



Housing and Community Safety Committee

Tuesday, 12 September 2023

NOTICE IS HEREBY GIVEN that a Meeting of the **Housing and Community Safety Committee** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Tuesday, 12 September 2023** 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 11, 12 and 13 of business on the grounds that they involve 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 the meeting held 27 June 2023** **5 - 8**
5. **Written Questions ****
6. **Allocations Policy Review** **9 - 70**
Report by Depute Chief Executive (Economy, Environment and Finance)
7. **Temporary Accommodation Policy Review Update** **71 - 94**
Report by Depute Chief Executive (Economy, Environment and Finance)
8. **Scottish Social Housing Charter Compliance** **95 - 102**
Report by Depute Chief Executive (Economy, Environment and Finance)

9. **Housing and Property Budget Report to 30 June 2023** 103 -
Report by Depute Chief Executive (Economy, Environment and 110
Finance)

10. **Question Time *****

Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration.

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

11. **Report on Tender - Speyview, Aberlour Phase 1 [Para 6 and 9]**

- 6. Information relating to the financial or business affairs of any particular person(s);
- 9. Information on terms proposed or to be proposed by or to the Authority;

12. **Report on Tender - Banff Road Keith Phase 2a [Para 9]**

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

13. **Building Services Trading Operation Budget 2023-24 - Budget Monitoring [Para 9]**

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

Summary of the Housing and Community Safety

Committee functions:

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

GUIDANCE NOTES

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

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

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

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

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

MORAY COUNCIL

Housing and Community Safety Committee

SEDERUNT

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

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

Ms Anna Bamforth (Non-Voting Member)
Ms Jane Bartecki (Non-Voting Member)
Mr Ronald Tolmie (Non-Voting Member)

Clerk Name:	Lindsey Robinson
Clerk Telephone:	07966 120593
Clerk Email:	committee.services@moray.gov.uk

Minute of Meeting of the Housing and Community Safety Committee

Tuesday, 27 June 2023

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

PRESENT

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

APOLOGIES

Councillor James Allan, Ms Anna Bamforth, Ms Jane Bartecki, Mr Ronald Tolmie

IN ATTENDANCE

Also in attendance at the above meeting were the Depute Chief Executive (Economy, Environment and Finance), Head of Housing and Property Services, Housing Strategy and Development Manager, Property Asset Manager, Housing Needs Manager, Georgina Anderson, Senior Solicitor and Lindsey Robinson, Committee Service Officer as clerk to the meeting.

1. Chair

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

2. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 21 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. Resolution

The Committee resolved that under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Item 14 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.

Paragraph Number of Minute	Paragraph Number of Schedule 7a and Reason
14	9 - Information on terms proposed or to be proposed by or to the Authority.

4. Minute of the meeting held 9 May 2023

The minute of the meeting of the Housing and Community Safety Committee held on 9 May 2023 was submitted and approved.

5. Written Questions **

The Committee noted that no written questions had been submitted.

6. Performance Report (Housing and Property Services) Period to March 2023

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the performance of the service for the period to 31 March 2023.

Following consideration the Committee agreed to:

- i. note performance in the areas of Service Planning, Service Performance and other related data to the end of March 2023; and
- ii. note the actions being taken to improve performance where required.

7. Moray Affordable Housing Investment Programme

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of progress on the Affordable Housing Investment Programme in Moray.

Following consideration the Committee agreed to :

- i. note progress on the Moray affordable Housing Investment Programme;
- ii. note progress on the delivery of the Council's new build and acquisition programme;
- iii. the amended strategic approach to the Council's acquisition programme;
- iv. note progress on the delivery of housing at Bilbohall, Elgin; and
- v. note the Council's response to the Additional Dwelling Supplement Consultation.

8. Allocations Policy Annual Performance Report 2022-23

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee of the performance of the Council's Allocations Policy during 2022/23.

During consideration the Depute Chief Executive (Economy, Environment and Finance) advised that there had been some updates to the data in Appendix I.

The Housing Strategy and Development Manager confirmed that she would circulate the details to Members.

Thereafter, the Committee agreed:

- i. to note the performance identified in the report; and
- ii. the allocations quotas for 2023/24 detailed at paragraph 5.5 of the report.

9. Decoration Allowance Policy

A report by the Depute Chief Executive (Economy, Environment and Finance) provided the Committee with an update on the requirement to review the Decoration Allowance Policy, and presented the Committee with an amended Policy for approval.

Following consideration the Committee agreed to:

- i. note the need to review the Decoration Allowance Policy to reflect changes in operational practice and process as set in Section 3; and
- ii. approve the amended Decoration Allowance Policy as set out in Section 4 and Appendix I

10. Temporary Accommodation Charging Policy Review

A report by the Depute Chief Executive (Economy, Environment and Finance) advised the Committee of the need to revise the methodology used when charging homeless households for temporary accommodation and presented a revised Temporary Accommodation Charging Policy.

Following consideration the Committee agreed:

- i. to note the current practice and the requirement to review the Temporary Accommodation Charging Policy, as detailed in Section 3;
- ii. to approve the revised Temporary Accommodation Charging Policy, as set out in Section 5 and Appendix I for consultation;
- iii. that a consultation exercise on the revised Temporary Accommodation Charging Policy is undertaken with key stakeholders, as set out in Section 6; and
- iv. that an update report setting out the outcome of the consultation will be presented to this Committee in September 2023.

11. Housing and Property Services - Unaudited Outturn as at 31 March 2023

A report by the Depute Chief Executive (Economy, Environment and Finance) presented the unaudited outturn position for the Housing Revenue Account (HRA) and General Services Other Housing Budget for the period up to 31 March 2023.

Following consideration the Committee agreed to note the unaudited outturn for 2022/23 for the period to 31 March 2023, consisting of a surplus balance of £2,465k for the HRA and an underspend of £188k for General Services Housing & Property.

12. Housing Investment Report 2022-23

A report by the Depute Chief Executive (Economy Environment and Finance) informed the Committee of the actual audited outturn to 31 March 2023 for the Housing Investment Programme for 2022/23.

Following consideration the Committee agreed to note the Housing Investment Programme audited outturn to 31 March 2023, as detailed in section 3 and Appendices I to VI.

13. Question Time ***

Councillor Fernandes sought clarification on whether the new firework control zones had been considered by officers and where they would be.

In response the Depute Chief Executive (Economy, Environment and Finance) advised that this would sit with the Civic Licensing team and that she would pass on the query.

14. Building Services Trading Operation Budget 2022-23 - Budget Monitoring [Para 9]

A report by the Depute Chief Executive (Economy, Environment and Finance) presented the unaudited budget monitoring information for the period to 31 March 2023 for the Building Services Trading Operation.

Following consideration the Committee agreed to note:

- i. the unaudited financial information for the period to 31 March 2023, as detailed in section 5 and Appendix I of the report; and
- ii. Building Services operating performance for the period to 31 March 2023, as set out in section 6 of the report.



**REPORT TO: HOUSING AND COMMUNITY SAFETY COMMITTEE ON 12
SEPTEMBER 2023**

SUBJECT: ALLOCATIONS POLICY REVIEW

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

1. REASON FOR REPORT

1.1 This report advises the Housing and Community Safety Committee of the need to update and revise the Allocations Policy and seeks permission to consult with key stakeholders.

1.2 This report is submitted to Committee in terms of Section III (G) (4) of the Council's Scheme of Administration relating to the allocation and letting of houses and homelessness.

2. RECOMMENDATION

2.1 It is recommended that the Housing and Community Safety Committee:-

- (i) notes the requirement to review the Allocations Policy;**
- (ii) considers and approves the revised draft Allocations Policy, as set out in APPENDIX I and Section 4, for consultation;**
- (iii) agrees that a consultation on the revised draft Allocations Policy is undertaken with key stakeholders, as set out in Section 5;**
- (iv) considers the draft Equalities Impact Assessment at APPENDIX II and notes that it will be updated following the policy consultation; and**
- (v) notes that an update report detailing the outcome of the consultation and providing a revised Allocations Policy for approval and an updated Equalities Impact Assessment will be presented to this Committee in February 2024.**

3. BACKGROUND

- 3.1 Access to social housing is governed by legislation and guidance. The primary legislation governing allocations of Council housing is contained within the Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Act 2001, the Homelessness etc (Scotland) Act 2003 and the Housing (Scotland) Act 2014.
- 3.2 The Allocation Policy sets out all aspects of the Council's approach to allocating properties. The main aim of the Allocations Policy is to accurately assess housing need so that vacant properties are allocated to those with the greatest assessed need, in line with current legislation and guidance, whilst making best use of housing stock. It also assists the Council to achieve, in combination with other actions, balanced and sustainable communities.
- 3.3 Social landlords are expected to regularly review their Allocations Policy. The Allocations Policy was last reviewed and updated in 2019 to reflect changes introduced by the Housing (Scotland) Act 2014, to assist and address the social housing issues identified by the Moray Housing Need and Demand Assessment (HNDA) 2017 and to improve the existing allocations arrangements. The Allocations Policy was agreed by the Communities Committee on 5 February 2019 (Paragraph 9 of the Minute refers). Since then minor changes have been made to the wording of the policy to reflect changes to housing list quotas and provide clarity on wording.
- 3.4 In accordance with guidance, the Allocations Policy is subject to regular monitoring and review and committee received annual reports on the Allocations Policy performance. The most recent report was presented to this Committee on 27 June 2023 (Paragraph 8 of the Minute refers).
- 3.5 The policy review will enable the Council to satisfy itself that the policy is compliant with legal requirements, that it continues to meet its aims and objectives and is delivering positive outcomes for housing applicants most in need.
- 3.6 An Allocations Policy review group, comprising of officers with a spectrum of knowledge and experience, was established to:
- identify the policy changes which may be required, addressing both the local and legislative context;
 - consider the consultation to be carried out; and
 - develop a revised Allocations Policy.
- 3.7 Officers identified key issues to be considered as part of review of the Allocations Policy. Proposed changes are required:
- to assist and address the social housing issues identified by the Moray Housing Need and Demand Assessment (HNDA);
 - to make best use of housing stock; and
 - to improve the existing allocations arrangements.

4. DETAIL OF THE REVIEW

4.1 The review has identified key proposed changes which relate to applicants with the most urgent housing need and the ability to make best use of the housing stock, increase turnover and meet demand. These changes provide the potential to improve the existing allocations process.

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

4.2.1 The Tenant Downsizing Incentive Scheme has been in operation since 2012. The Scheme is voluntary and aims to help council tenants, who meet the eligibility criteria, transfer to a smaller or more suitable home. It offers successful applicants practical and financial assistance to move and in turn frees up larger and/or specialist properties which are allocated to those in housing need.

4.2.2 Although applicants on the Scheme are awarded points if they under occupy their home, or if they are no longer need of specialist housing, the Allocations Policy does not currently award any additional priority. Analysis of the Housing List has evidenced that often these applicants do not get sufficient priority to receive an offer of housing.

