



## Moray Council Local Lettings Plan 2022 – 2027

<b>Author</b>	Housing and Property Services
<b>Date agreed</b>	19 October by Housing and Community Safety Committee
<b>Date of next review</b>	2027 (or earlier if required by changes to legislation or guidance)

## **Index**

<b>Section 1</b>	<b>Introduction</b>
<b>Section 2</b>	<b>Aims and objectives of the local lettings plan</b>
<b>Section 3</b>	<b>Legislative and regulatory requirements</b>
<b>Section 4</b>	<b>Local Lettings Plan criteria</b>
<b>Section 5</b>	<b>Creating sustainable communities</b>
<b>Section 6</b>	<b>Making best use of specialist housing</b>
<b>Section 7</b>	<b>Monitoring of the Local Lettings Plan</b>
<b>Section 8</b>	<b>Reporting and review</b>

## **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 Allocation 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 The Council has been building and letting new housing since 2011 in order to help and alleviate housing need in Moray. Developments in any one location are completed on a phased basis. However, in new build developments the number of allocations of properties being carried out at any one time is far greater than would normally be expected through the normal turnover of tenancies.
- 1.4 To ensure that the Council continues to build strong and sustainable communities a local lettings plan will be used to allocate all new build properties in Moray during 2022 – 2027. This will apply only to the initial let. Any lets thereafter will be managed in line with the Allocations Policy.

## **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 address local need and circumstances in the allocation of new build properties whilst establishing sustainable communities. The Lettings Plan will not be used as a means of 'screening out' households that may require greater support or involvement from staff.

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

- contribute to the maintenance of a well-balanced and sustainable community;
- make the best use of housing stock and meet housing need;
- promote social inclusion, ensuring a broad range of households are represented;
- protect tenants and residents from any risk of any antisocial behaviour coming into the area;
- be responsive to applicant housing support needs and their ability to successfully sustain a tenancy; and
- assist in delivering Rapid Rehousing Transition Plan responsibilities.

### **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 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 plan are used to take into account specific local factors and:

- must comply with all relevant legislation;
- should be operated alongside the main 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 When developing a local lettings plan, landlords should consult with tenants, applicants and other key stakeholders and have an effective monitoring framework in place to make sure the aims of the plan are being met.

### **Equality and diversity**

- 3.5 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; 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.
- 3.6 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.
- 3.7 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 new build properties 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 Applications will continue to be assessed against the Council's Allocations Policy. Applicants must be eligible for the specific property type to be considered for it. Eligibility criteria and household categories are set out in the Allocations Policy. Allocations will be made to applicants where it will assist in meeting meet the aims and objective of the Local Lettings Plan detailed in section 2.2.
- 4.4 Through this Plan, the Council will regard the applicants' top three areas of preference (as stated in their housing application) as the primary factor and their points' level as secondary.
- 4.5 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.
- 4.6 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.

- 4.7 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, the local lettings plan enables offers to be made to applicants who have specified that they want to make the letting area in which the development is located their home.
- 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 new build developments. This aims to provide a balance between households that will need additional support and those that will not.
- 5.3 The Council has agreed to increase supply of accessible ground floor properties to meet the needs of people with mobility issues. These are often older people. Wherever possible, these properties are built in clusters, near to services and amenities. Through this Plan, the Council will consider the mix of households housed in these clusters, with the aim of creating supportive and sustainable micro-communities. The Council will also recognise any services and facilities near to the development.

## **6. Making best use of specialist housing**

- 6.1 A number of the new build properties have design features intended to benefit households with disability or mobility needs. A small number of households have a housing need which is very specialist. Often some adaptation to the design of a new build house is required, to best meet their needs. The most cost effective way to achieve this is to allocate the housing at a very early stage in construction. In all of these cases, the housing needs of the household will have been subject to detailed discussion between the household, Housing and

Property, the Housing Occupational Therapist, Social Work and other agencies (as required).

- 6.2 The Housing Occupational Therapist will assess those households on the Councils' Housing List, regardless of those households existing tenure, to ensure the best use of the accessible/adapted accommodation provided through the new build developments.
- 6.3 A property that is fully or substantially adapted for a disabled person will be offered to the applicant assessed as requiring all or most of the facilities. In certain instance, some properties may have been specially designed or adapted to meet a specific household's needs.

## **7. Monitoring of the Local Lettings Plan**

### **Local Lettings Plan Panel**

- 7.1 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);
  - Housing OT (where appropriate, depending on the size and type of property type being allocated);
  - Area Housing Manager (responsible for the letting area); and
  - Housing Needs Officer.
- 7.2 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.
- 7.3 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.

- 7.4 The Local Lettings Plan 2022 – 2027 will be published on the Moray Council website.

## **8. Reporting and review**

- 8.1 The operation of this plan will be reported annually to the Housing and Community Safety Committee as part of the Allocations Policy Annual Performance Report.
- 8.2 The Local Lettings Plan will be reviewed as part of the development of the Local Housing Strategy 2024 – 2029 by the Housing and Community Safety Committee or any other relevant Committee.