Behaviour Order (ASBO); or
- has acted in an antisocial manner in relation to another person in the locality of the house or pursued a course of conduct amounting to harassment or antisocial conduct in relation to the other person.

In such circumstances, the SSST may convert back to a Scottish secure tenancy at a later stage if certain conditions are met (Housing (Scotland) Act 2001, Section 37).

9.2 The granting of an ASBO or eviction order is sufficient evidence to convert a tenancy due to the fact that the behaviour has already been proven and a court order is already in place. In attempts to protect the wellbeing of individuals and/or communities, the Council will assist in trying to enable a rehabilitative process by converting the tenancy to a SSST. This will always be done on one of these two grounds first, where possible.

9.3 Where a course of antisocial behaviour over a three year period has taken place, appropriate and robust evidence of the behaviour and its impact on the household, neighbours and or the immediate community will be required prior to converting the tenancy to a SSST. The Council will only consider this ground where none of the grounds mentioned in 4.1 above have been met.

9.4 The Council will take the following into account when considering whether to convert the tenancy to a SSST:

- who has behaved antisocially and their connection to the property;
- the nature, frequency and duration of the antisocial behaviour;
- the effect and impact that the antisocial behaviour is having on any other person (including their connection to the property), neighbours and the community over the period of time;

- what action has been taken to date by the parties involved, the Council or any partner agencies. This should include any rehabilitative processes undertaken, with the view to securing a positive change or the cessation of that conduct;
- whether a court order has been breached and whether there are any convictions in that respect;
- any individual or household vulnerabilities and the expected support needs of those persons based upon any evidence held; and
- any other relevant factors in the individual circumstances of each case.

9.5 The tenancy will automatically convert from a Scottish secure tenancy to a SSST by service of the correct statutory notice on the tenant. The Council will serve the notice by first class recorded delivery. This notice must state:

- that the tenancy to which it relates is to be a SSST;
- specify what ground the SSST is in relation to, by reference to Schedule 6 of the 2001 Act, as amended;
- the name of the tenant or person who is the subject of the Antisocial Behaviour Order (ASBO);
- where there is no ASBO, the name of the tenant or person who has behaved antisocially, their behaviour and the reasons for the notice; and
- details of the tenant's right of appeal to the court if they are not satisfied with the conversion of the tenancy.

10. SSSTs and support services

10.1 The Housing (Scotland) Act 2001 (Section 91 (8)) defines housing support services as including:

“... any service which provides support, assistance, advice or counselling to any individual with particular needs with a view to enabling the individual to occupy, or continue to occupy, as the person's sole or main residence, residential accommodation other than that excepted accommodation.”

10.2 Many factors can indicate whether a person requires housing support services.

These may include:

- no history of a tenancy;
- failed tenancy in the past;
- a history of homelessness;
- the person is currently intentionally homeless as defined by Section 26 of the Housing (Scotland) Act 1987;
- the possibility of tenancy failure due to rent arrears or antisocial behaviour;
- mental health issues; and
- alcohol/substance misuse.

Each case will be assessed on its own merits.

10.3 The Housing (Scotland) Act 2001, section 34 (7), as amended by Section 7 (1a) of the Housing (Scotland) Act 2014, requires the Council (where the tenant is subject to a SSST because of previous antisocial behaviour or an ASBO) to provide or ensure the provision of housing support services as it considers appropriate to enable the tenancy to convert to a Scottish secure tenancy. These should be services aimed at helping the tenant sustain their tenancy or change their behaviour to an acceptable level for conversion back to a full Scottish secure tenancy at the end of the agreed term.

10.4 Where housing support is required the Council will ensure that all appropriate referrals are made and support assessments carried out. Housing support services will be provided where necessary to assist in sustaining the tenancy. This will be explained fully to the tenant and the support offered.

10.5 Where the applicant refuses support, the Council may use its discretion when deciding whether to offer a SSST without support. The Council will consider whether the reason for the SSST, for example, antisocial behaviour, will improve

with support, or whether it wishes to make acceptance of support a condition of the offer of a SSST.

10.6 Where a SSST is provided without support, the Council will record any unwillingness to accept support and the situation will be reviewed before the two months prior to the end of the term. The Council will decide whether to:

- terminate the tenancy (the review period will allow the Council sufficient time to provide the tenant with 2 months' notice of the Council's intention to end the tenancy, as required by law);
- convert the tenancy to a Scottish secure tenancy; or
- continue the tenancy for a further 6 months, but on the condition that support is taken.

10.7 The tenancy may convert to a Scottish secure tenancy when it can be established that housing support is no longer required in order to sustain a tenancy.

10.8 In situations where a SSST has been granted due to any antisocial behaviour grounds, the tenancy will automatically convert to a Scottish secure tenancy after 12 months, unless the landlord has served a notice to extend the SSST by an additional 6 months or has served a notice to terminate the tenancy at the end of its period or a notice of proceedings under s14 (please refer to Section 13 below).

11. Continuation of a SSST

11.1 A SSST will continue for the fixed period agreed at the outset of the tenancy. SSSTs (with the exception of those granted on any of the ASB grounds) will, at the date of termination or expiry of the tenancy agreement (known as the ish date of the tenancy), continue either by:

- (a) tacit relocation², or
- (b) express agreement.

12. Termination of a SSST

12.1 A SSST can be terminated by any of the following methods:

- termination by the tenant;
- by written agreement;
- on the death of the tenant;
- by Court Order once the fixed period of tenancy has ended with Section 36 of the Housing (Scotland) Act 2001 as amended by Section 11 of the Housing (Scotland) Act 2014. There is no need to demonstrate any specific or management grounds in this instance ; or
- by Court Order in accordance with Section 14 or Schedule 2 of the Housing (Scotland) Act 2001.

12.2 Where necessary the Council will issue the tenant with a notice to recover possession by either first class recorded delivery or personal delivery by a member of housing staff. The notice must specify a date for recovery of possession that is no earlier than 2 months from the date of service of the notice. This notice period may be longer if the tenancy agreement expressly states so.

13. Recovery of a SSST

13.1 The Council can seek recovery of possession of a SSST on the same grounds applicable to Scottish secure tenants within the Housing (Scotland) Act 2001. What action is taken depends on whether the repossession action is being taken at the end of the term of the tenancy (Section 36 of the 2001 Act, as amended by Section 11 of the 2014 Act) or during the term of the tenancy (Section 14 of the 2001 Act).

² Tacit relocation is a principle of Scots Law where leases of land or buildings renew for the same period, on the same terms and conditions as previously existed where no notice of termination is given within the requisite period. This is subject to a maximum period of one year. This will continue indefinitely until either of the parties apply the correct steps/notice to end the tenancy and prevent tacit relocation operating.

Recovery at the end of the term of SSST

13.2 Section 36 of the 2001 Act, as amended by Section 11 of the 2014 Act can be used by the Council for recovery of possession. The court **must** grant an order for recovery of possession, provided:

- the tenancy has reached its term;
- tacit relocation is not operating (i.e. it will not automatically be renewed for a further period);
- no further contractual tenancy has been entered into.

Recovery of SSST on any of the antisocial behaviour grounds

13.3 In cases where the SSST has been granted under Section 35 paragraph 1, 2 or 2A of Schedule 6 of the 2001 Act on any of the antisocial behaviour grounds the Council cannot raise proceedings for eviction unless:

- the correct statutory notice of recovery of possession, which includes the correct prescribed information, has been served;
- a tenancy obligation under the SSST has been broken;
- the proceedings are raised on or after the date specified in the notice; and
- the notice is in force at the time the proceedings are raised.

13.4 Any order granted as above must specify a date for recovery, which will effectively terminate the tenancy and give the landlord the right to repossess the house on that date.

13.5 Where the Council seeks to recover a SSST in accordance with Section 36 of the Housing (Scotland) Act 2001, members of the tenant's household have no right to have a notice of proceedings served on them and have no right to be sisted as parties to the action.

14. Automatic conversion of a SSST to a Scottish secure tenancy

14.1 In situations where a SSST has been granted due to an ASBO, or previous antisocial behaviour, Section 37 of the 2001 Act, as amended by Section 10(2) of the 2014 Act (to allow a six month extension), provides for the automatic conversion to a Scottish secure tenancy after a the 12 or 18 month period. This would happen where:

- the SSST has been granted as a ‘probationary’ tenancy; or
- the SSST had been created by the service of a notice;
 - and no notice of proceedings under sections 14 or 36 of the Housing (Scotland) Act 2001, as amended by the 2014 Act, has been served in the 12 or 18 months following the creation of the tenancy;
 - or if such a notice has been served, the notice has expired or been withdrawn.

14.2 The tenancy becomes a Scottish secure tenancy on the date that the notice ceased to be in force or was withdrawn or at the end of the 12 month period, whichever is later. Where proceedings for recovery of possession find in favour of the tenant, the tenancy becomes a Scottish secure tenancy from the date when the court found in favour of the tenant or the end of the 12 month period.

14.3 Where the Council has served a notice to quit on the tenancy no conversion can take place. There is no automatic conversion to a Scottish secure tenancy for tenants who have been granted a SSST on other grounds.

14.4 The Council must notify the tenant of the conversion and the date on which the tenancy became Scottish secure tenancy (Section 37(4) of the Housing (Scotland) Act 2001. The Council will advise the tenant of their rights and responsibilities under a Scottish secure tenancy.

15. Right of review

- 15.1 Where an applicant/tenant is not satisfied with any of the following they may request a review of:
- the decision to offer a SSST;
 - the decision to convert a SST to a SSST; or
 - the decision to recover possession of the property. Section 11 (c) of the Housing (Scotland) Act 2014 amends Section 36 of the 2001 Act. This gives every tenant a right to request a review of the decision to take action to recover the property before the case goes to court.
- 15.2 Any request to review these decisions should be made in writing to the Housing Services Manager and should include the grounds on which it is made. Where the review is in relation to the recovery of possession, the tenant will have 14 days from the date on which they are served the notice of proceedings to apply for a review of the repossession action.
- 15.3 The review will be considered by a senior manager not previously involved with the original decision with a target of reviewing and responding within 28 days. However where the review is in relation to the recovery of possession the response will be issued within 14 days and no later than 2 days prior to the date of any intended eviction process. The latter response will contain confirmation of whether the recovery of possession action will continue along with the reasons why or if it will be withdrawn.
- 15.4 Where the applicant/tenant remains dissatisfied regarding an offer or conversion of a SSST they may ask the Housing Needs Review Group to consider their case. Where the Housing Needs Review Group uphold the decision to offer or convert to a SSST instead of a Scottish secure tenancy and the tenant is still not satisfied, the applicant/tenant 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.

15.5 The tenant's appeal to the Court must be within 21 days after the date of intimation of the notice, or a longer period if 'special cause' is shown (Rule 2.6 of the Summary Applications, Statutory Applications and Appeals etc. Rules 1999 (SI 1999/929). The Sheriff may grant the appeal if they are satisfied that there are 'good grounds' for doing so.

16. Complaints

16.1 The Council has a Complaints Policy which details the corporate complaints process. This is available to any applicant or tenant who is not satisfied with the way in which a case has been dealt with. The [Complaints Policy](#) and explanatory information are available on the Council website and from any Council Office or Access Point.

17. Performance monitoring

17.1 The Council has a statutory duty to complete the Annual Return on the Charter (ARC) to the Scottish Housing Regulator (SHR). This includes the types of tenancies granted for lets during the reporting year.

17.2 The Council internally monitors the use of SSST's as follows:

- the number of current SSSTs in place;
- the number of SSSTs created in the period;
- the reason for the SSST.

17.3 This policy will be reviewed in 2022 or earlier if required by changes to legislation and/or guidance.



MORAY COUNCIL

Housing and Property Service

Evictions Policy

1. Scope of the Policy

- 1.1 This policy sets out the circumstances in which a Scottish Secure Tenancy (SST) or Short Scottish Secure Tenancy (SSST) provided by Moray Council will end due to an eviction. This includes the associated activities and responsibilities that are expected and involved.
- 1.2 This policy recognises that the Council's role as a landlord may conflict with its statutory homelessness duties. It therefore sets out the processes that will be undertaken before an eviction is carried out, to ensure that all possible alternative remedies are considered and eviction is only used by the Council as a last resort.
- 1.3 An eviction is defined as the recovery of accommodation, owned or managed by Moray Council, through using the legal processes that are available.

2. Strategic Context

- 2.1 The Evictions Policy will assist the Council by contributing to Priority 1 of the Moray 2027 – Local Outcome Improvement Plan, the Local Housing Strategy while supporting the Housing Service Improvement Plan.

3. Objectives and Principles of the Policy

- 3.1 The overall aim of the Council's Evictions Policy is to ensure that evictions are carried out lawfully only after all other tenancy management options have been exhausted and proven to be ineffective.
- 3.2 The specific objectives of the Evictions Policy are:

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- to prevent homelessness occurring by exhausting all other management remedies, where appropriate;
- to provide early intervention in an attempt to prevent eviction occurring;
- to define the escalation and authorisation process for an eviction enforcement;
- to deal with evictions in a consistent way;
- to proactively disrupt any criminal activity taking place within a tenancy, such as but not limited to the illegal supply of drugs;
- to ensure that any action taken as a result of tenancy breach(es) due to any antisocial behaviour and/or criminal activity within the tenancy (such as, but not limited to, the illegal supply of drugs) are in line with robust procedures and escalation practices;
- to protect the wellbeing, safety and interests of qualifying occupiers and other residents within the neighbourhood and wider community; and
- where appropriate, to take action to protect the assets and income of the Council.

