



# MORAY COUNCIL

## ALLOCATIONS POLICY

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<b>Amended</b>	Housing List Quotas for 2019/20 agreed by Communities Committee on 28 May 2019
<b>Amended</b>	To reflect change in application process from Apply4Homes to Housing Online (June 2021)
<b>Amended</b>	To provide clarity on the allocation of flatted / maisonette accommodation which is above ground floor and has communal access to applicants with children under 5 years of age (June 2021)
<b>Amended</b>	Housing List Quotas for 2021/22 agreed by Economic Growth, Housing and Environmental Sustainability Committee on 8 June 2021
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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, Moray 2026 – a Plan for the Future, the Council’s Corporate Plan and the Single Outcome Agreement and priorities from the Moray 10 Year Plan.
- 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 Allocation 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 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. A list of the laws which have been taken into account are detailed in **APPENDIX I**.
- 4.5 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. The Council seeks to ensure that the Policy does not discriminate between individuals on the grounds of age, disability, gender reassignment, marital status/civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation.

5.2 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.

6.2 The Council will treat all applicants for housing with courtesy, sensitivity and in 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 held in private interview rooms and all information will be treated in complete confidence.

## **7. Information and advice**

- 7.1 The Council will provide applicants with information and advice about their housing application. The Council will provide advice leaflets on the Allocations Policy (using plain language) and will provide details of alternative 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 2001, 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.

## **9. Applications for housing out with Moray**

- 9.1 When an application for housing is submitted, applicants will only be considered for housing if they currently live in Moray or:
- they are approaching discharge from an institution and are considered normally resident in Moray; or
  - 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.

## 10. The Housing List

10.1 Application to the Housing List is made via the web based Housing Online application. 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.

10.2 Applicants will be required to create a Housing Online account on the Council website. 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.

10.3 The Housing List consists of the Transfer List, the Homeless List and the Waiting List. Applicants accepted onto the Transfer List will currently be tenants of Moray Council. The Homeless List will contain those applicants who have been assessed by the Council as being unintentionally homeless. All other applicants will be placed on the Waiting List. The Council will seek to admit applicants to the Waiting/Transfer List within 10 working days of their application being received by the Council.

10.4 The ratio of allocations to be made to each List will be determined annually by the Economic Growth, Housing and Environmental Sustainability Committee of the Council and will be applied at a Moray wide level (except for properties detailed in the local lettings plan. Refer to Section 19 of the policy). For 2021–2022 the ratio of allocations to each list is as follows:

The homeless list	50% of allocations (+/-5%)
The waiting list	32% of allocations (+/-5%)
The transfer list	18% of allocations (+/-5%)

10.5 Details of point levels etc will be provided to applicants, in writing, on acceptance of their application to the Housing List. Applicants can check

detail of their points levels for council housing on the Council website or can request details of their points levels at reasonable intervals.

## **11. Applicant choices**

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

### **11.2 Preferred areas of choice**

11.2.1 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 will be considered for any available suitable property in Moray as long as it considered reasonable in terms of homeless legislation.

11.2.2 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) and new build programmes.

### **11.3 Size of housing**

11.3.1 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. In assessing bedroom deficiency or overcrowding, rooms which are less than 6.5 square metres in area or without natural lighting will not be included.

11.3.2 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.

11.3.3 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:

<b>Household size</b>	<b>bedroom size</b>
<b>Single person</b>	One
<b>Couple</b>	One / two
<b>Single parent or couple with one child or pregnant</b>	Two
<b>Single parent or couple with two children of the same sex</b>	
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
<b>Single parent or couple with two children of the opposite sex</b>	
Both children are under the age of 5	Two
One child is aged 5 or over	Three
<b>Single parent or couple with three children of the same sex</b>	
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
<b>Single parent or couple with three children of the opposite sex</b>	

<b>Household size</b>	<b>bedroom size</b>
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
<b>Single parent or couple with four children of the opposite sex</b>	
All children are able to share a bedroom	Three
Only two of the children are able to share a bedroom	Four
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.

11.3.4 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.

11.3.5 In the event that an applicant is deemed to require a one bedroom property and is eligible for either overcrowding or under occupancy points and the applicant decided to accept a two bedroom 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.

