

The Highland Council
Community Services Committee
15 May 2014

Agenda Item	12
Report No	COM/11/14

Allocations Policy Update

Report by the Director of Community Services

Summary

This report provides an update on the allocation of social rented housing in Highland, including the legal and regulatory framework involved, and summarises the key points arising from the recent Members workshop, which will inform future consideration of policy changes.

1. Background

- 1.1 The Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Act 2001 sets out the main legal duties in regarding to access to housing registers and the allocations of social rented housing. These are summarised in **Appendix 1**.
- 1.2 Highland Housing Register (HHR) has been running since May 2008. The HHR is a common housing register with a common allocations policy. It includes the Highland Council and the five main Registered Social Landlords operating in Highland:
 - Albyn Housing Society
 - Cairn Housing Association
 - Lochaber Housing Association
 - Lochalsh & Skye Housing Association
 - Pentland Housing Association
- 1.3 The current allocations policy was agreed in May 2013. This is a “points based” system, with applicants awarded points based on their circumstances and the allocation of empty homes made to those with the greatest need for the properties. This also enables us to make best use of our stock. For further details on our current allocations policy please use the link below:

<http://www.highland.gov.uk/NR/rdonlyres/D1116734-F453-4D5F-863B-6634DCFD5FAF/0/hhrallocationspolicy.pdf>
- 1.4 The Highland Housing Register (HHR) is subject to ongoing monitoring and we produce an annual report which notes any trends and areas for policy review. The annual report for 2013/14 will be presented to Committee in August.

2. Housing (Scotland) Act 2014

- 2.1 A Housing Bill is currently being considered by the Scottish Parliament, and is expected to be introduced later this year. Changes are proposed that would give reasonable preference in housing allocations to people who are homeless or threatened with homelessness or living in unsatisfactory housing conditions, where housing needs are not capable of being met by other housing options.
- 2.2 There will also be a new duty for each landlord to consult on priority categories and publish a report on consultation, and consider this developing their allocations policy.
- 2.3 The new legislation proposes more flexibility that will allow landlords to take in to account in relation to age and property ownership in determining priority for housing. A previous proposal to allow income to be taken into account does not feature in the Bill. Council's will also be able to make more use of Short Scottish Secure Tenancies (SSST) for applicants where there has been a history of antisocial behaviour.

3. Scottish Housing Regulator

- 3.1 The Scottish Housing Regulator (SHR) was created under the Housing (Scotland) Act 2010. They are an independent regulator who report directly to the Scottish Government. The main duty of the SHR is to protect and promote the interests of current and future tenants, homeless people and others who use the services of a social landlord. They have statutory intervention powers where appropriate to protect the interests of tenants and other housing customers.
- 3.2 The Council is required to prepare an annual report on performance indicators and progress against the Scottish Social Housing Charter. This includes information on housing allocations. The Council's first Annual Report will be presented to Committee in August.

4. Members Briefing – Housing Options

- 4.1 We held a workshop in March for Council Members and Board Members from housing association partners. The workshop was in two sections and involved considering how we prioritise different housing needs and housing options. A summary of the key points emerging from the workshop can be found in **Appendix 2**.
- 4.2 Some of the main points to note from the workshop are:
 - The difficulty in balancing competing housing needs in an objective way in the context of extremely high housing demand.
 - There was a general agreement that we should consider wider housing options as a reasonable alternative to social rented housing, where these were affordable and met housing needs.

- The Council should be proactive in enforcement activity where that would result in addressing someone's housing needs "*in situ*". For example, where there was a legal obligation on a private landlord to undertake repairs the preference would be to ensure the landlord complied rather than award priority for social housing.
- 4.3 It was also agreed that a further workshop should be held to discuss future policy options in more detail.
- 5. Implications**
- 5.1 There are no known resource, climate change/carbon clever, Gaelic or risk implications as a result of this report.
- 5.2 Any policy changes would have legal and regulatory implications if we did not comply with relevant legislation.
- 5.3 Any future policy changes would be subject to an equality Impact Assessment. The annual Allocation Policy Monitoring Report includes equality monitoring.

