



## **Agenda Item 6**

**Referral from the Scrutiny Committee:  
Report of the Scrutiny Panel – Housing  
Allocations**

**Title: Referral from the Scrutiny Committee:  
Report of the Scrutiny Panel – Housing Allocations**

**Meeting: Executive**

**Date: 10 December 2019**

**Author: Director of Corporate and Housing Services**

## **1. Purpose of Report**

This report presents the recommendations made by the Scrutiny Committee following the conclusion of the Scrutiny Panel review of the Housing Allocations Policy.

## **2. Recommendations**

### **2.1 It is recommended that the Executive:-**

#### **(1) Approves the following Scrutiny Committee recommendations for consultation:-**

- i. **Local Letting Initiative High Flats** - To bring this policy more into line with legislation it is proposed we consult on reducing the age restriction to 50. This would assist with equality issues and enhance provision for the aging population.
- ii. **Local Letting Initiative New Builds**- In order to maximise the opportunity for meeting housing needs, it is proposed to consult on removing the restrictions applied to new houses. This would mean all categories could apply in line with the quota systems. This should assist with our Rapid Re-housing Transitional Plan and moving applicants on from temporary accommodation.
- iii. **Under Occupancy** - It is proposed that consultation is undertaken on aligning the application of Band 1 priority for under-occupation with overcrowding i.e. Band 1 priority applied in cases of under-occupation by 2 or more bedrooms.

It is further proposed to consult on changes to when an applicant can make an application to move when first allocated a house. It is proposed that once an applicant has been allocated a house they cannot apply for a move within 12 months unless there is a significant change of circumstance that changes their housing need. This means if an applicant accepts a house that is too large for their

current needs, they cannot immediately then apply for a move and be prioritised due to under occupancy.

- iv. **Time limiting Priority (Band 1 Applicants)** - It is proposed to consult on limiting the time applicants with Band 1 and 2 priorities in Home Mover and Home Starter categories to 3 months of non bidding. This would be from the date of them being awarded the priority banding. Once an applicant had been determined as at risk of having priority removed, a housing interview will take place to review the circumstances including the availability of appropriate housing etc. Once it has been determined that priority will be removed the applicant would be moved to Band 4 in line with other Home Seekers.

It is further proposed that we consult on removing those people who are on Band 3 or 4 and who have not bid within 12 months applications. Their application would be cancelled after 12 months of no bidding activity and removed from the housing list. Their removal does not mean they will not be able to reapply but does mean that any advantage accrued due to the time they have been on the list, will be lost. It should be noted that the length of time a person has been on the list only would matter if two applicants of equal housing need apply for the same house.

- v. **Home Seeker Category Offers** - In order to minimise the time spent in temporary accommodation and the emotional impact that living in temporary accommodation has on people, we will consult on the number of offers Home Seekers are awarded before priority is removed. We propose consulting on reducing the number of offers to Home Seekers from two to one offer of housing. This can be achieved in one of two ways:

- An applicant who is actively bidding being offered a house through the choice based lettings system;
- An applicant being offered a direct match after 3 months of no bidding activity.

There will however be a review meeting to determine the reasons for non bidding e.g. lack of appropriate housing etc.

- vi. **Housing Debt and Allocations** - It is proposed to amend the policy to make it clear to tenants of their obligation to address and repay their current housing debt before being made an offer of housing.

This is to ensure that those who are able to pay but refuse to pay are addressed. Applicants who are suspended from the housing list for housing debt will require to be on a payment plan to address their housing debt for a 3, 6, or 9 months period, depending on the outcome of the public consultation, before being considered for re housing.

- vii. **Letting Quotas** - In order to fulfil obligations under the Rapid Rehousing plans, it is proposed to consult on amending the letting quotas to 50% Seeker, 25% Mover and 25% Starter. In addition any property normally considered for All Groups should be utilised for Homeless applicants as a direct match offer. The quotas will be reviewed 24 months after amendment to ensure that it is meeting the needs of our applicants.

**(2) Requests that the Scrutiny Panel along with the portfolio holder review the outcome of the consultation in regard to the recommendations prior to final consideration by the Executive.**

### **3. Background**

3.1 Council agreed its Scrutiny Plan on 6 December 2017. The plan was:-

- Fly tipping
- Anti-social behaviour
- Housing Allocations

3.2 The Scrutiny Committee established a Scrutiny Panel to undertake the final review in early 2019. The panel reported its findings to the committee on 14 November 2019.

### **4. Considerations**

4.1 The panel met on six occasions and heard evidence on the following:-

- Meeting One – Introduction to Housing Allocations;
- Meeting Two – Housing Allocations – Tony Cain, Policy Manager Association of Chief Housing Officers (ALACHO);
- Meeting Three – Falkirk's Transition to Rapid Rehousing and Housing First;
- Meeting Four – Housing Allocations and Challenges;
- Meeting Five – Housing Allocations Review – Registered Social Landlords (RSLs) – Presentation from Link Housing;
- Meeting Six – Meeting with all members.

4.2 Neither the Scottish Housing Regulator nor Scottish Government Officers attended the panel to offer their views.

4.3 The panel's report was considered by the Scrutiny Committee on 14 November. The panel's recommendations were supported by the committee, with the exception of recommendation (6) above which was amended from '*a 9 month period before being considered for rehousing*' to '*a 3, 6, or 9 months period, depending on the outcome of the public consultation, before being considered for rehousing*'.

- 4.4 If the recommendations are approved by the Executive, Housing Services will undertake a consultation exercise in early 2020.

## **5. Consultation**

- 5.1 The panel consulted with stakeholders as part of its review. The panel's report has not been the subject of consultation.

## **6. Implications**

### **Financial**

- 6.1 There are no financial implications arising from this report.

### **Resources**

- 6.2 There are no resource implications arising from this report.

### **Legal**

- 6.3 No legal implications are envisaged.

### **Risk**

- 6.4 None.

### **Equalities**

- 6.5 No equality and poverty impact assessment was required.

### **Sustainability/Environmental Impact**

- 6.6 No sustainability assessment has been completed as part of compiling the report.

## **7. Conclusions**

- 7.1 This report presents the Scrutiny Committee's recommendations for improving the Council's housing allocations policy. The recommendations are the culmination of a detailed evidence-gathering exercise by the Scrutiny Panel review of the Housing Allocations Policy

- 7.2 The report also outlines the next steps that are required to be taken if these recommendations are ultimately to be implemented.

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**Director of Corporate and Housing Services**

**Date: 27 November 2019**

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## **Appendix 1**

Report from the Scrutiny Committee – Scrutiny Panel Review of the Housing Allocations Policy

### **List of Background Papers:**

No papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973.

**Falkirk Council**

**Title:** Report of the Scrutiny Panel – Housing Allocations

**Meeting:** Scrutiny Committee

**Date:** 14 November 2019

**Submitted by:** Director of Corporate and Housing Services

**1. Purpose of Report**

- 1.1 The purpose of this report is to present the report by the Scrutiny Panel – Housing Allocations and to invite committee to consider the panel's recommendations.

**2. Recommendations**

- 2.1 The committee is asked to consider the recommendations of the Scrutiny Panel – Housing Allocations, set out below in para 4.2.1- 4.2.7 in the report and to refer these to the Executive for approval and further consultation. The committee is also asked to invite the Executive to allow the panel to review the outcome of the consultation in regard to the recommendations.

**3. Background**

- 3.1 Council agreed its Scrutiny Plan on 6 December 2017. The plan was:-

- Fly tipping
- Anti-social behaviour
- Housing Allocations

- 3.2 The Scrutiny Committee subsequently established panels to undertake the respective reviews. In accordance with previous practice the committee agreed that the reviews would run consecutively. The committee has now received the reports of the panels which looked at fly tipping (on 6 June 2019) and antisocial behaviour (on April 2019). The final review commenced in April 2019 and the panel's report and recommendations are attached to this report at appendix 1.

**4. Considerations**

- 4.1 Should the committee accept the panel's recommendations they would then be sent to the Executive for further consideration. The Executive is required to consult on proposals in regard to its Housing Allocations Policy. This will include those made by the panel. Although the panel has, by submitting its

report, concluded its remit, there is merit in the panel reviewing the outcomes of the consultation exercise and to advise the Executive on these. This is a matter however for the Executive to determine. It may choose not to return the matter back to the panel, however there is benefit in doing so.

4.2 The panel's recommendations are:-

4.2.1 **Local Letting Initiative High Flats-** To bring this policy more into line with legislation it is proposed we consult on reducing the age restriction to 50. This would assist with equality issues and enhance provision for the aging population.

4.2.2 **Local Letting Initiative New Builds-** In order to maximise the opportunity for meeting housing needs, it is proposed to consult on removing the restrictions applied to new houses. This would mean all categories could apply in line with the quota systems. This should assist with our Rapid Re-housing Transitional Plan and moving applicants on from temporary accommodation.

4.2.3 **Under Occupancy** - It is proposed that consultation is undertaken on aligning the application of Band 1 priority for under-occupation with overcrowding i.e. Band 1 priority applied in cases of under-occupation by 2 or more bedrooms.