3.3 The principles underpinning the Evictions Policy are:

- the Housing Service will clearly explain to tenants, at the start and during their tenancy, the actions and behaviours that can lead to eviction and what their responsibilities are under their tenancy agreement in an attempt to avoid the need for any potential eviction action;
- to ensure the provision of information, advice and assistance to tenants on Universal Credit and other welfare benefits in order to maximise their ability to pay rent which will include actively promoting joint working and information sharing with housing support to assist with sustainment, other departments and partners;
- that training will be provided to ensure all staff are fully equipped to carry out the roles expected of them; and

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- that all communication will be in plain language and will make clear where appropriate advice and assistance can be accessed.

4. Legal Framework

- 4.1 The Council will ensure that the Evictions Policy meets all legislative and good practice requirements to minimise the number of evictions being carried out. This will include, but is not restricted to, the Housing (Scotland) Act 2001 as amended by the Housing (Scotland) Act 2010 and the Housing (Scotland) Act 2014.

Other associated legislation includes:

- the Antisocial Behaviour etc. (Scotland) Act 2004;
 - the Homeowner and Debtor Protection (Scotland) Act 2010 Part 1;
 - the Equality Act 2010;
 - the Bankruptcy and Diligence etc. (Scotland) Act 2007;
 - the Homelessness etc.(Scotland) Act 2003;
 - Human Rights Act 1998, incorporating the European Convention on Human Rights (ECHR) and associated guidance - [Human Rights at Home: Guidance for Housing Providers](#); and
 - the Data Protection Act 2018 and the General Data Protection Regulations (GDPR).
- 4.2 The full list of grounds for recovery of possession of a property under a Scottish Secure Tenancy (SST) are contained within the [Housing \(Scotland\) Act 2001, Schedule 2, Part 1](#), as amended by the Housing (Scotland) Act 2010, Sections 153 and 155(2)-(7). The main grounds that usually form a basis for eviction are:

Ground 1

- Rent lawfully due from the tenant has not been paid, or any other obligation of the tenancy has been broken.

Ground 2

- The tenant (or any one of joint tenants), a person residing or lodging in the house with, or subtenant of the tenant has been convicted of—
 - (a) using the house or allowing it to be used for immoral or illegal purposes, or

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(b) an offence punishable by imprisonment committed in, or in the locality of, the house.

Ground 7

- The tenant (or any one of joint tenants), a person residing or lodging in the house with, or any subtenant of, the tenant, or a person visiting the house has—

(a) acted in an anti-social manner in relation to a person residing in, visiting or otherwise engaged in lawful activity in the locality, or

(b) pursued a course of conduct amounting to harassment of such a person, or a course of conduct which is otherwise anti-social conduct in relation to such a person, and it is not reasonable in all the circumstances that the landlord should be required to make other accommodation available to the tenant.

4.3 The Council must adhere to the prescribed legal process which includes demonstrating to the Court, where necessary, that reasonable alternatives to repossession have been considered. This is not necessary in the case of a streamlined eviction based on ground 2 where a criminal conviction already exists. The Council will also comply with any pre-action requirements where necessary, and ensure the correct process is followed when serving a valid statutory notice of proceedings on the tenant and all qualifying occupiers. A qualifying occupier is defined as anyone who is a member of the tenant's family aged 16 or over living with the tenant as their principal home or any subtenant, lodger or assignee (someone to whom the tenancy has been transferred with the consent of the Council).

4.4 Eviction will only be granted in the majority of cases where when the Sheriff is required to be satisfied that it is reasonable to do so. In satisfying itself that it is reasonable to make the order for repossession, the court must have regard to:

- the nature, frequency and duration of the conduct;

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- the extent to which the conduct was the responsibility of persons other than the tenant;
- where delays in the payment of universal credit or Housing Benefit have led to rent arrears and are primarily the responsibility of the local authority;
- the effect the conduct has had on neighbours and people other than the tenant; and
- any alternative action taken by the landlord, before seeking possession, to bring about an end to the conduct of the person in question.

4.5 Where a streamlined eviction is being sought under Ground 2, within 12 months of a conviction, there is no requirement on the Council to prove that the eviction order is reasonable. Where a conviction for serious antisocial or criminal behaviour already exists, the Council will however have to show that the request for eviction is proportionate.

4.6 The decision to grant a decree for ejection can only be made by a Sheriff, not the Council.

4.7 The Council will ensure that no tenant's human rights are breached by the implementation of this policy. In particular the Council will ensure that tenants have a fair hearing and will have respect for their private and family life in accordance with the Human Rights Act 1998.

4.8 It will be necessary during the course of the eviction process to exchange certain information with other agencies. This will be carried out in accordance with the General Data Protection Regulations (GDPR) and the Data Protection Act 2018 and any agreed guidelines and/or with respect to any information sharing protocols. This includes other internal departments such as Social Work and statutory agencies such as the NHS, Police Scotland and any other relevant parties. This will be where the information:

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- will help ensure the safety of the tenant, children or other people at risk or harm;
- is required by law; and/or
- is necessary to prevent and detect crime.

5. Tenant's Responsibilities

- 5.1 The term 'tenant' refers to sole and any joint tenants. If two or more people have signed a tenancy agreement they are jointly and severally liable for ensuring that the tenancy conditions are adhered to. This includes ensuring that the actions of those living in, or visiting, their tenancy are acceptable (as detailed in the tenancy agreement).
- 5.2 Tenants have an obligation under the terms and conditions of their tenancy agreement to pay rent due every week, in advance, on or before the first day of each rental period. Failure to do this may lead to eviction action being taken by the Council; after all other management options have been exhausted.
- 5.3 Tenants are also responsible under their tenancy agreement for actively managing their tenancy to ensure that they, their household or any visitors do not act antisocially. They are also responsible for ensuring that the house is not used for any illegal or immoral purposes including but not limited to the illegal supply of drugs, which can cause significant alarm and distress within the neighbourhood.
- 5.4 Tenants have a responsibility to ensure that they and the people living with them, or visiting them, have respect for others. This includes, but is not limited to, ensuring that excessive noise is not created, pets are kept under control, vandalism and damage is not caused, rubbish is not left in unauthorised places and no harassment or assault is caused to any person in the house or neighbourhood, for whatever reason.

6. Council's Responsibilities

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- 6.1 The Council has a duty to protect its interests. Enforcing the terms of the Scottish Secure Tenancy, Short Scottish Secure Tenancy, or any other tenancy agreement provided by the Council will assist this.
- 6.2 The Council also has a duty to all its tenants, their households and the wider community to ensure that they are able to live in an environment that is attractive, well maintained, safe and secure. This includes taking appropriate action against those living in, or visiting, Council tenancies when the behaviour of the person either threatens to disrupt the neighbourhood and put the safety and security of other tenants, household members and/or residents at risk or becomes criminal.
- 6.3 Tenants will be advised of the consequences of failing to adhere to the tenancy agreement. This will include any action that may be taken by the Council to remedy a situation.
- 6.4 Where appropriate, tenants will be offered support and assistance to ensure their tenancy is managed successfully.
- 6.5 Where enforcement action is taken this will be proportionate to the breach of tenancy conditions. The Council will advise the tenant what they should do to resolve the situation and what action the Council will take if the breaches of tenancy continue.
- 6.6 The Council will write to tenants prior to serving them with a notice of proceedings to advise them of the process involved and the legal requirement placed on the Council to serve a Notice of Proceedings for Recovery of Possession on qualifying occupiers.
- 6.7 Repossession action will only be used as a last resort and only after all other management remedies prove ineffective.

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6.8 Tenants and any qualifying occupiers who are due to be evicted will be fully advised of the homelessness responsibilities the Council has towards them. This will include advice and assistance on temporary accommodation and how to secure alternative permanent accommodation.

7. Required and Preventative Actions

Rent Arrears

7.1 In accordance with legislation and good practice the Council will explore all possible alternatives to eviction before raising court action.

7.2 A Notice of Proceedings cannot be served until the Council has complied with the pre-action requirements set out in Section 155 of the Housing (Scotland) Act 2010. The list of requirements is set out below:

- **Provide clear information** about the terms of the tenancy agreement, the rent due, or any other financial obligation of the tenancy.
- **Offer help and advice** – the Council must make reasonable efforts to provide the tenant with advice and assistance on the tenant's eligibility to Universal Credit or other types of financial assistance.
- **Offer help with debt management** – the Council must provide the tenant with information about sources of advice and assistance in relation to management of debt.
- **All required 'Pre-Action Requirements (PARs)' are carried out** to try and resolve any underlying debt and financial difficulties.
- **Agree an affordable repayment plan** – the Council must make all reasonable efforts to agree a reasonable repayment plan for future payments, this plan must include proposals in respect of future payments of rent, outstanding rent and any other financial obligations of the tenancy.
- **Ensure that landlords do not start an eviction action before considering:**
 - **any Universal Credit application** – if an application for the housing element of Universal Credit has been made (but not yet determined) and is, in the Council's opinion, likely to result in benefit being paid at a

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level which would allow the tenant to pay, or reduce by an amount acceptable to the Council, the outstanding rent and any other financial obligation of the tenancy.

- **steps taken by the tenant** – the Council must not serve a Notice of Proceedings if the tenant is taking other steps which, in the opinion of the Council, are likely to result in payment within a reasonable timescale of the outstanding rent and any other outstanding financial obligation of the tenancy, or the tenant is complying with a repayment plan agreed with the Council.

7.3 The Council's approach to rent arrears aims to establish a culture of early and direct contact with tenants to avoid escalation of debt and/or evictions action. This shifts the focus of rent arrears recovery to early intervention, prevention and support. These measures include offering comprehensive advice and information as well as signposting to other departments and agencies that can provide specialist money advice, budgeting and tenancy sustainment support. This includes:

- helping to source welfare benefit advice;
- assistance in applying for, and renewing, claims for Universal Credit rent and service charges;
- ensuring the completion of a Universal Credit application or the payment of rent in advance when a tenant signs their tenancy; and
- visits made to all new tenants within the first six weeks to assess how well they are settling in, with follow up visits continuing for as long as help is needed.

7.4 In all situations where the Council feels that it is reasonable to recover possession of a property due to rent arrears, the Council will ensure that reasonable preventative measures have been taken to avoid progressing to eviction action. Failing this the eviction action must satisfy ground 1, Schedule 2 of the 2001 Act as detailed above (para 4.2).

Antisocial Behaviour/ Criminal Activity

- 7.5 The Council will ensure that all reasonable steps will be taken when dealing with antisocial behaviour and criminal activity. In accordance with the Council's Neighbour Nuisance and Antisocial Behaviour Policy this will include early, regular and/or sustained intervention when appropriate to avoid the escalation of a situation. This is however heavily dependent on the level of engagement received from the tenant/household. The Council will follow supporting, operational procedures which detail any possible prevention measures and operational actions that will be carried out in proportion to the individual circumstances of the case. These actions may be carried out in conjunction with the Community Safety Office and Police Scotland where necessary, with the aim of helping change, reduce and/or ultimately eliminate behaviours while safeguarding the neighbourhood and community.
- 7.6 The Council will ensure that a preventative approach is followed, where possible, with the aim of encouraging a change of behaviour and/or engagement with support services, which may remove the need for court action to recover possession of a property.
- 7.7 The Council will always consider whether to pursue eviction proceedings where a tenant has been convicted of using the house or allowing it to be used for immoral or illegal purposes, or an offence punishable by imprisonment¹ committed in, or in the locality of, the house. In each case, action will be considered in light of the individual household circumstances and evictions will only be carried out as a last resort.
- 7.8 In cases where eviction is being considered due to antisocial behaviour or following a relevant criminal conviction, legal advice will be taken to establish

¹ NOTE – although punishable by imprisonment, service of a prison sentence is not necessary for this ground to be used.

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whether the eviction action is proportionate and justified. The rights of the tenant should be balanced against the rights of the household and the wider community. All social and support requirements of the case must be taken into consideration. This should be supported by risk assessment as outlined in Section 8 below as well as a robust and evidenced audit trail of operational actions that have proven ineffective. The eviction action must satisfy either ground 2 or ground 7, Schedule 2 of the 2010 Act as detailed above (para 4.2).

7.9 A Notice of Proceedings should not be served until the Council has considered all factors in deciding whether to raise eviction action.

