

## **1. Council Housing**

### **Introduction**

There are two main ways in which people in housing need may be housed by the Council, either by:

- joining the Council's housing waiting list and then waiting for the offer of a permanent Council house; or
- being officially assessed and declared as 'homeless' as defined by Part II of the Housing (Scotland) Act 1987 and amended by the Housing (Scotland) Act 2001 and the Homelessness Etc (Scotland) Act 2003 in which case the Council has to make either temporary or permanent accommodation available.

As at April 2009, the Council had a waiting list of approximately 2820, which includes general needs, transfer and homeless applicants. During 2008/09, 744 households approached the Council for assistance in terms of homelessness. Over the last financial year, 438 waiting list applicants (which include temporarily housed homeless persons) were offered permanent Council house tenancies but only 297 offers were accepted.

It is very important therefore to know how the Council assesses someone's housing needs and why they give greater priority to some needs than to others. For a fuller explanation of how priority on the waiting list is determined visit [www.moray.gov.uk](http://www.moray.gov.uk) to view the Allocations Policy or alternatively a leaflet 'Allocations Policy and the Points System' is available from a variety of locations including Area Housing Offices, Libraries, Post Offices, Hospitals, GP Surgeries and Police Stations.

### **1.1 Housing for Homeless People**

Homelessness is something that happens to many ordinary people all over Britain. Society has for many years accepted that it must find accommodation for those people who become 'homeless', as defined by Acts of Parliament.

Local authorities have a legal duty to help homeless people - firstly by interviewing them and assessing their housing situation and, secondly, by offering them temporary or permanent accommodation - provided the applicant's circumstances warrant it, according to criteria laid down in Part II of the Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Act 2001 and the Homelessness Etc (Scotland) Act 2003.

In Moray, people presenting themselves as homeless are interviewed by skilled and experienced staff from the Moray Council's Housing Needs Section.

The four main criteria, which must be satisfied by applicants, are that they:

- a) are homeless;
- b) are in priority need;
- c) are or are not intentionally homeless; and
- d) have a local connection to the area.

Detailed guidance is contained in The Scottish Office's updated 'Code of Guidance on Homelessness', published in May 2005. This code provides guidance to authorities as how to interpret each of these criteria. Copies can be downloaded from the Scottish Government website at: [www.scotland.gov.uk/Publications/2005/05/31133334/33366](http://www.scotland.gov.uk/Publications/2005/05/31133334/33366).

Key points to note about each of the criteria are as follows:

**a) Homelessness**

This means the applicant, and anyone who would reasonably be expected to live with them, falls within at least one of the following categories:

- they have no accommodation in the UK or elsewhere which they are entitled or permitted to occupy;
- they will be homeless within two months;
- it is unreasonable to expect the applicant to go on living in their present home for whatever reason; or
- they live in a caravan or boat and they have nowhere to pitch or moor it.

**b) Priority Need**

The applicant, and anyone who may reasonably be expected to live with the applicant, has a priority need if they are:

- pregnant;
- have dependent children;
- homeless because of an emergency such as a flood, fire or other disaster;

- vulnerable because of old age, mental illness, personality disorder, learning or physical disability, chronic ill-health or have recently suffered a miscarriage or abortion;
- vulnerable because of leaving an institution, such as a hospital, prison or any part of the regular armed forces;
- a young person aged 16 or 17;
- a young person aged under 21 and used to be in care
- a young person aged between 18 and 20 and living in circumstances which runs the risk of sexual/financial exploitation or involvement in serious misuse of alcohol, drugs or any volatile substance;
- at risk of harassment because of religion, sexuality, race, colour or ethnic or national origins; or
- at risk of domestic abuse;

For more information about priority need, see our Homelessness Leaflet.

### **c) Intentionality**

The Council must satisfy itself that the applicant did not deliberately do something or fail to do something, which resulted in homelessness (e.g. refusing to pay rent for no proper reason).

If an applicant is intentionally homeless but not in priority need, the Housing Needs Section can offer advice and assistance to help the applicant find accommodation. The applicant is also entitled to temporary accommodation to provide a reasonable opportunity for the household to access alternative accommodation.

### **d) Local Connection**

As a general rule the applicant must have a local connection with the Moray area. However, applicants without a local connection but who have special circumstances are assessed on a case by case basis. This includes people fleeing domestic violence or someone who has no local connection with anywhere in the United Kingdom.

#### **1.1.1 Homeless persons' assessment**

The Council aims to reach a final decision on each application from a homeless person within 28 days. The Council has a duty to provide temporary accommodation to homeless applicants, where required, pending a decision on their application. People threatened with homelessness should seek legal advice where appropriate. Details of advice providers are included in Appendix B.

The assessment period for applications allows Council staff enough time to make the necessary enquiries to verify each applicant's homeless circumstances. Applicants are kept regularly informed on the progress being made with the assessment of their application.

### **1.1.2 Review against a homeless decision**

Dissatisfied applicants can ask for a review of their homeless decision. A review against a homeless decision can either be made verbally or in writing within 21 days of the decision to:

Senior Housing Needs Officer (Homelessness)  
Housing Needs Section  
12-14 Greyfriars Street  
Elgin  
IV30 1LF

The letter seeking review should outline as much detail as possible why the applicant believes the decision is wrong.

Applicants can arrange a meeting with the Senior Officer to discuss their review or it can be based upon the information contained within the letter of review. If the applicant wishes to meet the Senior Officer, they should state this in their letter. Applicants have the right to be accompanied by a friend or adviser at the meeting.

### **1.1.3 Homeless applicants**

There were 744 homeless applications received during 2008/09 but only 352 of those applicants were awarded homeless priority. In this year, 155 homeless applicants were housed by the council and 39 were housed through nomination to other housing associations in the area. The main reason for homelessness during 2008/09 was 'family/friends no longer able/willing to accommodate' (25.93%) and 19.77% of applicants applied as a result of 'non-violent dispute in the household'.

The majority of homeless applicants are single or one-parent families but homelessness can affect any type of household. Vulnerable homeless applicants may well require additional forms of support to help them through these difficult periods in their lives and the Council's housing staff work closely with other Council staff and all the relevant local agencies to ensure that such support is provided.

The type of accommodation used by the Council to house homeless applicants includes hostels, furnished dwellings, with or without support and occasionally bed and breakfast and private sector accommodation. Referrals are also made to Moray Women's Aid refuge in Elgin.