4.2.3 It is proposed that the Allocations Policy is amended to award applicants on the Scheme 500 points and not penalise them if they refuse an offer of housing. It is anticipated that this will increase applications to Scheme, increase the probability that those on the Scheme will receive an offer of suitable housing and in turn, free up larger/special properties. This will enable the Council to better meet the evidenced need and demand currently on the housing list. Increasing the numbers of vacancies from existing stock will assist the Council to successfully deliver the Rapid Rehousing Transition Plan.

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

4.3.1 Often applicants who experience domestic abuse have such an urgent need for rehousing, the result is that they become homeless. The Service recognises that this may not be their preferred housing solution and that some may not want to use this option. The Service understands that those who experience domestic abuse and their children are potentially at severe risk and continue to remain in that position whilst they stay in their home.

4.3.2 Allocation policies should give an appropriate level of priority to those in urgent housing need, which can play a role in preventing homelessness. It is proposed that the Allocations Policy is amended to award applicants who experience domestic abuse 500 points. This recognises the urgent housing need of those who experience domestic abuse, provides them with choice and assists them to avoid homelessness, if that is their preference. This reflects the national focus on domestic abuse and aligns with best practice and guidance.

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

- 4.4.1 The Allocations Policy does award points to key workers moving to Moray. Those key workers who receive an offer of housing are awarded a short Scottish secure tenancy for six months, with the option to have the tenancy extended or a Scottish secure tenancy granted. However, the level awarded to key workers means that these applicants are rarely being reached for an offer of housing.
- 4.4.2 Recent research and analysis undertaken as part of the Housing Need and Demand Assessment has identified a correlation between the lack of available housing options and the recruitment of key workers needed to address shortages in skills which are not available locally. Some key workers have declined offers of employment as a result of not being able to find suitable accommodation.
- 4.4.3 It is proposed that the award of key worker points is increased to 400 points, which should increase the likelihood of key workers receiving an offer of housing. Taking into account the pressure on the housing list and lack of available housing, it is proposed that key workers are offered a short Scottish secure tenancy for a minimum of six months and a maximum of 12 months. This time will provide the person with the opportunity to source alternative suitable housing of their choice once resident in the area.
- 4.4.4 The provision of a short term housing option for key workers can assist in the employment and retention of people vital to the delivery of and improving essential local services.

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

- 4.5.1 The Allocations Policy agreed by the Communities Committee in December 2013, introduced the award of need to reside points (Paragraph 6 of the Minute refers). The award of these points was intended to address circumstances where an applicant has a need to live in a specific lettings area. Where an applicant had an evidenced connection to a lettings area, they were asked to identify a specific lettings area and up to two other bordering lettings area. Only those lettings areas identified are eligible for the award of 50 points for the need to reside in a specific area. Examples of a connection to an area included, if the applicant needs to live in an area in order to give or receive care or support (that would not otherwise be available), get or maintain specialist education or specialist facilities, get or give childcare to allow the applicant (or the person who they want to move closer to) to work, be closer to a place of work or to continue living in a lettings area.
- 4.5.2 The award of need to reside points did not have the intended impact. Analysis of the operation of the housing list has evidenced that so many applicants are eligible for the award of points, that it has diluted their impact and rendered them ineffective. It is proposed that the award of need to reside points is removed from the Allocations Policy. Instead, the points will be replaced with the following category of care and support points which will be targeted and it is anticipated will be more effective and continue to assist those with the greatest housing need.

4.6 **Key issue five: Awarding points for care and support**

4.6.1 The Service recognises the importance of providing or receiving care and support in order to enable households to continue living independently at home, particularly at a time where pressures exist on statutory service providers.

4.6.2 It is proposed that the Allocations Policy is amended to award 150 points to those who provide or receive support. It is anticipated that this will support households to continue to live at home independently and assist to alleviate ongoing pressures which care and support services are experiencing.

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

4.7.1 The functional assessment model detailed within the Allocations Policy was agreed by the Communities Committee on 7 March 2017 (Paragraph 7 of the Minute refers). Since then there have been no changes to the model.

4.7.2 The functional assessment model is based on clinical reasoning and considers the ability of a person to maintain essential day to day activities in their own home. A dedicated housing occupational therapist is responsible for assessing the housing needs of applicants and determining the award of points, based on the agreed criteria.

4.7.3 The review of the Allocations Policy provided the opportunity to utilise the knowledge and experience of the Housing Occupational Therapist. The wording of the criteria for awarding functional assessment points has been amended to provide clarity based upon their recommendations.

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

4.8.1 The Housing (Scotland) Act 2014 sets out three categories of applicants who should be given reasonable preference in an allocation policy and this includes social housing tenants who are under occupying their home. The intention of this is to make best use of housing stock by helping these households to move to smaller, more suitable accommodation and free up larger properties, which can potentially be used to alleviate overcrowding and make best use of housing stock.

4.8.2 Officers are not aware of other landlords who provide reciprocal arrangements. The result of this increased turnover often benefits other landlords and their tenants to the detriment of making best use of our own housing stock and addressing local needs.

4.8.3 There is significant pressure on the available housing stock due to the demand for larger properties. For example in 2022/23, when comparing relets against demand on the housing list, for every 4 bedroom property relet, there were 32 applicants on the housing list and for every 5 bedroom property relet there were 64 applicants on the housing list.

- 4.8.4 It is proposed that the Allocations Policy is amended to award 250 points to applicants who are under occupying social housing to transfer tenants. All other applicants on the housing list who are under occupying housing will receive 50 points.
- 4.9 **Key issue eight: extending the timeframe for the award of points for the loss of tied accommodation**
- 4.9.1 The Allocations Policy currently awards priority to those applicants living in tied accommodation, including those in the Armed Forces, who will lose their accommodation once their employment ends. This assists to prevent and alleviate homelessness.
- 4.9.2 These points are currently awarded to eligible applications up to three months before the tenancy ends. This timeframe was agreed to reflect that applicants who may receive an offer of housing prior to this may not be able to accept it due to restrictions in their tenancy agreement associated with terminating their tenancy.
- 4.9.3 The Council is aware that the forthcoming Housing Bill is set to be introduced by the Scottish Government after its summer recess. It is anticipated that the Bill will set out the framework for the introduction of a new homeless prevention duty and this will include a proposal to extend the duty to take reasonable steps to prevent homelessness up to six months before.
- 4.9.4 It is therefore proposed that the Allocations Policy is amended to award tied accommodation points up to six months before a tenancy ends and that should the applicant be made an offer of housing during this period, which they are unable to accept due to this timeframe, it will be deemed to be a reasonable refusal and the applicant will not be penalised.
- 4.10 In addition to the key changes above, the revised Allocations Policy has been updated to refer to current legislation, guidance and strategies and operational changes since the last review. Other amendments to note are:
- Reference to the statutory duty to pay due regard to the principles of the Armed Forces Covenant Duty has been added.
 - The wording on the specialist housing has been strengthened in order to provide clarity on the definition and options available to the Council.
 - The wording in the award of poor housing condition points has been amended to more accurately reflect legislation and provide clarity and to include reference to instances of damp and mould. Appendix III of the Allocations Policy details the legislation and terminology used in the assessment of poor housing conditions points.
 - Details of when the Council will use management transfers and the process that will be followed has been added.
 - Appendix II of the Allocations Policy details the legislation relevant to overcrowding in order to provide additional context and clarity.

- 4.11 Modelling undertaken on the potential impact of the above changes estimated that 93% of applications on the housing list would not be impacted. The amendments will make minor but crucial changes to the Allocations Policy which will have a positive impact on those with the greatest housing need and enable the Council to continue to make best use of its housing stock.
- 4.12 The revised Allocations Policy is provided at **APPENDIX I** for consideration and agreement prior to public consultation. The principal changes to the revised policy are highlighted for ease of reference.

5. CONSULTATION

5.1 In accordance with the Housing (Scotland) Act 2014, social landlords have a duty to consult on and set out how they will prioritise the allocation of houses, transfers and exchanges and to publish these rules in an allocation policy. Social landlords are required to consult the following groups before making or altering their allocation policies:

- applicants on the housing list;
- their tenants;
- registered tenant organisations; and
- any other persons as landlords see fit.

In addition, the Housing (Scotland) Act 2014 requires social landlords to prepare and publish a report on the consultation undertaken of its allocation policy.

5.2 It is suggested that the consultation exercise is carried out from 13 September until 27 October 2023. This consultation will focus on the above key changes and will include the following actions:

- developing an explanatory leaflet, using plain language, to provide consultees with an overview of what the current policy is, what the proposed change is and what the potential effect of the change might be;
- developing an online questionnaire using question mapping, giving consultees the option either to complete the whole survey or answering the specific questions on those issues which are of interest to them;
- publicise the consultation on the Council website and social media platforms; and
- seek feedback from the following:
 - all applicants on the housing list;
 - a random sample of tenants;
 - the Moray Tenants' Forum;
 - the register of interested tenants;
 - Community Council's; and
 - other key stakeholders including, Health and Social Care, Social Work and representatives from the Armed Forces.

5.3 The consultation feedback will inform the policy development process. Following analysis and consideration of comments received, any necessary amendments to the policy will be made.

6. FUTURE ACTIONS

- 6.1 A further progress report with the outcome of the consultation process, along with a final Allocations Policy, will be presented to this Committee on 13 February 2024.
- 6.2 Subject to the consultation feedback and Committee's approval in February 2024 an implementation plan will be developed to support a "go live" date of 1 April 2024. This will include changes required to the Housing Online applications, system changes and testing, staff training and development of revised procedures on the Allocations Policy and a review of all relevant applicant information resources.

7. SUMMARY OF IMPLICATIONS

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

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

(b) Policy and Legal

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

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

(c) Financial implications

There are no financial implications arising from this report. The costs of any consultation process can be carried out within existing budgets.

(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

A draft Equalities Impact Assessment has been completed (**APPENDIX II**) with no negative impacts identified. The Equalities Impact Assessment will be updated following the consultation process.

(h) Climate Change and Biodiversity Impacts

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

(i) Consultations

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

8. CONCLUSION

8.1 This report advises Committee of the need to review the Allocations Policy. It presents a revised Allocations Policy for consideration and seeks agreement to consult with key stakeholders.

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

Background Papers: [Allocations Policy Review 2019](#)
[Allocations Policy Annual Performance Report 2022/23](#)

Ref: SPMAN-1285234812-1374



MORAY COUNCIL ALLOCATIONS POLICY

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

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- [APPENDIX III](#)

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1. Scope of the policy

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

2. Strategic context

- 2.1 The Allocations Policy will contribute to the Moray Local Housing Strategy, the **Rapid Rehousing Transition Plan**, the Council's Corporate Plan and priorities from the Moray 10 Year **Local Outcomes Improvement**.

- 2.2 The Allocations Policy will assist the Council to fulfil its overall aim of the Local Housing Strategy, "to ensure that sufficient good quality, affordable housing is available to meet the needs of people living in or requiring housing in Moray." In addition it will assist the Council to achieve agreed outcomes of the Local Housing Strategy to:

- address housing need and improve access to housing;
- meet statutory obligations to homeless households;
- assist people with particular housing needs; and
- promote successful, safe and sustainable communities and social inclusion.