#### 11.4. **Ground floor properties**

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

11.4.2 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.

11.4.3 The housing list for one and two bedroom ground floor properties will be combined. Applicants assessed as requiring a one bedroom ground floor property will also be considered for two bedroom ground floor properties. The applicant with the highest level of need will be allocated the property.

11.4.4 In the event that an applicant is deemed to require a one bedroom property and is eligible for under occupancy points and the applicant decided to accept a two bedroom 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.

## **12. Housing types**

12.1 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:

### **12.2 Sheltered housing**

12.2.1 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. Applicants must have an assessed need for sheltered housing which will be determined by the completion of a functional assessment (see Section 16).

### **12.3 Specialist housing**

12.3.1 This type of housing includes properties that meet the needs of people with a physical disability. Homes may be partially adapted, fully adapted or suitable for future adaptations. Applicants must have an assessed need for housing with adaptations which will be determined by the completion of a functional

assessment (see Section 16). The Council may match some properties that have been specially adapted or designed to meet a person's needs.

### **13. How applications for housing are prioritised**

13.1 In line with housing law, '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**

13.2 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.

### **14. Factors that cannot be taken into account**

14.1 There are certain factors which housing law states that 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.

## **15. The assessment of priority for housing**

- 15.1 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 detailed in Section 16.
- 15.2 The placing 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.
- 15.3 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.

- 15.4 Applicants are responsible for notifying the Council of any changes in their circumstances. 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.

## **16. Priorities and points**

### **16.1 Homelessness**

16.1.1 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.

16.1.2 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.

16.1.3 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 and the sustainability of the accommodation.

### **16.2 Under occupancy**

16.2.1 An applicant's current accommodation will be assessed in accordance with Section 11.3.2 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 tenants living in <b>social housing</b> , for each bedroom surplus to requirements.	<b>250 points</b>
For tenants/owners living in <b>private housing</b> , for each bedroom surplus to requirements.	<b>50 points</b>

### **16.3 Overcrowding**

16.3.1 An applicant's current accommodation will be assessed in accordance with Section 11.3.2 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.

16.3.2 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.

16.3.3 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**

16.3.4 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.

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

16.3.6 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 upon assessment of their application.

#### **16.4 Functional housing need**

16.4.1 Applicants applying for housing because they think that their home is not suitable due to a health condition and/or a disability will 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.

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

16.4.3 Housing functional assessments are completed by the Housing Occupational Therapist who will award functional assessment points in accordance with the points criteria detailed at Section 16.4.4. In more complex cases or where further evidence is needed to make a decision, the Housing Occupational Therapist will request additional information from the applicant and/or any of the services/professionals included in the completed assessment form.

16.4.4 Points may be awarded as follows:

Category	Criteria	Points
A	Awarded where the illness will become life threatening if the person were to remain in their current accommodation or due to illness and dysfunction it has been clearly established by health professionals that the	<b>500</b>

Category	Criteria	Points
	person is no longer able to safely remain in their current accommodation.	
B	Awarded where the illness is likely to continue to seriously deteriorate if the person remains in their current accommodation and/or the person is long term and substantially disabled and due to this it has been established by health professionals that they are unable to access and use essential facilities in their current home.	<b>350</b>
C	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 day to day activities.	<b>150</b>
D	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 day to day activities.	<b>50</b>
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 alternative solutions can be provided (e.g. aids and adaptations).	<b>0</b>

16.4.5 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.

16.4.6 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.

16.4.7 The appeals panel will write and advise the applicant of the outcome of the review and of the reasons for the decision.

16.4.8 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.

16.4.9 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.

## **16.5 Leaving institutional/supported care**

16.5.1 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.	<b>350 points</b>
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.	

16.5.2 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.

16.5.3 Although points may be awarded, unless a valid and up to date support plan is in place which confirms that the applicant will have sufficient support to assist them to sustain their tenancy, the applicant may be bypassed for an offer of housing (see Section 17).

## **16.6 Underuse of specialist housing**

16.6.1 Specialist housing is defined as any social housing property in Moray which is either suitable for ambulant disabled households or is wheelchair accessible. Generally this applies to any bungalow with a level entry access.

16.6.2 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.