Accommodation is provided until a decision is reached on their application. Thereafter only those who fulfil all the criteria will continue to be provided with

temporary accommodation pending an offer of permanent housing. The average length of stay is approximately 28 days although in certain cases this may be longer. For households that are not going to be offered permanent accommodation, temporary accommodation and advice and assistance will be offered for a reasonable period to allow the household to secure alternative accommodation.

The Council will offer accommodation, or may refer the applicant to a housing association or other landlord for rehousing. It may not always be possible for applicants to be housed in the area of their choice. However, only two reasonable offers will be made. If these offers are unreasonably refused, the applicant(s) will have to vacate the temporary accommodation, usually given a 28 day notice period, and secure their own accommodation as the Council will have fulfilled its obligation to them.

#### 1.1.4 What to do if you are homeless

If an applicant is homeless, or threatened with homelessness within the next two months, they need to fill in a homeless application form. They can get this by contacting their local Area Housing Office.

<p>Buckie Area Housing Office Moray Council Cluny Square Buckie AB56 1AJ</p> <p>Phone: 01542 837200 E-mail: <a href="mailto:buckieaccess@moray.gov.uk">buckieaccess@moray.gov.uk</a></p>	<p>Elgin Area Housing Office Moray Council Council Building High Street Elgin, IV30 1BX</p> <p>Phone: 01343 563429 E-mail: <a href="mailto:housing.reception@moray.gov.uk">housing.reception@moray.gov.uk</a></p>
<p>Forres Area Housing Office Moray Council Auchernack High Street Forres, IV36 1DX</p> <p>Phone: 01309 694000 E-mail: <a href="mailto:forresaccess@moray.gov.uk">forresaccess@moray.gov.uk</a></p>	<p>Keith Area Housing Office Moray Council The Institute Mid Street Keith, AB55 5BJ</p> <p>Phone: 01542 885500 E-mail: <a href="mailto:keithhousing@moray.gov.uk">keithhousing@moray.gov.uk</a></p>

Or, by phoning the Housing Needs Section.

Housing Needs Section (Homelessness)  
Moray Council  
12-14 Greyfriars Street  
ELGIN  
IV30 1LF

Phone: 01343 563596  
E-mail: [housingneeds@moray.gov.uk](mailto:housingneeds@moray.gov.uk)

However, if an applicant is homeless and it is after 5pm at night or the weekend (or public holidays), they should phone the Housing and Social Work Out of Hours service on **08457 565656**.

Once the homeless application is received, it will be assessed by staff in the Housing Needs Section. The applicant will be advised of what the council's duties are in terms of the homeless legislation. During the assessment, the applicant may be contacted for further information or to attend an interview to discuss the situation. The applicant will also be asked to fill in a housing application if they do not already have a current one registered with us.

The applicant can also contact any of the other agencies offering housing information and advice (see Appendix B for names, office hours, addresses and phone numbers).

## **1.2 Council Housing for Waiting List Applicants**

As at April 2009, the Council had 5,848 houses and flats of which 5,699 are general needs properties and 149 are sheltered housing units, designed for people who require warden support. In common with other local authorities, the Council will be building more social rented housing. However, the Council's general needs housing stock has been reduced. Exactly 68 properties were sold in 2008/09 to sitting tenants under the Right to Buy scheme and approximately 54% of council stock has been sold under this scheme since it started in 1981.

The Council, however, remains the biggest local provider of social rented housing in Moray. Its stock is well distributed throughout the area but there are concentrations in Buckie, Elgin, Forres, Keith and Lossiemouth.

As at 31 March 2009, the total applicants on the Council's waiting list were made up of the following categories:


<b>Housing Lists</b>	<b>Number</b>
Homeless	192
Housing Waiting List	2230
Transfer List	398
<b>Total</b>	<b>2820</b>

An applicant's chance of being offered a Council property is influenced by:

- How often a vacancy occurs in any of the applicant's choices of letting area;
- The number of points the application has been awarded and the type of property required;
- What position this places the application in on the area of choice list in comparison with other applications.

There are differing demands for housing, in some areas there is a lengthy waiting list with few properties being allocated. However, in other areas there is some limited demand and therefore applicants can qualify quickly for an allocation.

A points assessment system is used to decide which applicant on the housing waiting list or transfer list should be offered the tenancy of any vacant property. The more points an applicant has, the greater their chance of being offered a council house. However, the Homeless Priority list does not receive points, as it is allocated permanent housing by date of the homeless application.

Area Office	Areas Covering	Locations
<b>Buckie</b>	Arradoul, Buckie, Buckpool, Connage, Cullen, Deskford, Drybridge, Enzie, Findochty, Fochabers, Lintmill, Mosstodloch, Portessie, Portgordon, Portknockie, Rathven	
<b>Elgin</b>	Birnie, Clackmarras, Elgin, Garmouth, Lhanbryde, Lossiemouth, Miltonduff, Rothes, Spynie Urquhart	
<b>Forres</b>	Alves, Brodie, Burghead, Dallas, Duffus, Dunphail, Dyke, Findhorn, Forres, Hopeman, Kinloss, Rafford	
<b>Keith</b>	Aberlour, Archiestown, Craigellachie, Drummuir, Dufftown, Dundurcas, Fife-Keith, Glenallachie, Glenlivet, Grange, Keith, Knock, Knockando, Marypark, Mulben, Newmill, Rothiemay, Tomintoul, Tomnavoulin	

## Location and size of general needs and sheltered housing (31 march 2009)

### Buckie area

Letting area	0 Bed	1 Bed	2 Beds	3 Beds	4 Beds	5 Beds	Total
Arradoul			2				2
Buckie - Buckpool		82	80	73	1		236
Buckie - Central	10	106	291	116	5		528
Connage				2			2
Cullen		26	49	32	1		108
Cullen - Lintmill		2	8	3			13
Deskford			1	4			5
Drybridge				3	1		4
Enzie		1					1
Findochty		8	46	18		1	73
Fochabers		33	83	22			138
Mosstodloch		27	43	19			89
Portessie		10	18	21			49
Portgordon	1	38	26	9			74
Portknockie		7	30	39			76
Rathven		1	3	4			8
<b>Buckie area total</b>	<b>11</b>	<b>341</b>	<b>680</b>	<b>365</b>	<b>8</b>	<b>1</b>	<b>1406</b>