3. Principles and objectives of the Allocations Policy

Principles

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

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

Objectives

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

4. Law, good practice and the Scottish Housing Charter

- 4.1 The primary legislation governing allocations of Council housing is contained within the Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Act 2001, the Homelessness etc (Scotland) Act 2003 and the Housing (Scotland) Act 2014. This legislation provides the Council with the discretion to develop allocation and local letting policies in line with local priorities.
- 4.2 Sections 19 and 20 of the Housing (Scotland) Act 1987 as amended by Sections 9 and 10 of the Housing (Scotland) Act 2001 and paragraph 4 of

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

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

4.4 The Allocations Policy will adhere to housing and other relevant legislation and the [Social Housing Allocations in Scotland: Practice Guide](#) and [Social housing allocations legal framework: statutory guidance for social landlords](#).

A list of the laws which have been taken into account are detailed in **APPENDIX I**.

The Armed Forces Covenant Duty

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

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

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

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

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

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

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

Scottish Social Housing Charter

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

Equalities:

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

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

Housing Options

Social landlords work together to ensure that:

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

Social landlords ensure that:

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

Access to Social Housing

Social landlords will ensure that

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

5. Equality and diversity

5.1 The Council is committed to preventing discrimination and promoting equality of opportunity for every person who applies for housing. In accordance with the [Equality Act 2010](#), the Council seeks to ensure that the Allocations Policy does not discriminate between individuals with one or more of the following protected characteristics: age, disability, gender reassignment, marital status/civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation.

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

5.3 The Council will develop information and advice in a variety of formats such as large print, tape and Braille, upon request. The Council will provide interpreting services free of charge, where these are required to assist applicants.

6. Confidentiality and data protection

6.1 The Council will ensure that any information given to it as part of the application process will be used in accordance with the [General Data](#)

Protection Regulations (GDPR) and the Data Protection Act 2018. Relevant Privacy Notices will advise applicants how personal information may be collected, used, stored, shared and securely disposed of, the legal basis for doing so and what their Data Subject Rights are.

6.2 The Council will treat all applicants for housing with courtesy, sensitivity and with complete confidence. Applicants can request an interview with a member of staff to discuss their housing application. Applicants may request a same sex interview if they have to attend any interview. Applicants will have the right to have a relative, friend or advisor present at any interview. Interviews will be conducted either over the phone (or via other secure digital options) or, if in person, will be in private interview rooms. All information will be treated in complete confidence.

7. Information and advice

7.1 The Council will provide applicants with information and advice about accessing council housing and on their housing application. The Council will provide advice leaflets on the Allocations Policy and related processes (using plain language). It will provide details of alternative housing options and accommodation in the area, where possible.

7.2 The Council will make sure that the Allocations Policy and a summary version of the policy are readily available, including at Council offices and on its website, free of charge.

8. Eligibility criteria

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

8.2 The rights of non-UK nationals to housing and homelessness provisions are a complex area. The Council will ensure that applications received from non-UK nationals are processed in accordance with legislation.

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

9. The Housing List

9.1 Application to the Housing List is made via the web based Housing Online application which can be accessed on the Council's website. This is an applications portal which only collects information. It does not make any assessment of housing need.

* An applicant, or person seeking to be housed with an applicant, who is subject to the notification requirements of the Sexual Offences Act 2003, must contact the Council's Sex Offender Liaison Officer (SOLO) to submit an application.

9.2 Applicants will be required to register and create a Housing Online account on the Council website. Applicants must keep their online application up to date and inform the Council of any change to their circumstances immediately after they occur. The Council will provide advice and assistance to applicants who do not have internet access or who may need additional support to complete the online application.

9.3 The Housing List consists of:

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

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

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

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

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

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

10. Applicant choices

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

10.2 Preferred areas of choice

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

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

10.3 Size of housing

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

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

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

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

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

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

Household size	bedroom size
None of the children are able to share a bedroom	Five

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

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

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

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

10.4. **Ground floor properties**

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

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

10.4.3 Applicants assessed as requiring a one bedroom ground floor property will (upon the applicant's request) also be considered for two bedroom ground floor properties. The applicant with the highest level of need will be allocated the property.

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

11. Housing types

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

11.2 Sheltered housing

11.2.1 This type of housing are groups of self-contained properties for adults of any age who have an assessed health / support need to live in a sheltered housing environment. There are usually communal facilities on site. The main form of support is a warden service and/or an emergency call service.

Applicants must have an assessed need for sheltered housing which will be determined by the completion of a functional assessment (see Section 19).

11.3 Specialist housing

11.3.1 This type of housing includes properties that meet the needs of people with a physical disability. Homes may be partially adapted or fully adapted.

Applicants must have an assessed need for housing with adaptations which will be determined by the completion of a functional assessment (see Section

19). The Council may match some properties that have been specially adapted or designed to meet a person's needs.

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

12. How applications for housing are prioritised

- 12.1 In line with [Section 20 of the Housing \(Scotland\) Act 1987](#) (as amended), 'reasonable preference' must be given to certain groups. Priority must be awarded to:
- people who are homeless or threatened with homelessness through no fault of their own and have unmet housing needs;
 - social housing tenants who are under occupying their home; and
 - people who are living in unsatisfactory housing conditions and have unmet housing needs.

Unmet housing need

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

13. Factors that cannot be taken into account

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

These are:

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

g) the income of the applicant and their family.

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

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

Applicants resident outwith Moray

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

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

14. The assessment of priority for housing

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

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

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

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

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

15. Priorities and points

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

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

16. Homelessness

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

17. Under occupancy

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

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

18. Overcrowding

18.1 [Part V11 of the Housing \(Scotland\) Act 1987 \(as amended\)](#) defines overcrowding (see [APPENDIX II](#)). An applicant's current accommodation will be assessed in accordance with [Section 10.3.2](#) of this policy and points awarded where there is a bedroom deficiency. For each bedroom for which the applicant's current accommodation is deficient, **100 points** will be awarded.

18.2 Where an applicant believes that a bedroom is insufficient in size to allow two persons to share, an applicant may request that a visit is made to assess whether additional overcrowding points should be considered.

18.3 In cases where an additional bedroom need arises from pregnancy, applications will be assessed for the size of property needed by the applicant's household. Overcrowding points will not be awarded to the application until the Council has received confirmation that the baby has been born.

Periodic contact

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

18.5 An applicant will only be eligible for one additional bedroom irrespective of the number of children covered by any contact agreement.

18.6 Applicants who are awarded periodic contact points and who may be affected by the removal of the spare room subsidy will be made aware of the shortfall in benefit entitlement upon assessment of their application.

19. Functional housing need

19.1 Applicants applying for housing because they think that their home is not suitable due to a health condition and/or a disability will be required to complete a Housing Functional Assessment Form. A housing functional assessment is not an assessment of a person's condition or disability. It is a more holistic approach, taking into account mental health, physical and learning disability issues. It is an assessment of the need for another home that would either help to stabilise a clinical condition or disability or allow a person to function more independently. The clinical condition or disability must be seen in the context of whether a move to different housing would make a significant difference to the applicant's quality of life.

19.2 The policy will be reactive in situations where an application includes a person with rapidly progressive conditions which has a life limiting terminal diagnosis (for example Motor Neurone Disease) and where their current home is unsuitable for their current or future needs.

19.3 Applicants, including those who are leaving the armed forces due to injury or disability, who require access to adapted / specialist social housing will be deemed to have a significant level of housing need. This will be addressed through a housing functional assessment.

19.4 Housing functional assessments are completed by the Housing Occupational Therapist (or their representative) who will award functional assessment points in accordance with the points criteria detailed at Section 19.5. In more complex cases or where further evidence is needed to make a decision, the Housing Occupational Therapist (or their representative) will request

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

19.5 Points may be awarded as follows:

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

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

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

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

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

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

20. Downsizing

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

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

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

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

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

500 points

21. Domestic abuse

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

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

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

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

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

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

21.5 Those who are recovering from the impact of domestic abuse may have physical and mental health issues which may be complex and long lasting and

which may come under the definition of disability under the Equality Act 2010.
 The Council will have due regard for its Public Sector Equality Duty and ensuring that any discrimination is prevented.

500 points

22. Leaving institutional/supported care

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

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

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

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

23. Underuse of specialist housing

23.1 Specialist housing can help people to achieve and maintain personal independence and can improve their wellbeing and quality of life. The Council will strive to ensure the effective allocation of specialist housing and to make

best use of housing stock. There can be situations where the person who the property was allocated for is no longer living there and nobody else living there has a need for specialist housing.

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

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

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

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

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

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

250 points

24. Poor housing conditions

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

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

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

25. Sharing amenities

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

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

100 points

26. Flatted/maisonette accommodation

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

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

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

27. Tied accommodation

- 27.1 An applicant may live in accommodation which is part of the conditions of their employment. Applicants will have no right to reside in the accommodation once their employment ends. Applicants living in tied accommodation will be awarded tied accommodation points if the applicant is retiring or their employment ends, which results in them having to leave the accommodation. In the event that the tenant has died, points for tied accommodation may be awarded to the partner or spouse of the tenant. However, in instances of relationship breakdown, points will not be transferred to family members. Applicants must provide valid evidence of the loss of accommodation.
- 27.2 Applicants who are serving Armed Forces personnel and who occupy service accommodation which is due to be terminated will be awarded tied accommodation points. Applicants will be required to provide a copy of their Certificate of Cessation of Entitlement to Occupy Service Living Accommodation which is issued six months before discharge.
- 27.3 Points for tied accommodation will be awarded up to six months before the applicant's tenancy ends. Applicants with tied accommodation points will not be penalised in the event that they are not able to accept an offer of housing due to restrictions in terminating their current tenancy.

350 points

28. Key workers

- 28.1 The aim of key worker points is to offer a non-permanent accommodation option for a specific period of time in order to assist and support people moving into Moray who may otherwise not be able to accept employment. This follows research which identified particular issues in the public sector.

notably NHS and local authority. This approach will provide applicants with sufficient time to source an alternative permanent housing solution and will assist to resolve local recruitment issues associated with the lack of available housing.

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

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

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

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

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

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

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

400 points

29. Care and support

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

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

29.2 The applicant will need to provide evidence of the care and support needs before points will be awarded to their application. For example, evidence of entitlement to relevant benefits such as Carers Allowance Supplement or Disability Living Allowance, Personal Independence Payment or Adult

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Disability Payment or other supporting evidence from a professional agency (e.g. Social Work or NHS).

150 points

30. Exceptional circumstances

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

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

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

31. Management transfers

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

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

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

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

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

32. Bypassing applications

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

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

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

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

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

33. Suspensions

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

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

- a change in circumstances has occurred.