Recommendation

The Committee is invited to:

- (i) Note the summary from the Member Workshop;
- (ii) Agree that work continues with the Highland Housing Register Partners on policy options relating to prioritisation of applications and a wider housing options approach;
- (iii) Agree that further policy changes be considered arising from the Housing (Scotland) Act 2013;
- (iv) Agree that these issues should be considered further when the annual Housing Allocations Monitoring Report is presented to the Community Services Committee on 21 August 2014; and
- (v) Agree that a further Member briefing session be held prior to the Community Services Committee on 21 August 2014.

Designation: Director of Community Services

Date: 29 April 2014

Author: Claire Mckay

Housing Lists

- (1) An applicant for housing held by a local authority or registered social landlord is entitled to be admitted to a housing list unless the applicant is under 16 years of age
- (2) "housing list" means a list of applicants for housing which is kept by any housing provider or jointly by or on behalf of two or more housing providers in connection with the allocation of housing held for housing purposes
- (3) "housing provider" means any local authority or any registered social landlord.

The Housing (Scotland) Act 1987 - as amended by The Housing (Scotland) Act 2001

Allocation of Housing

Local Authorities and registered social landlords shall, in relation to all houses held by them for housing purposes, ensure that when allocating housing a reasonable preference is given

- to persons who
 - (i) are occupying houses which do not meet the tolerable standard
 - (ii) are occupying overcrowded houses
 - (iii) are living under unsatisfactory housing conditions
- to homeless persons and persons threatened within homelessness

When allocating housing local authorities and Registered Social Landlords (RSLs) shall take no account of-

- the length of time for which an applicant has resided in its area
- any debts (rent arrears or rechargeable repairs etc) connected with a council / RSL house which the applicant was not the tenant of
- any housing debts of the applicant which are no longer outstanding
- any outstanding arrears that are less than one month's rent or have a repayment arrangement in place
- any housing debt of the applicant or any person that will reside with the applicant which is not attributable to the tenancy of a house
- the income of the applicant and his family
- whether the applicant or any of his family owns or has owned heritable or movable property

Applications from out with a Council area must be accepted if the applicant-

- is employed or has been offered employment in the area
- wishes to move into the area and staff are satisfied that the purpose of the move is to seek employment
- wishes to move into the area to be near a relative or carer
- has special social or medical reasons for requiring to be housed within the area
- is a victim of harassment and wishes to move into the area
- runs the risk of domestic violence and wishes to move into the area

Local authorities and RSLs may take into account the age of the applicant **only** when allocating

- houses designed or adapted for occupation by persons of particular group
- houses to persons who are or are going to receive housing support services for persons of a particular age group.

Appendix 2

Housing Options Workshop Summary

Session 1

This session was about prioritising need categories to help gain an understanding of members wants from our allocations policy.

The main points are below;

- There was an agreement across all groups that it was difficult to prioritise it and it depends on individual circumstances.
- However, most groups agreed that the following should have the highest priority;
 - High accessible housing (ie medical issues affecting ability to manage in current home)
 - Homelessness
 - Through Care after care leavers
 - People living in housing that was below tolerable standard
- The general consensus for those with the lowest priority was;
 - Someone in a private or TIED tenancy with no notice to quit
 - Low level medical issues where the current house met current needs
- Some felt those living in the area should have higher priority.
- There was a general agreement that the allocations policy should complement wider health and social care policy, i.e. through care after care, older people and those with special needs.
- It was also said that the priority for people living in the private rented sector should depend on their relative security of tenure and the suitability / affordability of the property relative to their needs.
- There was a general consensus that prioritisation should be more sensitive to suitability and affordability of property rather than based on a set points level for all applicants in a particular circumstance irrespective of whether the accommodation involved met housing needs.

Session 2

This session involved looking at a case study to identify which housing options were available to the person and to then decide which suited them best.

All groups identified several options available and the need to look at housing options to help the applicant to stay in the current accommodation.