It is further proposed to consult on changes to when an applicant can make an application to move when first allocated a house. It is proposed that once an applicant has been allocated a house they cannot apply for a move within 12 months unless there is a significant change of circumstance that changes their housing need. This means if an applicant accepts a house that is too large for their current needs, they cannot immediately then apply for a move and be prioritised due to under occupancy.

4.2.4 **Time limiting Priority (Band 1 Applicants)** - It is proposed to consult on limiting the time applicants with Band 1 and 2 priorities in Home Mover and Home Starter categories to 3 months of non bidding. This would be from the date of them being awarded the priority banding. Once an applicant had been determined as at risk of having priority removed, a housing interview will take place to review the circumstances including the availability of appropriate housing etc. Once it has been determined that priority will be removed the applicant would be moved to Band 4 in line with other Home Seekers.

It is further proposed that we consult on removing those people who are on Band 3 or 4 and who have not bid within 12 months applications. Their application would be cancelled after 12 months of no bidding activity and removed from the housing list. Their removal does not mean they will not be able to reapply but does mean that any advantage accrued due to the time they have been on the list, will be lost. It should be noted that the length of time a person has been on the list only would matter if two applicants of equal housing need apply for the same house.



4.2.5 **Home Seeker Category Offers** - In order to minimise the time spent in temporary accommodation and the emotional impact that living in temporary accommodation has on people, we will consult on the number of offers Home Seekers are awarded before priority is removed. We propose consulting on reducing the number of offers to Home Seekers from two to one offer of housing. This can be achieved in one of two ways:

- An applicant who is actively bidding being offered a house through the choice based lettings system;
- An applicant being offered a direct match after 3 months of no bidding activity.

There will however be a review meeting to determine the reasons for non bidding e.g. lack of appropriate housing etc.

4.2.6 **Housing Debt and Allocations** - It is proposed to amend the policy to make it clear to tenants of their obligation to address and repay their current housing debt before being made an offer of housing.

This is to ensure that those who are able to pay but refuse to pay are addressed. Applicants who are suspended from the housing list for housing debt will require to be on a payment plan to address their housing debt for a 9 month period before being considered for re housing.

4.2.7 **Letting Quotas** - In order to fulfil obligations under the Rapid Rehousing plans, it is proposed to consult on amending the letting quotas to 50% Seeker, 25% Mover and 25% Starter. In addition any property normally considered for All Groups should be utilised for Homeless applicants as a direct match offer. The quotas will be reviewed 24 months after amendment to ensure that it is meeting the needs of our applicants.

4.3 Additional considerations to the Allocations Policy - In addition to the specific recommendations above, the following issues will have to be addressed in the consultation on the Allocations Policy.

4.3.1 **MAPPA** – the Council will consult on removing high risk applicants from its Choice Based Letting system and throughout current mapping exercises take appropriate properties that meet requirements out of the letting pool. This will ensure that we are able to protect our communities whilst meeting the requirements as set out within the Management of Offenders etc. (Scotland) Act 2005. A primary concern for the Council is the safety of our communities and in particularly the victims of crime. We will work with partners to ensure our policies and practices support victims of abuse to live without fear in their own homes wherever it is possible and practical to do so.

4.3.2 **Domestic Abuse** – the Council will review the support currently provided to those experiencing domestic abuse including, where appropriate ensuring we support people to remain in their tenancy whilst we implement protective factors and safety measures as well as supporting them to utilise the justice system to its full potential. Consideration will have to be given to where

perpetrators are allocated in relation to their victims. This would be in line with the Domestic Abuse (Scotland) Act 2018 which is extended from the Criminal Procedure (Scotland) Act 1995. It is proposed that, through the administration of the policy, we are able to restrict areas for these applicants to ensure that we can maintain the safety of victims. This will be monitored through a multi-agency conference to ensure that we are able to meet the housing needs of both parties.

- 4.3.3 **Corporate Parents** – As part of the review of allocations, officers will develop proposals to support care leavers and those experiencing care inline with our Corporate Parenting role and our obligations under the Children and Young Persons (Scotland) Act 2014 and subsequent amendments. It is proposed that we extend our exceptional needs policy to include care leavers and those experiencing care to allow, where necessary, the Head of Housing to use its discretionary powers to allocate properties through delegated powers.

- 4.4 In addition to the areas that require to be consulted on, there are some which the panel identified and which officers have acted upon. These are:-

- 4.4.1 **Publicising our allocations initiatives including tenants incentive scheme, homespot housing swaps etc.-** It is proposed that we ensure that we publicise the range of initiatives that underpin our allocations policy more widely to increase interest and uptake of this scheme. We will over the coming year, put in place a communications strategy for this work.

- 4.4.2 **Mental Health Assessment** - A review of on how we assess health and mental health issues will be undertaken to ensure this is explained more explicitly. Housing staff will also raise awareness of the allocations policy with other interested stakeholders. This will include advising applicants, members and partners what will and what won't be taken into account with regards medical needs. This is to stop people seeking medical certificates etc that are not necessary.

- 4.5 Any change to the Allocations Policy must be consulted on. As such if the recommendations above are accepted then they will be put to the Executive with a plan for consultation.

## 5. Consultation

- 5.1 There panel consulted with stakeholders as part of its review. The panel's report has not been the subject of consultation.

## 6. Implications

### Financial

- 6.1 There are no financial implications arising from this report.

## **Resources**

- 6.2 There are no resource implications arising from this report.

## **Legal**

- 6.3 No legal implications are envisaged.

## **Risk**

- 6.4 None

## **Equalities**

- 6.5 No equality and poverty impact assessment was required.

## **Sustainability/Environmental Impact**

- 6.6 No sustainability assessment was required as part of compiling this report and the main findings.

## **7. Conclusions**

- 7.1 The panel has now completed its review of the Housing Allocations Policy and has made its recommendations to the committee.

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Director of Corporate and Housing Services

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Date: 31 October 2019

## **Appendices:**

1. Report by the Scrutiny Panel

**List of Background Papers:** None

Housing Allocations Policy Review  
Final Report  
Scrutiny Panel  
November 2019

### 1 Introduction

- 1.1 This report presents the recommendations of the Scrutiny Panel on Housing Allocations.

### 2 Background

- 2.1 A Council's allocation policy is the set of rules it uses to decide how to give out its housing. Allocations policies are based on the legislation and where permitted local preferences. These rules cover:
- who can join the housing waiting list, and
  - how the Council or RSL decides who gets priority on the waiting list.
- 2.2 The Council or RSL must stick to these rules for letting their houses and can't make decisions according to other rules which aren't written down. Allocation policy rules must be written down and made available to the public.
- 2.3 Council agreed in December 2017 that its scrutiny work plan would include a scrutiny review of housing allocations. The Panel was established in 2018 and began its work upon the conclusion of the Scrutiny Panel review of anti-social behaviour.
- 2.4 The Panel that undertook the review consisted of:-
- Cllr J Blackwood (Convener)
  - Cllr L Munro
  - Cllr D Goldie
  - Cllr N Coleman
  - Cllr D Balfour
- 2.5 At its initial scoping meeting, on 4 April 2019, the Panel agreed that the scope of its work would be:-
- To review the Council's housing allocations policy in terms of our legislative requirements and the outcomes from the current allocations policy. To take into account the requirements of the Housing regulator and to make sure the system is fit for purpose for the medium and longer terms in meeting the Council's legislative requirements and housing need of our applicants.*
- 2.6 The Panel was supported in its work by officers including Stuart Ritchie, Director of Corporate and Housing Services, Kenny Gillespie, Head of Housing, Laura Smith, Housing Needs Manager, Brian Pirie, Democratic Services Manager and Fiona Campbell, Head of Policy, Technology and Improvement.
- 2.7 To fulfil its remit the Panel agreed to consider the following issues in its meetings, with meetings supplemented by a number of background papers. The meeting summaries included in this report also reference some of the background papers provided to the Panel.
- The legislative background to housing allocations;
  - The view of the Association of Local Authority Housing Officers, the Housing Regulator and Scottish Government on the purpose etc. of housing allocations;
  - The move towards Rapid Rehousing/Housing First;

- Anti social behaviour and its impact on housing allocations;
  - The view of RSL and other Councils in revising a housing allocations policy;
  - The view of all Members in looking at what changes should be consulted on as part of the allocations review.
- 2.8 Regrettably neither the Housing Regulator nor Scottish Government Officers attended the Panel to offer their views.
- 2.9 The Panel subsequently met 6 times and heard evidence on the following:-
- Meeting One - Introduction to Housing Allocations;
  - Meeting Two - Housing Allocations – Tony Cain, Policy Manager, Association of Chief Housing Officers (ALACHO);
  - Meeting Three - Falkirk's Transition to Rapid Rehousing and Housing First;
  - Meeting Four - Housing Allocations and Challenges;
  - Meeting Five - Housing Allocations Review – RSLs – Presentation from Link Housing;
  - Meeting Six - Meeting with All Members.

### 3 Scrutiny Panel Recommendations

- 3.1 The Panel heard evidence from officers within the Council, as well as representatives of the Association of Local Council Housing Officers and from Link Housing. The Panel was also able to draw on a wealth of background information. Having consulted and taken advice as appropriate the Panel agreed to make the following recommendations to committee.