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

- 33.2 The Council will not automatically suspend applicants from receiving offers of housing. The Council will attempt to work proactively with applicants, to ensure that the number of suspensions is kept to a minimum. Each case will be assessed on its own merits. The Council will always take personal circumstances and the extent of housing need into account before suspending applicants from receiving offers of housing. The Council will make sure that a balanced approach is taken and that the urgency of the applicant's housing need is of paramount importance.
- 33.3 Applicants may be suspended from receiving an offer of housing (unless specified exceptions to this exist) in the following circumstances:
- (i) where an applicant, or any person who is proposed to reside with the applicant, has housing related debt of more than 1/12th of the annual amount payable (or which was payable) to the landlord and no repayment arrangement has been agreed or maintained. In such cases, the suspension period may continue until the applicant (or person who is proposed will reside with the applicant) has a reasonable repayment arrangement in place and maintained for a minimum period of three months. The Council will take into account the reasons why the debt has arisen;
 - (ii) where there is evidence of antisocial behaviour (through either eviction or the granting of an Antisocial Behaviour Order) which is related to the conduct of a tenancy. In such cases, the application may be suspended for a period up to 12 months. If clear evidence is provided showing that there has been a change in behaviour, for a minimum period of three months, the suspension may be lifted. Each case will be assessed on its own merit;
 - (iii) where an applicant has refused two reasonable offers of housing within one year. In such cases, the suspension period will be six months. During that period, no further offers of accommodation will be made.

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

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

34. Deliberate worsening of circumstances

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

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

35. Local Lettings Plans

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

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

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

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

36. Sensitive lets

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

37. Application management

Review of applications

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

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

Change in circumstances

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

Cancelled applications

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

38. Offer of housing

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

- 38.3 An offer of accommodation from a RSL under the Nomination Process will count as a reasonable offer, providing that the applicant has indicated willingness to be considered for such nominations.
- 38.4 Offers of housing are made in writing to applicants. The offer of housing will give full information about the potential allocation and should be responded to within the timescale specified.

39. Tenancy types

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

Scottish secure tenancy (SST)

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

Short Scottish secure tenancy (SSST)

- 39.3 The Council may offer a short Scottish secure tenancy for a minimum term of 6 months in specific circumstances as set out in the Short Scottish secure tenancy (SSST) Policy. These circumstances will apply if:
- there is evidence that an applicant or someone in their household or a visitor to their home has been involved in antisocial behaviour in or near their home within the last three years;
 - an applicant or someone in their household has been evicted for antisocial behaviour or subject to an antisocial behaviour order within the last 3 years;
 - an applicant is moving to Moray take up employment; or
 - an applicant needs housing support to help them maintain their tenancy;

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

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

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

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

40. Refusal of an offer of housing

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

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

Refusal due to the removal of the spare room subsidy

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

40.4 For example, if in accordance with section 10.3.2, an applicant is assessed as requiring a three bedroom property but the applicant refuses it due to the removal of the spare room subsidy, this would be considered a reasonable

refusal. This would only be permitted once. The applicant would then be placed on the two bedroom property list and points adjusted accordingly.

41. Social housing options

41.1 The Council will negotiate Nomination Arrangements with Registered Social Landlords (RSLs). These arrangements will provide the Council with the right to nominate applicants from the Council's Housing List for vacancies arising within the RSL's housing stock. The arrangements will not provide the Council with the right to allocate such vacancies and such allocations will be carried out in accordance with the specific RSL's Allocations Policy and Rules. The Council will inform applicants who have been nominated to an RSL of the nomination.

41.2 Applicants will be asked to indicate on their housing application whether they wish to be considered for a nomination to RSLs.

41.3 The Council has Section 5 protocols in place with RSLs in Moray. Section 5 of the Housing (Scotland) Act 2001 provides a statutory mechanism for local authorities to refer applicants assessed as homeless to RSLs for allocation of any forthcoming empty houses. This addresses the contribution that RSLs can make to tackling homelessness in the area.

41.4 Existing tenants of Moray Council have the right to apply for permission to effect a mutual exchange with another public sector or Registered Social Landlord tenant. Such requests will be considered under the terms of the Housing (Scotland) Act 2001 and permission to exchange will not be unreasonably withheld. Applicants can apply for a mutual exchange on the House Exchange website.

42. Review and complaints arrangements

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

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

Request for a review of a decision

- 42.3 Separate from the Complaints Procedure, a Review Procedure exists within the Allocations Policy to deal with instances where an applicant is dissatisfied with the decisions made on any aspect of the application.
- 42.4 An applicant who is not satisfied with decisions made on their application for housing can request a review. The applicant should make the request in writing to the Senior Housing Needs Officer. The request for a review should include the grounds on which it is made.
- 42.5 The request for a review will be considered by a senior manager not previously involved with the original decision with a target of 28 days to respond to the applicant.
- 42.6 If an applicant remains dissatisfied, the applicant may write to the Housing Needs Operations Manager to ask that the Housing Needs Review Group consider their case.
- 42.7 The Housing Needs Review Group will convene monthly to consider any appeals and housing applications in certain circumstance, for example the award of exceptional circumstances points.
- 42.8 The Housing Needs Review Group is comprised of the Housing Needs Operations Manager (Allocations/Homelessness), an Area Housing Manager, a Housing Needs Officer, **the Housing Needs Operations Manager (Support) or the Supported Accommodation Manager** and a minute taker. At the review group hearing, the senior officer who carried out the review of the original decision will present the reasons and rationale for their request/decision.

42.9 The review group will decide:

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

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

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

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

Complaints

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

43. Performance monitoring

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

43.2 The Council will set performance standards in relation to its Allocations Policy and will monitor its achievement of these standards.

43.3 The performance indicators are reported to the Housing and Community Safety Committee or any other relevant Committee. These reports will be public documents. The confidentiality of individual applicant's circumstances will be maintained.

43.4 The Council will welcome the views of applicants on the Allocations Policy, the procedures adopted by the Council and how applications are dealt with.

43.5 The Council will review the operation of the Allocations Policy on an annual basis. A review report will be considered annually by the Housing and Community Safety Committee.

44. Review of the Allocations Policy and consultation arrangements

44.1 If the monitoring of performance detailed in [Section 43](#) suggests that there are areas where the policy needs to be improved, the policy may be amended or a further review may be undertaken. If any changes to be made are substantive, the Council will consult with tenants, applicants and other key stakeholders before making these changes.

44.2 The Council will undertake a full review of this policy every three years or earlier if required by changes to legislation or guidance. In line with housing law, consultation will be ongoing during the review process and not just once the policy has been finalised.

44.3 Moray Council will consult the following groups before making or altering the Allocations Policy:

- Applicants on the Housing List;
- Council tenants;
- Registered tenant organisations; and
- Any other stakeholders considered relevant.

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

revised draft 2023

APPENDIX I

Legislative framework

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

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

The above list is not exhaustive.

Overcrowding

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

The room standard

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

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

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

The space standard

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

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

APPENDIX II

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

For both the above assessments:

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

Below Tolerable Standard

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

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

APPENDIX III

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

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

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

Closing orders

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

Demolition orders

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

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



**REPORT TO: HOUSING AND COMMUNITY SAFETY COMMITTEE ON 12
SEPTEMBER 2023**

SUBJECT: TEMPORARY ACCOMMODATION POLICY REVIEW UPDATE

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

1. REASON FOR REPORT

- 1.1 This report presents Housing and Community Safety Committee with a revised Temporary Accommodation Charging Policy for approval.
- 1.2 This report is submitted to Committee in terms of Section III (G) (1a) and (4) of the Council's Scheme of Administration relating to the setting of rent levels for Council houses and the allocation and letting of houses and homelessness.

2. RECOMMENDATION

2.1 It is recommended that the Housing and Community Safety Committee:-

- (i) **considers the feedback received during the consultation period, as set out in Section 4 and APPENDIX I;**
- (ii) **approves the revised Temporary Accommodation Charging Policy as set out in APPENDIX II and notes that it will be implemented as set out in Section 5; and**
- (iii) **notes that given the financial implications, under the terms of Standing Order 84, any decision of this Committee may be further considered as part of the budget setting process.**

3. BACKGROUND

- 3.1 The Council has a statutory duty to assist applicants who are homeless or threatened with homelessness as defined in the Housing (Scotland) Act 1987, as amended. These duties include the provision of temporary accommodation until such time as the Council has determined the outcome of their homeless application.

- 3.2 In accordance with Section 35(2) of the Housing (Scotland) Act 1987, local authorities can require a homeless person to pay a reasonable charge for the provision of temporary accommodation, as determined by the local authority. There is no definition of “reasonable” in the legislation or guidance. Methods for calculating charges, as well as the cost of temporary accommodation itself, varies greatly across Scotland.
- 3.3 When calculating temporary accommodation charges, local authorities should also have due regard to the Code of Guidance on Homelessness. In addition, applicants should be informed in advance of the cost of the accommodation and should also be assisted when applying for benefit to cover the cost of such accommodation. The local authority should take account of, and advise of, the likely level of benefit when considering charges.
- 3.4 At its meeting on 27 June 2023, the Committee were advised that the current charging framework has been in place since April 2015, with no subsequent annual increase. This has meant that income generated has remained static while costs have increased and the temporary accommodation service has increasingly been operating at a deficit. Committee were advised of the need to revise the methodology used when charging homeless households for temporary accommodation in order to mitigate budgetary pressures and alleviate risk (Paragraph 10 of the Minute refers).
- 3.5 The principal policy changes are:
- the service will operate on the basis of full cost recovery in order to mitigate against risk to the temporary accommodation budget;
 - rent levels are no longer set using the Local Housing Allowance rate and a management fee;
 - the temporary accommodation charge is determined by a baseline rent, equivalent to the average council house rent for the size of property, plus a homeless service charge which is based on costs associated with the management and operation of temporary accommodation, maintenance and repairs and void periods; and
 - in determining what a reasonable sum to recover from those who may have affordability issues has been revised.

4. CONSULTATION

- 4.1 At its meeting on 27 June 2023, the Committee agreed to review the extent to which costs are recovered by rent and service charges and to consult on the revised Temporary Accommodation Charging Policy (Paragraph 10 of the Minute refers).

4.2 The consultation period ran from 28 June until 2 August 2024. The following consultation took place:

- the draft Temporary Accommodation Policy and an easy to read version of the policy were published on the Council website;
- an online survey was developed to seek feedback. This was widely publicised via the Council’s social media platforms;
- current homeless applicants, tenants currently living in temporary accommodation and tenants who have been housed from the homeless list since April 2018 who have a current tenancy were contacted directly and their feedback requested; and
- the draft policy was issued to community councils, those on the Register of Interested Tenants and the Moray Tenants’ Core Group and feedback sought.

4.3 The survey asked the following five key questions regarding the revised Temporary Accommodation Charging Policy:

- 1) Do you support the introduction of the policy?
- 2) Did you find the policy easy to read and understand?
- 3) Is there a section that you would like to see reworded?
- 4) Is there something that we’ve missed and you would like to see included in the draft policy?
- 5) Is there anything in the draft policy that you would want removed?

Respondents were all invited to provide any general comments that they may have on the policy.

4.4 A total of 57 responses were received. The consultation was open to all to respond to. However, given the context and that the consultation was targeted towards current and previous homeless households who may be vulnerable and/or experiencing a traumatic life event, this low response rate is not surprising. The low numbers of responses returned may not accurately reflect the views of stakeholders.

