



East Dunbartonshire Council

Allocations Policy

May 2019

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This policy is available, on request, in different languages or in other formats such as in large print and braille.

Section 1: Introduction

1.1 Purpose of the Policy

This policy describes how East Dunbartonshire Council (“**the Council**”) will manage access to its housing list, and how it will let houses to people on the list. Copies of this policy, the Council’s procedures and a much shorter summary are all freely available.

The policy has been developed in sectional format to improve clarity and to enable easy updating through future reviews. Appendices are also provided to give specific information to tenants and service users.

This policy is important for the following reasons:

- 1 Letting (or allocation) practice is critical in establishing local communities throughout East Dunbartonshire. It is also essential in sustaining these communities by creating areas that are popular to live in for tenants and other residents.
- 2 The allocation policy is central to the Council's general strategy to promote equal opportunities and social inclusion. For example, the Council provides information about this policy to all local communities. Again the Council gives priority to people living in housing need. Housing need is explained in detail in section 3.
- 3 The Council is legally required to give reasonable preference to particular groups when allocating houses. For example, people living in unsatisfactory housing conditions or homeless people. But this policy also includes good practice issues, for instance, by taking account of applicants’ preferences when offers are made.
- 4 Allocation practice is important to maximise rental income, for example by reducing numbers of empty properties. This, in turn, enables the Council to provide quality services to tenants and other service users.
- 5 The Council is committed to developing effective consultation procedures so that tenants and other service users can participate in policy development; these commitments are explained in Section 8.

Notes:

The word "house" is used as a general term to refer to all house types, including flats.

The words "letting" and "allocation" are both general terms used to describe policy making and practices surrounding house letting.

Section 2: Policy Aims, Objectives and Related Policies

2.1 Aims

The main aim of this policy is to tackle a variety of housing needs. Housing need is defined in this policy by reference to:

- legal and professional standards such as the tolerable standard that determine minimum acceptable housing conditions;
- social standards that take account of individuals' preferences and aspirations; and
- affordability, that is, rents that tenants can afford to pay.

The Council has also developed this policy to ensure that letting practice is effective, efficient and fair. This is part of general council strategy to meet best value objectives, for instance, developing quality services that are accessible to all service users.

2.2 Objectives

The main objectives of this policy are to:

- meet relevant legal and good practice standards, for instance, the Housing (Scotland) Act 1987 (as amended), the Scottish Executive Circular 1/2002 and Scottish Government regulatory standards. (Appendix 1 details legal and good practice guidance)
- prevent and eliminate discrimination in lettings practice on grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation.
- promote equality initiatives concerning the above grounds, for instance, developing accessible housing in consultation with disabled people. (Appendix 4)
- create balanced and sustainable communities; by "balanced communities" the Council means communities that contain a broad range of households from all sections of society. This involves meeting people's preferences, whenever possible, as well as meeting their housing needs
- determine letting priorities based on a comprehensive assessment of local housing needs and demand; this includes promoting exchanges and house transfers of existing tenants as their needs change (Appendix 2)

- support applicants by providing good quality information and advice on housing options; and to treat information in confidence in line with the Council's legal obligations under the Housing (Scotland) Act 1987 and the General Data Protection Regulation;
- allocate empty houses in line with set time scales thus maximising income from rents; and
- establish effective partnerships with local housing associations to meet housing need, for instance, to tackle homelessness.

2.3 Related Policies

It is emphasised that this policy is linked to numerous other policies and strategies. These policies are not included in this policy as this would make this document too lengthy. The other policies are available on request and include the Common Housing Register and the Housing Options Guide.

Section 3: Legal and Regulatory Framework

The Council has established this policy to meet relevant legal and good practice standards. This section summarises the main legal requirements under the following headings:

- regulatory requirements
- accessing the housing list
- priority needs
- allocating houses
- information

3.1 Regulatory Requirements

The Council is committed to working in accordance with the Scottish Social Housing Charter, published by the Scottish Housing Regulator. The Council's performance in achieving these standards is assessed annually by The Scottish Housing Regulator which publishes its findings.

The Scottish Social Housing Charter obliges the Council to:

- ensure that people have fair and open access to its housing list and assessment process
- work with others to maximise and simplify access routes into its housing
- let its houses in a way that gives reasonable preference to those in greatest housing need; makes best use of available stock; maximizes choice, and helps to sustain communities, and
- ensure that the approach to letting houses is well managed, and that the Council achieves high standards of customer service, information and consultation

3.2 Access the Housing List

Any person who is sixteen years or more is entitled to access the housing list. Application forms are available at all of the Council's offices and applicants can apply on line.

The Council applies relevant legal provisions concerning entitlement to access the housing list for asylum seekers and other foreign workers.

On request, the Council assists applicants to complete their housing application form. Applicants are advised of this service in the information that the Council provides. The Council's application form can be made available in other languages and formats on request, for instance, in large print. The Council also makes available interpreting services, as required, and covers the costs of providing this service.

3.3 Priority Needs

In accordance with legal requirements, the Council gives **reasonable preference** to applicants who are:

- homeless or threatened with homelessness and who have unmet housing needs
- living in unsatisfactory housing conditions and who have unmet housing needs
- living in accommodation provided by a social landlord which is under-occupied

These terms are explained in detail in Section 5.

In addition to these groups, the Council also recognises that the policy should address other needs if it is to be effective. The housing needs and requests that the Council takes into account in the letting process are detailed in Section 5.

3.4 Allocating Houses

The Council takes no account of the following issues when letting houses:

- length of time applicants have lived in the Council area
- any housing debt that is attributable to the tenancy of a house of which the applicant is not, and was not when the liability accrued, the tenant, for example rent arrears or repair charges
- housing debt that has since been paid
- non-housing debt such as council tax owed either by applicants or another household member
- applicants' age unless the Council has designed or specifically adapted the houses for people of a specific age, for example, sheltered housing; or
- applicants' income or any property that they own, including income of household members

The Council takes no account of rent arrears that are less than one month's rent when allocating houses. In such cases, however, the Council would make a reasonable repayment arrangement to clear the arrears in line with the arrears policy.

This rule also applies in respect of housing debt that is more than one month if people:

- make an agreement with the council to repay the debt
- make payments for at least three months, and
- continue to make payments

The Council also ignores whether or not an applicant lives in the area if the applicant:

- works in the area or has been offered employment in the area
- wants to move into East Dunbartonshire to find employment and the Council is satisfied of this
- wants to move into the area to be near a relative or carer
- has special social or medical reasons for being re-housed in East Dunbartonshire
- is subject to harassment and thus wants to move into the area, or
- runs the risk of domestic violence and so wants to move into the area

Finally, the Council does not require that:

- applications are in force for a minimum period before considering applicants for housing
- a divorce or judicial separation be obtained, or
- applicants should be living apart from another person before being considered for housing

3.5 Information to Applicants

The Council publishes this policy widely throughout East Dunbartonshire and distribute copies to all offices. A copy is also sent to relevant agencies, including the Scottish Government.

The Council provides tenants and other service users with advice and information about this policy on request. This includes advice about housing options within the Council area, for example, housing options in both the private and social rented sector (housing associations).

The Council has also established an advice and information strategy. This covers advice and information about matters such as:

- tenancy rights, including appeal rights
- homelessness; and
- housing information in both the private and public housing sectors.

Applicants are entitled to access information that they have supplied concerning their housing application. This is detailed in the Housing (Scotland) Act 1987.