#### **Local Letting Initiative - High Flats/ New Builds/Tenants Incentive Scheme**

- 3.2 There are concerns surrounding current practice and how this could be viewed from an equalities perspective.
- 3.3 **Local Letting Initiative High Flats** - To bring this policy more into line with legislation it is proposed we consult on reducing the age restriction to 50. This would assist with equality issues and enhance provision for the aging population.
- 3.4 **Local Letting Initiative New Builds** - In order to maximise the opportunity for meeting housing needs, it is proposed to consult on removing the restrictions applied to new houses. This would mean all categories could apply in line with the quota systems. This should assist with our Rapid Re-housing Transitional Plan and moving applicants on from temporary accommodation.
- 3.5 **Under Occupancy** - It is proposed that consultation is undertaken on aligning the application of Band 1 priority for under-occupation with overcrowding i.e. Band 1 priority applied in cases of under-occupation by 2 or more bedrooms.
- 3.6 It is further proposed to consult on changes to when an applicant can make an application to move when first allocated a house. It is proposed that once an applicant has been allocated a house they cannot apply for a move within 12 months unless there is a significant change of circumstance that changes their housing need. This means if an applicant accepts a house that is too large for their current needs, they cannot immediately then apply for a move and be priorities due to under occupancy.
- 3.7 **Time limiting Priority (Band 1 Applicants)** - It is proposed to consult on limiting the time applicants with Band 1 and 2 priorities in Home Mover and Home Starter categories to 3 months of non bidding. This would be from the date of them being awarded the priority banding. Once an applicant had been determined as at risk of having priority removed, a housing interview will take place to review the

circumstances including the availability of appropriate housing etc. Once it has been determined that priority will be removed the applicant would be moved to Band 4 in line with other Home Seekers.

- 3.8 It is further proposed that we consult on removing those people who are on Band 3 or 4 and who have not bid within 12 months applications. Their application would be cancelled after 12 months of no bidding activity and removed from the housing list. Their removal does not mean they will not be able to reapply but does mean that any advantage accrued due to the time they have been on the list, will be lost. It should be noted that the length of time a person has been on the list only would matter if two applicants of equal housing need apply for the same house.

- 3.9 **Home Seeker Category Offers** - In order to minimise the time spent in temporary accommodation and the emotional impact that living in temporary accommodation has on people, we will consult on the number of offers Home Seekers are awarded before priority is removed. We propose consulting on reducing the number of offers to Home Seekers from two to one offer of housing. This can be achieved in one of two ways:

- An applicant who is actively bidding being offered a house through the choice based lettings system, and
- An applicant being offered a direct match after 3 months of no bidding activity.

There will however be a review meeting to determine the reasons for non bidding .e.g lack of appropriate housing etc

- 3.10 **Housing Debt and Allocations** - It is proposed to amend the policy to make it clear to tenants of their obligation to address and repay their current housing debt before being made an offer of housing.

- 3.11 This is to ensure that those who are able to pay but refuse to pay are addressed. Applicants who are suspended from the housing list for housing debt will require to be on a payment plan to address their housing debt for a 9 month period before being considered for re housing.

- 3.12 **Letting Quotas** - In order to fulfil obligations under the Rapid Rehousing plans, it is proposed to consult on amending the letting quotas to 50% Seeker, 25% Mover and 25% Starter. In addition any property normally considered for All Groups should be utilised for Homeless applicants as a direct match offer. The quotas will then be reviewed 24 months after amendment to ensure that it is meeting the needs of our applicants.

- 3.13 **Additional Considerations to the Allocations Policy** - In addition to the specific recommendations above Officers have advised Members that the following issues will have to be addressed in the consultation on the Allocations Policy. Officers will work up proposals on these issues for consultation and will report back to the Panel on the outcomes. The Panel will then review its recommendations on the changes to the Policy with a final report reflecting these being made to the Executive.

- 3.14 **MAPP** – the Council will consult on removing high risk applicants from its Choice Based Letting system and throughout current mapping exercises take appropriate properties that meet requirements out of the letting pool. This will ensure that we are able to protect our communities whilst meeting the requirements as set out within the Management of Offenders etc. (Scotland) Act 2005. A primary concern for the Council is the safety of our communities and in particularly the victims of crime. We will work with partners to ensure our policies and practices support victims of abuse to live without fear in their own homes wherever it is possible and practical to do so.

- 3.15 **Domestic Abuse** – the Council will review the support currently provided to those experiencing domestic abuse including, where appropriate ensuring we support people to remain in their tenancy whilst we implement protective factors and safety measures as well as supporting them to utilise the justice system to its full potential. Consideration will have to be given to where perpetrators are allocated in relation to their victims. This would be in line with the Domestic Abuse (Scotland) Act 2018

which is extended from the Criminal Procedure (Scotland) Act 1995. It is proposed that, through the administration of the policy, we are able to restrict areas for these applicants to ensure that we can maintain the safety of victims. This will be monitored through a multi agency conference to ensure that we are able to meet the housing needs of both parties.

- 3.16 **Corporate Parents** – As part of the review of allocations, officers will develop proposals to support care leavers and those experiencing care inline with our Corporate Parenting role and our obligations under the Children and Young Persons (Scotland) Act 2014 and subsequent amendments. It is proposed that we extend our exceptional needs policy to include care leavers and those experiencing care to allow, where necessary, the Head of Housing to use its discretionary powers to allocate properties through delegated powers.

## 4 Recommendations for Action

- 4.1 In addition to the areas that require to be consulted on, there are some the Panel has therefore asked for the following to be progressed:
- 4.2 **Publicising our allocations initiatives including tenants incentive scheme, homespot housing swaps etc.-** It is proposed that we ensure that we publicise the range of initiatives that underpin our allocations policy more widely to increase interest and uptake of this scheme. We will over the coming year, put in place a communications strategy for this work.
- 4.3 **Mental Health Assessment** - A review of on how we assess health and mental health issues will be undertaken to ensure this is explained more explicitly. Housing staff will also raise awareness of the allocations policy with other interested stakeholders. This will include advising applicants, members and partners what will and what won't be taken into account with regards medical needs. This is to stop people seeking medical certificates etc that are not necessary.

## 5 Consultation

- 5.1 The recommendations of the Panel need to be subject of a consultation exercise in order to ensure that we meet our statutory responsibilities under section 4 of the 2014 Housing (Scotland) Act. This requires that we consult with our tenants, applicants on the waiting list and Registered Tenant Organisations and other persons as the landlords see fits in regards to any review of its allocations policy. The recommendations of this report, if agreed by Scrutiny Committee will go to the Executive prior to going out to consultation.
- 5.2 It is important that the public is allowed adequate time to complete a response. The Council's participation strategy requires a six week timescale for responding to any consultation. It is proposed that the recommendations be subject of an online and postal survey alongside specific focus groups (participants will identify themselves through the postal and online survey) to discuss further details about certain parts of the proposed changes. This allows for more specialist groups and applicants with a particular interest in an area to raise any concerns about any amendments put forward.
- 5.3 Once the outcome of the consultation is available it is recommended that the Panel be reconvened to consider its final recommendations to the Executive on changes to the existing housing allocations policy. It might be appropriate at this point that the relevant portfolio holder joins the Panel to consider final recommendations on changes to the Housing Allocations process.

## **6 Work of the Panel**

- 6.1 The Panel was provided with a number of background documents prior to starting their scrutiny. This included background information on housing allocations, the Councils policy, Scottish Government guidance etc. This gave Panel members grounding on the current policy and legislation ahead of the first Panel meeting.
- 6.2 Council housing departments, housing associations and housing cooperatives don't share a singular process for deciding who should have priority on their respective housing waiting lists. Many have a points system: the more points you have, the higher up the waiting list you'll be. In Falkirk, however, along with some other Authorities has a choice based letting system. This allows applicants to make choices about where they want to live and the type of house that they want to live in.
- 6.3 Shelter Scotland has produced a note of how allocations policies are run across Scotland. It explains ways in which Councils and RSLs can allocate points and determine priority. SHELTER Scotland has produced a briefing note on housing allocations. This is attached as appendix one. This sets out clearly what can and can't be taken into account in an allocations policy.
- 6.4 The Panel was provided with a number of background documents prior to starting their scrutiny. This included background information on housing allocations, the Councils policy, Scottish Government guidance etc. This gave panel members a grounding on the current policy and legislation ahead of the first Panel meeting.
- 6.5 Council housing departments, housing associations and housing cooperatives don't share a singular process for deciding who should have priority on their respective housing waiting lists. Many have a points system: the more points you have, the higher up the waiting list you'll be. Shelter Scotland has produced a note of how allocations policies are run across Scotland. It explains ways in which Councils and RSLs can allocate points and determine priority. SHELTER Scotland has produced a briefing note on housing allocations.
- 6.6 A note of and link to all the background papers including the existing allocations policy is attached as appendix two.