### Elgin area

Letting area	0 Bed	1 Bed	2 Beds	3 Beds	4 Beds	5 Beds	Total
Birnie				1			1
Clackmarras				3			3
Elgin - Bilbohall		89	73	27	7	1	197
Elgin - Bishopmill		131	240	59	9		439
Elgin - Central		209	95	20			324
Elgin - Kingsmills		11	129	3			143
Elgin - New Elgin		109	223	112	15		459
Elgin - Sth Lesmurdie		28	37	81			146
Garmouth		6	9	7			2
Lhanbryde		56	175	67	3		301
Lossiemouth		103	240	82	15		440
Miltonduff				2			2
Roths		57	84	32		1	174
Urquhart			1	7			8
<b>Elgin area total</b>		<b>799</b>	<b>1306</b>	<b>503</b>	<b>49</b>	<b>2</b>	<b>2659</b>

## Forres Area

Letting area	0 Bed	1 Bed	2 Beds	3 Beds	4 Beds	5 Beds	7 Beds	Total
Alves		2	14	6				22
Brodie				1				1
Burghead		16	44	17	5		1	83
Dallas			3					3
Duffus				4				4
Dunphail			1					1
Dyke		1	3	3				7
Findhorn		1	5	7				13
Forres Central	17	206	390	98	14			725
Half Davoch			1					1
Hopeman		2	14	16				32
Kinloss		2	7	6				15
Rafford				3				3
<b>Forres area total</b>	<b>17</b>	<b>230</b>	<b>482</b>	<b>161</b>	<b>19</b>		<b>1</b>	<b>910</b>

## Keith area

Letting area	0 Bed	1 Bed	2 Beds	3 Beds	4 Beds	5 Beds	Total
Aberlour		13	39	7	1		60
Archiestown			9	1			10
Craigellachie		20	14	16			50
Drummuir		2	6	9			17
Dufftown		44	84	24			152
Glenallachie				1			1
Glenlivet				2			2
Grange				5			5
Keith - Central	11	80	161	114	6		372
Keith - Fife Keith	1	45	61	17			124
Knock				2			2
Knockando				2			2
Marypark		2	2	3			7
Mulben				4			4
Newmill		7	7	10			24
Rothiemay		4	2	10			16
Tomintoul		5	3	10			18
Tomnavoulin			4	3			7
<b>Keith area total</b>	<b>12</b>	<b>222</b>	<b>392</b>	<b>240</b>	<b>7</b>		<b>873</b>

## Location and size of sheltered housing

Town	Letting area	1 Bed	2 Beds	Total
Buckie	Buckie Central	14	1	15
	Portgordon	23	2	25
Elgin	Elgin Bilbohall	6		6
	Bishopmill	30	3	33
	Elgin Central	9	2	11
	Elgin New Elgin	25	2	27
	Lossiemouth	8		8
Forres	Forres Central	24		24
<b>Total</b>		<b>139</b>	<b>10</b>	<b>149</b>

## Homeless priority list by first area preference and bedrooms required (31 March 2009)

First preference area	Number of bedrooms required					All
	1	2	3	4	5	
Elgin	72	26	13			111
Forres	16	6	2	1		25
Lossiemouth	6	4	3			13
Buckie	2	5	4			11
Keith	3	3				7
Fochabers	3		1	1		5
Portgordon	1	2	1			4
Burghead	1	1	1			3
Cullen	1	2	1			3
Lhanbryde	1				1	2
Portknockie	1	1				2
Aberlour			1			1
Findhorn		1				1
Miltonbrae				1		1
Mosstodloch	1					1
Rafford				1		1
Roths	1					1
<b>Total</b>	<b>109</b>	<b>51</b>	<b>27</b>	<b>4</b>	<b>1</b>	<b>192</b>

## Housing waiting list by first area preference and bedrooms required (31 March 2009)

First preference area	Number of bedrooms required							All
	1	2	3	4	5	6	7	
Elgin	490	217	99	25	4	2	1	838
Forres	204	86	45	9	2	1		347
Buckie	119	51	20	5	1			196
Lossiemouth	92	55	21	3	1	2		174

First area preference	Number of bedrooms required							All
	1	2	3	4	5	6	7	
Keith	83	38	9	2				132
Fochabers	31	12	8	1				52
Dufftown	32	11	7					50
Cullen	23	12	10	2				47
Burghead	17	17	4	3	1			42
Aberlour	22	7	8	3				40
Findhorn	23	6	4	2				35
Lhanbryde	15	6	5	1				27
Roths	17	4	3	2	1			27
Findochty	16	3	3	1				23
Portessie	10	6	3		1			20
Kinloss	7	4	3	1				15
Portgordon	5	5	4		1			15
Portknockie	10	5						15
Hopeman	8	2	3	1				14
Craigellachie	10	1	2					13
Mosstodloch	5	3	3	2				13
Alves	7	3						10
Tomintoul	5	4	1					10
Rothiemy	4	1	1	2				8
Duffus	3	2	2					7
Newmill	3	2		1				6
Brodie	3	1	1					5
Garmouth	2	1	2					5
Dyke	2		2					4
Glenlivet	3	1						4
Rathven	4							4
Urquhart	4							4
Birnie	3							3
Cullen Lintmill	3							3
Arradoul	1		1					2
Dallas	1			1				2
Drummuir	2							2
Drybridge	2							2
Dunphail			2					2
Glenallachie		2						2
Rafford	1		1					2
Archiestown	1							1
Deskford	1							1
Enzie	1							1
Grange			1					1
Knock		1						1
Knockando		1						1
Miltonbrae		1						1
Mulben		1						1
<b>Total</b>	<b>1,295</b>	<b>572</b>	<b>278</b>	<b>67</b>	<b>12</b>	<b>5</b>	<b>1</b>	<b>2,230</b>