They are also entitled to view other personal information that the Council holds on file. The Council can only withhold personal information on specific grounds detailed in the **General Data Protection Regulation**. The Council will provide this information, if permitted, within one month. Full details can be found on the Council's website at <https://www.eastdunbarton.gov.uk/council/subject-access-request>

The Council has also introduced a Housing Options Guide. This provides information about the range of housing options within East Dunbartonshire as well as advice on how to contact other housing providers. The Housing Options Guide provides general information on estimated waiting times for offers throughout the Council's housing stock. Finally, the Council also gives information on housing that is accessible for disabled people.

Information on how the Council holds and uses personal data is available on the Council's website. Details of the Council's privacy notice in respect of Housing can be found online at: https://www.eastdunbarton.gov.uk/sites/default/files/documents/council/privacy-notices/privacy-notices-f-k/privacy-notice-housing_0.pdf

A hard copy privacy notice can also be requested from the Council at East Dunbartonshire Council Headquarters, 12 Strathkelvin Place, Kirkintilloch, G66 1TJ.

Section 4: Applying for a house

This section summarises the key issues involved in processing applications. The Council housing service operates procedures that cover the whole detailed allocation process.

Section 5 details how points are awarded and how housing applications are grouped on the housing list.

An information booklet is also available - “A guide to your housing application.”

4.1 Assessing Applications

Applicants for housing can access the housing list by completing the Common Housing Register application form; this form is sent to applicants. The Council offers applicants assistance to complete this form on request.

The Council also provides interpreters or signers, as appropriate and meets the costs of providing this service.

The Council aims to assess applications within **twenty** working days of receiving them, and send applicants details of their award of points.

Existing tenants of the Council may apply for a transfer; applicants should use the same application form.

Tenants also have other legal rights. For example, they have the right to exchange houses with any other Scottish secure tenant; this is subject to Homeswapper receiving the Council’s prior written approval that cannot be withheld unreasonably. Details of the Council’s exchange procedures are available on request.

Again, tenants may apply to have a joint tenancy with another person either staying (or intending to stay) with them. Information on joint tenancies is available on request.

Applicants may apply for particular house types such as sheltered housing or housing that is accessible to older people. Information on how to access such housing is given in Section 5.

The Council also nominates applicants for empty housing association properties in East Dunbartonshire. This is done through the Council’s locally agreed nomination arrangements with Housing Associations operating in the area.

4.2 Confidentiality

The Council treats all information provided by applicants in confidence. The Council seeks applicants' permission to discuss application details with other agencies, as appropriate. For instance, the Council may contact previous landlords to confirm details concerning terms of let regarding other tenancies. Personal references are not requested.

The Council's processing of personal information complies with the General Data Protection Regulation and the Data Protection Act 2018. The Council is registered with the Information Commissioner's Office under registration number Z7136359. Records concerning personal details of applicants and tenants are processed strictly in line with legal requirements.

4.3 Accessible Housing

The Council is committed to promoting accessible housing. For example, the Council discusses particular access requirements with individual applicants to ensure that offers made are appropriate. The Council also consults with disabled people during the development of housing projects, including making reasonable adjustments to create accessible houses.

4.4 Application Details

The Council checks application details before offers are made to confirm information concerning applicants' housing needs and preferences. This may include carrying out home visits and seeking confirmation of details from other landlords.

Visits may also be carried out by other landlords, for example, visiting applicants living outwith the Council's area.

The Council notifies applicants of the visit at least five working days in advance; contact is made by phone or in writing. When visiting applicants, officers follow clear procedures to ensure respect for applicants' privacy and home. This is important to meet the Council's commitments under the Human Rights Act 1998.

The purpose of the home visit is simply to confirm details provided in the application form. When visits are made prior to offer, if details are accurate, the Council makes the offer. If details seem to be inaccurate, the Council asks applicants to clarify matters within three working days.

If applicants do not provide details, the Council may withdraw the offer. The application may also be deferred; details of when the Council defers applications are contained in the suspension procedure.

4.5 Applicants' Conduct

The Council may withhold offers of housing if applicants **deliberately** worsen their housing situation to gain priority. In such cases, applications may be suspended in line with the principles of the suspension procedure. This procedure is available on request.

The Council may also suspend applications on grounds of inappropriate conduct. For example, applicants may have a history of serious anti-social behaviour that has breached existing tenancy conditions or other law. In line with good practice, the Council seeks to minimise numbers of suspensions and monitor them on a regular basis.

Applications may be suspended for a number of reasons; these are detailed in the suspension procedure. For example, an application may be suspended if there is a **deliberate** worsening of housing circumstances to increase priority for housing.

4.6 Number of Offers

The Council has established rules concerning the number of offers that may be made. Due to the shortage of housing available for let, the Council makes one reasonable offer only. This rule also applies to numbers of offers made to homeless applicants. Generally, offers made are based on applicants' stated choice of area. The Council does not, therefore, offer houses to applicants in areas they specifically exclude from consideration. What applicants may choose is detailed below in section 4.7.

Due to the urgency of the situation facing homeless applicants, and the limited availability of housing, it may not always be possible to offer housing in the areas requested. Housing offered to homeless applicants will, therefore, not necessarily be restricted to the areas they have chosen.

The Council applies the following rules whenever applicants refuse offers based on their stated choices:

- 1 Whenever applicants refuse their **first** reasonable offer, their application is suspended for **six months**. Homeless applicants who refuse an offer will not be suspended from the housing list. However, the offer will be regarded as a discharge of the Council's legal obligations and the applicant will lose their homelessness priority.
- 2 Whenever applicants refuse their **second** reasonable offer, their application is suspended for **six months**. Applicants will be offered the opportunity to discuss their application after refusing the second offer. At this meeting officers will emphasise that only one further offer will be made before a longer period of suspension is applied.

- 3 Whenever applicants refuse their **third** reasonable offer, their application is suspended for **twelve months**.

After this period ends, the above suspension rules apply again.

If a house is refused by three different applicants, the Council will investigate the reasons for refusal before making further offers. The Council will then implement appropriate measures to let the houses in question as quickly as possible. This may include advertising or contacting several applicants who have expressed interest. This could happen, say, in the case of difficult to let houses. The Council has established internal procedures to monitor what steps are taken to let houses that are refused. **See Appendix 6** - management grounds for further information.

4.7 Choice of Areas and House Types

The Council has divided the Council area into ten letting districts containing forty nine neighbourhoods. This information is provided to all applicants to enable them to select their areas of choice.

Applicants may apply for any letting district, as well as individual neighbourhoods within each letting district. They may also select their preferred house types. Applicants may change their choice of letting district, neighbourhood and house type at any time.

The Council specifically requests applicants to identify their first choice letting district and neighbourhood. The Council uses this information for statistical monitoring to identify patterns of demand for council housing in East Dunbartonshire.

The Council provides applicants, on request, with letting information on their choices of letting district and associated neighbourhoods. This information covers general information and prospects of rehousing. Housing staff will explain clearly that the housing list changes continuously.

The Council provides applicants with advice about their housing options based on local factors such as turnover of houses and types of houses throughout the council area.

4.8 Applications and House Size

The section outlines the rules concerning the size of house for which applicants may apply.

Applicants may apply for a house that is one bedroom larger than needed where welfare reform charges do not affect them. They will, however, only be considered for such housing after the Council has addressed the needs of other applicants who require the larger housing.

In this policy, the standard applied is detailed below.

Household Members	Bedroom Requirements
Each couple (same or opposite sex)	1 bedroom
Two children of same sex (fifteen years or under)	1 bedroom
Two children of different sex (nine years or under)	1 bedroom
Adult and Child	2 bedrooms
Two people of same sex (sixteen years and over)	2 bedrooms
Two children of different sex (ten years or over)	2 bedrooms

Table 1

4.9 Review of Applications

The Council carries out annual reviews of applications based on the month that the application was registered. This is essential to ensure that housing list information is accurate so that the Council minimises the number of refusals.

