



Moray Council
Local Lettings Plan
Trust Properties – Jubilee Cottages

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1. Introduction

- 1.1 The Council must make best use of its housing stock, which includes how these are allocated. The Housing (Scotland) Act 1987 (as amended) requires that social landlords let properties in a way that gives reasonable preference to those in greatest housing need, makes best use of the available stock, maximises choice and helps to sustain communities. Legislation provides landlords with the discretion to operate a separate lettings process from their [Allocations Policy](#) for different parts of their housing stock.
- 1.2 Local Lettings Plans provide an open and transparent framework which set out any variation to the [Allocations Policy](#) needed to take account of and address local need and circumstances. The plan must operate within all the relevant legislation governing the allocation of houses as detailed in the [Allocations Policy](#).
- 1.3 This Local Lettings Plan applies to eight Jubilee Cottages at Victoria Road in Elgin.
- 1.4 Jubilee Cottages were built by the City and Royal Burgh of Elgin in 1897 to establish a memorial to the Diamond Jubilee Year of Queen Victoria. The properties were transferred by a Deed of Trust to the Trustees in 1899. Moray Council are Trustees. The properties are managed by the Council's Housing Service on behalf of the Trustees.
- 1.5 Jubilee Cottages are to be used, as far as is as possible, in accordance with the terms of the Trust Deed. To achieve this every allocation of eight properties will adhere to this Local Lettings Plan.

2. Aims and objectives of the Local Lettings Plan

- 2.1 The overall aim of the Local Lettings Plan is to provide an open and transparent framework which sets out any variation to the [Allocations Policy](#) needed to let Trust properties at Jubilee Cottages.

2.2 The specific objectives of the Local Lettings Plan are to:

- comply with the terms of the Trust Deed ([APPENDIX I](#)), as far is practical and in accordance with current legislation and good practice;
- set out the specific criteria that applicants must meet in order to be made an offer of housing to specific properties;
- make the best use of housing stock and meet housing need; and.
- assist to the improve shortage of affordable housing and alleviate homelessness

3. Legislative and regulatory requirements

3.1 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.

3.2 The Local Lettings Plan promotes good practice and complies with guidance from the Scottish Government and the Scottish Housing Regulator, including the Scottish Government's Social Housing Allocations – A Good Practice Guide (2019) and the standards and outcomes detailed in the Scottish Social Housing Charter.

3.3 Local Lettings Plans are used to consider specific local factors and:

- must comply with all relevant legislation;
- should be operated alongside the [Allocations Policy](#) and act as an additional set of circumstances that will be considered or rules that will be applied;
- should apply to a specific geographical area and be supported by evidence on why it is required;
- should have clear outcomes and be time limited; and
- must be published.

- 3.4 In the absence of any powers in a deed of trust, the powers under the [Trusts \(Scotland\) Act 1921](#) apply. These powers include granting leases provided that they are not at variance with the terms and purposes of the trust.
- 3.5 It is emphasised that the following Extract of Deed is a legal summary of the original trust terms drafted several decades ago and is provided for reference only, noting that much the language and content is deemed archaic and unenforceable.

Equality and diversity

- 3.6 The Council will seek to ensure that all applications are assessed in accordance with its duties under the Equalities Act 2010. Full consideration will be given to the Council's Public Sector Equality Duty (PSED) when assessing the applications. This requires public authorities to:
- eliminate discrimination, harassment and victimisation; and
 - advance equality of opportunity; and to foster good relations between persons who share a relevant protected characteristic and those who do not.
- The Council will also have due regard while considering the circumstances of the case where the applicant is a part of a protected group under this legislation, and detailed below, prior to reaching any decision or outcome.
- 3.7 The Council will endeavour to ensure that no individual is discriminated against on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or other personal attributes, including beliefs, or opinions, such as religious beliefs or political opinions.
- 3.8 To support the needs of customers whose first language is not English, the Council will provide translation and interpretation services when needed. The Council will ensure that information is accessible and available in other formats such as large print, tape and Braille, as required.

4. Local Lettings Plan criteria

- 4.1 The Council's Housing List comprises three groups of applicants – homeless list, waiting list and transfer list. In accordance with good practice, the Council sets a target annually for allocations to each of these groups.
- 4.2 The Local Lettings Plan will provide greater flexibility in allocating Trust Properties at Jubilee Cottages by not applying these quotas. Instead, the Council will allocate properties in such a way that achieves the stated objectives of this Plan.
- 4.3 Applicants must be eligible for the specific property type to be considered for an offer of housing. Eligibility criteria and household categories are set out in the [Allocations Policy](#).
- 4.4 Housing law does not prevent landlords from considering the fact that someone lives in their area and giving priority to local people. This is known as having a local connection to an area and landlords can take into account the fact that the applicant is resident in their area. However, Section 20(2)(aa) of the [Housing \(Scotland\) Act 1987](#) (as amended) prevents a landlord from taking into account whether an applicant lives in its area if the applicant:
- i) is employed, or has been offered employment, in the area; or
 - ii) wishes to move into the area to seek employment and the landlord is satisfied that this is the applicant's intention; or
 - iii) wishes to move into the area to be near a relative or carer; or
 - iv) has special social or medical reasons for requiring to be housed within the area; or
 - v) wishes to move into the area because of harassment; or
 - vi) wishes to move into the area because he or she runs the risk of domestic abuse.