7.10 The Council will ensure the following considerations are fulfilled where a criminal conviction for criminal or antisocial behaviour exists:

- **Receipt and verification of any criminal conviction extract/information** which will establish and evidence the extent of the criminal offence and whether it includes the use of the property for immoral or illegal purposes;
- **The nature and seriousness of the offence** including any recurring convictions or cumulative effect of a series of incidents as well as the potential seriousness of a one-off offence;
- **Who has been convicted of the offence and their connection to the property** – this may include visitors and what action the tenant is taking to stop the person returning to the property;
- **Where the offence was committed and any connection to the tenancy** – whether the offence was committed in the house or the locality of the house and what the circumstances were;
- **To what extent the offence has affected neighbours or others in the community** – whether there has been a serious impact locally as a result of the behaviour and the period of time that the behaviour has been causing the detrimental effect in the area;
- **Whether the convicted person is making any attempts to make any positive changes** – where repeat offenders/behaviours have stopped, the

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- person is engaging in training/employment, engaging in rehabilitation programmes and/or regular and meaningful engagement with any other relevant support services;
- **The overall impact of an eviction on the household members** – which will not be considered in isolation. This will be balanced against the impact of the behaviour on the wellbeing of the neighbourhood as a whole; and
 - If any other steps can be taken by the Council and/or partner agencies to address any antisocial behaviour or criminal behaviour.
- 7.11 Where there is a risk of abuse, violence and/or danger to neighbours, staff or the person who is being evicted, the Council will act as quickly as possible and appropriately to ensure the risk is minimised.
- 8. Risk Management, Support and Liaison with Other Agencies**
- 8.1 The Council will offer a detailed risk assessment to all tenants when it is identified that their tenancy is at risk.
- 8.2 During the assessment, the tenant's needs (and those of their household) will be identified to ensure that a full picture of their circumstances is known and support appropriately delivered. This will involve consultations with relevant services within the Council such as Community Care, Housing Needs and Social Work (Children and Families). The Risk Assessment Plan will seek to measure the potential impact of eviction on households and any contingency measures which will need to be put in place, for example, storage of furniture or provision of temporary homeless accommodation.
- 8.3 Where an external agency or Council service is providing support, full co-operation will be given by the Housing and Property Service to try to resolve a situation without the need for legal action to recover possession of a property. For example, where Money Advice is being given by Trading Standards, the Housing and Property Service will suspend action for 21 days to allow an

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agreement to be reached and implemented. However, the Housing and Property Service retains the right to proceed with recovery action where the situation is not improving.

9. Notice of Proceedings

9.1 The Council will ensure that all correct statutory notice of proceedings are served within the correct timescales for each case. This will depend on the ground being used for the eviction.

9.2 Where a streamlined eviction is being sought using Ground 2, for a criminal conviction, the notice of proceedings starts from the date of the conviction, or if there is an appeal against the conviction then from the date the appeal is dismissed by the court or abandoned by the tenant. Any arrears action will be dealt with separately.

10. Authorisation for Eviction Enforcement

10.1 Where a Sheriff grants a Decree for ejection, the date after which the Council can recover the property will be specified on the order. A charge must be served upon a tenant before an eviction can take place. The charge must provide the tenant with a period of at least 14 days in which to remove from the property prior to the eviction being carried out. A Sheriff Officer will only be able to carry out an eviction upon expiry of a 14 day period.

10.2 Where a Decree for ejection has been granted, an eviction can only be enforced after the Housing Services Manager, or the Head of Housing and Property, has given authorisation. No decision will be made without an updated Risk Assessment Plan and an Eviction Approval request being authorised by the above staff.

10.3 A Decree for ejection will be acted upon within six months of being granted (the date specified on the order) unless there is evidence to justify another course of

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action, for example, the tenant has become seriously ill. Any material change in the tenant's circumstances or delay in implementing an eviction must be notified to and approved by the Housing Services Manager or the Head of Housing and Property. Tenants/qualifying occupiers will be kept fully informed during this process.

11. Carrying Out an Eviction

- 11.1 An eviction cannot be carried out until a Sheriff Court has granted an Order for possession and an eviction authorisation has been signed by the Housing Services Manager or the Head of Housing and Property.
- 11.2 Sheriff Officers will send a letter to tenants to advise them of their date of eviction. The letter provides the tenant with a minimum of 4 weeks' notice prior to eviction unless there is evidence to justify another course of action, for example, the property has been abandoned, left unsecured, and is at risk of vandalism. Reduction of this period of notice will be on the authorisation of the Housing Services Manager or the Head of Housing and Property.
- 11.3 Prior to any eviction, housing staff will provide advice and practical assistance to the tenant and qualifying occupiers in preparation for their eviction. This will be offered during a visit to the tenant's home. This includes details of temporary accommodation available, storage arrangements for furniture (if temporary accommodation is provided) and arrangements the tenants must make.
- 11.4 Only Sheriff Officers are authorised to carry out an eviction, not Council employees. However, an Area Housing Manager, an Area Housing Officer and a Building Services joiner will all be present to ensure the eviction is successfully completed. If necessary, Social Work and support staff will also attend.
- 11.5 Evictions will be carried out following legal guidelines and in accordance with associated procedures and good practice.

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- 11.6 Any locks will be changed after each eviction and a detailed void inspection of the property, garden and any outbuildings made. This will be in accordance with the Housing Service's Void Management Policy and associated procedures.
- 11.7 All tenants evicted will be recharged for the expenses incurred by the Council during and after the eviction. This will include legal expenses, Sheriff Officers' fees and the cost of any rechargeable repairs.
- 11.8 Tenants who have been evicted will be liable for all debts they have with Moray Council after their eviction takes place.
- 11.9 The Housing (Scotland) Act 2010 Section 153 provides that a tenant's tenancy in a rent arrears eviction case will not come to an end, even after the Sheriff Court has granted a decree for ejection, until such time as the Council has actually recovered possession.
- 11.10 The Council will evict the tenant(s) as soon as possible after the date specified on the decree for ejection. However, if a decree for ejection is granted for rent arrears, and full payment of the rent arrears and legal expenses is made prior to the eviction, the eviction may be cancelled. This is at the discretion of the Housing Services Manager or the Head of Housing and Property. Tenants will be fully advised of this in communications with staff.

12. Complaints

- 12.1 Any person wishing to make a complaint about the eviction process should, in the first instance, contact the Housing Services Manager. If the complainant is not satisfied with the Service response, they may use the Council's Complaints Procedure. Leaflets giving further information and contact details are available from any Council Access Point or on the Council's website at www.moray.gov.uk.

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12.2 The Council will ensure that complaints are dealt with fairly and within agreed timescales, in accordance with its Complaints Policy.

13. Performance Monitoring

13.1 The level of evictions and reasons for evictions will be monitored and analysed internally at Housing Operational Management Team meetings as well as Housing Property and Management meetings. Performance Reports are presented bi-annually to the Communities Committee.

13.2 The Council also has a statutory duty to complete the Annual Return on the Charter (ARC) to the Scottish Housing Regulator (SHR). This provides key information on eviction cases that have taken place throughout the financial year. This is included in Indicator 24 of the return and monitors the:

- number of properties recovered by reason (i.e. rent arrears, ASB or other);
- total number of court actions initiated during the reporting year; and
- percentage of court actions initiated which resulted in eviction and the reasons for eviction.

13.3 This policy will be reviewed in 2022 or earlier if required by changes to legislation and/or guidance.



REPORT TO: COMMUNITIES COMMITTEE ON 2 APRIL 2019

SUBJECT: COUNCIL NEW BUILD HOUSING PROGRESS

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING AND INFRASTRUCTURE)**

1. REASON FOR REPORT

- 1.1 This report provides the Committee with an update on progress with the Council's new build housing programme.
- 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 Communities Committee:-

- (i) **considers and notes progress on the Council's new build housing programme;**
- (ii) **considers and notes progress on the Bilbohall masterplan proposals;**
- (iii) **agrees that officers can progress the procurement of technical consultants to advance the delivery of the Bilbohall masterplan proposals, with details of any proposed appointment presented to this Committee for approval; and**
- (iv) **agrees that further reports on programme progress will be presented to this Committee.**

3. BACKGROUND

- 3.1 The Council receives annual resource allocations from the Scottish Government to fund the provision of affordable housing in Moray. On the basis of the investment priorities set out in the Strategic Housing Investment Plan (SHIP), the Council enters into an annual Strategic Local Programme

Agreement with the Government. The agreement lists all the affordable housing projects that will be funded during the year as part of the Moray Affordable Housing Supply Programme.

- 3.2 Under the More Homes Scotland initiative, the Scottish Government has committed to building 50,000 new affordable houses by 31 March 2021. To achieve this priority, the Government is providing councils with increased resources for their affordable housing supply programmes. On 26 June 2018, this Committee considered details of the Moray Affordable Housing Supply Programme for 2018/19, including the Scottish Government's resource allocation of £7.983m (paragraph 15 of the Minute refers).
- 3.3 On 25 September 2018, this Committee considered progress on the Council's new build programme (paragraph 10 of the Minute refers). The report provided details of the Council's 2018/19 Programme Agreement with the Scottish Government.
- 3.4 On 13 November 2018, the Planning and Regulatory Services Committee approved the final Bilbohall Masterplan as Supplementary Guidance to the Moray Local Development Plan (2015) (paragraph 12 of the Minute refers).
- 3.5 On 12 December 2018, the special meeting of Council agreed to accept a tender for the new build project at Forsyth Street in Hopeman (paragraph 8 of the Minute refers).
- 3.6 On 5 February 2019, this Committee considered details of the Council's most recent SHIP submission to the Scottish Government (paragraph 6 of the draft Minute refers). The SHIP covers the period 2019-2024.

MORAY COUNCIL NEW BUILD PROGRAMME

- 4.1 The Moray Affordable Housing Supply Programme is delivered by a number of affordable housing providers, including the Council and housing associations. Each provider enters into a separate programme agreement with the Scottish Government. The Council's 2018/19 Programme Agreement makes provision for spend of £3.848m on new housing supply with approval and site starts for 163 units and completions of 68 units. Details of progress on delivery of the programme are provided in the table below:

Project	Units	Status	Start	End	Spend Target 2018-19 £0.000m	Spend to date 2018-19 £0.00m	Projected Spend 2018-19 £0.00m
Strathcona Road, Forres	12	Complete	Oct 2017	Oct 2018	£0.105	£0.105	
Ferrylea Ph2 Forres	20	Complete	Jan 2018	Jun 2018	£0.000	£0.000	
Driving Range, Elgin	21	Complete	Jan 2018	Feb 2019	£0.310	£0.310	
Linkwood Ph2, Elgin	15	Complete	Jan 2018	Nov 2018	£0.321	£0.321	

Project	Units	Status	Start	End	Spend Target 2018-19 £0.000m	Spend to date 2018-19 £0.00m	Projected Spend 2018-19 £0.00m
Barhill Road Ph.5, Buckie	28	On site	Oct 2018	May 2019	£1.342	£1.342	
Forsyth Street, Hopeman	22	On site	Feb 2019	Jan 2020	£0.600	£0.252	£0.350
Elgin, South Glassgreen	50	Tender Approval	Apr 2019	Aug 2020	£0.400	£0.000	£0.000
Stynie Road, Mosstodloch Ph1	30	Tender Approval	Jul 2019	Jun 2020	£0.400	£0.000	£0.000
Banff Road Ph1, Keith	33	Tender Approval	Sep 2019	Sep 2020	£0.370	£0.000	£0.000
Total					£3.848	£2.330	£0.350
Speyview, Aberlour		Purchase			tbi	£0.000	£0.000
Spynie (NHS) Elgin		Purchase			tbi	£0.000	£0.000

- 4.2 During 2018/19, good progress has been made on some projects whilst others have been subject to delay. The projects at Strathcona Road and Ferrylea in Forres and the Driving Range and both phases at Linkwood in Elgin all achieved completion during the year. The project at Barhill Road, Buckie Phase 5 has started on site and will complete during 2019/20. As required by the condition of planning consent, the project at Forsyth Street, Hopeman will commence on site on completion of off-site drainage works. At the time of writing, these works were ongoing.
- 4.3 The project at Banff Road, Keith has been subject to an ongoing delay due to cost viability issues associated with the high cost of site servicing and infrastructure. To resolve these issues, the developer has sought to value engineer the site by incorporating additional land within the development proposals and by amending the housing and roads layout. The developer has applied for planning consent for the amended proposals and it is understood the application will be considered by the Planning and Regulatory Services Committee on 21 May 2019. However, a further site delivery complication has been added by the SSE's proposed North East Overhead Line upgrades which will include works to electricity cables in and around the site. Although final programme details have still to be confirmed, SSE has indicated that cables within the site could be upgraded during 2019/20. At the time of writing, officers were awaiting details from the developer as to how these works will affect the housing construction programme.
- 4.4 Phase 1 at Stynie Road, Mosstodloch has been the subject of a protracted planning application process to ensure that the proposals meet local planning policy. It is understood that the planning application will be considered by the Planning and Regulatory Services Committee on 26 March 2019. Subject to the outcome of the planning application, it is anticipated that a tender for the housing project will be considered by this Committee at the meeting on 28 May 2019.

- 4.5 Elgin South Phase 1 is part of a larger planning application which includes 870 houses as well as sports and educational facilities. The developer's amended planning application for the larger development was approved on 29 January 2019 (paragraph 8 of the Minute refers). This approval will allow the developer to bring forward the phasing of the Council's Glassgreen project. The report on tenders for Elgin South Glassgreen is a separate item on this Agenda and, subject to approval, the project will commence on site in April 2019.
- 4.6 The acquisitions included in the programme agreement will not be settled before year-end at 31 March 2019 and will be carried forward to next year. The site at Aberlour is at an early stage in the planning process and will not be considered for purchase until the development proposals have reached a more advanced stage. NHS Grampian, the owners of the site at Spynie Hospital, have not been in a position to achieve the sale by year-end but negotiations between both parties have progressed and officers expect the transaction to be settled early in 2019/20.
- 4.7 To date, the Council's 2018/19 programme has achieved 68 house completions. These were at Ferrylea, Forres (20 units), Strathcona Road, Forres (12 units) the Driving Range, Elgin (21 units) and Linkwood Phase 2, Elgin (15 units). As well as achieving the programme agreement target, this number of completions is in line with the Council's target to build 70 houses per annum over the next three years.
- 4.8 The projected outturn spend on the Council 2018/19 programme is £2.680m against the funding allocation of £3.848m. In consultation with the Scottish Government, officers have taken steps to allocate the shortfall to other provider projects within the wider Moray Affordable Housing Programme. A report on the 2018/19 outturn on Moray programme will be presented at the next meeting of this Committee.
- 4.9 On the basis of the projects already included in the programme agreement, the anticipated completions over the next three years are detailed below:

Year	2018/19	2019/20	2020/21	Total
Completions	68	50	113	231

In addition to the units included above, the Council holds a housing landbank which could deliver a further 140 units. This does not include any site purchases currently planned.