### Transfer list by first area preference and bedrooms required (31 March 2009)

First area preference	Number of bedrooms required						All
	1	2	3	4	5	7	
Elgin	70	47	33	11			161
Forres	24	12	15	2			53
Buckie	11	15	14	7	2		49
Keith	11	7	6	4		1	29
Lossiemouth	9	5	3	1	1		19
Fochabers	7	2	5	1			15
Lhanbryde	3	2	4				9
Cullen	2	1	2		1		6
Findhorn	4	1	1				6
Mosstodloch	2	2		2			6
Portknockie	1	2	3				6
Rothes	2	4					6
Aberlour	1	2	1				4
Dufftown	3		1				4
Craigellachie	1	2					3
Findochty	1	1	1				3
Portessie		1	1	1			3
Archiestown			2				2
Brodie	2						2
Kinloss	1	1					2
Portgordon	1	1					2
Not Entered	1						1
Burghead	1						1
Clackmarras		1					1
Dyke	1						1
Half Davoch Dunphail		1					1
Hopeman			1				1
Newmill			1				1
Rothiemay			1				1
<b>Total</b>	<b>159</b>	<b>110</b>	<b>95</b>	<b>29</b>	<b>4</b>	<b>1</b>	<b>398</b>

## Re-lets of general needs and sheltered housing during 2008/9

### Buckie Area

Letting area	0 Bed	1 Bed	2 Beds	3 Beds	Total
Buckie Central	1	6	13	6	26
Buckpool	0	4	3	0	7
Cullen	0	3	4	1	8
Cullen – Lintmill	0	0	1	0	1
Findochty	0	2	3	0	5
Fochabers	0	0	2	1	3
Mosstodloch	0	2	2	2	6
Portessie	0	1	0	3	4
Portknockie	0	0	2	0	2
<b>Total</b>	<b>1</b>	<b>18</b>	<b>30</b>	<b>13</b>	<b>62</b>

### Elgin area

Letting area	1 Bed	2 Beds	3 Beds	4 Beds	Total
Bilbohall	4	1	0	0	5
Bishopmill	12	17	2	0	31
Elgin Central	11	5	0	0	16
Kingsmills	2	7	0	0	9
New Elgin	9	10	2	2	23
South Lesmurdie	2	3	3	0	8
Lhanbryde	1	13	2	0	16
Lossiemouth	8	8	4	0	20
Roths	6	6	2	0	14
<b>Total</b>	<b>55</b>	<b>70</b>	<b>15</b>	<b>2</b>	<b>142</b>

### Forres area

Letting area	0 Bed	1 Bed	2 Beds	3 Beds	Total
Alves	0	0	1	0	1
Burghead	0	3	2	0	5
Findhorn	0	1	1	0	2
Forres	3	21	16	2	42
<b>Total</b>	<b>3</b>	<b>25</b>	<b>20</b>	<b>2</b>	<b>50</b>

## Keith area

Letting area	0 Bed	1 Bed	2 Beds	3 Beds	Total
Craigellachie	0	1	0	0	1
Drummuir	0	1	1	1	3
Dufftown	0	1	8	0	9
Keith – Central	1	7	10	4	22
Keith – Fife Keith	0	3	1	0	4
Marypark	0	1	0	0	1
Newmill	0	0	1	0	1
Rothiemay	0	0	0	1	1
Tomintoul	0	1	0	0	1
<b>Total</b>	<b>1</b>	<b>15</b>	<b>21</b>	<b>6</b>	<b>43</b>

### 1.2.1 Who can apply for Council housing in the area?

Anyone aged at least 16 or over can apply to be admitted to the waiting list. However, the applicant has to have at least one of the following conditions to be allocated a house:

- is living in the area;
- works or has been offered work in the area;
- wishes to move to the area to look for work;
- wishes to move into the area to be near a relative or carer;
- has special, social or medical needs for wanting to live locally;
- wishes to move to the area to provide care support to a relative who already lives there;
- is subject to harassment (as defined in the legislation (the Protection from Eviction Act 1997) and wishes to move into the area; or
- runs the risk of domestic violence and wishes to move into the area.

### 1.2.2 Where and how to apply for council housing

Anyone who wants to become a Council tenant must first fill in a straightforward application form. The form can be obtained by writing to, phoning, e-mailing or visiting one of the local Area Housing Offices listed below. Or, you can download an application form from the Moray Council's website at [www.moray.gov.uk](http://www.moray.gov.uk).

Buckie Area Housing Office Moray Council Cluny Square Buckie AB56 1AJ  Phone: 01542 837200 E-mail: <a href="mailto:buckieaccess@moray.gov.uk">buckieaccess@moray.gov.uk</a>	Elgin Area Housing Office Moray Council Council Building High Street Elgin, IV30 1BX  Phone: 01343 563429 E-mail: <a href="mailto:housing.reception@moray.gov.uk">housing.reception@moray.gov.uk</a>
Forres Area Housing Office Moray Council Auchernack High Street Forres, IV36 1DX  Phone: 01309 694000 E-mail: <a href="mailto:forresaccess@moray.gov.uk">forresaccess@moray.gov.uk</a>	Keith Area Housing Office Moray Council The Institute Mid Street Keith, AB55 5BJ  Phone: 01542 885500 E-mail: <a href="mailto:keithhousing@moray.gov.uk">keithhousing@moray.gov.uk</a>

A summary of the points assessment system is detailed below. However, more details are available from any of the Area Housing Offices listed. Applicants would be well advised to study the assessment system detailed in the 'Allocations Policy and the Points System' leaflet.

### 1.2.3 The Council's housing allocation policy and points system

The Council decides the policy to be used in allocating properties and it is the responsibility of the Housing Service to implement this policy and allocate Council housing.

The Council has a housing list. This is an open waiting list, which includes the transfer list, the Homeless Priority list and the waiting list. There is a balance of allocations to all categories of general needs, homeless or special case applicants. Sixty per cent of allocations go to homeless households, 30% to the waiting list and 10% to the transfer list.

A points assessment system is normally used to decide which applicant on the waiting list or transfer list should be offered the tenancy of any vacant property and points are awarded according to housing need. Where applications for the same premises have the same amount of points, the length of time an applicant has been on the waiting list be taken into account. **The Homeless Priority list does not receive points, as it is allocated permanent housing by date of the homeless application.**

The more points an applicant has, the greater their chance of being offered a council house. It should be noted however, that an applicant's position on the waiting list can alter on a daily basis (i.e. another applicant assessed as having a greater need for housing may enter the list at a higher position).

#### **1.2.4 The importance of providing full and up-to-date information in the application form**

It is very important for applicants to provide accurate information when filling in the application form. If an applicant is not sure whether a piece of information about their circumstances is important then the Council's housing staff will be happy to provide advice. In any case, it is better to include too much information on the application form than too little, perhaps missing out on valuable points as a result. It is important for the form to reflect the applicant's circumstances, some of which may be of a personal nature, but all applicants are assured of confidentiality.