4.5 The responses received can be summarised as follows:

	Yes	No	Don't know
Do you support the Temporary Accommodation Charging Policy?	29.82% (17)	43.86% (25)	26.32% (15)
Did you find the Temporary Accommodation Charging Policy easy to read and understand?	40.35% (23)	14.04% (8)	45.61% (26)
Is there a section that you would like to see reworded?	5.26% (3)	35.09% (20)	59.65% (34)
Is there something that we’ve missed that you think should be included?	8.77% (5)	29.83% (17)	61.40% (35)
Is there anything you think should be removed?	3.51% (2)	36.84% (21)	59.65% (34)

- 4.6 The main thematic issues that arose from the consultation process can be summarised as relating to the following:
- the amount of the increase;
 - the complexity of the Temporary Accommodation Charging Policy;
 - a level of detail not included in the policy but which will be available elsewhere; or
 - an issue already considered within the context of the policy.
- Details of the comments returned are provided in **APPENDIX I**.
- 4.7 To address the issues identified, Officers will:
- develop a range of information resources using plain language to explain the operation of the revised policy, including the amount of temporary accommodation charge, what the tenant will be expected to pay and the implications of the benefit system. This will be reviewed and updated to reflect any future annual increase;
 - explain and discuss the charging process with tenants, when offering accommodation and when signing their occupancy agreement, ensuring the tenant understands policy in terms of the implications in relation to benefit entitlements, affordability and assistance available; and
 - encourage all tenants in temporary accommodation to ensure that they maximise their income and check their benefit entitlement by completion of a Housing Benefit Form.
- 4.8 Whilst the consultation did not return a favourable response in support of the Temporary Accommodation Charging Policy, this must be considered in the context of the low response rate and be balanced with the Council's ability to fund all of its homeless activities and maintain a balanced budget. Given the financial environment in which the Council is operating and the sustained pressure on budgets, an overarching priority for the Council must be to ensure that the temporary accommodation service is fundable, self-financing and mitigates any risk posed to the General Services budget.
- 4.9 It should be noted that in the Scottish Housing Network analysis of temporary accommodation costs per week for 2022/23, the average temporary accommodation cost per week across these authorities is £214. Some authority costs are in excess of £300 per week, which is significantly higher than the temporary accommodation charge in the revised Temporary Accommodation Charging Policy.
- 4.10 Since the special meeting of Moray Council on 1 March 2023 agreed the interim measure of increasing the rent and service charges by 27% (effective from 6 April 2023), there have been no approaches from tenants to advise that they are struggling financially or to request financial assistance as part of the transitional arrangements available (Paragraph 7 of the Minute refers).
- 4.11 Officers consider it appropriate and prudent to continue with the revisions to the temporary accommodation charging structure. Following consideration of the comments received from the consultation exercise, there are no further amendments required to the revised policy presented to this Committee. It is recommended that the Committee approve the Temporary Accommodation Charging Policy (**APPENDIX II**).

5. FUTURE ACTIONS

- 5.1 If the Committee agrees to the revised Temporary Accommodation Charging Policy, the Service will seek to implement it as follows:
- New tenants moving into temporary accommodation will begin the arrangements as detailed within the policy from Monday 18 September 2023.
 - Current tenants in temporary accommodation will be written to and provided with a minimum of 28 days' notice of the increase which will take effect from Monday 16 October 2023.
 - Transitional arrangements will be applied in order to mitigate against any financial impact for current tenants living in temporary accommodation:
 - if an existing tenant advises of an adverse financial impact due to the change, they will be provided with financial assistance. It is anticipated that this will have limited budgetary implications given the tenancy turnover rate in temporary accommodation (<6 months);
 - when a property becomes void, it will be relet in line with the temporary accommodation charge, as set out in the policy. From implementation of the policy, all new tenants will commence on the updated charging arrangements.
- 5.2 The temporary accommodation budget is likely to continue to be under pressure for the foreseeable future. To mitigate these pressures, Officers will ensure that income from the Temporary Accommodation Charging Policy is maximised and will continue to monitor and assess the Council's future temporary accommodation needs. The full year equivalent budgetary impact of the additional income is estimated to be £62k. In accordance with the Rapid Rehousing Transition Plan, the Service will continually reconfigure the supply of temporary accommodation and minimise the length of stay.
- 5.3 The temporary accommodation charge will be updated annually in conjunction with the annual budget setting process and to reflect any increase in the annual average council house rent.

6. SUMMARY OF IMPLICATIONS

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

The Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP)) identify the need to address the shortage of affordable housing and tackle homelessness. The Homelessness Policy will assist the Council to meet its strategic priority within the Local Housing Strategy which is "to prevent and alleviate homelessness."

(b) Policy and Legal

There are no legal implications arising from this report.

(c) Financial implications

The temporary accommodation budget continues to operate under pressure, albeit the deficit has been markedly reduced since the previous uplift was applied in March 2023. The changes proposed within this report are estimated to provide a further £62k of income annually. Although the Temporary Accommodation Charging Policy is intended to minimise any risk and deliver savings, Officers will ensure that budgets continue to be closely monitored and reviewed in future years.

(d) Risk Implications

Any increase in homelessness will directly impact on temporary accommodation, not only in an increased pressure for accommodation but also the potential to increase the level of arrears.

There is a continued need to reconfigure the Council's supply of temporary accommodation and ensure that the length of stay in the accommodation is minimised. The Housing Needs Manager will be responsible for ensuring that the Council has the correct level and type of accommodation, alleviating the need for bed and breakfast accommodation, where possible, and that income from the Temporary Accommodation Charging Policy is maximised.

(e) Staffing Implications

None arising from this report.

(f) Property

None arising from this report.

(g) Equalities/Socio Economic Impact

An Equalities Impact Assessment on the revised Temporary Accommodation Charging Policy has been completed and no issues have been identified.

(h) Climate Change and Biodiversity Impacts

There are no climate change/biodiversity impacts arising from this report.

(i) Consultations

Consultation on this report has taken place with the Head of Housing and Property, Housing Needs Manager, Supported Accommodation Manager, Housing Strategy and Development Manager and Officers within the Housing Service and with the Chief Financial Officer, Alistair Milne (Accountant), Norma Matheson (Benefits Manager) Georgina Anderson (Legal Services Senior Solicitor), the Equalities Officer and Lindsey Robinson (Committee Services Officer) have been consulted and any comments have been incorporated into the report.

7. CONCLUSION

7.1 This report presents the Housing and Community Safety Committee with the outcome of the consultation exercise undertaken and seeks approval of the revised Temporary Accommodation Charging Policy.

Author of Report:
Background Papers:
Ref:

Gillian Henly, Senior Housing Officer (Policy)
Held by author
SPMAN-1285234812-1376

Temporary Accommodation Charging Policy – Consultation Feedback

General comments returned

	Consultation feedback	Service response
1	very steep - only work part time and feel be better off not working. use to get help from UC but they won't deal with temp accommodation so it's a constant struggle	If the tenant is not in receipt of full Housing Benefit, they will be paying a restricted amount (i.e. the average Council house rent plus 25% towards the homeless service charge). The tenant will have been advised to maximise income and apply for Housing Benefit during sign up.
2	way too steep - completely unreasonable	Noted.
3	don't agree or disagree with new policy - just feel that it attacks people that are in a bad place already. Why can't taxes go up for the rich and go towards temp accommodation? i understand it needs to happen but wish there was another alternative	Noted. Outwith the scope of the policy
4	this will be second time the rents gone up since being in temp accommodation - feel it's unfair as didn't get told last time it was going up so in debt now	Tenants were contacted and given advance notice of the increase in the charge. Staff are in regular contact with tenants and advise tenants of the transitional arrangements available to mitigate against tenants being adversely impacted. In addition, they also advise tenants to complete a Housing Benefit form to ensure that benefit entitlement is maximised.
5	on full housing benefits but wanted to go back to work and feel the charge is way too high for that to be possible. Already struggle with money and getting into debt - feel the charges make it impossible to work	Tenants not in receipt of full Housing Benefit, they will pay a restricted amount (i.e. the average Council house rent plus 25% towards the homeless service charge). The tenant may also be eligible for partial Housing Benefit.
6	think it will cause people to be more in debt. do understand that prices need to go up to cover costs but going up too much too quick. new to temp accommodation though so unsure	The transitional arrangements are intended to mitigate against people accruing debt as a direct result of the policy implementation.
7	been in temp accommodation for months and this is the 3rd time its been increased. struggling to live at it is.	Outwith the scope of the policy. However, as above (no 5) the tenant will have been contacted and given notice of any increase and advice on assistance available.
8	charges are ridiculous. been put into 3 different temp accommodations and it messes up housing benefits. finally started working and now you're putting the prices up	First point noted. Second point out with the scope of the policy.

	Consultation feedback	Service response
9	on housing benefits so doesnt affect me - couldn't change it even if disagreed with it	Noted.
10	didn't understand it at all - way too many words and numbers. on housing benefits so ignored it	Noted - plain language information resources supporting the policy will be made available and tenants advised of who to contact if there is any information post sign up which they need clarified or explained.
11	moving soon so doesnt affect me	Noted
12	should be the same as mainstream - had hellish experience while in dispersed and don't think I should be charged more	The costs associated with temporary accommodation differ to mainstream accommodation as do the budgets and funding source. This is reflected in the policy.
13	on housing benefits so doesn't feel it affects	Noted
14	think it's going to make people not want to work when homeless	The policy is not intended to be a disincentive to work. If the tenant is not in receipt of full Housing Benefit, they will be paying a restricted amount (i.e. the average Council house rent plus 25% towards the homeless service charge). The tenant will have been advised to maximise income and apply for Housing Benefit during sign up.
15	receive housing benefits so feel doesn't apply	Noted
16	going up too much too quick - price of everything increasing so fast. Feel it will lead to more people in more debt	Noted - The first point is out with the scope of the policy. There are transitional arrangements available to mitigate against tenants being adversely impacted. This should mean that tenants don't incur debt as a direct result of the policy implementation.
17	could be simpler - too many words and numbers.	Noted - plain language information resources supporting the policy will be made available and tenants advised of who to contact if there is any information post sign up which they need clarified or explained.
18	ridiculous - feel impossible to live; been receiving welfare and struggling. being homeless is hard enough - makes it pointless to work.	Out with the scope of the policy
19	I just think it's unfair only working individuals get charged. It doesn't feel good coming home from work to see others sunbathing living rent free	All tenants are charged the same amount. Those on full Housing Benefit will have this amount paid. Those working will be encouraged to apply for this benefit. Those not in receipt of full Housing Benefit will pay a restricted amount.

	Consultation feedback	Service response
20	Just make it more fair and people on universal credit hardly get money as it is and it isn't right	This is out with the scope of the policy. It should be noted that temporary accommodation is not eligible for funding from Universal Credit. Housing Benefit is the funding regime applicable.
21	No I found it fair certainly as the situation I was in and could not go private	Noted
22	I found the pricing fair and the policy easy to understand.	Noted

What is missing from the policy?