Budgets

- 4.10 In terms of historic expenditure, final accounts have been agreed or are being agreed on the Phase 6 projects that achieved completion during 2018/19. There have been no cost overruns on these projects and all are expected to outturn within budget.

5. BILBOHALL MASTERPLAN

- 5.1 Officers recently met with the Scottish Government to discuss the outcome of the Council's application to the Housing Infrastructure Fund (HIF) for grant towards the cost of service infrastructure identified within the Bilbohall Masterplan. The Council's HIF application seeks funding of £5.3m to meet the estimated cost of the infrastructure, which includes a new primary road connection, improvements to the surrounding road network, a new active travel bridge over the railway line and a sustainable drainage system. The Scottish Government has confirmed that the items included in the application are eligible for funding and also that the Bilbohall proposals have been included in the HIF programme. However, in terms of the HIF procedures, an offer of grant will not be made until the infrastructure works have been tendered and a funding application submitted on the basis of the tender costs.
- 5.2 Officers have now taken steps to procure the Bilbohall infrastructure works with a view to securing HIF grant towards the tender costs. As the works are shared developments costs, the procurement will be taken forward jointly with the other partners in the Bilbohall consortium. The delivery of affordable housing at Bilbohall is a key investment priority of the Council's SHIP and the procurement of the infrastructure will be progressed in tandem with the first phase of the Council's new build programme at Bilbohall. The programme will aim to achieve grant approvals for both the housing and infrastructure later in 2019/20. Progress will be reported to this Committee as part of the new build update reports.
- 5.3 The services of technical consultants will be required to prepare the tender documentation for the infrastructure works and to progress the first phase of the Council new build programme at Bilbohall to detailed planning stage. These services will include architectural and engineering services. The Committee is asked to agree that the officers can progress the procurement process for these services. If agreed, details of the proposed appointments, including costs, will be presented to this Committee for approval at a future meeting.

6. 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 the Housing and Property Service Plan. The Council's new build housing programme supports priorities for investment in the provision of new affordable housing to meet need identified in the Local Housing Strategy.

The Council's new build 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 70 Council house completions per annum will be delivered within the investment planning and funding framework of the Moray Affordable Housing programme.

(b) Policy and Legal

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

(c) Financial implications

The report provides details of the funding being made available by the Scottish Government for the Council's housebuilding programme.

The Council has agreed that 70 new council houses will be built per annum over three years to 2020. The Housing Business Plan has made provision for the borrowing required to fund the Council's housebuilding programme. A review of the Business Plan will be carried out during 2019-20. The review will assess the capacity of the Business Plan to fund the programme going forward.

(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

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) Consultations

This report has been subject to wider consultation with the Corporate Director (Economic Development, Planning and Infrastructure), the Acting Head of Housing and Property, the Head of Direct Services, the Head of Development Services, the Legal Services Manager, Deborah O'Shea (Principal Accountant), the Payments Manager, the Principal Planning Officer (Planning & Development), the Transportation Manager and Caroline Howie, (Committee Services Officer). Any comments received have been reflected in the report.

7. CONCLUSION

7.1 The report sets out progress on the Council's new build programme, including the housing development proposals arising from the Bilbohall Masterplan.

Author of Report: Fiona Geddes, Acting Housing Strategy and Development Manager
Background Papers: Held by HSPM
Ref: FG/TS – Council New Build – 2 April 2019



REPORT TO: COMMUNITIES COMMITTEE ON 2 APRIL 2019

SUBJECT: TENANT SURVEY 2018

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING AND INFRASTRUCTURE)**

1. REASON FOR REPORT

- 1.1 To inform the Committee of the main findings of the 2018 Tenant Survey.
- 1.2 This report is submitted to Committee in terms of Section III (G) (15) of the Council's Scheme of Administration to develop and monitor the Council's Performance Management Framework for the Communities Services.

2. RECOMMENDATION

2.1 It is recommended that the Communities Committee:-

- (i) **considers the main findings of the Tenant Survey 2018; and**
- (ii) **notes that an improvement action plan in response to the Tenant Survey 2018 will be presented to this Committee on 27 August 2019.**

3. BACKGROUND

- 3.1 The Council has carried out a number of independent surveys to gather tenants' views on Housing Services. Tenant feedback has an important role in assessing how the Council is performing in its landlord role and for prioritising service improvements.
- 3.2 Social landlords are required to report on tenant satisfaction as part of the Annual Return on the Charter (ARC) to the Scottish Housing Regulator (SHR). The Council's last Tenant Survey was completed in 2015 and the SHR expects landlords to carry out a survey of tenants at least once every 3 years.
- 3.3 On 14 February 2018, the Council approved the Housing Revenue Account (HRA) budget which included a provision of £18,000 for the 2018 Tenant Survey (paragraph 13 of the Minute refers).

4. SURVEY DESIGN AND FIELDWORK

- 4.1 Following a competitive tender process, the Housing Service commissioned Research Resource to carry out the 2018 survey and produce a report on the results. Research Resource is an independent market research organisation with extensive experience of working with social landlords on tenant surveys.
- 4.2 The survey aimed to assess tenants' views and experiences of the Housing Service, evaluate compliance against the Scottish Social Housing Charter outcomes and allow comparison with previous baseline results. The questionnaire was based around the following themes:
- views on landlord services;
 - views on accessing services, communication and tenant participation;
 - views on repairs and housing quality;
 - views on the neighbourhood
 - views on rents and affordability; and
 - tenant priorities.
- 4.3 Tenant representatives reviewed the questionnaire prior to it being issued to all tenants. This feedback helped the service to develop a questionnaire that was both reasonable in length and easy to understand.
- 4.4 Publicity was arranged to maximise the response rate and included promotion within the Tenants' Voice newsletter, the Council's website and on social media.
- 4.5 During September 2018, Research Resource invited all 5,908 tenants to take part in the survey by post (53%) or email (47%). When the survey closed in November 2018, the consultant boosted the response rate through targeted telephone surveys.

5. MAIN FINDINGS

- 5.1 On 14 February 2019, Research Resource presented the main findings to Elected Members. A briefing for tenant representatives took place on the same date. The consultant's full report is available on the Council's Committee Management Information System at <https://moray.cmis.uk.com/moray/CouncilandGovernance/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/369/Committee/10/Default.aspx>.

Respondent Profile

- 5.2 A total of 2,358 tenants (40%) responded to the survey providing data accurate to +/- 2% (based on a 50% estimate and a 95% level of confidence). This is an improvement on the 30% response rate to the 2015 survey which was also sent to all tenants. Most of the surveys returned were by post (66%) followed by phone (18%) and finally online (16%).
- 5.3 Most of the responses received were from households aged 35-64 (49%). This was followed by those aged over 65 years old (41%) and finally those aged under 35 (10%). There is a slight under representation of younger tenants and a slight over representation of older tenants. As has been the case in previous surveys, younger tenants tend to show lower levels of

satisfaction. This could imply that this demographic are more likely to respond if they have had a negative experience of the service.

- 5.4 Most of the responses received were mainly from single adult households (49%) and two adult households (25%).
- 5.5 Almost two thirds of tenants (64%) have someone in their household with a long term illness, health problem or disability. The most common health problems were mobility issues or physical disabilities (35%) and chronic diseases or illnesses (31%) which were evident mainly within older households. The next most common option selected was mental health conditions (19%) which were more likely to be reported by younger respondents.
- 5.6 Across the Moray housing market areas, the response was generally representative of the overall tenant profile. Elgin had the highest response (46.6%), followed by Buckie (21.4%), Forres (14.6%), Keith (9.3%), Speyside (7.6%) and finally the Cairngorms (0.5%).
- 5.7 Over 2,500 comments were included in the survey and whilst this identified many areas of tenant satisfaction, it will assist service managers to identify improvement actions that the service will take forward.

Views on landlord services

- 5.8 Satisfaction with the overall service remains at 80%, the same as the 2015 survey. This is a statutory performance indicator and will form part of the Council's 2018/19 Annual Return on the Charter (ARC) submission to the Scottish Housing Regulator (SHR). The main themes highlighted by tenants who were not satisfied were:
- the length of time to respond to or carry out repairs;
 - feeling their home needs upgraded or improved; and
 - communication or customer service issues.

Views on accessing services, communication and tenant participation

- 5.9 There were high levels of satisfaction with the ways tenants can get in touch (88%). Tenants who were not satisfied reported problems with the time to get through on the phone or that issues were not always passed on. Traditional methods of getting in touch remain popular (by phone 83%, in person 26%) although there has been an increase in getting in touch online/by email (13%). Over two thirds of tenants (68%) had access to the Internet, mainly through home broadband or mobile devices.
- 5.10 Tenants were asked how they would prefer to be kept informed about services and decisions. Written communications were the most popular options particularly the Tenants' Voice newsletter (53%), the Tenants' Handbook (45%) and letters sent to their home (40%). Most tenants (88%) read at least some of the Tenants' Voice and 91% find it useful.
- 5.11 The percentage of tenants who feel that the Housing Service is good at keeping them informed about services and decisions was 76%, a marginal decrease of 2% on the 2015 survey. This is another statutory performance indicator included within the Council's ARC submission. The main reasons for

dissatisfaction were not related to general communications but more about keeping in touch about services such as repairs and maintenance.

- 5.12 The survey assessed whether tenants may be eligible for the Council's downsizing incentive scheme and as a result 57 tenants will be contacted to discuss their options. The most common reasons for not wanting to be contacted about the scheme were being settled in the area, not wanting to move or using extra bedrooms for visitors/family.
- 5.13 Tenants are reasonably aware of tenant participation opportunities, with 66% being aware of at least one method. Interest in getting involved was also fair with 56% suggesting they would take part in some way. The most popular options were taking part in surveys (47%), mystery shopping (15%) and joining the list of interested tenants (13%).
- 5.14 Another statutory performance indicator relates to the satisfaction with opportunities to participate in decision making processes. This improved from 60% in 2015 to 69% in 2018. The result for this indicator is affected by a high proportion of neutral 'neither satisfied nor dissatisfied' responses. The main reasons for not wanting to get involved were lack of time or interest, feeling that age or disability made it difficult, not being aware of opportunities or not feeling that their involvement would make a difference.

Views on repairs and housing quality

- 5.15 Overall satisfaction with the repairs and maintenance service remained at the same level as the 2015 survey (79%). This is another statutory performance indicator which forms part of the ARC submission but landlords also have the option to submit feedback gathered locally. Tenants were more likely to be satisfied with the ease of reporting repairs and the attitude of workers but were less satisfied with keeping in touch about a repair, the time before work started and the time taken to complete the work.
- 5.16 Satisfaction with the quality of the home fell from 86% in 2015 to 74% in 2018. Again, this indicator forms part of the ARC submission to the SHR. Tenants' main concerns were about the condition of some areas with kitchens, bathrooms, windows and heating being in need of upgrade or in need of repair. Some tenants commented about the features of their home and its suitability, such as it being too small.
- 5.17 Tenants were asked what improvement or change to their home they would like to see. Most said their home did not need any improvement (22%) but a quarter of those were occupying a new build. The most popular choices selected were upgrades to heating systems (18%) particularly for homes with electric storage heaters, window replacements (14%) and bathroom upgrades (13%).

Views on the neighbourhood

- 5.18 There was a slight increase in satisfaction with the neighbourhood as a place to live (85% in 2015 to 87% in 2018).
- 5.19 Performance on the landlord's management of the neighbourhood has improved from 76% in 2015 to 80% in 2018. This is another statutory performance indicator which will be included in the 2018/19 ARC submission.

The comments made by tenants varied significantly and included problems with neighbours, pets, parking, upkeep of gardens, landscape maintenance, rubbish, the condition of roads and paths, drug issues, speeding cars, lack of visibility of officers and the condition of play areas. The most serious problems were parking (20%), dog fouling (17%) and lack of play areas (11%). Some of these issues are out with the control of the Housing Service.

- 5.20 Most of those responding (86%) said they were living in the town or village that they wanted to live in.