Moreover, if applicants remember something they forgot to put on the form after they have submitted it, or if their circumstances change as time goes by, they should let the Council's housing staff know in writing, as soon as possible, so that their application form can be amended and the points total adjusted accordingly.

#### **1.2.5 What happens next, after the Council has got the application?**

On completion of the application form, the tear-off page at the back of the form is returned to the applicant as a receipt. The application form is processed by the Housing Needs Section within 28 working days and points are awarded through the computerised allocations system (according to each aspect of housing need). The applicant is advised in writing of the housing need points awarded when all checks are completed, if checks are required.

#### **1.2.6 How many houses will an applicant be offered?**

An applicant will normally be made an unlimited amount of offers providing they are reasonably refused. The second offer is only made after a reasonable refusal of the first, and so on. The Moray Council's Housing Needs Section will write to the applicant giving details of the property they are offering them, when they can view it and how long they will have to make up their mind. If the applicant accepts the offer, their tenancy will normally start as soon as the property is ready for them to move into. Rent will be charged from the date the tenancy starts.

An applicant has the right to refuse any offer. However, if the applicant refuses two reasonable offers of accommodation within a period of one year, no further offers of accommodation will be made for a period of six months from the date of the last offer. If an applicant is going to refuse an offer of accommodation, they should discuss their reasons with the Area Housing Officer who deals with the area the property is in before they make a final decision. This is because it may be some time before further offers are made to the applicant.

### 1.2.7 How long will an application be held on the waiting list?

If applicants have not received an offer of property, within 12 months from the date of the application, then a review letter is sent to them. The review letter asks if they want to remain on the housing waiting list and if there has been any change in circumstances from those on the original application. If the applicant has not responded within 28 days, their application is cancelled and removed from the housing waiting list.

### 1.2.8 Notifying the council of changes of address, or other circumstances

Applicants should contact the local Area Housing Office to advise of their change of circumstance as soon as possible as this may affect a future offer of housing. Applicants will be asked to confirm any change in writing. If the applicant has moved, they will need to complete a new application form because their point's entitlement may change.

### 1.2.9 How the points are allocated

The Housing Needs Section will make sure that they have all the information they need and will use the details from the application form to work out the total points, depending on the applicant's circumstances. Points are awarded for different types of housing circumstances. The number of points awarded will decide the applicant's place on the waiting list. Points are awarded for the following.

<b>Your household is homeless</b>	
Priority need and intentionally homeless	Your application will be put on the Homeless Priority List. This list is for high-priority cases and is not part of the points system.
No priority need	100 points
<b>Your home is too small for your needs</b>	
For every bedroom you are short	100 points
<b>Your home is too big for your needs</b>	
For every extra bedroom you don't need (transfer applicants only)	100 points
For every extra bedroom you don't need (waiting list applicants only)	50 points

<b>Poor housing conditions</b>	
The property is below an acceptable standard and for example, has an outside toilet or shared toilet (this means that more than one household will be using a toilet); has serious damage to the structure, has severe rising or penetrating damp (this is when water is getting into the structure and is usually caused by a fault in the roof or walls); does not have a good enough supply of piped water <b>and</b> is going to be knocked down or has a closing order (which makes it illegal for anyone to live in the property until it is improved to meet the standard set out in the order).	250 points
The property is below an acceptable standard (not including any of the above points) but for example it has a bathroom with toilet which opens directly onto the kitchen or another room (not including a bedroom), It does not have a bath, shower or washbasin, there is evidence of rising or penetrating damp, it has faulty lighting, poor ventilation or drainage systems, there are no acceptable cooking facilities, and the property does not have a closing order or is not going to be knocked down.	150 points
The property has minor faults including slight dampness, condensation and areas which need repairing.	100 points
<b>You live in poor housing conditions - caravans</b>	
The caravan needs major repairs and also has poor or no facilities.	250 points
The caravan needs major repairs but has facilities but has facilities.	150 points
The caravan has minor faults including slight dampness, condensation and areas which need repairing.	100points
You are sharing facilities with another household (a kitchen bathroom, or toilet).	100 points
<b>You are a key worker (you have a job which brings in skills that are not available locally</b>	100 points
<b>Care and support</b>	
Residential care or support is no longer appropriate	250 points
You no longer need to live in supported accommodation	250 points
<b>You live in a flat or maisonette (if you have children under 16 living with you)</b>	
You have lived in a first-floor flat or maisonette with shared access for one year or more	40 points
You have lived in a second-floor flat or above or maisonette with shared access for one year or more	75 points
<b>Medical points (the Independent Medical Advisers will assess this)</b>	0-500 points
<b>You have a rural connection to the area</b> For example, if you or a member of your household is currently living in the area, has lived in the area before and want to return, you or they are working in the area or have children who go to school in the area	50 points
<b>Exceptional circumstances (the Housing Needs Review Group will assess this)</b>	0-500 points

### **1.2.10 Disagreeing with a decision**

If the applicant is not satisfied with the decision on their housing application, they should write to:

Senior Housing Needs Officer (Allocations)  
Housing Needs Section  
12-14 Greyfriars Street  
Elgin  
IV30 1LF

The letter should outline as much detail as possible why the applicant believes the decision is wrong.

## **1.3 Energy Performance Certificates (EPC)**

All housing providers have to supply an Energy Performance Certificate (EPC). This is a document which states the energy efficiency of a property. EPCs allow prospective owners and tenants to compare energy performance with other dwellings. EPCs are valid for 10 years.

All new built houses in Scotland will require an EPC. All new tenancies started on or after the 4 January 2009, must provide a copy of an EPC to their tenants, free of charge.

EPCs are required by EU law under the Energy Performance of Buildings Directive (EPBD 2002/91/EC) and the Energy Performance of Buildings (Scotland) Regulations 2008.

Information from the EPC has to be recorded and sent to the Home Energy Efficiency Database (HEED).

## **1.4 Sheltered housing**

Sheltered housing can best be described as small and easy to manage properties usually rented, provided by the Council and housing associations. They are grouped together in a scheme with the services of a warden. All properties are provided with a community alarm system, for use in emergencies.

The fitted alarm system, using pull cords and pendants, provides security for residents as help can be readily summoned in an emergency, either from the warden on duty or via the central control centre in Aberdeen, who send appropriate help to the tenant's home.