The Council requests applicants to provide notification within **ten** working days of whether or not they want to remain on the housing list. Applicants are advised of this process when they complete their application form. Applicants also acknowledge in this form that applications may be deleted if they fail to respond to the review. The Council also issues one reminder letter giving applicants a further **ten** working days to confirm if they want to remain on the list.

Applications are reinstated if applicants contact the Council within **four** months of the review date. Applicants who contact the Council after **four** months are requested to submit a new application.

4.10 Conditions of Let

The Council explains tenants' rights in detail when tenants sign their tenancy agreement. The information provided covers rules that apply to transfers and mutual exchanges. This reflects the Council's general commitment to promoting awareness of tenants' rights. The Council also uses this meeting to identify any particular household needs. For instance, the Council asks tenants whether they have any accessibility requirements such as a preference to receive information in large print.

Section 5: Letting Houses

5.1 Introduction

In letting houses, the Council operates a points system involving a number of different groups. This is known as a groups plus points system. This system is essential for three reasons.

Firstly, it enables the Council to meet its legal obligation to give reasonable preference to the three priority groups outlined at paragraph 3.3.

Secondly, it promotes the Council's objective of creating a balanced community mix. For example, the Council rehouses a range of households including single people, sole parents and family households. The Council also encourages applications from a range of groups to promote inclusive communities, for example, applications from disabled people and applications from black and minority ethnic communities. **Appendix 4** gives examples of positive action initiatives.

The Council sets a lettings target each year for the individual groups. This target is subject to ongoing review as identified needs change. Targets also take account of the choices and aspirations of individual applicants.

Thirdly, it meets good practice guidance as this approach is recommended in areas, such as East Dunbartonshire, with high levels of housing need. It enables the Council, for example, to address housing needs other than the limited range of priority groups covered by law.

This section now explains the Council's legal obligations before describing the points system in detail.

5.2 Legal Obligations

In selecting tenants, the Council must meet certain legal obligations concerning:

- groups to be given reasonable preference;
- residence; and
- specific restrictions.

5.2.1 Reasonable Preference Groups

The Council is legally required to give **reasonable preference** to the following groups.

- people who are homeless or threatened with homelessness, and who have unmet housing needs;
- people living in unsatisfactory housing conditions and who have unmet housing needs;

- Tenants of houses held by a social landlord which are being underoccupied.

5.2.2 Residence

The Council must take **no account** of whether applicants live in East Dunbartonshire if they:

- work in the area or have been offered employment in the area
- want to move into East Dunbartonshire to find employment and the Council is satisfied of this
- want to move into the area to be near a relative or carer
- have special social or medical reasons for being re-housed in East Dunbartonshire
- are subject to harassment and thus wants to move into the area, or
- run the risk of domestic violence and so want to move into the area

Finally, the Council does not require that:

- applications are in force for a minimum period before considering applicants for housing
- a divorce or judicial separation be obtained, or
- applicants should be living apart from another person before being considered for housing

5.3 Housing Categories and Groups: East Dunbartonshire

It is essential to include the reasonable preference groups in the allocations policy. It is important, too, to meet good practice requirements by ensuring that the allocation policy addresses local issues.

For these reasons, the Council has established three main categories. Applicants will be placed in only one category based on the one that has the highest share or target of lets.

The categories along with the needs that they cover are as follows:

5.3.1 Priority Category: Groups

- people who are homeless or threatened with homelessness, who have unmet housing needs;
- people living in unsatisfactory housing conditions who have unmet housing needs; and
- tenants of houses held by a social landlord which are being underoccupied

5.3.2 Local Needs Category: Groups

- insecurity of tenure
- overcrowding (non-statutory)
- other underoccupation
- sharing amenities
- Access and support needs - medium priority
- family and social
- preference

Local needs cover a wide range of needs concerned with letting houses. These reflect local housing need issues, as well as good practice guidance. For example, alleviating under occupation of certain housing stock is promoted to meet the needs of large families or households that might be overcrowded. The categories in this group are described in more detail below.

5.3.3 Other Needs Category: Groups

- caravan dwellers;
- outwith East Dunbartonshire needs; and
- outwith East Dunbartonshire aspirational.

These groups cover caravan dwellers and applications from people living outwith the area.

The categories in this group are described in more detail below. The Council assesses applications received and the computer system places applicants in the appropriate groups. For example, a person living in overcrowded housing is placed in the unsatisfactory housing conditions group.

Applicants can only be placed in one of the three category groups (**Priority**, **Local** or **Other**), although they can, if they qualify, go on all the relevant sub groups within the category.

If applicants have housing needs from more than one category, they will be placed on the category where they are most likely to be re-housed. They will receive points for all aspects of their housing need.

The Council sets targets concerning the number of houses to be allocated to each group. Targets are reviewed on an ongoing basis to take account of statutory obligations, local housing needs and the number of registered housing applications in each group. Targets are reviewed at least annually.

5.3.4 Qualifying for Groups and Points

The points awarded for all elements of need are described below, and for easy reference are also listed in the points ready reckoner (see pages 35 - 36). Points for individual elements are also noted under each group below.

The Council uses time on the list (**date of application**) to decide priority between applicants whose points totals are the same within the same group.

It is also emphasised that allocation of houses does not depend simply on the number of points awarded. In some groups such as homelessness, points are disregarded and applications are prioritised by date. An award of points does not by itself guarantee an applicant that they will be re-housed.

For example, having less points in a particular group may not affect prospects of re-housing if applicants with more points have strict rehousing preferences. Again, re-housing may occur more quickly for certain groups because the number of lets awarded to these groups is higher (higher target of lets).

5.3.5 Priority Housing Category

(a) Unsatisfactory Housing Conditions with Unmet Housing Needs

Unsatisfactory housing conditions can arise in a variety of different ways. The Council considers there to be three main circumstances where a person is living under unsatisfactory housing conditions.

(i) Housing below the Tolerable Standard

Housing is below the tolerable standard if it does not meet the relevant legal standard. This standard is contained in the Housing (Scotland) Act 1987 (as amended) and detailed in Appendix 2.

The Council awards applicants living in housing below the tolerable standard sixty points.

The Council requires written evidence to confirm that housing is below the tolerable standard. For example, certificates from Environmental or Building Control Services.

If applicants' homes are subject to demolition or closing orders because they are below Tolerable Standard, they receive another **seventy five points** from the date the order applies.

(ii) Access and Support Needs

Accessibility issues concern housing that is not adequate to meet people's housing needs due to access requirements. For example, stairs within flats may mean that the house is not accessible.

The Council has, therefore, established a separate procedure for assessing the award of points when housing is inaccessible. This procedure also covers applications for housing that are based on health or medical grounds, disabled applicants and those needing sheltered accommodation. Applicants are advised of this procedure automatically as soon as they apply.

Key points of this policy are as follows:

- applicants are awarded points for moves to alternative housing that is more accessible than their present accommodation;
- the Council assesses applications under different categories depending on the level of need. The totals for high and medium assessments are **one hundred** (High) and **thirty points** (Medium). A High assessment will place an application in the Priority Needs category while a Medium assessment will place an application in the Local Needs category;
- applicants whose household members also have accessibility needs because of existing housing conditions receive half the extra points. For example, they would receive **fifty** or **fifteen** extra points;
- applications are assessed by housing staff
- applicants with the same points total are prioritised by date of application

Accessible Housing

The Council is committed to creating, and assisting people to obtain, accessible housing that meets their accessibility requirements, for instance, wheelchair accessible housing.