(Please note that local connection is also covered under homelessness legislation and is defined differently in relation to homelessness).

4.5 To ensure that allocations meet the aims and objective of the Local Lettings Plan detailed in section 2.2, applicants who fulfil the following criteria and who have selected Elgin in their top three areas of preference (as stated in their housing application) as the primary factor and their points level as secondary:

Priority	Criteria
First preference	Applicants who: <ul style="list-style-type: none"> • have a local connection* to Elgin; and • are aged 65 year or over; and • require a ground floor property.
Second preference	Applicants who: <ul style="list-style-type: none"> • have a local connection* to Elgin; and • require a ground floor property.
Third preference	Applicants who require a ground floor property.

*Local connection will be considered as living or working or being in full time education in Elgin. This will be applied in accordance with the legislative provisions set out in Section 4.4.

4.6 Exclusions will apply where an applicant (or member of their household) is considered to pose a risk to the local lettings plan aims and objectives due to any of the following:

- an applicant or member of their household has been evicted for antisocial behaviour or subject to an antisocial behaviour order within the last three years;
- where the applicant or member of their household has been evicted from a tenancy for rent arrears in the last three years;
- where the applicant or a member of their households has a history of convictions for criminal behaviour, drug dealing or abuse; or
- the applicant has high support needs but has previously failed to accept support or engage with support services provided.

4.7 Prior to making an offer of housing, tenancy checks will be completed in relation to the applicant and their household. A satisfactory tenancy check will be

required before an applicant will be shortlisted for consideration of an offer of housing.

- 4.8 Where support needs are identified, prior to receiving an offer of tenancy, a support plan detailing a sufficient level of support in order for the applicant to sustain their tenancy must be in place and the applicant must demonstrate appropriate engagement with this support.

5. Creating sustainable communities

- 5.1 By prioritising applicants by their top three area preferences and the considering their suitability in terms of their local connection, the local lettings plan enables offers to be made to applicants who have specified that they want to live in the letting area in which the Jubilee Cottages properties are located.
- 5.2 Whilst reasonable preference is required to be given to those with a range of vulnerabilities, in order to create and maintain a sustainable community, consideration will be given to balance the profile and needs of people living in the area. The Council will seek to avoid any over concentration of vulnerable tenants with similar needs within the properties at Jubilee Cottages. This aims to provide a balance between households that will need additional support and those that will not.

6. Monitoring of the Local Lettings Plan

Local Lettings Plan Panel

- 6.1 A Lettings Plan Panel will be responsible for implementing and monitoring the operation of the local lettings plan. This Panel will comprise of:
- Housing Needs Operations Manager (Chair);
 - Area Housing Manager (responsible for the letting area); and
 - Housing Needs Officer.

- 6.2 The Lettings Plan Panel be provided with a potential shortlist of applicants from which they will identify applicants to whom offers of housing will be made. To aid the selection process, the Panel will have access to tenancy references, support and care arrangements, antisocial behaviour records etc. The Panel will consider the extent to which this information might impact on the establishment of a sustainable community and the aims of this Plan.
- 6.3 Decisions made by the Panel will be clear and proportionate and accountable. The Chair will ensure that a robust and accountable audit trail of the decisions made by the Panel is maintained, to ensure that no individuals or groups are being unfairly disadvantaged. Any decision to bypass an applicant for an offer must be related to the stated objectives of the Lettings Plan.
- 6.4 The Jubilee Cottages Local Lettings Plan will be published on the Moray Council website.

EXTRACT FROM DEED OF TRUST FOR JUBILEE COTTAGES, ELGIN

Providing always that the selection of the tenants of the Cottages shall be governed so far as possible by the following provisions the District Council shall be entitled to take all the special circumstances connected with each application into consideration in making a selection and a decision of the District Council and their selection shall be final and not subject to review by any Court of Law:-

1. The Cottages will be used as dwelling places or homes for poor people of respectable character who are unable otherwise to provide comfortable homes of a similar class for themselves.
2. The continuance of the tenant selected in the occupation and benefit of the Cottages will be subject to the control of The Moray District Council who will be entitled on cause shown and of which they will be the sole judge at any time, to deprive the tenant of occupation.
3. In selecting the tenants preference will be given to applicants in the following order.
 - (a) to old married couples and the survivor of them provided the survivor is over fifty years of age at the time of the death of the predeceased.
 - (b) to widows or elderly single females.
 - (c) to old men married or unmarried.
 - (d) in making the selection of beneficiaries for the Cottages natives of the City and Royal Burgh of Elgin will have a first claim and after them preference will be given to persons who for a length of time have resided in the City and Royal Burgh of Elgin and made an honest living there.
4. All the beneficiaries must keep their houses clean and tidy to the satisfaction of the Moray District Council and male occupants must have some female to attend upon them unless the District Council are satisfied that the male occupants can keep their houses clean and tidy themselves.