Views on rents and affordability

- 5.21 Just over half of tenants (53%) receive no financial assistance with their rent. Of those who receive financial assistance, 35% receive full housing benefit or full Universal Credit and 12% receive partial housing benefit or Universal Credit. At the time of the survey just 3% of those responding received either full or partial Universal Credit.
- 5.22 Tenants making rent payments (those not receiving full housing benefit which is paid direct to the landlord) were asked whether the rent they pay is affordable. While most said it was very or fairly affordable, 34% felt it was just about affordable but 8% felt it was fairly or very difficult to afford.
- 5.23 A similar proportion of tenants feel their rent represents good value for money (84% in 2015 and 83% in 2018). This is another statutory performance indicator included within the ARC submission. Tenants who felt it was not good value for money said that the rent is too expensive; it keeps increasing or mentioned the condition of the property.
- 5.24 Tenants were asked whether they were prepared to pay a higher rent to fund energy efficiency measures or the Council's new build programme. The survey showed that 56% were willing to pay more for energy efficiency measures but 20% were not. A smaller proportion (31%) would pay to increase the number of new build properties but 35% would not. Other suggestions of what tenants would pay an increased rent for were varied and included showers, modernisations or home improvements, adaptations for disabilities, a larger home, better parking, garages, estate improvements, a decorating service or rent to buy schemes.
- 5.25 The survey assessed whether a household was affected by fuel poverty within the last 12 months. Almost half (45%) said they had wanted to put their heating on but had chosen not to because of affordability issues. Those in receipt of benefits, younger households and tenants with electric storage heating were more likely to be affected.

6. FUTURE ACTIONS

- 6.1 Tenants were asked to rate the importance of services based on the key performance indicators for the Annual Return on the Charter. The analysis shows that the most important areas to tenants were the quality of the home (80%), the quality of repairs (76%) and value for money of rent (70%).

- 6.2 Service managers are now considering the findings with a view to identifying improvement actions which will be presented to this Committee on 27 August 2019.
- 6.3 The findings of the survey and associated improvement actions will be publicised to tenants within future editions of the Tenants' Voice newsletter. The results will also be made available on the Council's website and on social media.

7. SUMMARY OF IMPLICATIONS

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

Moray 2026 identifies that customer engagement is a priority to improve service quality. This is also reflected within the Housing and Property Service Plan.

(b) Policy and Legal

There is a requirement to carry out regular satisfaction surveys under the Scottish Housing Regulator's performance framework and to comply with the outcomes of the Scottish Social Housing Charter.

(c) Financial implications

The Tenant Survey cost under £10k which is an under spend of approximately £8k against the budget of £18k. Any costs associated with implementing improvements will be met from within existing budgets and has been factored into the Housing Investment Programme for 2019/20.

(d) Risk Implications

There are no risk implications associated with this report.

(e) Staffing Implications

There are no staffing implications associated with this report.

(f) Property

There are no property implications associated with this report.

(g) Equalities/Socio Economic Impact

There are no equalities implications arising from this report. Any equalities implications arising from improvement actions to be developed as a result of the Tenant Survey will be considered when actions are proposed.

(h) Consultations

Consultation on this report has been carried out with Acting Head of Housing and Property, senior managers in the Housing and Property Service, Senior Solicitor (Kathryn MacPherson), the Principal Accountant (Deborah O'Shea), and Committee Services Officer (Caroline Howie) who agree with this report where it relates to their area of responsibility.

8. CONCLUSION

- 8.1 This report presents the key findings of the Tenant Survey 2018. A further report will be presented to this Committee in August 2019 which sets out the improvement actions identified by service managers.**

Author of Report: Daska Murray, Senior Housing Officer (Information)
Background Papers: With author
Ref:



REPORT TO: COMMUNITIES COMMITTEE ON 2 APRIL 2019

**SUBJECT: HOUSING AND PROPERTY SERVICES BUDGET MONITORING –
31 JANUARY 2019**

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING AND INFRASTRUCTURE)**

1. REASON FOR REPORT

- 1.1 This report presents the budget monitoring for the Housing Revenue Account (HRA) and General Services Other Housing Budget for the period to 31 January 2019.
- 1.2 This report is submitted to Committee in terms of section III G (1) of the Council's Scheme of Administration relating to the management of budgets.

2. RECOMMENDATION

- 2.1 It is recommended that Communities Committee considers and notes the budget monitoring report for the period to 31 January 2019.**

3. BACKGROUND

- 3.1 The Council agreed the HRA Budget for 2018/19 at its meeting on 14 February 2018 (paragraph 13 of the Minute refers). Housing and Property budget monitoring reports are presented to each cycle of meetings.

4. HOUSING REVENUE ACCOUNT TO 31 JANUARY 2019

- 4.1 **APPENDIX I** details the HRA budget position to 31 January 2019.
- 4.2 The main expenditure variances relate to:–
- 4.2.1 **Supervision and management** – there is a range of variations within this budget resulting in a net underspend of £35k. There are underspends in Staffing (£146k), Training (£5k), ICT (£8k) and other minor underspends (£3k) which is reduced by overspends on void rent loss (£75k), the Bilbohall Masterplan (£25k), insurance (£16k) and council tax for Cluny Annexe, Buckie (£11k).
- 4.2.2 **Sheltered Housing** – there is an underspend of £5k due mainly to lower energy costs.

- 4.2.3 **Repairs and maintenance** – there is an overspend of £153k in the repairs and maintenance budget. The main overspends are in planned works (£81k) and void repairs (£144k) which is reduced by an underspend in response repairs (£72k).
- 4.2.4 **Bad and doubtful debts** – there has been an underspend of £19k due to fewer write offs than expected being approved to date.
- 4.2.5 **Downsizing Incentive Scheme** – there is a £3k underspend to date. The recruitment of a dedicated post to support the Scheme is expected to conclude in April 2019.
- 4.2.6 **Service Developments** – this budget includes provision for a full Tenants' Survey (£18k) and ongoing ICT improvements (£5k). There is underspends in ICT (£3k) and the cost of the Tenants' Survey was less than was budgeted for (£8k). The results of the Tenants Survey is subject to a separate report on this committees agenda.
- 4.3 The income at 31 January 2019 is £22k lower than projected. This is primarily due to fewer rechargeable repairs than expected (£22k).

5. HRA PROJECTED OUTTURNS 2018/19

- 5.1 **APPENDIX I** also details projected outturns for 2018/19.
- 5.2 Expenditure
- 5.2.1 **Supervision and management** - an overspend of £21k is projected. This variance results from projected overspends in void rent loss (£88k), the Bilbohall Masterplan (£20k), council tax for Cluny Annexe, Buckie (£11k) and insurance (£16k). This is reduced by underspends in staffing (£80k), ICT (£20k) and other minor underspends (£14k).
- 5.2.2 **Sheltered Housing** - an underspend of £4k is projected due to lower energy costs than originally predicted.
- 5.2.3 **Repairs and Maintenance** - an overspend of £254k is projected with the main overspends occurring in planned works (£37k) and voids (£227k). This is reduced by projected underspends in response repairs (£10k).
- 5.2.4 **Financing costs** - an overspend of £126k is projected due to higher borrowing requirements and higher interest rates. The level of Capital from Current Revenue (CFCR) has been reduced by £304k to address projected overspends elsewhere within the HRA budget.
- 5.2.5 **Bad and Doubtful debts** - an underspend of £65k is projected due to lower write-offs than expected.
- 5.2.6 **Downsizing Incentive Scheme** – it is currently projected that the full budget (£72k) will be fully expended by year end.
- 5.2.7 **Service Developments** – an underspend of £9k is projected with underspends in ICT (£4k) and the cost of the Tenant Survey (£10k) being less than was budgeted for.

5.2.8 **Total expenditure on the HRA** - is projected to be £19k more than budgeted.

5.3 Income

5.3.1 Minor variations are projected for income on non-dwelling rents, house rents and other income during 2018/19.

5.3.2 Total income to the HRA is projected to be £19k higher than originally budgeted for 2018/19.

5.4 Overall, a surplus balance of £1.132m is projected for the HRA budget in 2018/19.

6. **OTHER HOUSING BUDGET**

6.1 **APPENDIX II** provides details of the budget position to 31 January 2019.

6.2 **Planning and Development** consists of Improvement Grants and Affordable Housing budgets. There is an underspend of £60k as a result of fewer improvement grants being processed to date.

6.3 **Housing Management** relates to the Gypsy/Traveller Budget. This shows a £6k underspend due to minor underspends mainly in staffing and the provision of chemical toilets.

6.4 **Homelessness/Allocations** comprises Homelessness, Landlord Registration and Housing Support services. An underspend to date of £68k is due to variances across a range of budgets. This includes underspends in Landlord Registration (£16k), Homeless Persons (£53k) and Homelessness (£3k). This is reduced with an overspend in Housing Support (£4k).

6.5 **Miscellaneous General Services Housing** – comprises of a maintenance bond, house loans and housing at Urquhart Place, Lhanbryde. There is a £30k underspend to date due mainly to a lower than projected repairs and maintenance being required for the properties at Urquhart Place.

6.6 **The Building Services Budget** is reported in detail separately on this Committee's agenda and any surplus achieved will return to the HRA.

6.7 **The Property Services Budget** covers the cost of the Design and Property Resources sections of the service. An underspend of £277k has occurred to date due to variances across a range of budgets. The major underspends relate to Industrial Estates rental income (£39k), Estates (£1k) Energy efficiencies (£19k), shared buildings (£24k) and corporate repairs and maintenance (£223k). This is reduced by overspends in software, asbestos management and staffing totalling (£29k).

6.8 As at 31 January 2019, the Other Housing Budget shows a net underspend of £444k.

7. **OTHER HOUSING PROJECTED OUTTURNS 2018/19**

7.1 **APPENDIX II** also indicates the projected outturns for 2018/19.

- 7.2 **Planning and Development** is projected to underspend by £20k. This includes an underspend on Discretionary Grants (£15k) and minor staffing underspends (£5k).
- 7.3 **Housing Management** is projected to underspend by £6k with staffing and the requirement for chemical toilets being the main reasons for the underspend.
- 7.4 **Homelessness/Allocations** projects an underspend of £57k. Underspends in Landlord Registration (£12k) and Temporary Accommodation (£52k) are reduced by an overspend in Housing Support (£7k).
- 7.5 **Miscellaneous General Services Housing** –projects an underspend of £26k. The main reason for this relates to the lower than anticipated repairs and maintenance costs that are expected for Urquhart Place, Lhanbryde during the financial year.
- 7.6 **Building Services** projected outturn is considered in further detail in the separate report on the Committee’s agenda.
- 7.7 **Property Services** projects an underspend of £69k. The main underspends include underspends in central repairs and maintenance (£148k) and shared buildings (£10k). This is reduced by overspends in Architectural Services (£8k), Industrial Estates rental income (£22k), Property fee income (£57k) and some other minor variations (£2k).
- 7.8 **Housing and Property Savings** – Staffing savings are projected to be more than target (£23k).
- 7.9 **Housing and Property Allocations** - no variance is currently projected on the year end allocations budget.
- 7.10 Overall, it is now projected that the Other Housing Budget in General Services will underspend by £203k on the agreed budget.

8. SUMMARY OF IMPLICATIONS

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

The provision of new affordable housing, the maintenance of the Council’s housing stock and dealing with homelessness are priorities identified within 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.

(b) Policy and Legal

There are no policy or legal implications arising from this report.

(c) Financial Implications

The financial implications of this report are considered in Sections 4, 5, 6 and 7 of this report and detailed in **APPENDIX I** and **II**.

(d) Risk Implications

Budget managers are aware of their responsibilities for managing budget allocations and approval for variance will be sought from the Committee in line with Financial Regulations.

(e) Staffing implications

None.

(f) Property

None.

(g) Equalities/Socio Economic Impact

There are no equalities/socio economic impacts arising from this report.

(h) Consultations

This report has been prepared in close consultation with Finance staff. Consultation on this report has been carried out with Deborah O'Shea (Principal Accountant), Legal Services Manager, Senior Managers within Housing and Property Services, and Caroline Howie (Committee Services Officer) who all agree the content of the report where it relates to their area of responsibility.

9. CONCLUSION

- 9.1 This report sets out the budget position for the HRA and General Services Housing budgets to 31 January 2019 and also comments on the variances on these budgets. It also provides projected outturns for the financial year 2018/19.**

Author of Report: Richard Anderson, Head of Housing and Property
Background Papers: Held by author
Ref: CC/JS/LS – Housing Budgets –

Monitoring to 31st January 2019

Service Description	Annual Budget 2018-19	Budget to 31st January 2019	Actual to 31st January 2019	Variance to 31st January 2019	Projected Outturn to 31st March 2019	Projected Variance to 31st March 2019
Expenditure	£,000	£,000	£,000	£,000	£,000	£,000
Supervision & Management	4,122	2,574	2,539	35	4,143	(21)
Sheltered Housing	37	32	27	5	33	4
Repairs and Maintenance	6,340	4,655	4,808	(153)	6,594	(254)
Financing Costs	3,709	0	0	0	3,835	(126)
Bad & Doubtful Debts	250	80	61	19	185	65
CFCR	4,581	0	0	0	4,277	304
Downsizing Incentive Scheme	72	60	57	3	72	0
Service Development	23	19	7	12	14	9
Total Gross Expenditure	19,134	7,420	7,499	(79)	19,153	(19)
Income	£,000	£,000	£,000	£,000	£,000	£,000
Non-dwelling rents	214	213	213	0	214	0
House rents	18,812	16,067	16,067	0	18,829	17
IORB	11	0	0	0	35	24
Other income	97	81	59	(22)	75	(22)
Total Income	19,134	16,361	16,339	(22)	19,153	19
Surplus / (Deficit) for the year	0	8,941	8,840	(101)	0	0
Accumulated Surplus Balance brought forward			1,132		1,132	
Estimated Surplus Balance at 31st March			1,132		1,132	

Monitoring to 31st January 2019

Service Description	Annual Budget 2018-19 £'000	Budget to 31st January 2019 £'000	Actual & Committed to 31st January 2019 £'000	Variance at 31st January 2019 £'000	Projected Outturn 2018-19 £'000	Projected Variance 2018-19 £'000
Planning & Development	321	188	128	60	301	20
Housing Management	14	27	21	6	8	6
Homelessness / Allocations	2062	1775	1707	68	2005	57
Miscellaneous General Services Housing	(21)	(18)	(48)	30	(47)	26
Building Services	(1)	125	122	3	(3)	2
Property Services	954	1264	987	277	885	69
General Services Housing & Property Savings	23	0	0	0	0	23
General Services Housing & Property Allocations	(170)	0	0	0	(170)	0
General Services Housing & Property Total	3182	3361	2917	444	2979	203



REPORT TO: COMMUNITIES COMMITTEE ON 2 APRIL 2019

SUBJECT: HOUSING INVESTMENT 2018/19

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING AND INFRASTRUCTURE)**

1. REASON FOR REPORT

- 1.1 This report informs the Communities Committee of the budget position to 31 January 2019 for the Housing Investment Programme for 2018/19.
- 1.2 This report is submitted to Committee in terms of Section III G (3) of the Council's Scheme of Administration relating to the maintenance of the Council's housing stock.