The Council will consult with individual service users and professional staff such as health professionals to identify appropriate housing for let. The Council maintains a data base of accessible housing to ensure that it can match lets to individual applicants' needs.

The Council advises existing tenants of their rights to carry out alterations to make their housing accessible; the Council also provides information on grants available to carry out relevant adaptations.

Sheltered Housing

The same accessibility policy as above is used for accessing those needing sheltered housing. Details of this policy are notified to all applicants who want sheltered housing.

Sheltered housing is available to customers over sixty, although applicants can put their name down for sheltered housing from fifty five years of age.

(iii) Statutory Overcrowding

The Council uses two standards to assess levels of overcrowding. The first standard is the legal or statutory overcrowding standard. Details of this standard are given in **Appendix 2**. This meets with the Council's legal obligations to address problems of overcrowding.

This standard assesses overcrowding by reference to either the room or space standard. The room standard is breached if two people of different sexes aged ten or more - and not living together as husband and wife - must sleep in the same room. "Room" covers both living rooms and bedrooms. For example, this would apply where a boy and girl - aged eleven and twelve - have to sleep in the same room.

The space standard is broken when the number of people living in a house exceeds the permitted number. This takes account of both numbers of rooms and the floor area of individual rooms.

The Council awards overcrowded applicants **one hundred** points; no further overcrowding points are given. Priority among applicants is decided by date order.

The second overcrowding group is found in the Local Needs category section 5.4.2.

(b) **Homeless People and those Threatened with Homelessness, with Unmet Housing Need**

The Council has a separate policy for dealing with homeless applicants and those threatened with homelessness. Threatened with homelessness means a person who is likely to become homeless within **two** months. This is important as the Council has legal obligations in respect of housing homeless people.

In view of high numbers of homeless applicants, and the limited supply of council housing, homeless applicants must widen their options if re-housing is to take place. This includes making offers of housing that may not necessarily be restricted to the areas they have chosen. It is emphasised, however, that a high letting target is assigned to this group. If the Council makes one reasonable offer of housing the Council will have discharged its homelessness obligations.

The Council also works with its housing association partners to rehouse homeless people. Further information on homelessness can be accessed via a separate homelessness policy.

Applicants who cannot be reasonably expected to continue to reside in their present accommodation because of discrimination or harassment may be treated as being homeless.

Unmet Housing Needs

For a person to fall within either of the two priority groups described above they must also have unmet housing needs. Unmet housing needs exist where a person's needs are not capable of being met by the housing options which are available.

Whether unmet housing needs exist in any given case will depend on two sets of factors:

1. the circumstances of the applicant, which will vary widely among applicants; and
2. the different housing options that are available to the applicant and whether these options are accessible to the applicant.

Examples of where an applicant has unmet housing needs that could not be met by the housing options which are available to them could include:

- an applicant with disabilities whose housing needs could only be met in social housing because other appropriate housing was not available in the area and it was not possible to make essential adaptations to their current home; or
- an applicant who needed to be located in a specific area for social reasons, for example to provide care to a family member, and who could not access other types of housing in the area.

There will also be circumstances where an applicant's needs could be met by the housing options that are available to them. This could, for example, include where the applicant's needs could be met in their current property with adaptations that can be made.

(c) Social Tenants who are Underoccupying

The main purpose of this priority group is to release housing that is too large for existing households to meet the housing needs of larger households on the housing list. Releasing the larger properties is essential to meet the Council's legal commitments to alleviate homelessness, overcrowding and other particular needs such as the housing needs of black and minority ethnic households.

Applicants within the social rented sector who occupy houses considered to be underoccupied receive between **fifty and one hundred and twenty five points** depending on the number of bedrooms in excess of their house size requirements. This award is given to encourage the freeing up of larger houses.

The points award is based on the following standard:

- one bedroom is required for couples of the same or opposite sex
- one bedroom is required for each person sixteen and over
- one bedroom is required for two children (of the opposite sex) under ten
- one bedroom is required for two children (of the same sex) under sixteen
- one bedroom is required for each single person

Points are awarded for all rooms that are under-occupied. Applicants may apply to move to a house that has less bedrooms than their present house. Applicants may, therefore, move to a house that may still be under-occupied but the under-occupation is less.

Assistance may be available to meet costs of rehousing covering general removal expenses. Actual assistance offered depends on resources available each year. Details of this scheme are available at each area office.

5.3.6 Local Needs Housing Category

The Council recognises that all applicants have specific housing needs and aspirations. There are, however, specific issues to be addressed to ensure that certain local needs are met. Recognition of a variety of local needs is outlined in the sections below.

(a) Insecurity of Tenure

Forty points in total are awarded if an applicant falls into one or more of the categories below. In the case of applicants becoming homeless before they are re-housed, the Council deals with their applications through the homelessness policy

Insecurity of tenure covers applicants in the following six groups:

People moving among relatives and friends

This covers applicants who move frequently among relatives and friends who do not want to be rehoused as homeless applicants. This includes applicants who move between at least two addresses each year.

Threatened with homelessness more than two months

This covers applicants asked to leave accommodation by relatives or friends but where they are allowed to stay for up to a further twelve months. This may avoid applicants having to go into temporary bed and breakfast accommodation immediately.

Homeless or threatened with homelessness within two months

A homeless application is activated from the original date of notification when (a) either accommodation (permanent or temporary) can be Offered by the council, or (b) existing accommodation is lost. A homeless application will only be activated where an offer through insecurity of tenure is not forthcoming. This allows for a more planned approach and can avoid statutory homelessness altogether. Application status is examined again after twelve months.

Her Majesty's Service Personnel

This covers HM Armed Forces personnel who have previously lived in East Dunbartonshire **immediately** before joining the Armed Forces. All other services personnel wishing to apply for a house in East Dunbartonshire are dealt with in line with the general policy provisions.

Members of the armed forces are encouraged to make an application as soon as possible before their discharge. Applications will normally be deferred during periods of service.

Evidence of the normal discharge process will be required, for example, written confirmation of discharge.

Applicants will receive **forty points** twelve months before the end of their service.

Note: A Scottish Government leaflet has been produced to provide ex service personnel with useful information on housing options. The leaflet is entitled 'A Scottish Housing Guide for people leaving the armed forces and ex-service personnel'. The leaflet is available on request.

(b) Private Sector

This covers tenants living in the private rented sector whose tenancy is ending. For example, a short assured tenancy where the landlord has followed proper notice procedures and their previous tenancy was conducted satisfactorily.

Affordability Issues

Applicants who are unable to afford their rents or mortgages may qualify for insecurity points; affordability of payments is an important element of housing need.

Affordability is defined below:

Mortgage Affordability: A household is not eligible for a mortgage if mortgage repayments would take up more than 35% of its gross household income.

Private Rental Affordability - Non Housing Benefit: A household is unable to afford private rented housing if renting privately would take up more than 35% of its gross household income.

Private Rental Affordability - Housing Benefit: A household is unable to afford private rented housing if the actual rent is greater than the eligible rent + 5%.

Applicants will receive **forty points** from the date they are given formal notification of their tenancy ending. In the case of financial difficulties, points are awarded when details are confirmed.

Tied Tenants in East Dunbartonshire

This covers tenants who **must** occupy accommodation in the East Dunbartonshire area as part of their employment duties.

The Council will request written confirmation from employers that the tenancy is ending. Applicants should advise the Council formally of the tenancy ending by giving reasonable notice. This should be at least **one year** if any prospect of re-housing is to be possible. It is likely that if notice of less than one year is given then a homeless application may have to be activated.

Points are awarded when tenancies are being ended **by the employer**, for example on grounds of retiral, but not on voluntary grounds.