The Council will allocate sheltered housing to people who require that level of support and have been recommended for that type of housing by the Independent Medical Advisor. A housing application should be completed, along with the application for a medical assessment and sent to the local Area Housing Office.

Where an applicant wants to be housed by a particular housing association, applications should be made directly to them (please see Section 2 on Registered Social Landlords).

## **1.5 Residential and supported accommodation**

There are residential and supported accommodation establishments provided by the Council, housing associations and other voluntary organisations in the private sector, for people with special residential and respite care needs, including:

- older and infirm people;
- adults with mental health problems;
- adults with physical and/or learning disabilities;
- children and young adults with a learning disability;
- young people;
- people with alcohol or drug related problems; and
- combinations of these and more specialist requirements.

### **1.5.1 Children and Families Services**

Social Work Services provides information, advice, support and access to children and family services. Assistance is also available through partner agencies. For more information contact the local Social Work Office (for Children and Families Services only) below.

<p>Central Moray Social Work Team Moray Council 1 Gordon Street Elgin IV30 1JQ</p> <p>Phone: 01343 557222</p>	<p>East Moray Social Work Team Moray Council Cluny Square Buckie AB56 1AJ</p> <p>Phone: 01542 837200</p>
<p>North Moray Social Work Team Moray Council 1 Gordon Street Elgin IV30 1JQ</p> <p>Phone: 01343 557222</p>	<p>West Moray Social Work Team Moray Council Auchernack, High Street Forres IV36 1DX</p> <p>Phone: 01309 694000</p>

## 1.5.2 Community Care Services

Community Care aims to provide care, services and support to enable people affected by problems resulting from ageing, learning, physical or sensory disability or health problems, to live as normal a life as possible in their own homes. An assessment of the individual's care needs is carried out by a Community Care Officer to enable access to Community Care services. Carers can also request an assessment of their needs. For more information contact the local Community Care Office below.

Buckie Community Care Team Moray Council Cluny Square Buckie, AB56 1AJ  Phone: 01542 837200	Elgin, Lossiemouth and Fochabers Community Care Team Moray Council Hamilton Drive Elgin, IV30 4NN  Phone: 01343 557004
Forres Community Care Team Moray Council Leancoil Hospital 91 St Leonards Road Forres, IV36 0QS  Phone: 01309 678555	Keith and Speyside Community Care Team Moray Council Keith Resource Centre, 26 Mid Street Keith, AB55 3AH  Phone: 01542 886174

## 1.5.3 Criminal Justice Services

The Moray Council, together with partner agencies, provides social work services to the criminal justice system. Clients are referred through the Court or Prison Services. For more information contact:

Criminal Justice Service  
Moray Council  
11 North Guildry Street  
Elgin  
IV30 1JR

Phone: 01343 557200

## 1.5.4 Moray Community Mental Health Team

The Community Mental Health Team offers social work and care management services to adults with severe and enduring mental health problems. All referrals must be made by the individual's GP to the NHS Psychiatric Service prior to accessing social work support. The Community Mental Health Team work in partnership with NHS Health Care, Community Services and Voluntary Sector staff to assess and provide care/support to meet the individuals needs. For further information contact:

Moray Community Mental Health Team  
Moray Council  
Pluscarden Clinic  
Dr Gray's Hospital  
Elgin  
IV30 1SN

Phone: 01343 567247

### **1.5.5 Moray Drug and Alcohol Services**

Moray Drug and Alcohol Services is a multi-agency group of service providers available to anyone who needs their services. An assessment for services will be made which include counselling, support and residential rehabilitation. For further information contact:

Moray Drug and Alcohol Services  
252 High Street  
Elgin  
IV30 1BE

Phone: 01343 552211

### **1.5.6 Moray Learning Disability Services**

The Community Learning Disability Team is a joint Health and Community Services Team comprising of Care Officers, Community Support Services, Community Nurses, AHPs, psychology and psychiatry staff. The team works closely together to assess the needs of adults with learning disabilities and provide services to support them and their carers. For further information contact:

Moray Community Learning Disability Team  
Moray Council  
Main Office, Highfield House  
Northfield Terrace  
Elgin  
IV30 1NE

Phone: 01343 562111

### **1.5.7 Moray 16 to 24 Housing Support Service**

The Moray 16 to 24 Housing Support Service is a partnership project involving the Moray Council, Action for Children and the Aberlour Child Care Trust and provides supported accommodation for young homeless people. Housing Support Workers provide support to tenants with the ultimate aim of achieving successful independent living in the community. For further information contact:

Young Persons Officer

Housing Needs Section  
Moray Council  
High Street  
ELGIN  
IV30 1BX

Phone: 01343 563595  
E-mail: [housingneeds@moray.gov.uk](mailto:housingneeds@moray.gov.uk)

### **Moray Throughcare and Aftercare Team**

The Moray Throughcare and Aftercare Team provides support, advice and guidance to 'looked after and accommodated' young people aged 14 or over, both whilst in residential or foster placements and after moving on. There are specific eligibility criteria for aftercare support, which can include accessing 'supported lodgings'. For more information contact:

Moray Throughcare and Aftercare Team  
6 Moss Street  
Elgin  
IV30 1LU

Phone: 01343 563578

### **1.5.8 Moray Women's Aid**

Moray Women's Aid offers an advice service and provides temporary accommodation for women and children under the age of 16 who have to leave their accommodation because of domestic abuse. Moray Women's Aid is available 24 hours a day, 7 days a week. The Women's refuge is closed both Saturday and Sunday but a helpline is available from 4pm Saturday to 8am Sunday and 4pm Sunday to 9am Monday.

For more information phone 01343 548549 or e-mail [admin@mwaelgin.co.uk](mailto:admin@mwaelgin.co.uk).

