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**REPORT TO: COMMUNITIES COMMITTEE ON 27 AUGUST 2019**

**SUBJECT: ASSIGNATION POLICY REVIEW**

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

**1. REASON FOR REPORT**

- 1.1 This report provides the Communities Committee with an overview of the feedback received during the consultation on the Assigantion Policy and presents the Assigantion Policy for approval.
- 1.2 This report is submitted to Committee in terms of Section III (G) (4) of the Council's Scheme of Administration relating to the allocation and letting of houses and homelessness.

**2. RECOMMENDATION**

**2.1 It is recommended that the Communities Committee:**

- (i) considers the feedback received during the consultation period set out in Section 4 and APPENDIX I;**
- (ii) approves the revised Assigantion Policy as set out in APPENDIX II; and**
- (iii) agrees that the revised Assigantion Policy will be implemented from 1 November 2019.**

**3. BACKGROUND**

- 3.1 The Housing (Scotland) Act 2001 (Section 32) provides tenants with the right to assign their tenancy provided that they obtain their landlord(s) written consent. Assigantion is where a tenant passes on (assigns) their tenancy and tenancy rights to another person (known as the assignee). The proposed assignee must occupy the house as their only principal home for six months immediately preceding the tenant's formal application to assign.
- 3.2 The Assigantion Policy was approved by the Housing Sub Committee on 27 March 2009 (paragraph 5 of the Minute refers). The Policy sets out the

framework for considering requests to assign a tenancy, including the assessment process, grounds for when consent would be granted and grounds considered reasonable for refusing consent. It assists the Council to address housing need and make best use of its stock.

- 3.3 Communities Committee were advised in a report on 5 February 2019 that changes would require to be made to the Assignment Policy in advance of the commencement of Section 12 the Housing (Scotland) Act 2014 on 1 November 2019 (paragraph 11 of the Minute refers).
- 3.4 On 28 May 2019, the Communities Committee agreed the draft Assignment Policy, subject to a wider consultation of the Council's draft (paragraph 7 of the draft Minute refers). It also agreed that an update on the consultation would be provided to this Committee.

#### **4. CONSULTATION RESPONSES**

- 4.1 The consultation period ran from 31 May until 12 July 2019. The draft policy and an easy to read plain language version of the policy were published on the Council website and a web-based survey was developed to seek feedback.
- 4.2 The consultation was publicised on the Council's website and by social media platforms and feedback was requested from:
- Moray Council tenants;
  - Register of Interested Tenants;
  - Moray Tenant's Forum; and
  - Moray Equalities Forum and other relevant stakeholders.
- 4.3 The survey asked five key questions relating to the revised Assignment Policy. These were:
- i) Do you support the introduction of the revised Assignment Policy?
  - ii) Did you find the revised Assignment Policy easy to read and understand?
  - iii) Is there a section that you would like to see reworded?
  - iv) Is there something that we've missed that you think should be included?
  - v) Is there anything you think should be removed?

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

4.4 A total of 79 responses were received.

- 4.5 An overview of the feedback, including details of the comments received along with a response to the comment, are included in **APPENDIX I**. A summary of the feedback for the Assignment Policy is set out below.
- 59 (74.69%) respondents stated that the policy was easy to read and understand. 7 respondents (8.86%) did not answer the question, 7 respondents (8.86%) did not find it easy to read and 6 did not know.

- 4 (5.06%) respondents thought that a section of the policy should be reworded but did not provide detail on which section they were referring to.
- 35 (44.30%) respondents did not think that anything had been missed from this policy. Only 5 respondents (6.33%) thought an item had been missed. The comments returned (detailed in **APPENDIX I**) did not result in any changes to the policy.
- 6 (7.59%) respondents thought that something should be removed from the policy.
- Comments received included:
  - an issue which is already addressed by the policy;
  - legislative duties which the Council must comply with;
  - issues which are out with the remit of the policy; and
  - support for the policy.

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

## **5. POLICY IMPLEMENTATION**

- 5.1 Subject to this Committee's approval, an implementation plan will be developed to support a "go live" date of 1 November 2019. This will include:
- developing revised procedures to support the operation of the Assignment Policy;
  - staff training;
  - a review of all information resources to ensure it reflects the agreed changes, including the Council's website, leaflets and application form;
  - informing tenants of the changes via the website, social media and in the Tenants' Voice newsletter; and
  - publishing the revised Assignment Policy and easy to read version on the Council's website.

## **6. SUMMARY OF IMPLICATIONS**

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

Moray 2027 and the Service Plan identify the need to address the shortage of affordable housing and tackle homelessness. The Assignment 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. It amends some aspects of the law on social housing allocations and management. The Council is required to review its Assignment Policy by 1 November 2019 in order to comply with the legislative changes.

### **(c) Financial implications**

There are no financial implications arising from this report.

**(d) Risk Implications**

There are no risk implications arising from this report.

**(e) Staffing Implications**

There are no staffing implications arising from this report.

**(f) Property**

There are no property implications arising from this report.

**(g) Equalities/Socio Economic Impact**

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

**(h) Consultations**

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

**7. CONCLUSION**

**7.1 This report presents the Communities Committee with the outcome of the consultation exercise undertaken on the draft Assignment Policy and seeks Committee approval to implement the revised policy from 1 November 2019.**

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

Background Papers: Assignment Policy Review (28 May 2019)  
Housing (Scotland) Act 2014 Progress Report (5 February 2019)  
Assignment Policy (27 March 2009 – Housing Sub Committee)

Ref: ASSGNPOL2/2019