2. RECOMMENDATION

- 2.1 **It is recommended that the Committee considers and notes the position as at 31 January 2019 with regards to the Housing Investment Programme for 2018/19.**

3. BACKGROUND

3.1 Investment Programme

APPENDIX I shows income and expenditure for 2018/19. The Appendix includes expenditure on the Council house new build programme as 'Other Capital Expenditure'. However this is now the subject of a separate monitoring report and the figure is for information only. Spend of £7.983m was achieved on the Housing Investment Programme to 31 January 2019, which represents 63% of the agreed programme. Commitments are currently standing at £11.832m, which represents 94% of the programme. This commitment will increase further during the year as more projects are progressed. The level of expenditure within the individual budget headings which make up the programme are shown in paragraphs 3.2 to 3.5 below. The expenditure figure represents all payments which have progressed through the finance system to 31 January 2019. The Housing Investment Programme for 2018/19 continues to reflect investment required to maintain the housing stock at the Scottish Housing Quality Standard (SHQS), attain the Moray Standard (TMS) and replace life expired elements such as kitchens, heating and windows on a lifecycle basis. It also includes capital expenditure aimed at achieving the Energy Efficiency Standard for Social Housing (ESSH) by 2020.

- 3.2 **APPENDIX II** shows expenditure on Response and Void Repairs. Spend was £2.548m to 31 January 2019 and represents 77% of the agreed programme.

Commitment currently stands at £3.578m and represents a 9% over commitment of the budget. It is currently projected that the budget may be overspent in the region of £250k by the end of the financial year and this is being closely monitored. This overspend is mainly attributable to increased void costs with a number of high costs voids having been dealt with during the current financial year. At this stage it is envisaged that the projected overspend can be contained within the overall Housing Investment Budget.

- 3.3 **APPENDIX III** shows expenditure on Estate Works. Spend of £448k was achieved to 31 January 2019 and represents 66% of the agreed programme level. Commitment currently stands at £522k and represents 77% of the programme. The low commitment level relates in the main to less work having been identified for this budget than had been envisaged when the original budget had been set.
- 3.4 **APPENDIX IV** shows expenditure on Cyclic Maintenance. Spend of £1.119m was achieved to 31 January 2019. This represents 80% of the agreed programme level. Commitment currently stands at £1.436m and represents a 3% over commitment of the budget. At this stage it is envisaged that the projected overspend can be contained within the overall Housing Investment Budget.
- 3.5 **APPENDIX V** shows expenditure on Planned Maintenance and Other Investments. Spend of £3.868m was achieved to 31 January 2019 and represents 53% of the agreed programme level. Commitment currently stands at £6.296m and represents 87% of the programme. This lower level of commitment is due to the original level of EESSH work being reduced following application of revised guidance issued by the Scottish Government in early 2018. A report was submitted to Communities Committee on 1 May 2018 advising of this (paragraph 8 of the minute refers) and noting that the financial requirement for EESSH during the 2018/19 financial year would be reduced to £865k.
- 3.6 General Programme Updates
51 properties have had asbestos tanks, associated debris or other asbestos containing materials (ACM's) removed during the financial year to date. The presence of asbestos materials in some properties has had an impact on the Council's planned maintenance and void works however removal works are implemented in advance wherever possible in order to keep any programme delays to a minimum.
- 3.7 The contractor appointed to install External Wall Insulation (EWI) to 19 non-traditional properties located in Forres and Lossiemouth, where adjacent private sector properties have already been improved through the Home Energy Efficiency Programme for Scotland: Area Based Scheme (HEEPS:ABS) has now commenced work on site in Forres and is programmed to complete the properties by 31 March 2019. These improvement works will allow the Council to make progress towards meeting EESSH by 2020.
- 3.8 Contractors involved in the Warm Homes Fund heating project being carried out in conjunction with Perth and Kinross Council, Scottish and Southern Energy (SSE) and Scotia Gas Networks (SGN) have now commenced their

pre-installation surveys and a full programme of installations is awaited from SSE.

- 3.9 The contractor appointed to carry out 127 EESSH related heating replacements has now completed 120 properties with work due to be completed by 31 March 2019. The same contractor has also been appointed to carry out a further 20 replacements related to SHQS failures and these will also be completed during March 2019. These projects will also assist with meeting EESSH and SHQS through the replacement of older inefficient gas and electric heating systems with new energy efficient gas heating.
- 3.10 Income and Expenditure for Private Sector Housing
APPENDIX VI shows the position with regard to grant expenditure for Private Sector Housing Grants to 31 January 2019. The budget in category B is now the responsibility of the Moray Integration Joint Board (MIJB) and the information is only for noting at this Committee. The legally committed figure of £415k represents 83% of the allocated budget. Spend to 31 January 2019 was £320k which represents 64% of the allocated budget.
- 3.11 The legally committed figure of £110k in Category C represents a 4% over commitment of the allocated budget. Spend to 31 January 2019 was £84k which represents 80% of the allocated budget. There has been £18k repaid to this budget which has impacted on the legally committed and spend figures.

4. SUMMARY OF IMPLICATIONS

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

This proposal relates to:

Priority 1 – Creating a growing, diverse and sustainable economy and;
Priority 2 - Empowering and connecting communities.

(b) Policy and Legal

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

(c) Financial implications

The financial implications associated within this report are dealt with in paragraphs 3.1 to 3.10 above, with details of the Council house new build programme now being the subject of a separate monitoring report.

(d) Risk implications

Failure to expend agreed budgets may affect the Council's ability to maintain its stock at the Scottish Housing Quality Standard, replace life expired elements and attain the Energy Efficiency Standard for Social Housing. Budget Managers are aware of their responsibilities for managing budget allocations and approval for variance will be sought from Committee in line with the Financial Regulations.

(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 issues associated with this report as it is to inform the Committee on budget monitoring.

(h) Consultations

Consultations have taken place with the Acting Head of Housing and Property, Property Resources Manager, Building Services Manager, Senior Solicitor, Property and Contracts (Kathryn Macpherson), Principal Accountant (Deborah O'Shea), Committee Services Officer (Caroline Howie) and the Home Improvement Services Manager, who agree with the sections of the report relating to their areas of responsibility.

5. CONCLUSION

- 5.1 Housing Investment for both the Council's housing stock and the private sector enables the Council to address the identified priorities to improve the quality of housing stock in Moray. More specifically, the investment in the Council's housing stock enables it to be maintained at the Scottish Housing Quality Standard, allows for replacement of life expired elements and makes progress towards the attainment of both the Moray Standard and the Energy Efficiency Standard for Social Housing.**

Author of Report: John Macdonald, Asset Manager
Background Papers: Held on file by the Asset Manager
Ref: JMM/COMM02APRIL/HINV

APPENDIX I

INVESTMENT PROGRAMME INCOME AND EXPENDITURE 2018/19

31 January 2019
(all amounts in £'000)

HOUSING INVESTMENT PROGRAMME

	Annual Budget 2018/19	Expenditure plus commitments to date	% expenditure plus committed to date	Expenditure to date	% Budget spent to date	Budget balance
Expenditure						
Response & Void Repairs	3,292	3,578	109%	2,548	77%	744
Estate Works	675	522	77%	448	66%	227
Cyclic Maintenance	1,399	1,436	103%	1,119	80%	280
Planned Maintenance (Revenue)	1,009	1,044	103%	630	62%	379
Planned Maintenance (Capital)	5,898	4,827	82%	3,016	51%	2,882
Other Investment (Revenue)	10	0	0%	1	10%	9
Other Investment (Capital)	350	425	121%	221	63%	129
Sub Total	12,633	11,832	94%	7,983	63%	4,650
Other Capital Expenditure						
New Build - Capital Costs	13,532			5,460		
Total	26,165			13,443		
Funded by						
HRA Revenue	6,385			4,746	74%	
Government Grant	5,559			1,837	33%	
Use of Council Tax Discount	525			0	0%	
Prudential Borrowing	9,115			6,860	75%	
Capital Receipts	0			0	n/a	
Useable Capital Receipts	0			0	n/a	
C.F.C.R.	4,581			0	0%	
Total	26,165			13,443	51%	

APPENDIX II

INVESTMENT PROGRAMME EXPENDITURE 2018/19

31 January 2019
(all amounts in £'000)

RESPONSE AND VOIDS REPAIRS

	Annual Budget 2018/19	Expenditure plus commitments to date	% expenditure plus commitments to date	Expenditure to date	% Budget spent to date	Budget balance
West Area Office	1,102	1,157	105%	858	78%	244
East Area Office	858	967	113%	547	64%	311
Void House Repairs	1,332	1,454	109%	1,143	86%	189
	3,292	3,578	109%	2,548	77%	744

APPENDIX III

INVESTMENT PROGRAMME EXPENDITURE 2018/19

31 January 2019
(all amounts in £'000)

ESTATE WORKS

	Annual Budget 2018/19	Expenditure plus commitments to date	% expenditure plus committed to date	Expenditure to date	% Budget spent to date	Budget balance
Garage Upgrades	50	7	14%	1	2%	49
Asbestos	250	187	75%	187	75%	63
Landscape Maintenance	25	18	72%	12	48%	13
Estates/Forum Upgrades	250	177	71%	139	56%	111
Miscellaneous	100	133	133%	109	109%	-9
	675	522	77%	448	66%	227

APPENDIX IV

INVESTMENT PROGRAMME EXPENDITURE 2018/19

31 January 2019
(all amounts in £'000)

CYCLIC MAINTENANCE

	Annual Budget 2018/19	Expenditure plus commitments to date	% expenditure plus committed to date	Expenditure to date	% Budget spent to date	Budget balance
Gas Servicing	803	874	109%	750	93%	53
Solid Fuel Servicing	40	36	90%	31	78%	9
Air Source Heat Pump Servicing	80	72	90%	41	51%	39
Smoke Detector Servicing	100	114	114%	101	101%	-1
PPR & External Painterwork	266	264	99%	129	48%	137
General Servicing	85	76	89%	67	79%	18
Inspections/House Surveys	25	0	0%	0	0%	25
	1,399	1,436	103%	1,119	80%	280

APPENDIX V

INVESTMENT PROGRAMME EXPENDITURE 2018/19

31 January 2019
(all amounts in £'000)

PLANNED MAINTENANCE & OTHER INVESTMENTS

	Annual Budget 2018/19	Expenditure plus commitments to date	% expenditure plus committed to date	Expenditure to date	% Budget spent to date	Budget balance
Kitchens and Bathrooms	1,400	1,159	83%	759	54%	641
Central Heating	1,850	2,064	112%	1,333	72%	517
EESSE Programme	1,860	750	40%	750	40%	1,110
Doors and Windows	788	854	108%	174	22%	614
Sub Total (Capital)	5,898	4,827	82%	3,016	51%	2,882
Rainwatergoods	200	109	55%	5	3%	195
Roof and Fabric Repairs	250	149	60%	131	52%	119
Plumbing Upgrades	100	284	284%	253	253%	-153
Electrical Upgrades	100	127	127%	68	68%	32
Safety & Security	25	76	304%	40	160%	-15
Common Stairs	25	69	276%	38	152%	-13
Insulation	200	123	62%	11	6%	189
Sheltered Housing	10	0	0%	0	0%	10
Decoration Vouchers	49	51	104%	51	104%	-2
Shower Installations	50	56	112%	33	66%	17
Sub Total (Revenue)	1,009	1,044	103%	630	62%	379
Disabled Adaptations	350	425	121%	221	63%	129
Sub Total (Other Capital)	350	425	121%	221	63%	129
Enabling Projects	10	0	0%	1	10%	9
Sub Total (Other Revenue)	10	0	0%	1	10%	9
Total	7,267	6,296	87%	3,868	53%	3,399

APPENDIX VI

PRIVATE SECTOR HOUSING GRANT
SCHEME OF ASSISTANCE - 2018/1931 January 2019
(all amounts in £'000)

CATEGORY	Budget Allocation 2018/19	Spend to date	Balance	Legally Committed	Completed Cases
Independent Living					
Category A (Revenue)	8	3	5	8	0
Category B	500	320	180	415	54
Category C	105	84	21	110	21
Overall Total	613	407	206	533	75

CATEGORY DESCRIPTIONS	
Category A	External agency running costs
Category B	Grant Assistance to aid Independent Living - Adaptations
Category C	Grant Assistance to aid Independent Living - House Condition Works



REPORT TO: COMMUNITIES COMMITTEE ON 2 APRIL 2019

SUBJECT: PROPOSED HOUSING INVESTMENT BUDGET 2019/20

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING AND INFRASTRUCTURE)**

1. REASON FOR REPORT

- 1.1 This report presents the proposed Housing Investment Plan for 2019/20 to the Communities Committee for approval.
- 1.2 This report is submitted to Council in terms of section III (G) (3) of the Council's Scheme of Administration relating to the maintenance of the Council's housing stock.