### **1.5.9 Outreach and Resettlement Service**

The Outreach and Resettlement Service is a service located within the Housing Needs Section. The Outreach and Resettlement services are available to anybody who is sleeping rough, potentially sleeping rough or experiencing difficulties in accessing or sustaining accommodation. For further information contact:

Outreach and Resettlement Service  
Moray Council  
High Street  
Elgin  
IV30 1BX

Phone: 01343 563595

### 1.5.11 Turning Point Scotland – Guildry House

Guildry House is a supported accommodation unit which provides accommodation and support for 10 single people who are at risk/homeless and require support to gain the necessary skills to manage a tenancy on their own. The main aim of Guildry House is to assist people resettle in the community. If you are homeless and require support, you must go to the Housing Needs Section at the Moray Council. All referrals made to Guildry House come through the Moray Council. For further information contact:

Housing Needs Section (Homelessness)  
Moray Council  
12-14 Greyfriars Street  
Elgin  
IV30 1LF

Phone: 01343 563596  
E-mail: [housingneeds@moray.gov.uk](mailto:housingneeds@moray.gov.uk)

## 1.6 Rent levels for all types of housing provided by the Council

Rents for all properties vary according to the size and type of the property, where it is situated, the standard of kitchen, whether the property has a garden and whether or not it has central heating and double-glazing. The Council's average rent increases approximately 3.5% over the previous year.

The rents for sheltered housing units tend to be a little higher (depending upon the landlord) as the way in which rents are calculated varies between the local authority and housing association providers.

The following table details average weekly Council rents for general needs and sheltered properties over a 48-week period for 2009/10.

### Buckie Area

Type of accommodation	1 Bed	2 Beds	3 Beds	4 Beds	5 Beds
Ground floor	£35.46	£41.73			
Mainstream	£30.88	£43.95	£50.09	£56.57	£71.16
Sheltered	£	£			

### Elgin Area

Type of accommodation	1 Bed	2 Beds	3 Beds	4 Beds	5 Beds
Ground floor	£37.08	£42.31	£46.32		
Mainstream	£38.13	£44.49	£50.54	£57.42	£74.88
Sheltered	£	£			

## Forres Area

Type of accommodation	1 Bed	2 Beds	3 Beds	4 Beds	7 Beds
Ground floor	£34.77	£40.78	£45.95		
Mainstream	£37.02	£44.13	£49.32	£57.23	£90.77
Sheltered	£				

## Keith Area

Type of accommodation	1 Bed	2 Beds	3 Beds	4 Beds
Ground floor	£30.34	£39.81		
Mainstream	£37.13	£44.06	£49.80	£55.26

### 1.61 Homeless Persons' Accommodation

The rent charged to applicants in this type of accommodation is generally more expensive than general needs housing. This is because the charges have to cover the costs of managing the accommodation and providing furniture, if any. Sometimes the charges will also include gas, electricity and council tax. The rent and charges may also be different depending on the type of temporary housing provided. If a homeless application is made and an applicant is provided with temporary accommodation the Housing Needs Officer will explain in detail about the charges. Applicants may be eligible for assistance towards these costs through Housing Benefit entitlement (see Appendix A).

### 1.6.2 Housing Benefit or Rent Allowance

Anyone on a low income and paying rent for accommodation - whether from the Council or housing association, or any other public - may be entitled to receive Housing Benefit or Rent Allowance. This can be enough to pay all or some of the rent due, depending on a verified assessment of the applicant's income sources and levels. (See Appendix A on Housing Benefit for details of the application process and assessment procedures).

The following table shows the percentage of council tenants in receipt of Housing Benefit split by the area as at April 2008.

Area	Ground floor	Mainstream	Sheltered	Total
Buckie Area	51.32	48.17	71.05	<b>48.17</b>
Elgin Area	52.71	49.36	78.82	<b>49.36</b>
Forres Area	63.44	52.41	62.50	<b>52.41</b>
Keith Area	43.75	41.85	0	<b>41.85</b>
<b>Total</b>				

## **1.7 Options for those who already are, or become, Council tenants**

### **1.7.1 Council tenants' rights and responsibilities**

Every Council tenant is given a copy of the Tenants' Handbook, which provides much useful and easy-to-follow information on both the rights and responsibilities of Council tenants and the services that the Council provides for them.

The Council is keen to encourage tenants to take an active part in the management of their homes. It has devolved a structure for local representation in the form of Local Area Forums and a Central Tenants Core Group with representatives elected as non-voting members of the Housing Sub Committee. To find the local Tenants' Forum in your area, contact your local Area Housing Office (see Appendix B).

### **1.7.2 Repairs and Maintenance**

The responsibility for repairs to Council houses is shared between the Council and the tenant. In essence, the Council is responsible for maintaining the fabric and permanent fittings of the building whereas the tenant is responsible for internal decoration, furnishings and removable fittings like clothes lines, TV aerials, curtain rails and so on. Specific conditions will apply to furnished and partially furnished tenancies; these will be included in the tenancy agreement. Repairs are categorised by the Council as:

Emergency	Within two hours
Urgent	Within next working day
Priority	Within five working days
Ordinary	Within 20 working days
Repairs by appointment	From five days to 25 days (am or pm)

In addition to this there is regular planned maintenance to replace and/or upgrade parts of the building fabric. This is undertaken according to priorities and a programme set by the Council after consultation with the local Tenants' Forums and Tenants' Core Group.

### **1.7.3 Adaptations and Additional Housing Support**

The Council ensures that support is available to help older or disabled people to continue living comfortably and independently in their own homes. Funding is available to adapt Council houses to meet the care needs of a Council tenant. Typical adaptations carried out include bathroom alterations, extra heating, handrails and alterations to accesses.

Requests for adaptations can be made at your local Area Housing Office or the Occupational Therapy Service:

Occupational Therapy Service Moray Council Hamilton Drive Elgin IV30 4NN  Phone: 01343 557025	Occupational Therapy Service Moray Council Cluny Square Buckie AB56 1AJ  Phone: 01542 837200
Occupational Therapy Service Moray Council Keith Resource Centre Mid Street Keith, AB55 5AH  Phone: 01542 886174	Occupational Therapy Service Moray Council Auchernack High Street Forres, IV30 1DX  Phone: 01309 694000

All referrals to the Occupational Therapy Service are prioritised according to agreed criteria. An assessment will be carried out by the Occupational Therapist and if it is agreed that an adaptation is required they will make a recommendation to the Housing Service who, in turn, will initiate the work. The adaptation work will be carried out as soon as is possible. The Occupational Therapist should be able to give you an indication of the likely waiting times after your needs have been assessed.

#### **1.7.4 Buying your Council house under the 'Right to Buy' Scheme**

All council tenants have a statutory Right to Buy their houses. The details depend on whether they were a tenant before 30 September 2002 or after that date. However, the Council has been granted pressured area status by the Scottish Government for a number of villages and towns (effective from 7 March 2006). This is explained in more detail later in this section.