(c) Overcrowding (Non-statutory)

The second category of overcrowding that the Council addresses is overcrowding involving families living in accommodation that is too small for their needs. Although such families are **not** legally overcrowded, they are overcrowded when measured against modern acceptable levels of occupancy.

The **overcrowding** category deals with locally defined overcrowding situations. This covers any accommodation that is not large enough for the household in question and, therefore, single people and couples may qualify under this second category.

For example, a one apartment or bed-sit is deemed as being too small for couples. Couples in this policy include same sex partners.

The Council assesses each application against a minimum acceptable standard. This standard assesses overcrowding in relation to numbers of bedrooms needed. Unlike the legal standard, it excludes the living room from the calculation.

The Council awards ten points for each bedroom required by households. A household means any person(s) wanting to live separately.

The standard that the Council applies is as follows:

Bedrooms Required

Household Composition	Minimum No Bedrooms
Each couple (of same or opposite sex)*	One
Adult and child	Two
Two people of same sex (sixteen or over)	Two
Two children of same sex (under sixteen)	One
Two children of different sex (nine or less)	One
Two children of different sex (ten or more)	Two

Table 2

*Additional rooms may be required on health or access grounds. Applicants will be requested to provide written details where this applies.

Notes:

Members of the applicant's household who are temporarily absent are taken into account when assessing levels of overcrowding and awarding points. The applicant may be requested to confirm that the house is the person's only or principal home.

If families are split, children are considered to be part of the household when they reside there for at least three and a half days each week.

(d) Other Under-occupation

Within the allocation policy the Council has established a mechanism to try to address the issue of underoccupation outwith the social rented sector. In recognition of the higher costs associated with larger properties, for example fuel and council tax, and the financial difficulties that this might cause, all applicants receive **fifteen points** if their property is under occupied by **two or more bedrooms**.

Between **fifty and one hundred and twenty five points** depending on the number of bedrooms in excess of their house size requirements will also be awarded to applicants living in private rented accommodation, in light of the implications of Welfare Reform.

The points award is based on the following standard:

- one bedroom is required for couples of the same or opposite sex
- one bedroom is required for each person sixteen and over
- one bedroom is required for two children (of the opposite sex) under ten
- one bedroom is required for two children (of the same sex) under sixteen
- one bedroom is required for each single person

Points are awarded for all rooms that are under-occupied. Applicants may apply to move to a house that has less bedrooms than their present house. Applicants may, therefore, move to a house that may still be under-occupied but the under-occupation is less.

Assistance may be available to meet costs of rehousing covering general removal expenses. Actual assistance offered depends on resources available each year. Details of this scheme are available at each area office.

(e) Sharing Amenities

This section applies to applicants who share amenities with other people not of their household. A household means any person or persons wanting to live on their own; this includes existing family members who now want to live on their own. Such family members may have always lived in the house, or moved in temporarily.

The policy covers all housing applicants who are staying with family or friends in either the private or public sectors.

Applicants (both tenants and owners) who share amenities with other members of their household do not receive sharing amenities points; nor does it apply where tenants have sublet part of their property or taken in lodgers.

For each amenity shared the Council awards **five points**. Amenities for which points are awarded are as follows:

- bath or shower;
- inside toilet; and
- kitchen.

If a bedroom is shared, points may also be awarded for overcrowding.

In the case of applicants living in bedsits or houses in multiple occupation, an award of **ten points** is made in recognition that householders have no room exclusively used as a bedroom, or are sharing other communal facilities with strangers.

(f) Access and Support Needs (Medium Priority)

House Condition

The Council awards points to applicants if their house fails to meet reasonable standards other than the tolerable standard. For example, houses may be in a state of disrepair but not be below the tolerable standard.

The qualification for points under this category, based on elements of the Scottish Housing Quality Standard, is outlined at Appendix 5.

Applicants whose housing fails to meet a reasonable standard receive a total of forty points.

Medical Reasons and Accessibility - Medium Priority

Housing applicants living in accommodation considered unsatisfactory for medical reasons in the medium to longer term are awarded thirty points. The different levels of priority in respect of accessibility needs are explained at section 5.4.1.

(g) Families and Social

Housing need is often considered against standards that detail deficiencies such as housing below the tolerable standard. This approach emphasises the **physical defects** of housing standards. As indicated in paragraph 2.1, though, the Council recognises that housing need also involves other needs such as personal aspirations and social or support needs. This section of the policy, therefore, outlines the range of factors that attract points for other reasons.

The following needs are covered in this section:

- social
- housing support families

The Council assesses these applications to monitor levels of demand to access its housing stock. This information is used to inform the local housing strategy and general housing needs assessment. Applicants in the Homeswapper category receive no points; the other groups receive points as detailed below.

Social Needs

If applicants wish to live in East Dunbartonshire for certain reasons defined in law, the Council disregards the fact that they do not stay in the area (Section 5.2.2).

Housing Support

The Council has established specific procedures for dealing with people who have housing support needs. For example, Housing, social work and health departments work together to address the needs of people rehoused through community care programmes. The Council publishes details of these procedures separately and they are available on request.

Cases which have been community care assessed or where a housing support package is available will be awarded ninety points.

Cases where confirmation is available from a health or professional source that support is needed, but it falls short of an available care package being in place, will be awarded thirty points.

Applicants living in the area or wanting to move into the area to be nearer a relative or carer will not be awarded points, but will be prioritised in group by date of application.

Young People - Leaving Care/Supported Accommodation Projects

Young people find it increasingly difficult to access public sector housing. The Council has, therefore, established specific procedures for dealing with young people who have housing support needs.

Housing, social work and health departments work together to address the needs of young people requiring rehousing, normally through a support package being put in place. For example, the Council has developed supported accommodation projects to meet the needs of young people.

Young people who have had a housing support assessment and have been identified as being able to sustain a tenancy with or without support will be given a degree of priority. Applicants who co-operate with the through care team and applicants who satisfactorily progress through the Canal Project will be awarded ninety points for re-housing.

All other young people who undertake a housing support assessment will be awarded thirty points. Any young person who does not accept the housing support, or required support, from health and social work/housing teams will be placed either in the Insecurity of Tenure or Sharing Amenities categories. In cases that require significant housing support, in order for a tenancy to be sustained, a Short Scottish Secure Tenancy may be offered which will link to an appropriate support package being in place.

Families' Needs

The Council recognises a number of other needs relevant to the allocation of housing.

These are discussed under the following headings:

- families with children;
- families without gardens; and
- schooling

Families with Children

Families with children under fourteen are considered to have access difficulties where they have to use external stairs to access their flat at, or above, the first floor. For example, parents having to take prams and supervise children upstairs.

The Council awards points as follows subject to a maximum level of twelve points:

Floor Level	Points
Living on first floor	Three
For each floor above first	Three

Table 3

To obtain points under this category, applicants must move to accommodation that is more accessible. For example, moving from a top floor flat to a first or ground floor flat.

Families without Gardens

In recognition of the importance of gardens for families with children, the Council awards points to families without gardens. This includes all households without exclusive use of garden areas.

The Council awards three points under this category to families with children under fourteen.

Schooling

Applicants whose children have specific learning support needs that are only met by particular educational establishments will be considered for housing nearer such schools.

The Council awards twenty points for applicants whose children require specific learning support.

(g) Preference

This refers to applicants who live within East Dunbartonshire and have no points but who have expressed a personal preference for wanting to move to another type of house or area in East Dunbartonshire. Both waiting list and transfer applicants are included in this category. Although such applicants have no priority housing need, it is important to record all preferences for a move, as this can influence future housing development opportunities.

The Council decides priority among applicants based on **date of application**.