23	Example of charging structure.	Will be provided in explanatory supporting information and will be made available on the website
24	I think it should be noted how much it has increased by, different ways to pay the rent if not awarded hb not just arrears agreements and I think it should cover more specifically the review process (it sounds like they can demand a meeting with the manager and it'll be changed) perhaps the length of time they have to request a review, etc.	Tenants are advised of the different ways to pay during the sign up. This can be included in the supporting information.
25	The actual amounts	As above
26	Maybe make the rent more fair as people like myself struggle and it's not fair	Everyone is charged the same amount but a person's circumstances are taken into account in terms of what is a reasonable amount to recover from them. There are also transitional arrangements in place for tenants who may be adversely financially impacted by the change.



MORAY COUNCIL
TEMPORARY ACCOMMODATION CHARGING POLICY

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

Index

1. **Scope of the policy**
2. **Strategic context**
3. **Objective and principles of the policy**
4. **Legislative and regulatory framework and guidance**
5. **Affordability**
6. **Charging for temporary accommodation**
7. **Recovery of the temporary accommodation charge**
8. **Recovery of arrears**
9. **Review of decisions and complaints**
10. **Performance monitoring**
11. **Policy review**

1. Scope of the policy

- 1.1 This policy details the framework used by the Council in the charging of rent and service charges to homeless households for the provision of temporary accommodation.

2. Strategic context

- 2.1 The Temporary Accommodation Charging Policy will assist the Council to tackle homelessness, which meets the aims of Moray 2027, the Local Housing Strategy and the Rapid Rehousing Transition Plan.

3. Objectives and principles of the policy

- 3.1 The overall aim of the policy is to ensure that rent and service charges for temporary accommodation are set at an affordable level, provide financial sustainability and meet the cost of delivering temporary accommodation provision.
- 3.2 The specific objectives are:
- to use a cost effective and fair rent and service charge setting process;
 - to ensure temporary accommodation is an affordable option to all and does not act as a disincentive to work;
 - to ensure that sufficient income is generated to cover the cost of operating and managing temporary accommodation;
 - to ensure that rent and service charges are recovered to their maximum potential; and
 - to use recovery practices which take into account a household's income, whilst ensuring that those with the means to pay do pay.
- 3.3 The principles of the policy are to:
- comply with legislation and guidance and promote best practice;
 - ensure consistency in the provision of services and agreed practices uniformly across the service;
 - deliver good quality services which are efficient and effective; and
 - provide services that adhere to the principles of equal opportunities.

4. Legislative and regulatory framework and guidance

- 4.1 The Council will ensure that the Policy complies with current legislation and guidance and promotes good practice.
- 4.2 Councils have a statutory obligation to offer temporary accommodation when they assess a person or household as unintentionally homeless. The Housing (Scotland) Act 1987 Section 35(2) states that where this obligation exists, the applicant should pay a reasonable charge, as determined by the local authority in respect of the accommodation provided by the local authority, or that provided by another landlord but which is paid for by the local authority.
- 4.3 When carrying out functions under the Housing (Scotland) Act 1987 with respect to a homeless person and / or persons threatened with homelessness, local authorities are required to have regard to the Code of Guidance on Homelessness. Paragraph 8.84 of the Code states:
“In deciding what is reasonable, the local authority should take account of what the applicant can pay in the longer term. If an applicant is being asked to pay for accommodation provided by or paid for by the local authority then the applicant should be informed in advance of the cost of the accommodation. They should also be assisted when applying for benefit to cover the cost of such accommodation. The local authority should take account of, and advise of, the likely level of benefit when considering charges”.
- 4.4 The Temporary Accommodation Standards Framework April 2023 sets out advisory standards in relation to temporary accommodation and it recommends that the following actions are undertaken:
- A household assessment to consider whether temporary accommodation offered is affordable by the household.
 - Providing households with a rent statement of charges, including any additional costs that are associated with temporary accommodation and how they are paid.

4.5 The Scottish Social Housing Charter sets out standards including those which tenants and homeless people can expect from social landlords. Outcome 14 states:

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

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

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

4.7 The Council will seek to ensure that it complies with its duties under the Equalities Act 2010. Full consideration will be given to the Council’s Public Sector Equality Duty (PSED). This requires public authorities to: eliminate discrimination, harassment and victimisation; advance equality of opportunity; and to foster good relations between persons who share a relevant protected characteristic and those who do not.

5. Affordability

5.1 The Council recognises that the cost of temporary accommodation is higher than for council housing. This can result in temporary accommodation being unaffordable for some households, for example those who are in employment or are not entitled to Housing Benefit.

5.2 In accordance with the Code of Guidance on Homelessness, the Council will:

- carry out a household assessment to consider whether accommodation is affordable for a household;
- consider the ability of any individual to pay charges in the longer term;
- give advance notice to an individual of any charges;
- assist an individual to apply for benefits to pay any charges; and
- take account of the likely level of benefit when considering charges.

5.3 The Council will seek to ensure that all tenants placed in temporary accommodation are given relevant information about entitlement to welfare benefits/income maximisation services in order to encourage optimum take up from tenants. It will encourage all those tenants who may be eligible for assistance to apply for appropriate benefits, for example Housing Benefit. This will assist to offset the effects of low income on the tenant's ability to pay. Where requested, the Council will provide assistance with the completion of application forms and progress claims.

6. Charging for temporary accommodation

6.1 The income generated from the charging regime for temporary accommodation will be equivalent to full cost of operating the service. It must be sufficient to cover the costs of the provision of temporary accommodation in relation to management, service delivery, maintenance and repairs and void periods of the accommodation.

6.2 The charging regime for temporary accommodation is the baseline rent and a homeless service charge:

Rent setting mechanism

6.3 Rent charges will be set in accordance with average council house rents, based on the size of property.
The average council house rental figures will be reviewed and updated annually.

Homeless service charge

6.4 The homeless service charge is reflective of the cost of providing temporary accommodation to homeless households.

- Housing management costs associated with the provision of temporary accommodation;
- Maintenance costs, including the provision of furnishings, equipment and utilities;
- Void rent loss;
- Staff costs; and
- Repair and renewal costs.

The homelessness service charge will be reviewed annually in conjunction with the annual budget setting process and will endeavour to ensure that the income generated meets the full cost of service provision. Tenants will be provided with a breakdown of the service charges.

6.5 When setting the charge for temporary accommodation, the Council will charge every household the same level, regardless of income. However, in order to ensure that temporary accommodation is an affordable option to all, the Council will only seek to recover those costs that it can reasonably be expected to collect.

6.6 Tenants have an obligation under the terms and conditions of their occupancy agreement to pay the temporary accommodation charge timeously. In addition, it is a tenant's responsibility to notify the Council of any change in their circumstances that may affect their ability to pay their temporary accommodation charge. Tenants will be reminded of their responsibilities when they sign their occupancy agreement and during their tenancy.

6.7 Tenants will be provided with information about the temporary accommodation charge at the start of their stay in temporary homeless accommodation including:

- the amount they must pay (rent and the homeless service charge);

- the importance of making regular payments and / or claiming Housing Benefit if appropriate;
- the methods they can use to pay their temporary accommodation charge; and
- advice on what they should do if they fall into arrears.

6.8 The service will endeavour to ensure that:

- homeless households remain aware of their responsibility to pay the temporary accommodation charge on time and the potential consequences of non-payment;
- it actively promotes the maximisation of tenants' income through benefits take up and money / debt advice; and
- homeless households receive information, advice and support on maximising their income by claiming appropriate benefits, improving personal budgeting skills and dealing with debt.

6.9 The Housing Needs Manager will be responsible for ensuring that charges for temporary accommodation continue to reflect good practice and fairness for all.

6.10 As part of the review process for the temporary accommodation charge, tenants will be consulted on any proposed temporary accommodation charge increase.

6.11 Tenants will be provided with at least 28 days' written notice in the event of any increase in the temporary accommodation charge.

7. Recovery of the temporary accommodation charge

7.1 The Council recognises that some people may be unable to pay the amount of the temporary accommodation charge due for a variety of reasons. This may include poverty, or other reasons for financial exclusion, which the Council will endeavour to balance against its duty to recover the amount due.

- 7.2 It is a tenant's responsibility to pay, in full, the amount of the temporary accommodation charge that the Council seeks to recover.
- 7.3 Some tenants may be eligible to get assistance to pay the temporary accommodation charge through Housing Benefit. Tenants are responsible for applying for assistance and for pursuing any claims for assistance. The Council will provide advice and support to tenants upon request.
- 7.4 In situations, where a tenant may be eligible for assistance but chooses not to apply for assistance, or to pursue their claim, they will be expected to pay the full amount of the temporary accommodation charge that the Council seeks to recover.

Housing Benefit

- 7.5 Where a tenant in temporary accommodation is eligible for the full award of Housing Benefit, the Council will seek to recover 100% of the temporary accommodation charge.
- 7.6 Where a tenant is only eligible for partial payment of Housing Benefit, the Council will seek to recover a reasonable amount (i.e. the average Council house rent plus 25% towards the homeless service charge).
- If the amount of Housing Benefit the tenant receives is more than the reasonable amount, the Council will recover all of the Housing Benefit awarded.
 - If the amount of Housing Benefit the tenant receives is less than the reasonable amount, the tenant will have to pay the difference.
- 7.7 Where a tenant in temporary accommodation is working and/or is not eligible for Housing Benefit, the Council will only seek to recover a reasonable amount (i.e. the average Council house rent plus 25% towards the homeless service charge).
- 7.8 Discretionary Housing Payments (DHP) are payments that the Council can make to people who require further financial assistance to meet their housing

costs. The Housing Service will provide tenants with information and advice about DHP, including the application process.

Overpayment of benefits

- 7.9 Any overpayment of benefits to the tenant such as Housing Benefit will be recovered.

8. Recovery of arrears

- 8.1 The Council will aim to minimise the level of arrears in a sensitive but effective manner, to enable an affordable solution to be agreed as quickly as possible, ensuring that there is early intervention in all cases before a debt becomes unmanageable.
- 8.2 The Council will use all appropriate methods of communication open to it when contacting homeless households in arrears. Face to face visits will be the preferred default communication method, however letters, phone calls, virtual appointments (such as Near Me), e-mail and text messages may be used if appropriate.
- 8.3 Arrears recovery will be based on a staged escalation process, up to and including repossession for non-payment of the temporary accommodation charge.
- 8.4 The process will be based on a preventative approach that seeks to maximise tenants' entitlement to benefits and secure regular payments.
- 8.5 Once arrears have arisen, prompt action will be taken to ensure that the arrears do not increase. The Council will endeavour to make sure that current temporary accommodation charge is paid, and then ensure that the arrears are recovered.
- 8.6 In cases where the tenant cannot clear the arrears in a single payment, the Council will agree an affordable payment to reduce the arrears in realistic and sustained instalments over a specific period of time. Any repayment

agreement will be based upon a detailed assessment of the tenant's finances and ability to pay.