2. RECOMMENDATION

- 2.1 **It is recommended that the Communities Committee considers and approves the proposed Housing Investment Plan for 2019/20 as contained in APPENDIX I.**

3. BACKGROUND

- 3.1 The Housing Revenue Account (HRA) deals with expenditure and income for the Council's housing stock. As part of the process of preparation of the Council's Standard Delivery Plan for Communities Scotland in April 2005, the Communities Committee on 30 March 2005 agreed a Housing Business Plan for a 30 year period (paragraph 9 of the Minute refers). The Business Plan is reviewed on a three yearly basis with the last annual review having been completed in 2016. The reviews have considered current and future business risks and also included an affordability exercises with regards to the Council's new build housing programme. The review assisted with the approach to the HRA budget for 2019/20 and a further review will be scheduled for 2019.

4. HOUSING INVESTMENT PROPOSALS

- 4.1 Officers from a number of sections within Housing & Property Service have considered areas where future investment in the Housing stock is required. The initial results of the most recent Tenant Survey have also been used to formulate the proposals. The main areas of investment continue to be to maintain the housing stock at the Scottish Housing Quality Standard (SHQS), complete houses to the Moray Housing Standard, meet the new Energy Efficiency Standard for Social Housing (ESSH) by 2020 and begin looking towards future ESSH2 up to 2023. The funding also contributes towards the Council's new build programme. Officers also considered current lifecycle

replacement periods, existing stock profile and a range of pressured areas within the existing budgets as part of this process. Each cost centre within the HRA budget is scrutinised by the Head of Housing and Property, Finance staff and the appropriate budget manager.

- 4.2 Housing Investment is the largest block of expenditure within the HRA budget. The level of proposed expenditure is £12.876m and reflects the current requirements noted in section 4.1. The detailed Housing Investment Plan is summarised in **APPENDIX I**.

Response Repairs

- 4.3 With stock numbers continuing to increase through the new build programme, the right to buy now ended and general costs being better managed through more consistent application of the letting standard and repair requests, it is considered that the existing budget allocation plus a 3% increase for inflation should be sufficient for 2019/20.

Planned Maintenance and Improvements

- 4.4 The Housing Investment Plan has been considered against the investment priorities that tenants identified within the latest 2018 Tenants Survey, with the top three changes or improvements that tenants would like to see in their homes being Heating Systems, Window Replacements and Bathroom Upgrades. The current expenditure in these areas has been reviewed and increased where appropriate. As noted in section 4.1 other priorities continue to be to meet EESSH, maintain the Council's housing stock at the SHQS and meet the Moray Standard. The removal of Asbestos Containing Materials (ACM's) from our properties in advance of improvement works and in void properties is also a priority. Allowance has also been made for a full House Condition Survey during 2019/20.

5. SUMMARY OF IMPLICATIONS

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

This proposal relates to:

Priority 1 – Creating a growing, diverse and sustainable economy and;
Priority 2 - Empowering and connecting communities.

(b) Policy and Legal

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

(c) Financial Implications

The financial implications of the budgetary proposals are considered within this report. Details of budget proposals are included within the Appendices.

(d) Risk Implications

Any risks associated with the budget proposals are identified in this report.

(e) Staffing Implications

There are no staffing implications arising from this report.

(f) Property

No implications.

(g) Equalities/Socio Economic Impact

There are no equalities issues associated with this report as it is to inform the Committee on budget monitoring.

(h) Consultations

Consultations have taken place with the Acting Head of Housing and Property, Property Resources Manager, Building Services Manager, Design Manager, Legal Services Manager, Principal Accountant (Deborah O'Shea), and Caroline Howie (Committee Services Officer) who agree with the sections of the report relating to their areas of responsibility.

6. CONCLUSION

- 6.1 This report presents the proposed Housing Investment Plan for 2019/20, with a three year projection to 2021/22. The proposals will enable the Council to continue investing in the HRA housing stock.**

Author of Report: John Macdonald, Asset Manager
Background Papers: Held on file by the Asset Manager
Ref: JMM/COMM05FEB/HINV2019

The Moray Council

Draft Housing Investment Plan 2019/20

1. Introduction

- 1.1 In February 2003, the Council agreed an Investment Strategy for its housing stock. Since then, the strategy has been updated annually, as part of the HRA budget process.
- 1.2 The main focus of the investment strategy over recent years has been to bring all of the Council's housing stock up to the Scottish Housing Quality Standard (SHQS) by 31 March 2015. With the exception of allowable exemptions and abeyances, the Council generally achieved this. Resources will be included within investment plans to ensure that the housing stock continues to meet the SHQS standard.
- 1.3 The Energy Efficiency Standard for Social Housing (ESSH) was introduced by the Scottish Government in 2015 following a period of consultation and replaced the energy efficiency criteria of the Scottish Housing Quality Standard (SHQS). The standard sets a minimum Energy Efficiency (EE) rating for landlords to achieve by 31 December 2020 that varies dependent upon the dwelling type and the main heating fuel.
- 1.4 The Moray Housing Standard (MHS) is a locally agreed standard and was adopted by the Council as part of an options appraisal completed in 2001. The MHS in some parts is a higher standard of provision than is required within the SHQS and mainly relates to enhanced electrical provision within the property, increased levels of loft insulation and higher kitchen unit and workspace provision. It is currently projected that all council properties allowing for a small number of exceptions will meet the MHS by 31 March 2019.
- 1.5 During 2018, the Council commissioned a survey of tenants to gather their views on the housing services they receive. Respondents were asked as part of this survey to rate which improvements they would like to see the Council make to their homes. The level expenditure in the areas highlighted by Tenants have been reviewed and increased where considered appropriate.
- 1.6 The Housing Investment strategy considers all of the above priorities in more detail in the relevant sections below.

2. Investment Requirements

- 2.1 The detailed investment requirements for the Council's housing stock have been developed in order to meet the statutory requirements to maintain the stock at the SHQS, as far as practicable to attain the Energy Efficiency Standard for Social Housing (ESSH) and consider tenants view expressed in the Tenant Survey. Investment resources are also allocated to seek the attainment of the local Moray Housing Standard (MHS).
- 2.2 The Council is also required to provide resources for response repairs, cyclic maintenance and estates improvements, and these also form part of the

Investment Strategy. The Council has also identified the need for ongoing investment to fund adaptations for disabilities and enabling works with this section of the budget being managed on a day to day basis by the Integration Joint Board (IJB).

3. Progress in achieving the SHQS and Moray Housing Standard

- 3.1 Performance against both the SHQS and the MHS is reported within the regular Housing Performance Report presented to Communities Committee.
- 3.2 As at 31 March 2018, it was thought that all Council properties within scope of the SHQS continued to meet the standard, taking into account allowable exemptions and abeyances. However during work carried out as part of an audit process for the submission of the 2017/18 Annual Report to the Scottish Housing Regulator it was discovered that an additional 204 properties were found to be failing the energy related part of the standard. It was considered that 50 of these properties could be considered legitimate exemptions on cost/technical grounds resulting in 154 properties requiring further improvements.
- 3.3 Work to 121 properties has been now been instructed to contractors for completion as part of the 2018/19 Housing Investment Programme. The balance of works to the remaining 33 properties are proposed to be carried out in 2019/20 in conjunction with similar EESSH related improvement works.
- 3.4 The table below shows the numbers of properties identified as failing the SHQS in 2005, the final figures submitted as at 31 March 2015 and the current position. A reduction of 5052 failures was reported initially to the end of the 2015 reporting period, however this requires to be adjusted due to the recently discovered failures and reduced to 4898. It should be noted that an individual property may fail on more than one SHQS criteria.

Quality criteria	SHQS Element	Number of properties failing the SHQS as at 31 March 2005	Number of properties failing the SHQS as at March 2015	Number of properties failing the SHQS as December 2018
Tolerable Standard	Tolerable standard	0	0	0
Serious Disrepair	Primary element repair	374	0	0
	Secondary element repair	397	0	0
Energy Efficiency	Cavity insulation	0	0	0
	Roofspace insulation	0	0	0
	Tank & pipe insulation	0	0	0
	Central heating provision	56	0	0
	NHER rating	844	442*	448**
Amenity & comfort	Bathroom condition	0	0	0
	Kitchen condition	0	0	0
	Kitchen storage	371	0	0
	Kitchen safety	199	0	0
	Kitchen sockets	1769	0	0

Quality criteria	SHQS Element	Number of properties failing the SHQS as at 31 March 2005	Number of properties failing the SHQS as at March 2015	Number of properties failing the SHQS as December 2018	
Healthy, Safe & Secure	Lead free pipework	0	0	0	
	Mechanical ventilation	60	0	0	
	Noise insulation	0	0	0	
	Smoke detectors	0	0	0	
	Electrical systems	0	0	0	
	Gas systems	0	0	0	
	Common access	199	0	0	
	Common lighting	305	0	0	
	Access doors	574	0	0	
	Door entry systems	97	8***	4***	
	Common rear access doors	103	0	0	
	Total Property Failings		5,348	450	452

* 191 NHER exemptions and 97 abeyances (temporary exemptions) and 154 additionally identified failures

** 227 NHER exemptions, 67 abeyances (temporary exemptions) and 154 current failures being progressed

*** Abeyances (temporary exemptions)

3.5 The table below shows the level of compliance against the main MHS criteria as at 31 December 2018.

Moray Housing Standard Criteria	% compliance as at 2004	% compliance as at 31 December 2018
Safety and Security	7.50	99.29
Energy Efficiency	37.20	99.61
Amenity and Comfort	0	99.67
Structure and Fabric	79.30	100
External Environment	76.20	100
Overall Compliance	N/A	98.57

Good progress has been made on achievement of MHS to date. A proportion of stock still needs to attain the Moray Housing Standard this financial year with stock condition database updated with information received on completion of 2018/19 contracts and other improvement works on an ongoing basis. It is currently envisaged that the target of full compliance at the end of 2018/19 will be able to be met as far as reasonably practicable.

4. The Energy Efficiency Standard for Social Housing (EESH)

4.1 The Energy Efficiency Standard for Social Housing (EESH) was introduced by the Scottish Government in 2015 following a period of consultation and replaced the energy efficiency criteria of the Scottish Housing Quality Standard (SHQS).

- 4.2 As part of the annual submission of its landlord performance for 2017/18 to the Scottish Housing Regulator, additional scrutiny of the EESSH programme was undertaken and established that the National Homes Energy Ratings (NHER) data provided as part of the 2006 House Condition Survey was substantially incorrect and the Council's initial base position on EESSH compliance had been overstated.
- 4.3 A detailed report was submitted to the Communities Committee 12 December 2017 and a separate programme of works developed to exclusively meet EESSH. Although separate to the Housing Investment Programme there was some overlap as the Investment Programme already included a range of similar energy efficiency improvement works.
- 4.4 Following updated guidance from the Scottish Government giving scope to Councils to look at the cost of measures, payback periods and the application of new technologies in their approach to EESSH a further report was submitted to the Communities Committee on 1 May 2018 outlining a revised programme.
- 4.5 Under the revised programme a total of 905 properties (reduced from 2834) require to be improved up to December 2020 with 305 properties being targeted for improvement in 2018/19, 384 properties in 2019/20 and the remaining 216 properties during 2020/21. The scope of works were reappraised in terms of physical works and re-costed based on Energy Performance Certificate (EPC) 'recommended measures' information. These additional financial requirements total £2.767m over and above the £3.5m originally estimated to meet EESSH and already incorporated within the Housing Investment Strategy.
- 4.6 The table below provides details of the revised programme of EESSH works and the estimated cost involved in delivering this programme.

Workstream/ Year	2018/19 (currently in progress)	2019/20	2020/21	Total
Cavity Wall Insulation	£271,580	£271,580	£135,790	£678,950
Flat Roof Replacement	£0	£18,000	£0	£18,000
New Boiler Room in Roof	£593,600	£593,600	£296,800	£1,484,000
Insulation Replacement	£0	£78,300	£0	£78,300
Glazing Solar Water	£0	£0	£52,000	£52,000
Heating	£0	£228,000	£228,000	£456,000
Grand Total	£865,180	£1,189,480	£712,590	£2,767,250

- 4.7 To ensure that this programme is delivered without impacting on other current investment priorities, procurement of this work has in the main been carried out through existing national frameworks using external contractors. This will be a one off programme being delivered over 2 full financial year periods, 2018/19 and 2019/20, and financial year 2020/21 up to and including December 2020.

5. Investment Proposals 2019/20

The Council's Investment proposals for 2019/20 therefore reflects the key elements of –

- Response and void repairs
- Estate Works
- Cyclic Maintenance
- Planned Maintenance (SHQS, EESSH and Moray Standard)
- EESSH Programme
- Other Investment

5.1 Response and void repairs

5.1.1 This relates to reactive maintenance to houses and garages as well as repairs to empty houses. The service provided is detailed within the Council's Response Repairs Policy and Void Management Policy.