5.3.7 Other Housing Needs Category

Other housing needs cover applicants in the following three groups:

(a) People Living in Caravans

This covers people who live in permanent caravans and those living in mobile or touring caravans within East Dunbartonshire. For applicants to be considered under this category, they should be living in East Dunbartonshire for at least **six months** continuously. People living in

caravans will be awarded 40 points. Caravan dwellers with no site to pitch their caravan are treated as homeless people.

Applicants living in mobile or touring caravans, who have not been permanently resident in East Dunbartonshire for **six months** continuously, will be assessed the same way as applications received from people without local residence connections.

(b) Outwith East Dunbartonshire - Needs

The Outwith Needs group covers applicants who have housing needs but who live outwith the East Dunbartonshire area. This group does not include applicants who live outside the area who have one of the local connections mentioned in 5.2.2.

Applicants in this group are held in points order but their prospects of re-housing is restricted due to the high levels of demand from the priority and local needs categories.

(c) Outwith East Dunbartonshire - Aspirational

This refers to applicants who live outside East Dunbartonshire and have no points but who have expressed personal reasons or preferences for wanting to live here. Examples of people in this category, based on

current information, are those living in neighbouring areas wishing to move or for reasons such as accessing local schools or good quality housing.

Applicants within this group are prioritised by date of application. Their prospects of re-housing are **very** restricted. This is due to the high levels of demand from the priority and local needs categories, as well as the people wishing to move into East Dunbartonshire who are in housing need.

5.3.8 Management and Economic Grounds

It is essential that the allocation policy includes discretion and is not based simply on inflexible procedures. Indeed, avoiding "blanket policies" is important to meet legal requirements. Discretion, on the other hand, must be subject to detailed monitoring in the interests of public accountability.

The Council has established procedures for addressing management issues. For example, the Council monitors letting trends to evaluate whether any areas are becoming difficult to let. In such cases, the Council would consider implementing a management initiative called a lettings initiative to reduce numbers of empty housing.

In developing such initiatives, the Council will give reasonable preference to specific groups in accordance with law. The Council may, though, modify existing practice to take account of particular

issues. For instance, restricting lets to households with children, if child density is at present extremely high.

Additionally, the Executive Officer - Housing may award urgent housing priority in cases where circumstances are unique or so severe as to merit urgent special attention.

See Appendix 6 Management and Economic Grounds for further information.

5.4 Points Ready Reckoner

Category Priority (P) Local (L) Other (O)	Group	Points	Ordered by	Reference	
				Section	Page
1.	Management and Economic Grounds	—	Priority Date	Appendix 6	49
2. (P)	<u>Unsatisfactory Housing - Condition</u> Property below tolerable standard(elements noted in Appendix 2)Demolition or closing order (due to BTS)	60 +75	Total Points	5.4.1(a)	20 20
3.	<u>Unsatisfactory Housing - Accessibility</u>				
(P)	High Access and Support Needs	100	Total Points	5.4.1(b)	20
(L)	Medium Access and Support Needs	30			20
4.	<u>Overcrowding</u>				
(P)	Overcrowding - Statutory	100	Total Points	5.4.1(c)	22
(L)	Overcrowding - Non-statutory	10 (for each bedroom required)		5.4.2(b)	26
5. (P)	<u>Homelessness</u> Homeless and Unintentionally Homeless	— —	Date of Priority	5.4.1(d)	22
6. (L)	<u>Insecurity of Tenure</u> - Moving among relatives and friends - HM Personnel - Private sector - EDC tied tenancies - Homeless - no priority need - Threatened with homelessness more than two months - Lack of affordability	40	Total Points	5.4.2(a)	24-26
7.	<u>Under occupation</u>				
(P)	Under occupation Council and Housing Association stock	50 - 125 points	Total Points	5.4.2(c)	23-24
(L)	Other underoccupation	15			27-29

8. (L)	<u>Sharing amenities</u> - bath/shower - kitchen - toilet - Bedsit/ HMO	5 each (max 15) 10	Total Points	5.4.2(d)	28
9. (L)	<u>Access and Support Needs - Medium Priority</u>	40	Total Points	5.4.2(e)	30
10.(L)	<u>Family and Social</u>			5.4.2(f)	
	Community Care/Housing Support	30	Total Points		30
	Community Care/Housing Support with Package	90			30
	Housing Support - Young People	30			
	Housing Support Young People - Throughcare/ Canal Project	90			31
	Housing support relative/ carer	—	Date of Application		31
	Families with children in upstairs flats	3-12	Total Points		32
	Families without gardens	3			32
	Particular learning support/educational needs	20			32
11.(L)	<u>Preference</u>				
	Waiting & Transfer Applicants - East Dunbartonshire residents not qualifying for any of the above sub groups	—	Date of Application	5.4.2(g)	33
12.(O)	<u>Other Needs</u>				
	Caravan Dwellers within ED	40	Total Points	5.4.3(a)	33
	Outwith ED Needs	—	Total Points	5.4.3(b)	33
	Outwith ED No Needs	—	Date of Application	5.4.3(c)	33-34

Section 6: Performance Management

The Council recognises the importance of monitoring this policy to ensure that objectives are met. The following information is published and reported to elected members (councillors) and tenant representatives on a half yearly basis. It is published on the the Council's website and reported to its Housing Sub-committee. Reports can also be viewed at local housing offices.

It is emphasised that the Council operates other indicators in its policies that link to allocations. For example, the Council monitors numbers of suspensions and reasons for suspensions. Again, the Council monitors numbers of joint tenancy applications and, in the case of refused applications, reasons for refusal.

6.1 Issues Monitored

Issues that the Council monitors include the two main areas covered under the Scottish housing regulatory framework, namely access to the list and lettings made. Critically, monitoring also includes important information on equal opportunities.

6.1.1 Housing Applications

- number of new applications received, including by factors relating to age, disability, ethnicity and gender;
- number and percentage of applicants processed and acknowledged within target time limits; and
- reasons for application to assess important trends such as relationship breakdown and affordability issues.

6.1.2 Reviewing the Housing List

- number and percentage of applications reviewed;
- number and percentage of applications deleted; and
- applicants on housing list by group, including by factors relating to age, disability, ethnicity and gender.

6.1.3 Making Offers

- number of offers, of tenancy made, including by type and area;
- number of offers accepted and refused, including by factors relating to age, disability, ethnicity and gender, and
- reasons for refusal

6.1.4 Housing Allocations

- applicants rehoused by group, including by factors relating to age, disability, ethnicity and gender; and
- average waiting times before re-housing occurs.

6.1.5 Housing Association Nominations

- number of applicants nominated, including by factors relating to age, disability, ethnicity and gender; and
- number of successful nominations, that is, individual applicants housed.

6.1.6 Putting Things Right

- number of appeals submitted and outcomes, including gathering information on reasons for appeal; this also considers qualitative issues such as quality of advice provision to service users;
- number of complaints submitted and outcomes, including gathering information on reasons for complaints; and
- key allocation issues raised through the Council's tenant satisfaction surveys and actions taken in response.

6.2. Equality Initiatives

In order to promote equality objectives, the Council monitors accessibility issues concerning the housing stock. For example, the Council monitors demand for housing from disabled people and consults with them on appropriate adjustments to include in the development and modernisation programmes.

The Council monitors how quickly it lets stock that is designed or adapted to meet the housing needs of particular groups. For instance, housing stock designed for older people.

The Council implements positive action programmes to encourage people to apply for housing where particular groups are under-represented in its housing stock. For example, the Council encourages applications from people living in black and minority ethnic communities.

Applicants are asked to complete a separate monitoring sheet to allow the Council to gather the relevant information. This information is used to ensure that the Council complies with its legal obligations to promote equality and prevent discrimination.