## **7 Meeting One – Introduction to Housing Allocations**

- 7.1 The Panel heard firstly about why we have an allocations policy, the legislation that surrounds that and also the challenges and changes that require us to review our current practice. The meeting was supplemented by background documents on these topics.
- 7.2 Our current waiting list is approximately 11,000. A large majority of these applicants have no or little housing need or are not actively looking for housing. In 2017/18 approximately 1,500 properties were let. This means demand clearly exceeds supply. This has to change if we are truly going to provide social housing to those with the most need in the area by focussing our resources on meeting their needs. Properties are allocated based on an assessment of housing need and awarded accordingly. This means that the applicant with the greatest need who has been on the list longest and who places a bid will be successful.
- 7.3 It is clear that the landscape of social housing is changing. The Scottish Government is challenging and settling ambitious targets for local authorities. The recommendations from the Homeless and Rough Sleeping Action Group (HARSAG) in particular will have a huge impact on the way we allocate social housing and how we address homelessness within our area. In June 2018 the action group published 70 recommendations with the intent of ensuring everyone has a house that meets their needs and that homelessness is ended. Some recommendations made include:



- Homelessness should be resolved through effective prevention wherever possible;
- Homeless applicants should be rapidly resettled in a permanent housing solution;
- Homeless applicants should have access to the widest range of housing options;
- Temporary accommodation should only be used as a stop-gap;
- Effective support should be available from day one to enable the homeless household to sustain their own tenancy, and supported accommodation should be available for that small minority of applicants who are not able to sustain their own tenancy at the present time.

7.4 The presentation made at the first meeting, covered the following:-

- Legal Framework and good practice;
- Reasonable Reference 2014 Act;
- Unsatisfactory housing conditions;
- Unmet housing needs and under occupation;
- Weighting reasonable preference groups;
- Property ownership including exceptions;
- Factors which must not be taken into account;
- The involvement of Councillors in decision making on allocations.

7.5 The Panel clarified the definition of and application of 'reasonable preferences' and in particular how much weighting should be given to the categories of homeless, unsatisfactory housing conditions and the need to consider unmet housing needs when considering a particular case.

7.6 We must ensure that we award the appropriate level of priority to those in urgent housing need. The relative priority given to each of the reasonable preference groups will depend on the profile of housing need in the Falkirk area. Therefore we have to decide how much priority we wish to give to those in each of the reasonable preference groups. Any weighting must reflect our obligations to make a reasonable proportion of our lets available to homeless households. We can take the needs of other groups into account, as well as the reasonable preference groups, and can create other needs groups, such as giving priority to ex-service personnel, care leavers etc. However, any other groups being prioritised for allocations cannot not dominate an allocation policy at the expense of the three reasonable preference groups as set out in the 2014 Act.

7.7 The 3 preference groups set out in the Act are:

- People in unsuitable accommodation;
- People in large families or living in overcrowded accommodation; and
- Homeless.

7.8 It was explained that unmet housing needs has to be included in the consideration of an allocations process. Often criteria are linked i.e. unsatisfactory housing conditions and unmet housing needs.

7.9 In regard to under occupied properties members highlighted a disconnect in regard to Bedroom Tax (Size Criteria) payments. It was confirmed that the Council's policy awarded an additional bedroom to children aged 8 for their sole use, whilst the DWP only awarded a sole bedroom for a child age 10. By providing a bedroom that is not aligned to benefit regulations, the Council could contribute to financial hardship for our tenants. This area might therefore be considered for change in terms of the allocation policy.

7.10 It was noted that over 98% of the Council's stock was above tolerable standard. With regards to tolerable standards, the proportion of accommodation which was 'tolerable' was in the 90%+ band for both rented and private sector accommodation. It is the environmental health service that undertakes the assessment of standards.

- 7.11 There was a discussion on downsizing and how the incentives for downsizing worked. Currently the Council can make up to £4k available should a tenant wish to downsize (move to a smaller home that meets their needs) but the tenant would have to downsize by at least 2 bedrooms to qualify and the amount they receive is dependant on their initial house size and what they move to.
- 7.12 Over a period of time we have had three and four bedroom properties that have been hard to let. In order to maximise our rental income applicants have been allowed to under occupy these properties. The downside of this approach is that if they are under occupying a house, if they then re-apply they would automatically be awarded a Band 1 priority to move to a smaller property. A single applicant after moving into a four bedroom flat can then apply for a transfer and downsizes to a one bedroom tenancy as they have a band 1 priority for under occupation. They can then be awarded £3000 for downsizing by three bedrooms as per the Tenants Incentive Scheme.
- 7.13 This might be an area that Council would want to consider in terms of making changes to the allocations and letting system.
- 7.14 Members had a presentation that set out the background and context to Housing Allocations. The presentation, covered the following:-
- A definition for social housing and the need for social housing;
  - The role of the Scottish Housing Regulator;
  - The history of Falkirk's Allocations Policy;
  - A summary of the Reasonable Preference 2014 Act;
  - Context to Falkirk's housing allocations;
  - Considerations for reviewing an allocations policy;
  - The aims of an allocations policy;
  - How Falkirk's Allocation Policy works;
  - Definition of 'banding';
  - The advertising process;
  - Details of bids and of the waiting list;
  - The selection process;
  - Reasons for refusing an offer;
  - Allocation outcomes in 2018/19; and
  - Challenges for the future.
- 7.15 Following questions it was noted that there was support and interventions in place to identify and support people with issues such as domestic abuse. It was important in such cases to adopt a multi agency approach to assessing needs and provide appropriate support.
- 7.16 With regards how we deal with anti social behaviour, the Panel cited an example where one tenant in a block was disruptive and whose behaviour impacted on a number of families. Officers stressed the need to intervene early and often in such situations. The Council should not house someone who is disruptive and then leave them to act in manner that impacted negatively on neighbours. Any tenant who is behaving in an anti social manner will be investigated and where deemed necessary progressed through our anti social behaviour policy.
- 7.17 The Panel noted there was scope to refuse access to housing in cases where individuals intentionally made themselves homeless. Again the multi agency approach was key, especially if there were children involved.
- 7.18 The Panel sought clarity between "greater need" and "genuine housing need". It was explained that some people could look to be rehoused when they had a house – so they did not have a 'housing need'. This highlighted a difference between housing aspiration rather than "need". In some instances while

there was a need, the applicant might be very specific about what they want. This raised issues about balancing meeting need for a house with people's wish for specific areas etc.

- 7.19 The Panel discussed examples when a move could precipitate a chain of swaps. This created churn (turnover) in the market. In particular if say an elderly person with a large house moved to a smaller property. The Panel identified that in such circumstances there was a role for the elected members to act as advocates. The role of the elected member was returned to again later in the process.
  - 7.20 The Panel identified that there was a need to look at why people refuse properties and whether they know that if they refuse 2 properties they will be removed from the list. It was confirmed that people could view properties before bidding but only from the outside of the house. Internally properties are maintained to the same standard.
  - 7.21 It was confirmed that individuals can sit on the list for 30+ years waiting for a property. In this scenario their "need" would require to be looked at.
  - 7.22 The Panel heard that some other Councils used a points choice based system. There were different ways of allocating priority, for example on area, children, health issues as well as house performance. This can take away choice. The crucial point is that there aren't enough houses to meet demand.
  - 7.23 We have had only circa 1,500 void properties in the last year. We have circa 11,000 on our waiting list with 3,000 people actively bidding. This means that not everyone who has a need can be allocated a house. New build houses are allocated to 'movers', with these being mainly built for older people, for people with a disability etc.
  - 7.24 The Panel asked whether the pool of housing could be expanded by referring bidders to RSLs. It was confirmed that the Council could put in a S.5 to an RSL as a request to house a homeless person. The Council also advertised houses on behalf of RSLs. Different arrangements were in place in regard to Homeswap for RSLs.
  - 7.25 The Panel discussed having specific criteria for specific properties e.g. the age criteria in regard to the high flats. The Panel acknowledged that this would have to be reviewed to ensure it stood up to scrutiny and potential challenge.
  - 7.26 The Panel discussed "succession" where children inherit their parents (larger) house. This was a legal entitlement.
  - 7.27 The Panel highlighted antisocial behaviour and asked whether arrangements were in place with other Councils, such as West Lothian to "trade off". It was not clear what advantage this would have for either Council and was not currently in place.
  - 7.28 In regard to the length of time a person can be on the list it was up to each Council to determine what that would be. There were issues about removing people from the list but these would be covered in later presentations. This could be something that the Panel might want to recommend consulting on.
- 8 Meeting Two - Housing Allocations – Tony Cain, Policy Manager, Association of Chief Housing Officers (ALACHO)**
- 8.1 Tony Cain, Association of Chief Housing Officers (ALACHO) gave a presentation on the principles and underlying features of housing allocation. The presentation (attached) covered a number of areas.
  - 8.2 The presentation highlighted general points to remember when thinking about an allocations policy. These included:-

- Allocations policies are rationing systems i.e. managing over demand on limited supply;
- Given the above there will always be more losers than winners;
- Outcomes for individuals within a system are always unpredictable;
- You can only let what is vacant;
- Pleasing the regulator isn't an objective, it is an outcome;
- 'Fairness and transparency' are essential but unlikely to be universally agreed; and
- Must be proportionate and reasonable.

