



---

**REPORT TO: COMMUNITIES COMMITTEE ON 2 APRIL 2019**

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

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

## **1. REASON FOR REPORT**

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

## **2. RECOMMENDATION**

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

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

### **3. BACKGROUND**

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

### **4. CONSULTATION RESPONSES**

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

#### 4.4 Neighbour Nuisance and Antisocial Behaviour Policy

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

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

#### 4.6 Short Scottish Secure Tenancy (SSST) Policy

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

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

#### 4.8 **Evictions Policy**

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

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

### 5. **POLICY IMPLEMENTATION**

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

### 6. **SUMMARY OF IMPLICATIONS**

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

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

#### **(b) Policy and Legal**

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

**(c) Financial implications**

There are no financial implications arising from this report.

**(d) Risk Implications**

There are no risk implications arising from this report.

**(e) Staffing Implications**

There are no staffing implications arising from this report.

**(f) Property**

There are no property implications arising from this report.

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

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

**(h) Consultations**

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

**7. CONCLUSION**

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

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

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

Ref: HSA2014:APR2019