Section 7: Appeals and Complaints

This section summarises the Council's procedures for appeals and complaints. Appeals and complaints differ in nature as is now explained.

7.1 Appeals

The Council's tenants and service users may appeal any decision relating to this policy; this covers both admission to the list and actual house letting. Appeals may be raised, for example, if an applicant for housing believes that he or she has received insufficient points as determined by allocation policy principles.

The Council has established a one stage appeal process for homeless reviews and allocations/estate management appeals. The Council has, in addition, developed standard procedures, including documentation to implement this process.

7.1.1 Review by the Team Leader Housing Operations

Following the receipt of an allocation decision, an applicant may appeal against the Council's decision and ask for it to be reviewed. The review request must be in writing from the applicant or a third party acting on their behalf. Only one appeal letter need be sent to us by applicants under this single stage process.

The appeal should be submitted to the Team Leader Housing Operations **within twenty one days** of notification of the original decision. This time scale is based on the statutory time scale that applies in the case of homelessness appeals.

On request, the Council can assist the applicant to lodge their request. For example, a member of staff not involved with the case can compile basic case details and reasons for the appeal. Alternatively, a voluntary organisation such as the Citizens Advice Bureau (CAB) could submit an appeal on the applicants behalf. This is then referred to the Common Housing Register (CHR) and an allocations officer who deals with the appeal initially. A copy of the appeal will be given to the applicant.

Within five working days of the Council receiving the new appeal letter, the team leader - estate management will write to the applicant. This will provide information of:

- a date for the hearing
- how the hearing works
- panel members

A Common Housing Register (CHR) and allocations officer will investigate the appeal and compile a report for a scheduled appeal hearing. During the

investigation period the officer will try and ascertain if they can resolve the concerns of the appellant during the review or investigation period. If this is not possible or the applicant is still not entirely satisfied, then the appeal will progress to the next available appeal hearing.

7.1.2 Appeal Hearing

An appeal hearing date will be set between **two to eight** weeks from the date stated in the letter. This timescale will give the appellant time to prepare for the hearing; it also fits in with the monthly schedule of the appeal hearings.

If the appellant advises that more time is needed for preparation, then the hearing can be postponed to the next scheduled meeting of the Housing Appeals Board. This is normally **one** month later.

The appeal panel is scheduled to meet monthly with meetings cancelled if there are no appeals to be heard.

The appellant can be accompanied at the hearing by a friend, advisor or representative. If English is not the appellant's first language then the Council will arrange, in liaison with the appellant, for an appropriate interpreter to be present.

Within **five** working days following the hearing, the appellant will be informed in writing of:

- the outcome of the hearing
- that the internal review procedure is now exhausted and
- appropriate external review options such as judicial review may be available for the appellant to pursue

7.2 Complaints

Appeals need to be distinguished from complaints for which the Council operates a separate procedure. For instance, complaints might arise if applicants do not receive offers to which they are entitled, or services don't meet the Council's agreed standards.

The complaints procedure allows service users to complain or make comment about the quality of service. Information on how to complain is provided to all tenants and housing list applicants. Copies of the complaints procedure are available at all local housing offices and at the Council's principal offices.

If applicants are dissatisfied with the Council's response, they will be provided with information concerning how to make complaints to the Scottish Public Services Ombudsman; the Ombudsman deals with complaints involving maladministration.

Section 8: Consultation and Review

8.1 Introduction

This policy is reviewed every three years or as otherwise agreed with tenants and other service users through the Council's tenant participation strategy. Targets are reviewed yearly based on an assessment of letting trends.

Before making any changes to the Council's allocations policy the Council will have regard to

- a) the Local Housing Strategy; and
- b) any guidance published by the Scottish Ministers.

Before making any changes to the Council's allocations policy the Council will consult:-

- (a) applicants on the housing list
- (b) tenants
- (c) tenant organisations; and
- (d) such other persons as it thinks fit

The Council will also prepare and publish a report on the consultation.

The Council uses the following methods as part of its consultation and review procedures:

- performance indicators produced on a quarterly basis, including targets. These are published in the Council's web site and are available to view at local housing offices;
- reports to committee every six months. Committee reports are part of the Council's internal procedures; these procedures can be accessed by members of the public on request; and
- tenant consultation on a yearly basis. This is done using a variety of methods, including personal contact, questionnaires, satisfaction surveys, tenant events and through the Council or tenant newsletter. This process involves both individual tenants, as well as tenant organisations.

The performance indicators are analysed to establish if objectives and local needs are being met; if not, recommended changes to policy will be brought forward and implemented after consultation with tenants and other service users.

Appendices

- Appendix 1: Law and Good Practice
- Appendix 2: Standards
- Appendix 3: Local Information Appendix
- 4: Positive Action Initiatives Appendix
- 5: House Condition Appendix
- 6: Management Grounds

Appendix 1: Law and Good Practice

This section summarises the main law and good practice guidance that regulates allocation practice. It is not intended as a precise statement of the law.

Law

- Housing (Scotland) Act 1987 (as amended)
- Protection from Harassment Act 1997
- Human Rights Act 1998
- Scotland Act 1998
- Housing (Scotland) Act 2001
- Protection from Abuse (Scotland) Act 2001
- Equality Act 2010
- Housing (Scotland) Act 2014

Good Practice

- SEDD Circular 1/2002: Housing (Scotland) Act 2001, Housing Lists and Allocations, Scottish Executive
- Performance Standards for social landlords and homelessness functions, COSLA/ Communities Scotland/ SFHA, 2001.
- Chartered Institute of Housing: Standards.
- SFHA/Communities Scotland: Raising Standards.
- Scottish Government leaflet: 'A Scottish Housing Guide for people leaving the armed forces and ex-service personnel'.
- The Legal Framework for Social Housing Allocations - Statutory Guidance for Social Landlords
- Social Housing Allocations: A Practice Guide

Appendix 2: Standards (Below Tolerable Standard (BTS) and Overcrowding)

(1) (Below Tolerable Standard (BTS) Housing (Scotland) Act 1987 - PART IV (Extract)

SUB-STANDARD HOUSES

The tolerable standard

85.- (1) It shall be the duty of every local authority to secure that all houses in their district which do not meet the tolerable standard are closed, demolished or brought up to the tolerable standard within such period as is reasonable in all the circumstances.

(2) In determining what period is reasonable for the purposes of subsection (1), regard shall be had to alternative housing accommodation likely to be available for any persons who may be displaced from houses as a result of any action proposed by the local authority in pursuance of that subsection.

86 - (1) Subject to subsection (2), a house meets the tolerable standard for the purposes of this Act if the house:-

- (a) is structurally stable;
- (b) is substantially free from rising or penetrating damp;
- (c) has satisfactory provision for natural and artificial lighting, for ventilation and for heating;
- (ca) has satisfactory thermal insulation
- (d) has an adequate piped supply of wholesome water available within the house;
- (e) has a sink provided with a satisfactory supply of both hot and cold water within the house;
- (f) has a water closet or waterless closet available for the exclusive use of the occupants of the house and suitably located within the house;
- (fa) has a fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house;
- (g) has an effective system for the drainage and disposal of foul and surface water;

- (ga) in the case of a house having a supply of electricity, complies with the relevant requirements in relation to the electrical installation for the purposes of that supply;

“the electrical installation” is the electrical wiring and associated components and fittings, but excludes the equipment and appliances;

“the relevant requirements” are that the electrical installation is adequate and safe to use.

- (h) has satisfactory facilities for the cooking of food within the house;

- (i) has satisfactory access to all external doors and outbuildings;

and any reference to a house not meeting the tolerable standard or being brought up to the tolerable standard shall be construed accordingly.