- 8.7 The Council will maintain a comprehensive record of all action taken and all contact with tenants in arrears.
- 8.8 Legal action is the last stage in the arrears process. The Council will use all legal options open to us in the recovery of arrears where the homeless household is wilfully and knowingly refusing to pay their temporary accommodation charge, up to and including eviction or the ending of accommodation.
- 8.9 Tenants will be kept informed of, and fully involved in, the legal process at all stages of legal action. Legal action may include issuing a Notice to Quit, giving the tenant 40 days' notice to leave the property, and thereafter seeking recovery of possession and seeking a payment decree. In all cases, the Council will seek recovery of expenses. Expenses may be awarded where the arrears have been repaid. The Council will refer the tenant to suitable agencies who provide advice or assist in representation at court hearings.
- 8.10 The decision to request legal action to recover possession of the property and payment of arrears will only be taken when all other means of arrears recovery have been exhausted.

9. Review of decisions and complaints

- 9.1 A review process exists for tenants who dispute the amount of temporary accommodation charge to be recovered, the level of arrears or any repayment plan. In the first instance, tenants can ask for an explanation from the Supported Accommodation Officer. If the tenant is not satisfied with the explanation provided, they can ask for an appointment with the Supported Accommodation Manager. The Supported Accommodation Manager will review the case and in the event of any dispute, will refer the case to the Housing Needs Manager.

9.2 The Council operates a Complaints Procedure that is available to any tenant who is not satisfied with the way in which their case has been dealt with. Details of the Complaints Procedure can be obtained on the Council's website and from the reception and information hubs.

10. Performance monitoring

10.1 The Council will monitor performance relating to the temporary accommodation charge as follows:

- the total amount of temporary accommodation income due;
- the total amount of the temporary accommodation charge collected;
- the amount of arrears, by band showing number of accounts and total arrears due for each band; and
- the number of tenants evicted as a result of arrears.

10.2 The information detailed above will be reported annually to the Housing and Community Safety Committee. The reports will be public documents but the confidentiality of individual customers' circumstances will be maintained.

10.3 Other statistics will be collected from time to time for management and planning purposes.

11. Policy review

11.1 The Council will review the Temporary Accommodation Charging Policy in 2027 or earlier if required by legislative changes.



**REPORT TO: HOUSING AND COMMUNITY SAFETY COMMITTEE ON 12
SEPTEMBER 2023**

SUBJECT: SCOTTISH SOCIAL HOUSING CHARTER COMPLIANCE

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

1. REASON FOR REPORT

- 1.1 To inform the Committee of compliance with the Scottish Social Housing Charter and the Scottish Housing Regulator's Regulatory Framework.
- 1.2 This report is submitted to Committee in terms of Section III (G) (13) of the Council's Scheme of Administration relating to the Council's performance management framework.

2. RECOMMENDATION

2.1 It is recommended that the Housing and Community Safety Committee:

- (i) **Considers and approves the draft assurance statement in APPENDIX I; and**
- (ii) **Notes that a summary of performance on the key Annual Return on the Charter (ARC) indicators against national/benchmarking results will be presented to the Committee on 21 November 2023.**

3. BACKGROUND

- 3.1 The Scottish Social Housing Charter came into force on 1 April 2012. The aim of the Charter is to improve the quality and value of the services provided by social landlords. The Charter sets out the minimum standards and outcomes that tenants can expect from their landlord.
- 3.2 Each year, social landlords must submit an Annual Return on the Charter (ARC) to the Scottish Housing Regulator (SHR). Using a range of performance indicators, the SHR monitors and assesses landlords' performance against the Charter. To meet regulatory requirements, social landlords must submit an assurance statement to the SHR and publish a performance report for tenants and service users by 31 October each year.

4. **SCOTTISH SOCIAL HOUSING CHARTER COMPLIANCE**

Annual Return on the Charter

- 4.1 The Scottish Housing Regulator (SHR) requires landlords to monitor progress against the outcomes and standards of the Scottish Social Housing Charter. The Council's Annual Return on the Charter (ARC) was submitted in May 2023.

Assurance Statement

- 4.2 The SHR requires social housing landlords to submit an assurance statement between April and October each year. This assures the SHR and tenants/service users that the Housing Service complies with regulatory and statutory obligations. Landlords must notify the SHR of any material changes in their level of assurance during the year.
- 4.3 The statement must be made by the landlord's governing body or relevant committee and be available to tenants and other service users. The statement forms the basis of the SHR's risk assessment and level of engagement with the landlord. The statement must:
- confirm the landlord meets all of the relevant requirements set out in its regulatory framework which can be found online at www.housingregulator.gov.scot/for-landlords/regulatory-framework;
 - set out any areas of material non-compliance and describe improvement actions and timeframes for these;
 - confirm that appropriate evidence has been considered to support the level of assurance given by the governing body or Committee; and
 - confirm the date of the meeting of the governing body or Committee.
- 4.4 In reaching a decision about non-compliance, the Committee must decide whether the issue is material. The Committee should consider whether an issue:
- seriously affects the interests and safety of tenants or other service users;
 - threatens the stability, efficient running or viability of service delivery arrangements; or
 - brings the landlord into disrepute, or raises public or stakeholder concern about the organisation or the social housing sector.
- 4.5 In line with the guidance issued by the SHR on the content of the assurance statement, a draft has been prepared for the Committee to consider and approve in **APPENDIX I**. For this year's statement, the SHR have requested that landlords confirm whether they meet all duties in relation to specific areas of tenant and resident safety and that they have obtained appropriate assurance about compliance with all relevant safety requirements.
- 4.6 The SHR will consider both the ARC results and the assurance statement as part of their risk assessment process to decide whether they need further information or assurance. They will then publish an engagement plan for each social landlord by 31 March 2024.

Annual Performance Report

- 4.7 Social landlords must also produce an annual report on their performance for tenants and other service users by 31 October each year. The report sets out how they are achieving or progressing towards the outcomes and standards of the Charter.
- 4.8 The SHR expects the report to be developed in partnership with tenants and service users, rather than exclusively by the Council. Information about the development of the report was included within the Summer Tenants' Voice newsletter and was included on the agenda of the Moray Tenants' Forum meeting on 5 September 2023.
- 4.9 The SHR published the national results for all social landlords on 31 August 2023. The availability of the national data forms an essential part of the development of the annual performance report for 2022/23. The timing of this did not fit with the deadlines for today's meeting. However, a summary of the Council's performance on key ARC indicators will be presented to this Committee on 21 November 2023, along with a copy of the finalised annual performance report.

5. SUMMARY OF IMPLICATIONS

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

The monitoring and management of performance assists the Council to continue to improve its housing services and manage assets effectively to provide the best outcomes for tenants and other service users. This contributes towards meeting the actions, outcomes and priorities within the Corporate Plan and the Housing and Property Service Plan.

(b) Policy and Legal

Reporting on Scottish Social Housing Charter performance indicators is a legal requirement under the Housing (Scotland) Act 2010.

(c) Financial implications

There are no financial implications arising directly from this report. Any costs associated with implementing improvements will be met from within existing budgets.

(d) Risk Implications

The annual assurance statement and annual performance report are requirements under the Scottish Housing Regulator's Regulatory Framework. In addition tenants and service users must be provided with meaningful opportunities to participate in the management of their homes and decision making processes. Failure to meet these requirements presents a regulatory risk.

(e) Staffing Implications

There are no staffing implications arising directly from this report.

(f) Property

There are no property implications arising directly from this report.

(g) Equalities/Socio Economic Impact

There are no equalities implications directly arising from this report. The Housing Service is working towards compliance on recently published guidance from the Scottish Federation of Housing Associations relating to equalities.

(h) Climate Change and Biodiversity Impacts

The service delivery aims of the Housing Service are closely aligned to the Council's Climate Change Strategy, and Local Heat and Energy Efficiency Strategy (LHEES).

(i) Consultations

Consultation on this report has been carried out with the Head of Housing and Property, senior managers within the Housing and Property Service, Senior Solicitor (Georgina Anderson), Research and Information Officer (Christopher Dewhurst), the Equal Opportunities Officer, Customer Engagement Officer (Rebecca Irons) and Committee Services Officer (Lindsey Robinson). Their comments, where relevant to their areas of responsibility, have been incorporated in this report.

6. CONCLUSION

6.1 This report provides the Committee with an update on the Council's compliance with the Scottish Social Housing Charter and Regulatory Framework and asks the Committee to consider and approve the draft assurance statement to the Scottish Housing Regulator.

Author of Report: Daska Murray, Senior Housing Officer
Background Papers: With author
Ref: SPMAN-1285234812-1379



Moray Council Housing and Property Service Assurance Statement

We comply with the regulatory requirements set out in Chapter 3 of the Scottish Housing Regulator's Regulatory Framework with the exception of the areas set out below.

We achieve all but the following outcomes and standards in the Scottish Social Housing Charter:

- **Outcome 1 - Equalities**

We continue to work towards compliance on the guidance on equalities published by the SFHA last year. We have been unable to fully implement system changes due to conflicting definitions on some of the protected characteristics which would affect the Scottish Government's homeless data collections. The Government has indicated that they will not review this until at least 2025.

We routinely complete Equalities Impact Assessments on all of our strategies, policies and plans which form an integral part of our decision making process.

Moray Council has initiated work on development of improved equalities and human rights outcomes as part of the Local Outcome Improvement Plan, Corporate Plan and its Equality Outcomes. Progress on the Equality Outcomes are now reported through the Council's performance reporting framework. This will improve mainstreaming of response to equalities and human rights issues throughout the Council.

- **Outcome 4 – Quality of Housing**

Scottish Housing Quality Standard (SHQS)

At 31 March 2023, 4,216 of our 6,383 properties did not meet the SHQS. An additional 953 properties were classed as exempt and 191 properties were in abeyance. The main areas of non-compliance are:

- Energy Efficiency Standard for Social Housing (EESH);
- Electrical Safety; and
- Fire Safety.

Our Housing Investment Programme was significantly delayed due to the pandemic but we have a 30 year plan to make improvements to our housing stock. Our new Asset Management Team structure has been implemented and the development of our asset management module has commenced. These are critical milestones in improving how we manage projects, improve stock condition data and target future works to ensure compliance with housing standards and legislative changes. We have made progress on addressing our performance in this area despite facing challenges of increasing costs, recruitment issues within key trades and difficulty sourcing external contractors.

Energy Efficiency Standard for Social Housing (ESSH)

At 31 March 2023, 1,388 of our 6,383 properties do not meet the ESSH. We had difficulty contracting out an insulation programme and instead focused on the replacement of heating systems, delivering 522 heating replacements through Warm Homes R4 and Low Carbon Infrastructure Transition Programme (LCITP). We plan to deliver a further 100 heating and insulation upgrades including solar panels to rural hard-to-treat properties in 2023/24, as well additional insulation and heating upgrades subject to availability of external contractors.

We comply with all relevant legislative duties, including our legal obligations relating to housing and homelessness, equality and human rights, and tenant and resident safety with the exception of:

- **Tenant and Resident Safety**

We aim to provide safe homes for tenants. We have obtained appropriate assurance that we meet our duties for the areas listed below but have highlighted where we are working towards compliance where appropriate:

Asbestos - We have an asbestos register and carry out a risk assessment before work commences in properties. Our intention is to phase out cloned asbestos surveys so that we have full surveys available for all of our properties. We are reviewing our asbestos procedure and are implementing an Asbestos module that will provide staff with electronic access to information on Asbestos Containing Materials (ACM) within properties.