5.1.2 The response repairs budget is currently projected to outturn around £250k over the allocated budget for 2018/19 in the main due to expenditure on void house repairs. Officers are currently reviewing a number of areas within the void expenditure to date to identify any underlying issues.

5.1.3 With stock numbers continue to increase through the new build programme an initial overall budgetary increase of 3% for inflation on repairs and voids is sought for 2019/20. Any proposed changes to this budget in view of the ongoing review of voids expenditure referred to above will be submitted to Communities Committee for approval. Following Officer discussions it is also considered that the current allowance for gas heating repairs within the Gas Servicing Budget should more appropriately be included within the Response Repairs budget area. This is balanced out by a reduction in the Gas Servicing Budget within Planned Maintenance as noted in subsequent sections.

5.1.4 The Investment Strategy for 2019/20 therefore proposes that funding for responsive repairs and voids would be as shown in the table below:-

Response Repairs	Investment 2018/19 £'000	Proposed 2019/20 £'000
Response Repairs	1,960	2,019
Void Repairs	1,332	1,372
Gas Heating Repairs		560
Total	3,292	3,951

5.2 Estate Improvements

5.2.1 Estates Improvement work relates to work carried out under estates upgradings, within which there is an allowance for items identified by the Area Housing Teams and the Moray Forum, garage upgrades, asbestos removals and a range of other miscellaneous or unplanned works of an emergency nature.

- 5.2.2 Ongoing surveys within the housing stock continue to identify the presence of asbestos insulated water tanks, debris and other asbestos materials (ACM's) which require to be removed or dealt with prior to any upgrading works. A 3% budgetary increase for inflation is sought in order to fund these works on a phased longer term basis.
- 5.2.3 In relation to the new build programme there is ongoing requirement to maintain increasing areas of grassed and landscaped areas within these areas of new housing. An increase of £10k to £35k is sought for this budget for 2019/20 in order to fund these works.
- 5.2.4 It is proposed that the Estates/Forum budgets for 2019/20 is increased for 3% inflation and that the Garage Upgrades and Miscellaneous Budgets be reduced to £25k and £75k respectively due to less demand on these budget areas.
- 5.2.5 Investment of £651k is therefore proposed for Estates type work in 2019/20 and as shown in the table below:-

Estate Improvements	Investment 2018/19 £'000	Proposed 2019/20 £'000
Garage upgrades	50	25
Asbestos	250	258
Estates upgrades	250	258
Landscaping Maintenance	25	35
Miscellaneous	100	75
Total	675	651

5.3 Cyclic Maintenance

- 5.3.1 Cyclic Maintenance includes the regular servicing and maintenance works carried out to houses and related assets. This includes servicing of heating appliances, smoke alarms, CO detectors, fans, external paintwork etc..
- 5.3.2 In general an inflationary uplift of 3% is sought for cyclic budgets apart from Smoke Detector Servicing and Gas Servicing. An increase in the smoke detector budget is sought in order to deal with increased unit costs of the detectors and continue with ongoing replacements of out-of-date detectors. This increased budget will also allow scope to carry out upgrades in order meet new legislation that is to be introduced in 2021 to improve fire safety. The final details of this legislation are still to be announced however it is likely that all detectors (smoke, heat and CO) within a property will require to be interlinked. It is proposed that the Gas Servicing Budget be reduced by the re-allocation of £560k of expenditure to the Response Repairs Budget to more appropriately cover gas heating repairs as noted in the section relating to Response Repairs. In addition a further reduction is suggested to be made to the balance of the budget for gas servicing with a proposal to move away from an annual full service of certain types of gas appliances to carrying out a less onerous gas safety check in compliance with current legislation. The balance of budget allowing for these reductions is proposed to be increased by 3% for inflation. Some type of installation, mainly open flued appliances will still

require a full service, although this is likely to reduce over time as more of these systems are replaced with more modern wall hang balanced-flue boilers.

5.3.3 The last full House Condition Survey that was carried out on HRA stock was in 2005 for the purposes of preparing for introduction of the Housing Quality Standard (SHQS). This survey involved a 100% survey of the external fabric of properties alongside a 20% internal survey based on house types. Since then data has been updated following works carried out through the Housing Investment Strategy however there have been some issues with the method of recording the data and the ease of reporting. The introduction of the Energy Efficiency Standard for Social Housing (ESSH) in 2015 has also highlighted a number of areas where information held in respect of the energy efficiency profile of the stock has also been found to be inaccurate. It is recommended that a full House condition survey be carried out in 2019/20 to provide robust information to confirm the current general condition of the stock and allow more accurate programmes of improvement to be considered both in terms of general maintenance and the forthcoming ESSH2 legislation. The cost of a full house condition survey is likely to be in the region of £120k and this has been included in the allowance for Inspection, Surveys and EPC budget within the proposed Housing Investment Strategy for 2019/20.

5.3.4 The budget for Cyclic Maintenance reflected in the Housing Revenue Account proposals for 2019/20 is therefore shown below :-

Cyclical Maintenance	Investment 2018/19 £m	Proposed 2019/20 £m
Gas Servicing	803	213
Solid Fuel Servicing	40	41
Air Source Heat Pump Servicing	80	82
Smoke Detector Servicing	100	120
Pre Paint Repairs and External Painterwork	266	271
General Servicing	85	88
Inspections, Survey EPC's	25	140
Total Cyclic Maintenance	1,399	955

5.4 Planned Maintenance and Improvements

5.4.1 Planned Maintenance and Improvement refers to works to maintain the stock at the Scottish Housing Quality Standard, bring properties up to the Moray Housing Standard and achieve the ESSH.

5.4.2 The review of the Housing Business Plan in 2016 allows for major component replacement costs of approximately £1.4m per year. These costs mainly relate to doors, windows and roof and fabric renewals. The Investment Strategy agreed in February 2007 proposed that for 2007/08 and beyond, investment in the planned maintenance/improvement of the Council's housing stock should be around £4.4m (excluding yearly inflation increases) in order to maintain the stock at SHQS levels. As noted in section 4.8 above there is also funding required to achieve ESSH and this has been incorporated within the overall programme.

- 5.4.3 It is proposed that the level of provision for heating replacements is increased to £2.527m in 2019/20 to provide resources to replace the most inefficient heating systems on a planned lifecycle basis of 15 years for boilers and 30 years for the distribution pipework and radiators. These works will also contribute towards achieving EESSH and also include the installation of renewable systems which are more likely to be required under EESSH2. The plumbing upgrade budget is proposed to be increased to £200k and will be used to fund minor heating upgrades for replacement of boilers only and the installation of associated heating controls. Both these budget areas will assist with progress towards EESSH.
- 5.4.4 The window replacement budget is proposed to remain around current levels at £793k to provide resources for ongoing replacement programme based on a 30 year window lifecycle and to meet the tenant aspirations which were expressed in the 2018 Tenant Survey.
- 5.4.5 The kitchen and bathroom replacement programme has historically been to be one of the highest funded areas of expenditure within the Housing Investment Plan and was reduced in the previous financial year due to increased number of kitchens requiring only 'minor works'. After a further review of the scope of works being carried out under this budget it is still the case that increasing numbers of kitchens are in good condition and only require 'minor works' such as replacement of individual bathroom fittings, replacement extract fans etc. It is proposed therefore to reduce expenditure to £1.375m to replace or partially upgrade around 250 kitchens and bathrooms annually based on a 25 year lifecycle. These replacement works will also go some way towards meeting tenant aspirations expressed in the 2018 Tenant Survey.
- 5.4.6 Any minor revisions for carry forward from 2018/19 would be incorporated within specific budgets if required, as they have been in previous financial years. All of the above proposals would therefore result in investment in Planned Maintenance and Improvements in 2018/19 of £6.633m, allowing for an inflationary uplift where noted:-

Planned Maintenance and Improvements	Works to be undertaken	Proposed 2018/19 £'000	Proposed 2019/20 £'000	Rev/Cap
Serious Disrepair	Roof & Fabric	250	225	Revenue
	Rainwater goods	200	200	Revenue
Energy Efficiency	Central Heating	1,850	2,527	Capital
	Insulation	200	200	Revenue
	EESSH	1,860	1,189	Capital
Modern Facilities	Kitchen replacements	1,200	1,375	Capital
	Plumbing Upgrades	100	200	Revenue
	Shower Installations	50	50	Revenue
Healthy, Safe, and Secure	Electrical upgrades	100	150	Revenue
	Doors and Windows	788	793	Capital
	Safety & Security	25	20	Revenue
	Common Stairs	25	20	Revenue
	Sheltered Housing	10	10	Revenue
Total Planned		6,658	6,959	

5.4.7 The table detailed in paragraph 4.8 shows the current three-year programme of investment with EESSH funding ending in financial year 2020/21.

5.5 Other Investment

5.5.1 The Council also makes financial provision for the adaptation of its properties to meet disability needs. In recent years, demand on this budget has reduced due to a higher number of adapted properties being available for rent both through previous adaptation works and also adapted houses being provided through the new build programme. It is proposed to retain this budget at £350k for 2019/20.

5.5.2 The Council also makes financial provision for its enabling role within this budget. It is proposed that the provision within the Investment Strategy remains at £10k for 2018/19.

5.6 Summary of Investment Proposed

5.6.1 The investment proposals reflected in the Housing Investment Plan for 2019/20 broadly reflect the latest Housing Business Plan, which envisages investment of around £8m (exclusive on any inflationary), plus an allowance for EESSH improvements to the Council's housing stock and other investment in affordable housing and adaptations.

5.6.2 The investment proposals and target number of properties/installations etc. for 2019/20 to 2021/22 can be summarised as shown below, including annual uplifts for inflation where appropriate :-

Investment Heading	Programme	2019/20 £'000	Target No's 2019/20	2010/21 £'000	2021/22 £'000
Response and Void repairs	Response Repairs	2,019	16924	2,080	2,142
	Void House Repairs	1,372	400	1,413	1,456
	Gas Heating Repairs	560	3361	577	594
	Total Response	3,951		4,070	4,192
Estate Works	Garage Upgrades	25	-	26	27
	Asbestos	258	-	266	274
	Estates/Forum Budget	258	-	266	274
	Landscape Maintenance	35	-	36	37
	Miscellaneous	75	-	77	80
	Total: Estate Works	651		671	692
Cyclic Maintenance	Gas Servicing/Safety	213	5150	219	226
	Solid Fuel Servicing	41	260	42	43
	ASHP Servicing	82	272	84	87
	Smoke Alarm Servicing	120	3000	124	127
	PPR/Painterwork	271	600	279	288
	General Servicing	88	-	91	93
	House Condition survey	140	-	25	26
	Total: Cyclic Works	955		864	890

Investment Heading	Programme	2019/20 £'000	Target No's 2019/20	2010/21 £'000	2021/22 £'000
Planned Maintenance	Roof and Fabric Repairs	225	-	232	239
	Rainwater goods	200	-	206	212
	Central Heating	2,527	450	2,603	2,681
	Insulation	200	-	206	212
	ESSH	1,189		713	1,000
	Kitchen Replacements	1,375	250	1,416	1,459
	Plumbing Upgrades	200	100	206	206
	Electrical Upgrades	150	50	155	159
	Doors and Windows	793		817	841
	Safety & Security	20	-	21	21
	Common Stairs	20	-	21	21
	Shower Installations	50	20	52	53
	Sheltered housing	10	-	10	11
		Total: Planned	6,959		6,658
Other investment	Adaptations	350	50	361	371
	Enabling Budget	10	-	10	11
		Total: Other	360		371
Proposed Investment		12,876		12,634	13,271

6. Funding Proposals

6.1 Funding for Response and Void Repairs, Estates Improvements and Cyclic Maintenance has been reflected within the Housing Revenue Account Budget for 2019/20 which was approved at Full Council on 27 February 2019.

6.2 Housing Business Plan (2016) proposed that planned expenditure would be met from available revenue resources, after allowing for a minimum surplus of £0.750 million on the HRA as a cushion for unexpected expenditure/variations in the year. Bearing in mind guidance regarding what works would be more appropriately deemed as 'capital' expenditure, expenditure on window/doors, kitchens and bathrooms, and heating improvements are treated as capital expenditure. Capital from Current Revenue (CFCR) also contributes to the funding of Planned Capital works from the Housing Revenue Account, with prudential borrowing meeting any further capital expenditure required. Other revenue planned works (roofs, rainwater goods, plumbing upgrades etc.) are funded from the Housing Revenue Account.

6.3 Capital expenditure proposed for 2019/20 to 2021/22 can be summarised as:-

Investment	2019/20 £'000	2020/21 £'000	2021/22 £'000
Doors and Windows	793	817	841
Central Heating	2,527	2,603	2,681
EESH	1,189	713	1,000
Kitchen Replacements	1,375	1,416	1,459
Disabled adaptations	350	361	371
Council House New Build	17,131	16,392	6,302
Total Capital Investment	23,365	22,302	12,654

6.4 For the same period, capital funding is projected at:-

Projected income	2019/20 £'000	2020/21 £'000	2021/22 £'000
CFCR	3,705	3,677	3,881
Prudential Borrowing	12,237	10,932	8,248
Scottish Government Grant	6,898	7,168	0
Council Tax Discount on 2 nd homes	525	525	525
Total	23,365	22,302	12,654