##### **Before 30 September 2002**

You can qualify to buy your house after 2 years residence in a council house, with your discount entitlement starting at 32% for a house and rising 1% each year up to a maximum of 60%. For a flat this starts at 44% after 2 years and rises 2% per year up to a maximum of 70%. If you had these rights before 30 September 2002 then you will keep them provided you stay in the same house.

##### **After 30 September 2002**

You can qualify to buy your council house if you have at least 5 years continuous tenancy. For houses and flats the discount starts at 20% after 5 years and rises 1% each year up to a maximum of 35% of market value or £15,000 whichever is the lower.

There is the possibility that tenants will not be able to exercise their Right to Buy (i.e. if they are in arrears for rent or other housing related charges or Council Tax, water or sewerage charges, or where the Council has served a Notice of Recovery of Possession on the tenant).

If a tenant is thinking about buying their home they should contact the Council for an application form and a more detailed information booklet – these are available from all Council Access Points. Completed forms should be returned to Cynthia Carswell in the Council's Legal and Committee Section. Information about the Right to Buy scheme can be obtained by phoning 01343 563014 or contacting the local Area Housing Office.

Tenants should be aware that the Right to Buy transaction – from the date of application to the date of legal completion of the purchase – takes around six months to complete.

### **Pressured Area Status**

The Housing (Scotland) Act 2001 allows Scottish Ministers to designate any part of a local authority area as a 'pressured area' for up to five years at a time, where the demand for social housing outstrips supply and it can be shown that this situation will be adversely affected by tenants exercising their Right to Buy. The result of the designation is to suspend the Right to Buy for certain tenants living in the area for a period of up to 5 years.

The purpose of pressured area status is to protect the amount of affordable rented housing in a Council area and to make sure that there are enough houses for people who need them.

### **Areas granted pressured area status**

The following areas have been granted pressured area status:

- Elgin
- Lossiemouth
- Forres
- Forres Rural
  - Brodie
  - Burghead
  - Dallas
  - Duffus
  - Dyke
  - Findhorn
  - Hopeman
  - Kellas
  - Kinloss
  - Rafford

## **The effect of pressured area status**

The effect of pressured area status is to suspend the Right to Buy for the following tenants living in the areas listed previously:

- tenants who have taken out a new tenancy in the area on or after 30 September 2002 (the date of the introduction of the Scottish secure tenancy);
- those tenants whose tenancy was created before the introduction of the Scottish secure tenancy who did not previously have the Right to Buy entitlement; and
- those who have succeeded a tenancy following 30 September 2002 (unless they were a level one successor). That is a spouse, joint tenant or co-habitee (providing the house has been the co-habitee's sole or principal home for six months prior to the tenant's death). In all cases, the house of the deceased tenant must have been the only or principal home of the qualifying person.

Tenants in tenancies created before the introduction of the Scottish secure tenancy and which were converted to the Scottish secure tenancy will not be affected by the suspension providing:

- before 30 September 2002 they had a Right to Buy entitlement as a result of having a secure or assured tenancy with the preserved Right to Buy; and
- they have not succeeded to their tenancy after the 30 September 2002.

## **Which tenants does it affect?**

Essentially all tenants who have the modernised Right to Buy will have their entitlement suspended. It does not affect the right of tenants with the original Right to Buy (except for tenants who have succeeded to the original Right to Buy after 30 September 2002).

Any tenant who has started a new tenancy in the area will be covered by pressured area status designation. This includes tenants who, after 30 September 2002:

- transfer from another house owned by the Council or another registered social landlord;
- mutually exchange their home; or
- succeed to their tenancy (if they are a level two or three successor. That is they are a member of the deceased tenant's family who is 16 aged years or a carer).

## **Length of suspension of the Right to Buy**

The pressured designation allows for a suspension period of five years or less. Although five years is the maximum period, the Council can apply for a further period of pressured designation, if they feel that it is necessary. The Council will assess each area individually.

### **1.7.5 Transfers and Mutual Exchanges**

Any existing tenants of any local authority or any housing association may apply for a transfer to a Moray Council house - provided they are not in breach of their current or previous tenancy agreement. Most transfers and mutual exchanges take place locally although there are also opportunities (but a lot fewer of them) for Council/housing association tenants to swap their houses for public sector houses in other parts of the UK.

Applications for transfers within the Council area are made to the Council's Housing Needs Section and assessed and pointed in accordance with the Council's Allocation Policy and Points System (see Section 1.2). A property is then allocated in the same way to a transfer applicant as to a general needs applicant.

The mutual exchange scheme is designed to help Council tenants who want to move within the Council area and anyone renting a house from the Council and all other housing associations. If two (or more) tenants agree that they would like to swap houses, each must request this in writing and not move until their landlord has given its written consent for this to go ahead.

### **1.7.6 HomeSwapper**

HomeSwapper is a mutual exchange service for council or housing association tenants wanting to exchange locally or nationally. The scheme is self-facilitated so people need to register on the scheme online at [www.HomeSwapper.co.uk](http://www.HomeSwapper.co.uk). Once registered they can search online for potential HomeSwapper partners and receive text messages of potential matches, if any are found. If your housing provider is registered with the HomeSwapper Scheme, you can contact your local Housing Office to search through HomeSwapper lists. The Moray Council also have an online search facility for mutual exchange, you can find this at [www.moray.gov.uk](http://www.moray.gov.uk).

### **1.7.7 Furniture with Rent Scheme**

The furniture with rent scheme is available to homeless households who have been allocated a Moray Council or Moray Housing Partnership tenancy and need essential household items and floor-coverings. The decision on whether an application is accepted is dependent on the availability of finances at the time of application. We reserve the right to refuse any application.

Other housing associations may have their own schemes so we would advise you to contact them.

The household items are supplied in return for a service charge that is added to your rent each week. If you receive Housing Benefits, this may cover the service. It is important to note that this is a rental scheme, the goods remain the property of the Council whilst the agreement is in place.

The scheme is not intended to replace the Community Care Grant, which is currently available from the Department of Work and Pensions. However, it can be used to

obtain essential household items, which are not covered by the Community Care Grant.

For more information on the scheme or to request an information leaflet contact:

Homelessness Projects Officer  
Housing Needs Section  
Moray Council  
High Street  
Elgin  
IV30 1BX

Phone: 01343 563465