8.3 During the presentation Mr Cain stated that:-

- Integrity is vital to any allocations system;
- Process needs to work for Falkirk and must be both reasonable and proportionate;
- Housing is a Human Right – however the definition what this practically meant is unclear;
- The demographic of housing occupants was changing in Scotland, resulting in different expectations;
- The social rented sector wouldn't meet the needs of an ageing population; and
- Councils should aim to get their systems right – not aim to please the Housing Regulator.

8.4 The Panel considered whether the Council should advise potential tenants which category of housing they would be likely to receive in order to manage disappointment. Mr Cain responded that anyone over 16 was entitled to apply and he wouldn't discourage them from doing so. However the application process was an opportunity to engage and discuss prospects. Being on a list but not bidding was not in itself a problem he suggested. It was important to tell applicants if the Council was unable to meet their needs.

8.5 In discussing options, tenants should be given information on all their options including swapping rather than bidding through the allocations process. It is important to let people make their own judgement and that this is informed by being clear about expectations.

8.6 Officers advised the Panel of a new initiative being developed by the Council, whereby we would undertake a full housing options interview with all applicants. This would look at all available options and needs. It was important to have this discussion with applicants at the beginning of the process. While the Council did not want to discourage bids and it was important to have initial discussions so that applicants are realistic about their options and outcomes.

8.7 There was a discussion on whether we should take account of a potential medical condition which could manifest themselves later in the tenancy. The service would look at adaptations from the outset and would also look to adapt for future needs. This would be based on the 'Housing Needs Demand Analysis'. The service had a good knowledge of illnesses such as dementia and what adaptations could be needed.

8.8 The service looked at the needs of tenants at whether properties are fit for purpose. For example there were a number of elderly tenants in 3 bed properties. Could these be freed up for larger families while moving the tenants to more suitable housing with fewer bedrooms and suitably adapted? Recognising that this could result in upheaval for tenants who had maybe occupied a large property for years.

8.9 There is a need for balance when considering under occupancy and disability. Social housing is not a form of welfare. It is an economic intervention. When discussing downsizing with tenants, the Council needed to recognise that the property was a tenant's home and it was their choice whether to move out. However if say the tenant was now wheelchair bound and the property was unsuitable then the situation was different. An initiative in Stirling was presented to the Panel. This ensured the priority for new housing was given to existing tenants. In theory this would free housing stock and help meet their aspirations.

- 8.10 When introduced it was felt this system was fair and would generate churn. However over time there was a differing opinion with the scheme being criticised as being unfair and discriminatory i.e. seekers not being treated the same as movers.
- 8.11 The allocation policy is tied to the Local Housing Strategy. As was previously discussed, the Panel heard that “getting a house was not the same as getting the house they wanted”. It was not wrong for someone to express their aspiration for a certain property but in reality that could be a very long wait.
- 8.12 The Panel considered how churn in the housing system could be generated. How this can be stimulated is to an extent limited. There is a physical limit due to the limit of the number of properties we have and the number that become vacant. Another factor is new build and acquisition i.e. buy back programme was key. The supply programme should be part of the allocation approach.
- 8.13 To reduce demand, the Panel considered how properties could be adapted to allow growing families to remain within their existing homes through for example loft conversions. There is already a programme in place to look at this. Finance was a factor in taking this forward as is legislation. For example the cost of providing an additional 2 bedrooms in an existing house was £100k and a buy-back was £60k.
- 8.14 There are obligations to the Council with regards to human rights which will soon be enshrined in law. While the obligations are not clear at this time, this will underpin all aspects of the Councils work including housing. This reminded the Panel that in addition to housing law the Council must take account of other legislation including equalities etc. when taking decisions on housing allocations.

## **9 Meeting Three - Falkirk's Transition to Rapid Rehousing and Housing First**

- 9.1 The Panel heard about Falkirk Council's transition to Rapid Housing and Housing First.
- 9.2 Local Authorities have been required to prepare a Rapid Rehousing Transition Plan by 31 December 2018, to be implemented over a 5 year period from 1 April 2019. The plan covered:-
- How the local authority will move to a rapid rehousing model over a term not longer than five years;
  - How homelessness households will be rapidly rehoused;
  - How any backlog of demand from homeless households currently in temporary accommodation will be permanently housed; and
  - How a Housing first model will be adopted in each local authority area.
- 9.3 The presentation provided an overview of Rapid Rehousing and Housing First:-
- The definition of Rapid Rehousing;
  - The definition of Housing First; and
  - The benefits of Housing First.
- 9.4 The Transition Plan for Falkirk set out the vision and core objectives, which were;
- A settled mainstream housing outcome as quickly as possible;
  - Time spent in any form of temporary accommodation reduced to a minimum, with the fewer transitions the better; and
  - When temporary accommodation is needed, the optimum type is mainstream, furnished within a community.
- 9.5 The key challenges were:-

- Process – getting households through the homeless/housing system;
- Policy – access to existing housing;
- Supply – affordable housing supply;
- Support – access to the right type of support; and
- Needs Vs Aspirations.

9.6 The presentation also covered:-

- How rapid rehousing impacts on the allocation policy;
- Housing aspirations and housing options; and
- The process for implementing Rapid Rehousing and Housing First.

9.7 It was confirmed that the average time for an individual to be placed in temporary accommodation was 90 days. There are approximately 500 households in temporary and supported accommodation each year. Falkirk Council has a good track record in moving households into permanent accommodation. Moving households into bed and breakfast accommodation is not appropriate and not an option. The Panel heard that money which had previously been spent on bed and breakfast accommodation (£1.5m - £2.3m) was better invested in other interventions.

9.8 Currently the average time spent in temporary accommodations currently 80 days - in 2017/18 it had been 94 days. Previously it was 179 days. The aim was to continue to reduce the time spent in temporary accommodation. The temporary accommodation used by Falkirk Council was furnished and of a high standard. If a household moved to temporary accommodation and wanted to stay there, then in certain circumstances the Council would look at this. This had advantages also for the community both in terms of supporting the household but also it was true to say that not all communities welcomed temporary accommodation in their area. This could be due to the stigma attached to homeless families. From the Council's point of view the fewer times a household moves to temporary accommodation the better. Each move brings stress and can cause difficulties.

9.9 In regard to Housing First, the Panel heard that Falkirk Council was working toward developing a scheme, citing examples in the U.S. where it had been successful.

9.10 There had been an increase in repeat homelessness and that Authorities struggle to break this cycle. Housing First might be the project which will break this cycle. It might not work for everybody but for a number of individuals, who would receive wrap around services it was anticipated that sustained tenancy could be realised.

10 The Panel asked about repeat homelessness and why that occurred. Often providing accommodation is not actually addressing the core of a person's problems. The service aimed to give the individual belief and self worth. The services provided would have "stickability" and would provide support for the long term. Where this ongoing support was provided there has been an 80% success rate in keeping people in tenancies. Nationally the cost to support an individual who is homeless and can't sustain a tenancy is about £34k, Housing First, in addition to the benefits to the individual, will potentially delivery savings to the whole public sector.

11 The Panel discussed the bidding process and the application of Housing First, recognising that the purpose of housing allocations was to manage housing need when that outstrips housing supply. With applicants, the service sought to engage and to explore alternative options – not only Falkirk stock but also with RSLs and the private sector. The dialogue sought to explain and widen expectations.

12 The Panel discussed how Rapid Rehousing and Housing First tied in with the Allocations Policy. It was highlighted for example one person had been on the list for 7 1/2 years and had not bid. As has been previously advised there is no time limit to being on the list. The Panel considered that it may recommend that a time limit was introduced. At 31 March 2019 there had been 11,000 applicants on

the system, 73% of whom did not place any bids, which created a false impression of housing need in the area.

- 12.1 Housing Options appraised was not vital – with 8000 people on a list who think they might get a house but are not actively bidding nor have any clear housing need. The Service put significant effort into explaining the options available. There was benefit in maintaining a list based on need. Members questioned whether the fact the Allocations Policy was simply restricted to “need” in this sense. The Services had to determine whether aspiration was built on need or simply a wish for a certain property in a certain area. The idea that time on a list resulted in a property was a myth. During engagement options would be discussed – for example home swaps, downsizing, extending the area of choice.

‘Time Limited Priority’ (Band 1 Applicants)

- 12.2 The time applicants spend in housing need very much depends on their circumstances. It maybe that they are homeless and in need of urgent accommodation or they are simply looking for a move but this is not urgent and not a priority.
- 12.3 The Council annually reviews the applicants on our waiting list to ensure that they are all still actively looking for accommodation through a reregistration process. Although applicants can continue to re register year on year there is no obligation within the policy for them to actively bid for properties. This inflates the perception of housing need within the area. At 31 March 2018 we had 8372 applicants and 69% of these applicants did not place any bids on properties in the past year; the table below illustrates the activity of each applicant group.

Bid in Last Year	No	Yes	Total
Home Mover	64%	36%	29%
Home Seeker	24%	76%	5%
Home Starter	74%	26%	66%
Total	69%	31%	100%

- 12.4 Band 1 priority is the highest level of housing priority that can be awarded and reflects an urgent need for rehousing. Under the current allocation policy Home Seekers are time limited for an offer due to the Council's statutory obligations under homeless legislation. All other applicants awarded the highest priority of Band 1 and 2 retain their priority without time limit. This can mean that some applicants who are assessed as requiring urgent rehousing are on the housing list for a considerable period of time who are not bidding for properties.
- 12.5 If we are to meet the housing needs of those seeking social rented accommodation in the area then our waiting list needs to reflect the true nature of this.
- 12.6 The following table illustrates the length of time they have spent in housing need from the date of band award to date.