Damp and Mould - We have carried out an extensive analysis to identify trends in our stock profile and are investigating prevention measures for affected properties. We improved guidance for tenants on dealing with damp and mould issues and improved our internal procedures. We have also made use of smart technology in a pilot of 33 recently acquired properties which could be at risk of damp and mould and have plans to expand this to affected properties.

Electrical Safety - At 31 March 2023, 4,630 properties did not have a valid Electrical Installation Condition Report (EICR) although some of these were in abeyance. Housing investment works over the past decade or so involved key elements of electrical upgrade work as part of planned/cyclical maintenance programmes. However, this work was recorded on partial electrical certificates rather than full EICRs, meaning that most of our property records are slightly below the required standard. We set aside additional investment to ensure the non-compliant properties are inspected to the required standard by 31 March 2024 but were unsuccessful in procuring an external contractor. We are currently re-tendering this contract to attract a wider range of contractors. We aim to complete the outstanding work by 30 September 2024 subject to the availability of contractors to support our in house delivery programme and non-access.

Fire Safety - At 31 March 2023, 189 properties did not meet the updated fire safety regulations, a reduction of 673 since the previous year. Good progress has been made however the main reason for the delay are access issues which has led to forced entry taking place on a number of occasions. Our aim is to complete the remaining upgrades by 30 September 2023.

Gas Safety - In 2022/23 we did not meet our statutory duty to complete a gas safety check within the required timescale for 4 properties but this was rectified at the earliest opportunity and all are now compliant. The reasons for the checks not being carried out on time were:

No of failures	Reason
3	Human error – engineer visited incorrect address/admin recorded on incorrect property record.
1	Contractor failed to carry out check on communal boiler on time.

Procedural improvements have been made and as at 31 July 2023 no new failures have taken place.

Lift Safety - We only have one sheltered housing complex with a lift which is included on a cyclical maintenance contract to ensure that it complies with relevant legislation.

Water Safety - We routinely carry out legionella testing on our empty properties.

- **Homelessness**

Unsuitable Accommodation Order - During 2022/23 there were 45 households breaching the Order. Our temporary accommodation stock was reconfigured and reduced from 140 at 31 March 2022 to 124 at 31 March 2023. Unfortunately we then experienced a 10% increase in homeless presentations from 512 in 2021/22 in to 562 in 2022/23. Initial investigations have shown that some of our local RSL partners have fallen short of the amount of Section 5 referrals that they should have offered/accepted, increasing pressure on available Council housing to meet this statutory requirement.

We also have 4 separate refugee programmes in Moray. Whilst many of the refugees in these programmes have not directly made homeless applications, they have been housed through other routes. This has impacted the amount of properties available for us to discharge our homeless duties.

We closely monitor our temporary accommodation requirements and have increased our stock to 133 units. From 9 July 2023 there were no breaches of the Order and at 31 July 2023 we had no households occupying bed and breakfast accommodation.

Temporary Accommodation Standards Framework - We are working towards compliance with the new guidance/framework. Most of our properties satisfy each of the criteria with the exception of digital inclusion. However, tenants have access to Moray Council information hubs and our main reception which all provide free internet access.

We confirm that we have seen and considered appropriate evidence to give us this assurance.

We approved our Assurance Statement on 12 September 2023 and sign this statement on behalf of the Housing and Community Safety Committee.

Councillor Amber Dunbar
Chair of Housing and Community Safety

Councillor Donald Gatt
Depute Chair of Housing and Community Safety



**REPORT TO: HOUSING AND COMMUNITY SAFETY COMMITTEE ON 12
SEPTEMBER 2023**

**SUBJECT: HOUSING AND PROPERTY SERVICES BUDGET MONITORING –
30 JUNE 2023**

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

1. REASON FOR REPORT

- 1.1 This report presents the budget position for the Housing Revenue Account (HRA) and General Services Other Housing Budget for the period up to 30 June 2023.
- 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 the Committee scrutinises and notes the budget monitoring report for the period to 30 June 2023.**

3. BACKGROUND

- 3.1 The Council agreed the HRA Budget for 2023/24 at a Moray Council meeting on 1 March 2023 (paragraph 7 of the Minute refers). Housing and Property budget monitoring reports are presented quarterly.

4. HOUSING REVENUE ACCOUNT TO 30 JUNE 2022

- 4.1 **APPENDIX I** details the HRA budget position to 30 June 2023.
- 4.2 The main expenditure variances relate to:–
 - 4.2.1 **Supervision and management** – there are a range of variations within this budget resulting in a net underspend of £184k. This includes underspends in staffing (£140k) arising from vacancies and the budget provision for pay award, £35k for software due to invoice timing, £3k for voids and other minor cumulative underspends of £7k. This was partially offset by an overspend in relation to training (£1k).

- 4.2.2 **Sheltered Housing** – there was an underspend of £8k in the sheltered housing budget, which is mostly attributable to lower than budgeted energy costs (£7k) and other minor cumulative spend of £1k.
- 4.2.3 **Repairs and maintenance** – there was an underspend of £1.071m in the repairs and maintenance budget, which arises from reduced activity in planned/cyclical maintenance (£576k), fewer response repairs (£264k) and an underspend in voids (£231k). The planned/cyclical position included main variance underspends in electrical upgrades (£299k), roof and fabric repairs (£109k), external decoration (£112k), asbestos works (£37k) and roof moss clearing (£34k). These were partially offset by an overspend of £34k in miscellaneous other expenditure. Whilst some of the lower levels of activity are typical of Q1, a review of the planned/cyclical programme is being undertaken to ensure it remains realistic within current workforce resourcing.
- 4.2.4 **Bad and doubtful debts** – there was an overspend of £8k against provision for bad and doubtful debts arising from slightly higher than budgeted write-offs at this stage.
- 4.2.5 **Downsizing Incentive Scheme** – the level of spend matched budgeted provision for the reporting period, reflecting a welcome increase from the lower post-pandemic activity levels.
- 4.2.6 **Service Developments** – there is an underspend of £26k, with provision retained for tenant and service priorities over the winter months.
- 4.2.7 The income at 30 June 2023 was £17k lower than expected. This is due mainly to the delayed handover of some new build properties at Keith and the lead-in period for tenants moving into Pinegrove (£49k), offset against higher than anticipated tenant recharges (£32k).

5. OTHER HOUSING BUDGET

- 5.1 **APPENDIX II** provides details of the budget position to 30 June 2023.
- 5.2 **Planning and Development** - consists of Improvement Grants and Affordable Housing budgets, including disabled adaptations. The position at 30 June 2023 shows an underspend of £57k, arising from an underspend in discretionary grants (£8k) and higher than anticipated grant income (£49k). This budget is administered by Moray Integration Joint Board.
- 5.3 **Housing Management** - relates to the Gypsy/Traveller budget. The position at 30 June 2023 shows an underspend of £1k, arising from lower site clearance costs.
- 5.4 **Homelessness/Allocations** - comprises of Homelessness and Housing Support services. There was an underspend of £48k in this budget, comprised of an underspend in Temporary Accommodation (£70k), partially offset by overspends in Housing Support (£11k) and general Homelessness (£11k).

- 5.5 Miscellaneous General Services Housing – there was an underspend of £10k in relation to repairs and rent for a supported accommodation project (Urquhart Place, partially offset by a £4k overspend for open space maintenance at another facility (Pinefield).
- 5.6 **The Building Services Budget** - is reported in detail separately on this Committee's agenda and any surplus achieved or deficit will return to the HRA.
- 5.7 **The Property Services Budget** - includes the budgets for the Design Team and Property Resources. There is an overall overspend of £63k to date. Within the Design Team there was an underspend of £10k in architectural consultancy, partially offset by an overspend in specialist software (£8k). Within Property Asset Management there were overspends in shared building costs (£21k), attributable to higher energy costs, maintenance (£3k) and schools repairs and maintenance (£87k), arising from the timing of works programmes in schools. These were partially offset by underspends in Industrial Estates (£22k), energy efficiency (£14k), fee income (£4k), admin (£3k) and other (£3k).
- 5.8 The service also holds a £6k underspend in relation to the Tenant Hardship Fund, which will be utilised in the course of the year.
- 5.9 As at 30 June 2023, the Other Housing budget shows a net underspend of £49k.

6. 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, the Council's Local Housing Strategy, the 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 to 5 of this report and detailed in **APPENDICES 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

There are no staffing implications arising from this report.

(f) Property

None.

(g) Equalities/Socio Economic Impact

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

(h) Climate Change and Biodiversity Impacts

There are no climate change/biodiversity impacts arising from this report.

(i) Consultations

This report has been prepared in close consultation with Finance staff. Consultation on this report has been carried out with Lorraine Paisey (Chief Financial Officer), Georgina Anderson (Legal Services Senior Solicitor), Senior Managers within Housing and Property Services and Lindsey Robinson (Committee Services Officer) who all agree the content of the report where it relates to their area of responsibility.

7. CONCLUSION

7.1 This report sets out the budget position for the HRA and General Services Housing budgets to 30 June 2023 and also comments on the variances on these budgets.

Author of Report: Edward Thomas, Head of Housing and Property
Background Papers: Held by author
Ref: SPMAN-1285234812-1387

Budget Monitoring to 30 June 2023

Service Description	Annual Budget 2023-24	Budget to 30 June 2023	Actual to 30 June 2023	Variance to 30 June 2023
Expenditure	£,000	£,000	£,000	£,000
Supervision & Management	5,521	1,201	1,017	184
Sheltered Housing	63	15	7	8
Repairs and Maintenance	10,696	1,799	728	1,071
Financing Costs	5,183	0	0	0
Bad & Doubtful Debts	225	19	27	(8)
CFCR / Transfer to General Fund	902	0	0	0
Downsizing Incentive Scheme	72	18	18	0
Service Development	150	38	12	26
Total Gross Expenditure	22,812	3,090	1,809	1,281
Income	£,000	£,000	£,000	£,000
Non-dwelling rents	244	81	81	0
House rents	22,362	6,059	6,010	(49)
IORB	120	0	0	0
Other income	86	22	54	32
Total Income	22,812	6,162	6,145	(17)
Surplus / (Deficit) for the year	0	3,072	4,336	1,264
Accumulated Surplus Balance brought forward			2,418	
Estimated Surplus Balance at 31st March			2,418	

Monitoring to 30th June 2023

Service Description	Annual Budget 2023-24 £'000	Budget to 30 June 2023 £'000	Actual & committed to 30 June 2023 £'000	Variance at 30 June 2023 £'000
Planning & Development	292	80	23	57
Housing Management	20	9	8	1
Homelessness / Allocations	2172	587	539	48
Miscellaneous General Services Housing	(20)	(5)	(11)	6
Building Services	0	(42)	(42)	0
Property Services	2381	393	456	(63)
General Services Housing & Property Savings	(450)	0	0	0
General Services Housing & Property Allocations	(161)	0	0	0
Covid 19 - GS Housing & Property	0	0	0	0
General Services Housing & Property Total	4234	1022	973	49

