



REPORT TO: COMMUNITIES COMMITTEE ON 20 NOVEMBER 2018

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

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

1. REASON FOR REPORT

- 1.1 This report provides the Communities Committee with an update on the commencement of the provisions of Part 2 of the Housing (Scotland) Act 2014 coming into force.
- 1.2 This report is submitted to Committee in terms of Section III (G) (2), (4) and (14) of the Council's Scheme of Administration relating to exercising the functions of the Council as a Housing Authority, dealing with the allocation and letting of houses and homelessness and developing policies in relation to Community Safety and Antisocial Behaviour.

2. RECOMMENDATION

- 2.1 It is recommended that the Communities Committee:
- i) considers and notes the progress made in relation to preparing for the implementation of Part 2 of the Housing (Scotland) Act 2014;
 - ii) notes that all tenants have been notified of the provisions which affect their current tenancy agreements; and
 - iii) notes that a further progress report will be presented to the next Communities Committee in February 2019.

3. BACKGROUND

- 3.1 On 26 June 2018, this Committee was provided with a detailed report on the coming into force of the provisions of Part 2 of the Housing (Scotland) Act 2014, herein referred to as the 2014 Act, and advised that the Committee would be given a progress report in Autumn 2018 on the Council's preparations for the implementation of the Act (paragraph 14 of the Minute refers).
- 3.2 On 24 June 2018, the Housing (Scotland) Act 2014 (Commencement No. 8, Savings, Transitional and Supplemental Provisions) Order 2018, herein

referred to as the Order, came into force. The Order sets out the dates that the various provisions of the 2014 Act will come into force and the requirement that, prior to 1 November 2018, a social housing landlord must notify tenants in writing of the changes to their tenancy agreement which will arise from the commencement of Part 2 of the Act.

- 3.3 The principal policy objectives of the 2014 Act are to grant landlords greater flexibility in relation to the allocation and management of social housing while providing more tools to assist in tackling antisocial behaviour. The order aims to provide a smooth transition between the previous legislation and the revised 2014 Act. The majority of provisions laid out in Part 2 of the 2014 Act will commence on 1 May 2019 with the exception of sections 12 and 13 in relation to assignation, subletting, joint tenancies and succession which commence on 1 November 2019.

4. UPDATE TO TENANTS

- 4.1 The 2014 Act introduces some significant changes to the rights of tenants under the terms of both a Scottish Secure Tenancy (SST) and a Short Scottish Secure Tenancy (SSST). The changes require tenants to inform their landlords as and when their household composition changes. Future tenancy decisions relating to subletting, assignation, joint tenancies and successions will be based on whether or not the tenant and/or the person taking over the tenancy has been recorded as living at the property for a minimum of 12 months, starting from the date the landlord was informed of them living there. This ensures more flexibility for the tenant and their households if and when they need to end or transfer their tenancy agreement in relation to any of the aforementioned circumstances.
- 4.2 In line with the requirements of the Order, all existing Council tenants have been notified by letter of the changes in legislation that will come into force in 2019.
- 4.3 An online census form has been created and is available on the Council's website for tenants to submit any changes to their household details. Tenants can also inform their housing officer of the changes by writing, phoning, emailing or in person at any access point.
- 4.4 The letter to tenants included detailed information explaining the legislative changes that are being introduced as a result of the 2014 Act. Potential implications relevant to individual tenancies have also been explained. Information on the changes is available on the Council's website with a further webpage developed and dedicated to keeping tenants informed of the changes.

5. HOUSING POLICY REVIEWS

- 5.1 A separate item on the Committee agenda, the Allocation Policy Review, sets out the changes to the Council's Allocations Policy required by the provisions of the 2014 Act.
- 5.2 In addition to the allocations changes, the 2014 Act introduces several important changes to the use of short Scottish secure tenancies and provides a wider toolkit for social landlords to tackle antisocial behaviour and/or illegal

or immoral activity within council tenancies. This will require a review of the following Housing Service policies prior to the 1 May implementation date:

- Short Scottish Secure Tenancy Policy
- Antisocial Behaviour Policy
- Evictions Policy

- 5.3 The Council's Assignations Policy will be reviewed early in 2019/20 to ensure that any required changes are in place to meet the implementation date of 1 November 2019.

6. FUTURE IMPLEMENTATION

- 6.1 To achieve all of the implementation target dates required by the Order, the following actions will be progressed prior to 1 May 2019:

- review all three policies detailed at 5.2; and
- develop and carry out public consultation(s) on the required changes.

- 6.2 It would make sense to undertake one consultation process for the three policy reviews as there is a substantial degree of correlation between the legislative changes across the different policy areas. Officers will consider an approach that reflects a single consultation process and an update will be provided to this Committee in February 2019.

7. SUMMARY OF IMPLICATIONS

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

Moray 2026 and the Service Plan 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 Housing (Scotland) Act 2014 received Royal Assent on 1 April 2014 and makes legislative changes in relation to social housing allocations and housing management. The Council is required to review its Allocations Policy and other housing management policies in order to comply with the legislative changes.

(c) Financial implications

There are no financial implications arising from this report. The steps to notify tenants of the legislative changes have been 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 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/socio economic implications arising directly from this report.

(h) Consultations

Consultation on this report has taken place with the Head of Housing and Property, Housing Needs Manager, Housing Services Manager and Officers within the Housing Service, Housing Strategy and Development Manager, the Community Safety Officer, Deborah O'Shea (Principal Accountant), the Legal Services Manager (Property and Contracts), the Equal Opportunities Officer and Caroline Howie (Committee Services Officer) and any comments have been incorporated into the report.

8. CONCLUSION

- 8.1 This report provides the Communities Committee with an update on the preparatory work that is being undertaken by officers to ensure the timely implementation of the provisions of Part 2 of the Housing (Scotland) Act 2014. A further progress report on the review of the Short Scottish Secure Tenancy Policy, Antisocial Behaviour Policy and Evictions Policy will be presented to this Committee in February 2019.**

Author of Report: Emma Armit, Senior Housing Officer (Policy)
Background Papers: [The Housing \(Scotland\) Act 2014](#) (1 March 2016)
[The Housing \(Scotland\) Act 2014, Part 2](#) and [Appendix I](#)
(26 June 2018)

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