Average priority award time on current list for Band 1(F) and Band 2(F) F is where a Functional Needs Assessment has taken place Band 1 & 2 are the highest priority awards for those in greatest housing need						
	Mover		Seeker		Starter	
Band	years	months	Years	months	Years	months
1 Bid	1	6	-	5	1-	
1 NB	3	9	-	9	3	5
1F bid	1	5	1	9	1	1
1F NB	3	7	1	10	3	7
2 Bid	10	-	-	1	1	-

2 NB	2	3	-	-	3	9
2F Bid	1	7	-	-	-	9
2F NB	8	8	-	-	5	3

- 12.7 It is clear from this information that consideration needs to be given as to the length of time we allow those with the highest housing need to remain on the highest priority banding but not actively bidding.
- 12.8 It was noted that while we currently advertise all vacant properties equally, the outcome of the lets thereafter differs. Analysis shows that 46% of lets went to home starters, 27% to home movers and 25% to home seekers. Under current letting quotas the Council will not be able to meet our obligations under Rapid Re-housing to ensure that homeless applicants are moved on from temporary accommodation to permanent housing within 3 months.
- 12.9 The Panel discussed the advantages of restricting the list.
- 12.10 The Panel discussed "aspiration" v's "need". It was clear that some aspiration was borne out of need – however these might not be housing needs but other household needs. It was suggested that the housing options interview should be mandatory for every person on the list. This would avoid assumptions being made by the Service.
- 12.11 Aspirational moves i.e. people without need but who may want to move to a different area or type of house, still caused churn in the market. It was the view of the Panel that we should still cater for those who are seeking to move for reasons other than housing need. However due to the need to house those in need this would mean that those who want to move for aspirational reasons will stay on the waiting list longer.
- 12.12 It was noted that there is a lettings initiative for the initial allocation of new Council houses built under the new house building programme. Where the Council has built general needs housing, preference is given to existing Falkirk Council tenants i.e. movers. The purpose of this lettings initiative is to maximise the opportunity for meeting housing needs that the additional supply of new Council housing offers. For example, rehousing existing tenants will result in more Council properties becoming available for letting to other housing applicants. In this way, more applicants can be rehoused. In effect, two households can benefit from each new build property. Existing Council tenants that bid for new build general needs housing will be prioritised according to their band of priority and their date of award of priority. In the event that there are no suitable bids for these properties from existing Council tenants then other applicants will be considered.
- 12.13 This can be deemed unfair and inequitable policy for those on our housing need list who are not currently our tenants.
- 12.14 In regard to key challenges, the Panel discussed the "local connection" test. There are current plans within the legislation to abolish the local connection test within the assessment of homelessness. Housing First was introduced in cities to address rough sleepers. However out with larger cities there were fewer examples of rough sleepers presenting for housing from other areas. If the local connection test was removed it would become difficult to assess who had statutory responsibility for supporting the individuals.
- 12.15 The Panel discussed how support could be given to people who are homeless e.g. zero rent for a period. The Panel were reminded that a large number would be on Universal Credit anyway. Members asked whether people who are homeless could get a furnished flat. Temporary accommodation is fully furnished at the moment. The service was working with charitable organisations to provide additional furniture etc. To implement Housing First, staff are getting additional training and support with the service appointing additional professional support e.g. mental health worker.



## 13 Meeting Four - Housing Allocations and Challenges

- 13.1 The service set out considerations which were taken into account when allocating a property. The presentation covered:-
- What can be taken into account;
  - Restrictions which cannot be imposed;
  - Evidence and unfounded information;
  - Antisocial behaviour and housing applications;
  - Domestic abuse; and
  - Lettings initiative.
- 13.2 There was a discussion about whether individual circumstances set out by the applicant were taken on face value. The service has previously carried out checks initially and verification of information provided later. Now officers meet with the applicant at the outset. This allows support needs to be identified and the appropriate tenancy to be provided with the correct support arrangements to increase the likelihood that the allocation can be sustained.
- 13.3 The Panel discussed what cannot be taken into account in making an assessment of housing need. The service could not give additional points for things not clearly specified in the policy. This reduces the element of discretion that in terms of Human Rights and equalities, the system could be seen and challenged as discriminatory.
- 13.4 The service was looking to put in place support arrangements to sustain tenancies. Members asked if there was a time limit for taking previous ASBOs into account. Having an ASBO does not preclude an individual from getting accommodation in the future.
- 13.5 If a person was rehoused, who had split from an abusive partner then the service can't put in place restrictions i.e. not allowing the partner to follow. This would be unlawful. However there are new initiatives that can allow local authorities to put restrictions on the previous partner's allocation i.e. not in the same area as the victim. They can also look to use protective orders. However should the tenant decide to move a previous abusive partner in a tenancy, the Council be unable to do anything about this unless it was in breach of an order.
- 13.6 With regards to 'Antisocial Behaviour and Housing Allocations' members asked what the process would be if an individual presented as homeless. If this was the case then a person would be housed for 28 days while assessments were carried out. The individual could be the victim of domestic abuse, for example, or could be intentionally homeless.
- 13.7 In regard to suspensions from the waiting list, it was confirmed that there were currently 14 suspensions place. If someone moved into a tenancy and a partner or friend behaved unacceptably then the antisocial behaviour was the responsibility of the tenant. It was the tenant's duty to look after the property.
- 13.8 The Panel was taken through 4 scenarios which highlighted the complexity of considering people's needs within a housing allocation process. The Panel provided their interpretation of each scenario and discussed the answers provided by officers.
- 13.9 There were 4 scenarios considered, including issues raised are noted below.

### Scenario One

- 13.10 *Mr X is well known in the community and has a reputation as a troublemaker. The community have found out he is looking to be housed in your ward and approach you as a Councillor.*
- 13.11 This highlighted the need to make sure that information that is being taken into account can be substantiated, is current and is not just hearsay – even if it is circulating on social media. Maybe communities fears are founded but given those concerns are based on historical behaviour i.e., a number of years ago, they can't be taken into account.

### Scenario Two

- 13.12 *A female has indicated domestic abuse and is successful in bidding for a home still within the same ward. She rekindles her relationship with her former partner and he moves into the new home and the problems start again.*
- 13.13 This highlighted that the Council cannot place a restriction on who the tenant has a relationship with. Also that if a person is being homed as a result of domestic abuse and is presenting as homeless then we will not investigate their situation. If however they do not consider themselves homeless we will investigate their circumstances in conjunction with key partners. It is important that we are clear that domestic abuse is correctly interpreted and does not just include physical abuse but also can include coercive behaviour, harassment etc. This goes beyond domestic abuse to cover other forms of abuse including racial abuse.
- 13.14 If an applicant reports abuse from neighbours or people out with their homes, the local authority should take reasonable steps to obtain information to support the applicant's case and consider all available evidence and information relating to the circumstances of each case. However, a local authority should never seek proof from an alleged perpetrator and if it proves impossible or inappropriate to obtain confirming evidence the applicant's expressed fears should be considered as sufficient evidence.
- 13.15 We need clear evidence of ASB before a person can be excluded from housing. We also need to consider this under different legislation. If someone presents under homelessness then they can be provided with housing for 28 days. That gives us time to assess them and then look to provide housing we can maybe find them intentionally homeless. We would need to give them advice and assistance through housing options re the private sector 14 people this year have been suspended from the housing allocations list. If someone moves into a house and is anti social, the tenant can be found to be responsible with consequences for them.

### Scenario three

- 13.16 *Applicant has been given Home Seeker Band 1 due to fleeing domestic violence and is living in temporary accommodation. The applicant has a large family and reports are coming in that the family are unruly, have no respect and causing mayhem in area. The scenario outlined interventions from the police with the family and that there maybe some racial elements to the anti social behaviour directed at the applicant. There has been violence witnessed by neighbours and local members lobbied to get the applicant moved.*
- 13.17 In this instance a case conference would be called with all relevant partners including the police, social work etc. A robust support plan would be put in place to ensure the applicant was safe and that they could continue to sustain their tenancy. In addition the person would be offered specialist services for people who experience domestic abuse.
- 13.18 The police would make sure there was a marker on the house so that they could respond quicker to calls from this address and the door would be reinforced.

- 13.19 However we would not seek to rehouse the applicant if she/he wanted to remain in the house.