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

16.6.4 Applicants will only be eligible for underuse of specialist housing points if they are moving from specialist housing to alternative housing which is not defined as specialist housing.

**250 points**

### **16.7 Poor housing conditions**

16.7.1 Applicants in the private sector (including caravans) will be awarded poor housing condition points on the following basis, following an inspection where this is required to establish condition:

16.7.2 Facilities are defined as sink, wash-hand basin, bath or shower, hot and cold water supply to facilities and an inside toilet.

Below Tolerable Standard and lacking facilities	<b>250 points</b>
Below Tolerable Standard with facilities	<b>150 points</b>
Lacking facilities but meets standard	<b>100 points</b>

### **16.8 Sharing amenities**

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

16.8.2 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**

### **16.9 Flatted/maisonette accommodation**

16.9.1 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.

16.9.2 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	<b>40 points</b>
Residing in a second floor or over flat or maisonette where the living accommodation is on the second floor or above	<b>75 points</b>

## **16.10 Tied accommodation**

16.10.1 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.

16.10.2 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.

16.10.3 Points for tied accommodation will be awarded up to three months before the applicant's tenancy ends.

**350 points**

## **16.11 Key workers**

16.11.1 Applicants who are taking up employment in Moray who can demonstrate that they are bringing a skill that is not available locally may be eligible for the award of key worker points. In establishing if an applicant may qualify for key worker points, the Council may seek the advice of the Job

Centre/Employment Agency/Local Enterprise Company on the availability of such skills locally. The Council will require the applicant's employer to provide confirmation and support for a request for key worker points.

16.11.2 Applicants will only be eligible for key worker points in cases where their current permanent accommodation is beyond a reasonable travel to work distance from their employment. For the purposes of this section of the Policy, a reasonable travel to work time is defined as a car journey of one hour or less.

16.11.3 Tenancies granted to applicants with key worker points will normally be short Scottish secure tenancies (SSST), as defined in the Housing (Scotland) Act 2001. However, the Housing Needs Review Group may consider requests for an extension of a SSST and may consider whether a Scottish secure tenancy (SST) should be granted, taking into account the relative demand and availability of accommodation in the area. The Housing Needs Review Group will review all SSSTs created under this section of the policy after a period of 9 months has elapsed in each tenancy.

**100 points**

## **16.12 Need to reside**

16.12.1 There may be instances where an applicant needs to reside in a specific lettings area. Need to reside points may be awarded where the applicant (or a member of their household) needs to remain in or move to a lettings area in order to:

- provide or receive care or support (that would not otherwise be available);
- access or maintain specialist education or specialist facilities;
- access or provide childcare arrangements to allow the applicant, or the person who they want to move closer to, to undertake employment;
- be closer to a place of employment; or
- where the applicant has a permanent residence/principal home within a lettings area.

16.12.2 Need to reside points will be awarded when the Council is satisfied that their requirement can be substantiated. The applicant must provide valid evidence. Applicants will be asked to identify a specific lettings area and up to two other bordering lettings area. Only those lettings areas identified will be eligible for the award of need to reside points.

**50 points**

**16.13 Exceptional circumstances**

16.13.1 'Exceptional circumstances' points may be awarded in cases which cannot be appropriately considered within the Allocations Policy.

16.13.2 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.

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

<b>Summary of priorities and points level</b>		
<b>Priority category</b>		<b>points</b>
Homelessness		<b>0</b>
Under occupancy	Tenants living in social housing	<b>250</b>
	Tenants/owners living in private housing	<b>50</b>
Overcrowding		<b>100</b>
Periodic contact		<b>50</b>
Functional housing need		<b>0 – 500</b>
Leaving institutional/supported care		<b>350</b>
Underuse of specialist housing		<b>250</b>
Poor housing conditions	Below tolerable standard and lacking facilities	<b>250</b>
	Below tolerable standard with facilities	<b>150</b>

<b>Summary of priorities and points level</b>		
	Lacking facilities but meets standard	<b>100</b>
Sharing amenities		<b>100</b>
Flatted/maisonette accommodation	Residing in a first floor flat or above ground floor access maisonette.	<b>40</b>
	Residing in a second floor or over flat or maisonette where the living accommodation is on the second floor.	<b>75</b>
Tied accommodation		<b>350</b>
Key workers		<b>100</b>
Need to reside		<b>50</b>
Exceptional circumstances		<b>0 – 500</b>

## **17. Bypassing applications**

17.1 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.