(2) Overcrowding

Statutory Overcrowding Definition

Interpretation of

Part VII 1987 (Scotland) Act overcrowding - Sections 135 - 137

Based on room standard and space standard

Room Standard

Contravened where “two persons of opposite sexes who are not...husband/wife must sleep in same room”.

- a) children under 10 left out of account
- b) a room is a bedroom or a living room

Space Standard

Contravened where the number of persons sleeping in a house exceeds the permitted number and floor area of “sleeping rooms”.

- a) no account of a child under 1 and child 1-10 = $\frac{1}{2}$ unit
- b) room is a bedroom or living room

Table 1

Number of Rooms	Number of Persons
1	2
2	3
3	5
4	$7\frac{1}{2}$
5 or more	2 for each room

Table 2

Floor Area of Room	Number of Persons
110 sq ft. or >	2
90sq ft. & < 110 sq ft..	$1\frac{1}{2}$
70 sq ft. & < 90 sq ft.	1
50 sq ft. & < 70 sq ft.	$\frac{1}{2}$

A certificate from the Local Authority stating the number and floor area of rooms in a house is evidence for this purpose.

Appendix 3: Local Information

The Council owns and manages approximately 3530 properties (at 31st March 2018). The properties are made up of 3447 general needs houses/flats, 152 sheltered housing units and 75 homeless temporary furnished homes. In addition, the Council has nomination rights to approximately 1700 housing association homes in the area.

Further information on social rented properties in the East Dunbartonshire Council area can be found in the Housing Options Guide (HOG).

3.1 Local Need

The Council has carried out several studies to identify local need. There is, in general, a major shortage of housing in East Dunbartonshire. This is particularly the case in Bearsden, Milngavie and Bishopbriggs where over one hundred applicants compete for each house available for let. Only 224 void properties became available for letting during 2017/18

Locally, there are significant presentations of homeless people; and there are also significant numbers of applicants living in overcrowded conditions, as well as applicants whose housing is not accessible.

Further information on housing need and demand, including the assessed shortage of affordable housing can be found in the Local Housing Strategy.

In order to monitor housing need effectively, the Council has invested in a new computerised allocations system that enables detailed statistical monitoring; this is essential to ensure that modifications to allocation policy and practice may take place to reflect both actual and potential changes.

Appendix 4: Positive Action Initiatives

Positive action is lawful and, indeed, is encouraged both by law and good practice guidance. Positive action involves initiatives that aim to redress discrimination that has affected particular groups in society, for example, disabled people or people from black and minority ethnic groups.

Examples of positive action initiatives are :

4.1 Examples

Open days for applicants from disadvantaged groups at the allocation policy review stage:

Open days for equality groups;

Crystal marking. The Crystal Mark is awarded by the Plain English Campaign to signify that documentation is written clearly and in plain language;

Publication of policy in different formats and languages, at least in summary leaflets;

Establishing interpreting service links and procedures.

Appendix 5: House Condition

ELEMENT OF THE SHQS * TO ACTIVATE CONDITION	CONFIRMATION
<p><i>Free from serious disrepair</i></p> <p>House fails if:</p> <ul style="list-style-type: none"> □ one of the primary elements (wall structures, foundations etc.) requires repair or replacement of more than 20%; or □ two or more of the secondary elements (external wall finishes, windows, doors, damp proof course etc.) requires repair or replacement of more than 20% 	<p>A survey by a qualified surveyor would be required confirming that serious disrepair exists before a points award is activated.</p>

* Scottish Housing Quality Standard

Appendix 6: Management Grounds

6.1 Special Cases

The Executive Officer - Housing may award urgent housing priority in cases where circumstances are unique or so severe as to merit urgent special attention.

Where such a case has been identified, the team leader will prepare a factual in depth report, stating clearly the grounds for urgent housing priority.

Where the Executive Officer - Housing decides that urgent rehousing priority is merited, the application may be placed in a priority category or near the top of the most appropriate local needs category, subject to any conditions appropriate to the case being stipulated.

Examples of 'special cases' are detailed below:

(a) Split up Families

Split up families where two social rented properties are returned in exchange for one similar or larger property. A target will be set where such circumstances are identified.

(b) Management Transfers

Again, the Council may use management transfer initiatives to make best use of the stock such as using allocation practice to reduce under occupation thereby releasing houses to meet the needs of larger households. This also meets the Council's legal obligation to give reasonable preference those tenants in the social rented sector who are underoccupying.

Again, the Council may promote transfers to release houses that have been designed or adapted to meet the needs of disabled people.

All sub categories within management and economic grounds will be monitored and reported upon. Management and economic grounds applicants will receive no points and are held in **date of application**.

(c) Employment

Applicants who do not reside in East Dunbartonshire but work here are placed in a group, within management and economic grounds. This happens if moving to the area means that applicants would be closer to their place of employment. Key incoming workers are placed in this category.

A key worker is someone who is essential to the operation of council services, industry or commerce and their knowledge and skills are in scarce supply. Cases are, in general, considered in consultation with the

Council's Organisational Transformation service.

Applicants who wish to move to the area because of employment reasons, but who have not been given key worker status, will be re-housed under the normal rules of the allocation policy. The fact that they currently reside outside East Dunbartonshire will be disregarded.

Only one offer of accommodation will be made to recipients of special case status.

All lettings decisions (including any special cases) are subject to section 154 of the Leasehold Reform, Housing & Urban Development Act 1993. This excludes elected members from making decisions about the allocation of council housing, or about housing in respect of which the Council has nomination rights in their ward. This exclusion applies to both the member for the ward where the house in question is being let and also the ward where any applicant in question currently resides.

6.2 Discretion to depart from the normal allocations policy

The following circumstances may result in a departure from the normal operation of the allocations policy:-

In order to achieve effective management of the housing stock, the Team Leader - Housing Operations may exercise discretion in the following circumstances. Each case will be subject to a full background report to the Executive Officer - Housing and any proposed policy amendment will be passed to the Housing Sub-committee. Reasons for allocations will be minuted and subject to public scrutiny on at least a six month basis.

(i) Best use of stock

The Team Leader - Housing Operations may exercise discretion, in exceptional circumstances, to transfer a customer outwith the principles of this code in order to achieve a vacant dwelling. Where the transfer applicant is for example, an older person, the home to which they are moving may be painted and decorated to a minimal standard.

Also, where an application has been granted a degree of health and access needs and the customer is waiting for a 5 apt. property, he/she may be offered a wider range of house type than that prescribed by the assessing officer, where it is clear that the prescribed house type is unlikely to become available.

(ii) Properties where 3 or more offers have been refused

Where a house has been offered to 3 eligible applicants and all 3 have either refused the offer or failed to respond to it, the Team Leader - Housing Operations may authorise offering the property to any customer with a valid application who is interested. This will be considered in cases where a property is of lower demand, and where continuing to make offers based on the existing queues, is judged unlikely to quickly result in a successful outcome.

In these circumstances, the property may be offered to customers who have noted an interest in specific properties on their housing application and/or to applicants gathered from further down the queue.

Where there is more than one such applicant, offers will reflect each applicant's comparative points and priorities. All other parts of the allocation policy will be adhered to strictly in this process.

(iii) Let of sheltered housing to applicants aged under 60

The Executive Officer - Housing may authorise, in exceptional circumstances, the let of housing designated for the over 60's to a younger applicant.

(iv) Local Lettings Initiatives

The Council may depart from the allocations policy where a formally documented local lettings initiative has been established. However, currently there are no local lettings initiatives which apply to East Dunbartonshire's houses. An initiative has been considered for the Twechar area.