#### Scenario four

- 13.20 *Mr X daughter has approached the local Councillor as the property directly opposite them in their close is now vacant and her father is worried that the property will be allocated to someone who is not quiet as there have been issues with noise previously within block. Councillor requests a lettings initiative as Mr X has mental health issues and cannot tolerate noise. Councillor has stated that it is a good block and has never had any problems.*
- 13.21 It was noted that to determine if a special lettings initiatives should be introduced, the services considered the type of property that was being let, mix of ownership and if there had previously been anti social behaviour at that address. As such there is no evidence that a lettings initiative is required. We would only look at a special lettings initiative if there had been previous problems at that property.
- 13.22 The Panel discussed each of the scenarios in turn, considering at each what can and can't be taken into account. The presentation is attached as appendix 5.
- 13.23 The Panel discussed the role of elected members and their advocacy role within the community. It was often unhelpful if Members were unclear how the system actually worked or if they were critical of the decisions of officers without knowing the full facts of a case including different sides of the same situation.
- 13.24 There can sometimes be an unhelpful perception of people who are 'homeless'. It must be remembered that people can be homeless for a number of reasons that are out with their control. Most people who find themselves homeless are never a problem once they are housed. It is important to get rid of the stigma which surrounds the 'homeless' and to ensure the appropriate support is put in place. The Housing allocation process needs to address this issue by focussing on.
- Housing need;
  - Target those most in need, not based on the length of time an individual is on the list; and
  - Put support in place at the outset.
- 13.25 Social housing is not and should not be seen as the housing of last resort. This is neither its purpose nor function. The Panel recognised that often approaches to Councillor's intervention in the housing allocations process was often a cry for help.

#### 14 Meeting Five – Housing Allocations Review – RSLs – Presentation from Link Housing

- 14.1 In this meeting Simon Thomson from Link Housing gave the perspective of an RSL who had recently reviewed their allocations policy. The things they had taken into account etc. and some learning from that process.
- 14.2 Mr Thomson outlined that Link Housing had recently completed a review of their allocations policy and process their review had been delayed as they had been waiting on the changes to guidance and legislation that came into force in May 2019. From 1<sup>st</sup> May 2019, RSLs had to consider the following in their allocation process:-
- ASB - new streamline eviction process where criminal conviction relates to ASB and powers to;
  - Allocations – all polices must reduce the 5 'reasonable preference' groups to 3 all with unmet housing needs i.e. homelessness, unsatisfactory housing and under occupation. Policies may not take home ownership into account, may offer SST in certain categories, may use new suspension provisions and RSLs are required to publish reports on consultation.

- 14.3 From November 2019 the following area of legislation changes:
- Assignment, subletting, joint tenancies and succession.
- 14.4 Link in changing their policy consulted with tenants, applicants on the waiting list, registered tenants organisations and other as to what changes should be made to their policy. They consulted on issues as required in terms of the Act including:-
- The definition of unsatisfactory housing;
  - What weight needs to be given to priorities and the reasonable preference category?
  - Definition of under occupancy;
  - Should they take home ownership into account in allocating houses?
  - Did they want to take the new suspension provisions into account?
- 14.5 In addition they consulted on other issues not required by the legislation including:-
- Should there be quotas i.e. .different groups rather than the 'top of the list' being allocated the house. This would be similar to our seekers, movers and starters;
  - How would they take someone's multiple needs into account e.g. group plus system;
  - Should there be a minimum time that someone would have to be tenant in a house before being considered for a transfer or mutual exchange – should this be in line with the Act e.g. one year; and
  - Should they review their occupancy standards?
- 14.6 They then undertook a comprehensive consultation with a comprehensive briefing note, focus groups, on line survey, equality groups and all their tenants.
- 14.7 The outputs of the consultation were:-
- a proposal for 3 new priority groups to be added to unsatisfactory housing:
    - Domestic abuse priority pass;
    - Insecure tenure priority pass;
    - Condition of property priority pass;
  - Children of different gender can share a room up to the age of 8;
  - Children of the same gender can share a bedroom up to the age of 12;
  - Children will not expected to share a bedroom if there is an age difference of 5 years or more;
  - Suspension to last a minimum of 12 months and a max of 2 years;
  - Taking multiple needs into account;
  - Need to have balanced lettings i.e. quotas;
  - Need to take into account home ownership in certain circumstances; and
  - Application of a 12 month restriction to apply for a transfer.
- 14.8 Link are now progressing with making changes to their applications process based on the outputs of the consultation.

## 15 Meeting Six - Meeting with All Members

- 15.1 The Panel wanted to engage with all members to understand concerns of all Members and make sure the Panel had covered the issues of importance to members.
- 15.2 Members received a presentation that summarised the key issues the Panel had considered. Members were advised that recommendations would be presented to the Scrutiny Committee, then to the Executive. Following this there would be a period of consultation with the outcomes of that coming back

to the Panel for consideration prior to final recommendations on changes being made to the Executive in due course. This therefore would not be the last opportunity for Members to input into the review of allocations.

15.3 The presentation summarised the key issues and challenges that housing allocations process needed to consider going forward. These are noted below:-

- Introduction of Rapid Rehousing & Housing First;
- Length of time to house applicants who are not homeless;
- Meeting genuine housing need;
- Shift away from housing aspiration to housing need;
- Consultation on abolishment of homeless intentionality and Local Connection test;
- Changing demographic- aging population;
- Participation in wider Scottish Government initiatives surrounding refugees; and
- Consultation on our role as a Corporate Parent.

15.4 Following the presentation, the session was opened up to Members to raise issues and ask questions. The following issues were raised along with information provided in response to these:

- Looking beyond physical disability to consider mental health issues – The service is currently seeking to ensure they understand better how to support people with mental health issues in tenancies with the employment of specialist mental health officers within housing.
- Taking account of need beyond homelessness. – It is important to be clear about what needs should be taken into account so that there is transparency in allocations. We need consider what we will take into account and that this is set out clearly in the policy.
- There needs to be appropriate scrutiny of housing allocations – the service reports to scrutiny committee annually on the outcomes of the allocations process. The information in this report will be reviewed to ensure it covers issues such as the number of houses allocated in each of the 10 allocation areas. However it was noted that the Housing Regulator annually reviewed the application of the policy by the Council to ensure it was being applied appropriately,
- Members were not looking to be involved in housing allocations but rather have more scrutiny of the outputs of the system – the Service is currently looking at a new information system. This will help not only provide more information to members but also to the community.
- Issues around supporting people to use home spot were raised. The Panel would consider making recommendations that Members get set up with access to this. It was noted that this was national system but the service would seek to see how members can access this.
- How does the service sequence seekers, movers and starters? It was explained that there is a rotation of each category when a house becomes available in each allocation area i.e. the 10 areas. It was also noted that previously the housing allocation areas were based on the 7 school catchment areas but had been changed in 2011.
- How can the allocations system be more empathic? There is a balance between being able to respond to individual needs and being open and transparent. It is recognised that many people who are applying for Council housing have particular needs but the more exceptions are made to the application of a clear policy then the less transparent allocations becomes.
- If you come from a smaller village then there is a perception that you won't get a house in that village. It was stressed that the rotation is applied rigorously but that Members are aware that with every house allocated a number of potential tenants are disappointed. In most instances it is these tenants that Members hear from.
- People think that by getting a letter from a GP outlining their medical issues then they will get a house quicker. There is a need for prospective tenants to understand what is taken into account and what isn't. With regards to medical issues, the service liaises with medical staff to determine needs etc.
- There was a question about how long people can remain on the list without actively bidding. It was advised that the Panel had spoken about this and would consider recommendations around this.

- An issue was raised around sensitive lets and how could the Council manage this? Again it was noted that this would be an area the Panel might consider for consultation particularly around the high flats and the application of age criteria.
- There was a question about Members being involved in agreeing exceptional circumstances or through appeals process. It was stressed by officers that this was not allowed under legislation but also ran contrary to the notion of transparency etc.
- How could the system support people with caring responsibilities? There was a discussion around supporting people to transfer or swap houses. There is a monetary incentive that can be made available. The process also needs to be better publicised. A suggestion was made about supporting people with practical assistance i.e. moving etc.
- There was an issue about how Members could support people who had been allocated a house in another area before they move but after they take on the tenancy. This issue have been considered by the Councils information governance with a resolution being put in place.
- A question was asked about the allocation of new houses in Grangemouth and would these be advertised in the usual way. It was confirm this would be.

## 16 Final Recommendations

- 16.1 In considering the evidence, the Panel is proposing a number of recommendations to the Scrutiny Committee to put forward to the Executive to be subject of consultation. These are set out in section 3 & 4 of this report. These recommendations if agreed will be subject to a robust consultation with the results being presented back to the Panel – at that point it is proposed that the portfolio holder joins the Panel as a full member, in order to make final recommendations to the Executive.

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Cllr Jim Blackwood, Convener of the Scrutiny Panel on Housing Allocations

## Shelter Scotland Allocations Policies – Briefing

- 1.1. The term 'registered social landlords', or RSL, is used to cover both housing associations and housing cooperatives.

What is an allocation policy?

- 1.2. A Council or RSL's allocation policy is the set of rules they use to decide how to give out their housing. Each Council and RSL has its own rules for allocating housing. Some of the rules are based on the law, and others are up to the individual Council or RSL to decide. These rules cover:-

- 1.3.
- Who can join the housing waiting list; and
  - How the Council or RSL decides who gets priority on the waiting list.

Transfers and exchanges of Council housing.

- 1.4. The Council or RSL must stick to these rules for letting their houses and can't make decisions according to other rules which aren't written down. Allocation policy rules must be written down and made available to the public.

Who has priority on the housing waiting list?

- 1.5. By law, there are three main groups of people who must be given priority (or 'reasonable preference') on Council and RSL housing waiting lists.