17.2 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.

## **18. Suspensions**

18.1 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.

18.2 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.

18.3 Applicants may be suspended from receiving an offer of housing 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 1/12<sup>th</sup> 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 (detailed in Section 22 of this policy). 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 26 of this policy.

- 18.4 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 he/she can practicably be expected to do to avoid falling into arrears.
- 18.5 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.
- 18.6 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.
- 18.7 **Deliberate worsening of circumstances**
- 18.7.1 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.

18.7.2 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.

18.7.3 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.

18.7.4 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.

18.7.5 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.

## **19. Local Lettings Plans**

19.1 The Council may from time to time 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.

- 19.2 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 Economic Growth, Housing and Environmental Sustainability Committee will consider proposals for the declaration of any local lettings plan.
- 19.3 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.
- 19.4 Where a local lettings plan is agreed for a specific lettings area, the Council will ensure that applicants are advised of the Plan.
- 19.5 Any local lettings plan will be agreed for a specified period and will be reviewed annually by the Economic Growth, Housing and Environmental Sustainability Committee or any other relevant Committee.
- 19.6 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.
- 19.7 All agreed Local Lettings Plans will be published on the Moray Council website.

## **20. Sensitive lets**

- 20.1 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.
- 20.2 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.
- 20.3 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.
- 20.4 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?
- 20.5 The Council will monitor the use of sensitive lets in order to make sure that there is no pattern of bypassing particular groups.

## **21. Application management**

### **Review of applications**

- 21.1 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**

- 21.2 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**

- 21.3 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.

## **22. Offer of housing**

- 22.1 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.
- 22.2 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.
- 22.3 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.

22.4 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.

### **23. Tenancy types**

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

#### **Scottish secure tenancy (SST)**

23.2 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)**

23.3 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;

23.4 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.

23.5 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.

23.6 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.

## **24. Refusal of an offer of housing**

24.1 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.

24.2 If an applicant refuses two reasonable offers of housing within one year, the application will be suspended for a period of six months. During that period, no further offers of accommodation will be made.

### **24.3 Refusal due to the removal of the spare room subsidy**

24.3.1 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.

24.3.2 For example, if in accordance with section 11.3.2, 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.

## **25. Social housing options**

25.1 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.

- 25.2 Applicants will be asked to indicate on their housing application whether they wish to be considered for a nomination to RSLs.
- 25.3 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.
- 25.4 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.
- 25.5 The Council's Downsizing Incentive Scheme operates in conjunction with the Allocations Policy. The 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.

## **26. Review and complaints arrangements**

- 26.1 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.
- 26.2 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**

- 26.3 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.
- 26.4 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.
- 26.5 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.
- 26.6 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.
- 26.7 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.

26.8 The review group comprises of the Housing Needs Operations Manager (Allocations/Homelessness), an Area Housing Manager, a Housing Needs Officer, an Area Housing Officer and an independent 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.

26.9 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.

26.10 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.

26.11 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.

26.12 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**

26.13 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.

## **27. Performance monitoring**

27.1 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.

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

27.3 In addition to statutory performance indicators, the Council will also monitor.  
Annually

- The ethnic origin of:
  - applicants on the Housing List; and
  - new tenants
- The number of people who consider themselves to have a disability

Quarterly

- The percentage of allocations by group
  - Homeless List
  - Waiting List
  - Transfer List
- The percentage of tenancy offers refused during the year.

27.4 The performance indicators are reported to the Economic Growth, Housing and Environmental Sustainability Committee or any other relevant Committee. These reports will be public documents. The confidentiality of individual applicant's circumstances will be maintained.

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

27.6 The Council will review the operation of the Allocations Policy on an annual basis. A review report will be considered annually by the Economic Growth, Housing and Environmental Sustainability Committee.

**28. Review of the Allocations Policy and consultation arrangements**

28.1 If the monitoring of performance detailed in Section 27 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.

28.2 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.

28.3 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.

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

### 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 (Scotland) Act 2011
- 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.