People living in unsuitable accommodation.

- 1.6. A home may not be suitable to live in because it:-

- Has a bad problem with rising or penetrating damp;
- Is not structurally stable, for example it's subsiding;
- Doesn't have adequate ventilation, natural and artificial light or heating;
- Doesn't have an adequate supply of fresh water;
- Doesn't have a sink with hot and cold water;
- Doesn't have an indoor toilet;
- Doesn't have a fixed bath or shower and wash basin with hot and cold water;
- Doesn't have a good drainage and sewerage system;
- Doesn't have satisfactory cooking facilities;
- Doesn't have an adequate entrance; and
- Is unsatisfactory in some other way (the law doesn't define what 'unsatisfactory' means so it is up to the individual Council or RSL to decide).

People whose homes are overcrowded or who have large families.

- 1.7. A home may be overcrowded if there are not enough rooms or space for the number of people who live there. The law doesn't say how many people there are in a 'large family', so the Council or RSL must decide themselves.

People who are homeless or threatened with homelessness.

1.8. This includes more than just people who are living on the street. It also includes people who have no rights to live in their current home, or whose homes are unsuitable for them to live in.

1.9. Shelter also provide a clear definition on what constitutes homelessness the definition of homelessness but importantly includes the following:-

- You are homeless if you have no home in the UK or anywhere else in the world where you and your family can live together;
- Or you have no rights to live in the place you are currently staying;
- Or the place where you are currently living is unsuitable or unsafe.

What else could a Council or RSL take into account?

1.10. You may be awarded extra priority points in the following situations:-

1.11. **Length of time on the list** - If you are applying for a transfer, you may get extra points if you have been in your current Council, housing associate or co-op home for a long time.

1.12. **Tied accommodation** - your accommodation was provided as part of your job, but you have now left your job. This includes people leaving the armed forces and the police or who worked for the Coastguard Service, Customs and Excise or the Lighthouse Board.

1.13. **Medical needs** - you need to be rehoused due to specific medical needs, for example because:-

- You are disabled and need to live somewhere that's specially adapted for you,
- You want to move closer to a hospital or clinic where you receive regular treatment.

1.14. **Social needs** - you need to be rehoused because of social needs, for example because:-

- You look after an elderly or disabled relative;
- You wish to move nearer someone who can look after you;
- You wish to become a foster parent but need a bigger or more suitable home for children;
- You have a previous connection with the area (for example, you used to live there or have family there) and need to move back;
- You need to move closer to your place of work.

1.15. **Social work** - you have been or are being looked after by the social work department in some way, for example because:-

- You were in care;
- You are elderly;
- You are leaving an institution such as a hospital or prison;
- You have other community care needs.

1.16. **Harassment** - you have suffered domestic abuse or racial or sexual harassment in your current home.

1.17. **Under occupying your current home** - you live in a large house and want to move to a smaller, more economical home.

1.18. **Shared living space** - you have to share amenities such as a toilet, kitchen or living room with another household, or you live in a bedsit.

1.19. **Mobile homes** - You live in a mobile home which is overcrowded or lacks basic amenities such as hot water, a toilet or shower.



- 1.20. These are only examples of point's categories. Some Councils or Housing Associations may not use all the categories listed above, or may have other, additional categories.

Things Councils and RSLs can't take into account.

- 1.21. There are some things Councils and RSLs are not allowed to take into account when allocating housing. These are:

- How long you've lived in the area - you don't need to live locally to apply for accommodation;
- Rent Arrears - relating to a property where you lived but were not the actual tenant;
- Debt - which you did owe as a tenant, but have since paid off, which you accrued as a tenant but which are no more than a twelfth of the full annual amount payable (for example, one month's rent arrears), or debts you owe your landlord but have agreed to pay off over time according to a payment plan (you must have been paying off the debt for at least three months and be continuing to make the payments for this to apply);
- Council tax arrears - any debts owed by you or someone you will be living with which are not related to your tenancy;
- Age - as long as you are 16 years old or over, unless you need to be allocated housing suitable for a particular age group, for example if you are an older person in need of sheltered housing or a young person in need of supported accommodation, in which case the Council or housing association must take your age into account;
- Income - your income or the income of anyone in your family;
- Property - any property or goods you or your family owns.

Restrictions the Council or housing association can't impose.

- 1.22. There are certain restrictions that Councils and housing associations are not allowed to impose before offering you housing. They cannot tell you that:-

- You have to be on the waiting list for a minimum amount of time before you can be offered housing (although you may need to be a tenant for a certain length of time before you can apply for a transfer);
- You have to get a divorce or judicial separation from your partner before you can be offered housing;
- You won't be offered housing if you're going to be living with a particular person.

Discrimination and equal opportunities.

- 1.23. It is illegal for a Council or housing association to discriminate against you on the grounds of race, sex or disability. Councils and housing associations should also have an equal opportunities policy. This means they should not discriminate against people because of:-

- The legal status of your relationship;
- Your age;
- Your sexual orientation or gender identity;
- Your language;
- Your social background;
- Your beliefs or opinions, for example your religious or political beliefs.

- 1.24. In operating a choice based letting scheme, Councils have to take the same issues into account in deciding who has priority for a house.

## EXCERPT FROM FALKIRK COUNCIL'S ALLOCATIONS POLICY

### CURRENT BAND AWARDS

#### Award of Priority

Following assessment, applicants are awarded one of our four Bands of priority depending on their circumstances. The highest level of priority is Band 1 and the lowest level of priority is Band 4. Applicants are awarded only one level of priority based on their most urgent housing need. The bands are as follows:

#### Band 1

Band 1 priority is awarded to the following applicants:-

- Who are found to be unintentionally homeless following a homeless assessment;
- That are assessed to be threatened with homelessness within the next two months following a homeless assessment;
- Living in hostel, supported or temporary accommodation provided by Falkirk Council or a partner RSL and have been assessed as ready to move on to more independent living;  
Who have been "looked after and accommodated" by Falkirk Council and are leaving their care placement;
- Who are leaving the Armed Forces and their right to occupy service accommodation is coming to an end and a certificate of Cessation of Entitlement to occupy Service Living Accommodation has been issued;
- Where MAPPA has made recommendations regarding accommodation who are unable to be discharged from hospital because their home is no longer suitable for them whose home is causing significant problems due to a medical condition or disability e.g. applicants living in a house where the bedrooms and bathroom are on the first floor and they cannot manage stairs;
- Who are living in an overcrowded house where two or more additional bedrooms are required to meet their needs according to the household size rules (see section 4.4);
- Who are living in a one bedroom property and have two children under the age of 8 years sharing a bedroom with them;
- Who have two teenage children of different genders sharing a bedroom who are Falkirk Council tenants or RSL tenants living in the Council's area that are living in a house which is too big for their needs according to the household size rules (see section 4.4);  
Living in a house which lacks standard amenities or is in a state of serious disrepair as specified in Appendix A;
- Who need to be re-housed as a result of regeneration or redevelopment within the Falkirk Council area;
- Who are Joint applicants currently both tenants of Falkirk Council and/or an RSL and living in the Falkirk Council area, who wish to move so that they can live as a family unit. Priority will only be awarded if both families moving into either of their current properties would cause overcrowding;
- With exceptional housing needs where a multi-agency case conference has made recommendations regarding accommodation e.g. a child protection case conference.

#### Band 2

Band 2 priority is awarded to the following applicants:-

- Home Starters living in accommodation within the Falkirk Council area where they have no security of tenure. This does not apply to applicants living care of relatives, friends or lodgers;
- Who are overcrowded according to the household size rules (see section 4.4) and are currently sharing amenities with another household who they are not applying to be housed with who are living in an overcrowded house where one additional bedroom is required to meet their needs according to the household size rules (see section 4.4);
- Living in bed-sit accommodation;
- With social housing need such as:-
  - The applicant needs to move to give or receive care and support;
  - The applicant's accommodation is unsuitable due to severe harassment.

### **Band 3**

Band 3 priority is awarded to the following applicants:-

- With children under 10 years living in tenement flats with no access to shared or individual gardens;
- With frequent and regular overnight contact with children where the children's principal home is elsewhere and the applicant does not have a home of their own e.g. sharing facilities with another household with whom they are not applying to be housed who are living in accommodation;
- Where their independence is limited due to a medical condition or disability e.g. an applicant living in a first floor flat who has difficulty managing the stairs;
- Who wish to move to the Falkirk Council area due to a local connection e.g. employment, family reasons;
- Who are not Falkirk Council tenants or RSL tenants living in the Council's area that are living in a house which is too big for their needs according to the household size rules (see section 4.4);
- Living in the private sector with a short assured tenancy agreement currently sharing amenities with another household with whom they are not applying to be housed.

### **Band 4**

Band 4 priority is awarded to all other applicants.

## Key Background Documents

### Falkirk Housing Allocations Policy

<http://www.falkirk.gov.uk/services/homes-property/Council-housing/housing-allocations/docs/homespot/2-guides-and-forms/Housing%20allocations%20policy.pdf?v=20190612120>

### Housing Allocations FAQs

<http://www.falkirk.gov.uk/services/homes-property/Council-housing/housing-allocations/faqs.aspx>