

## **Item: 19**

**Education, Leisure and Housing Committee: 13 November 2019.**

**Review of Lettings Policy - Consultation.**

**Report by Executive Director of Education, Leisure and Housing.**

### **1. Purpose of Report**

To advise of consultation undertaken on proposed revisions to the Council's Lettings Policy.

### **2. Recommendations**

The Committee is invited to note:

#### **2.1.**

That amendments to the Housing (Scotland) Act 2014 being phased in during 2019 introduces changes to groups who require to be given reasonable preference in respect of allocations of Council housing.

#### **2.2.**

That the Council is required to undertake a consultation on proposed changes to its lettings policy and to publish a report on the outcomes of consultation.

#### **2.3.**

That a consultation, which was delivered in various formats including meetings with tenants and applicants, as well as an online and paper copy survey, was undertaken during September and October 2019 where a total of 1,600 surveys were issued.

#### **2.4.**

The summary of consultation responses, as outlined in section 5 of this report, together with the full responses, attached as Appendix 1 to this report.

### **3. Background**

#### **3.1.**

The Housing (Scotland) Act 2014 is being phased in during 2019. The legislation introduces various changes to the process of letting Council properties. This includes changes to "reasonable preference" groups. Therefore, in allocating its housing, the Council must give reasonable preference to the following groups:

- People who are homeless or threatened with homelessness.
- People living in unsatisfactory housing.

- Tenants of social landlords who under-occupy their homes.

#### **3.1.1.**

With regard to the first two cases, the applicant must have unmet housing needs that cannot be met through other options.

#### **3.2.**

Social landlords are required to publish rules on how they prioritise the allocation of houses, transfers and exchanges.

#### **3.3.**

In making these changes, the Council is required to consult before making any changes. Consultation must be with the following groups:

- Applicants for housing.
- Tenants.
- Any registered tenant groups.
- Other persons as the Council sees fit.

#### **3.5.**

The Council is also required to publish a report on the outcomes of the consultation.

### **4. Consultation Process**

#### **4.1.**

In undertaking the consultation on proposed changes to the lettings policy, the Housing Service wrote to all its tenants and applicants, totalling around 1,600 letters.

#### **4.2.**

Included with the letter was an information leaflet available from <https://www.orkney.gov.uk/Council/C/lettings-policy-consultation.htm> and a survey.

#### **4.3.**

The documentation was also available through the Council's website and the survey was also available for completion online.

#### **4.4.**

Two consultation events were held for tenants and applicants, one in Kirkwall and one in Stromness, both held at 17:30 to encourage attendance.

#### **4.5.**

In addition a consultation event was held for staff within Housing Services and a separate event arranged for a broad range of agencies.

#### **4.6.**

A press release was issued which outlined the general issues and the dates of the consultation, which ran from early September and closed on 13 October 2019.

#### **4.7.**

The consultation covers complex areas of law and the issues involved in reviewing the Council's lettings policy.

#### **4.8.**

The Council is required to publish a report on the outcomes of the consultation. The formal report will be published in due course.

### **5. Summary of Consultation Results**

#### **5.1.**

Responses to the consultation took the following formats:

- Direct responses to the survey.
- Minutes from the four meetings referred to at sections 4.4 and 4.5.
- Responses submitted directly in writing.

#### **5.2.**

The Council received 35 direct responses to the survey, attendance at meetings totalled 23 tenants and/or applicants, 7 other agencies responded in writing and one further response was received in writing. Tenants/applicants who attended the meetings, may or may not also have completed the survey. The total number of responses was 66.

#### **5.3.**

The full consultation results are attached at Appendix 1 including an overview of comments made.

#### **5.4.**

Respondees were asked to consent to their comments being anonymised and published in the formal report. Twenty-five of the thirty-five respondees agreed being 71.4%. For the purposes of reporting, comments can be separated on the basis of those who consented and those who did not. Appendix 2 details all the comments made. As some respondees did not consent, Appendix 2 is marked "Not for Publication".

### **6. Corporate Governance**

This report relates to governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

## **7. Financial Implications**

There are no financial implications arising directly from this report.

## **8. Legal Aspects**

### **8.1.**

The legislation originates from the Housing (Scotland) Act 1987 section 20 with revisions being introduced through the Housing (Scotland) Acts 2001 and more recently 2014.

### **8.2.**

20A Rules on priority of allocation of housing: consultation

(1) Before making or altering its rules governing the priority of allocation of houses, a social landlord must—

(a) consult the persons mentioned in subsection i.e. tenants applicants registered tenant groups any other parties Council sees fit.

(b) prepare and publish a report on the consultation.

Therefore, the Council has statutory requirements in respect of involving its tenants in any decisions which affect them through the Housing (Scotland) Act 2001.

### **8.3.**

The Housing (Scotland) Act 2014 requires that the Council consult on any proposed changes to its lettings policy and publish a report on the outcome of the consultation. It is also required to publish its rules on allocations.

### **8.4.**

Consultation:

- Must be at a time when proposals are still at a formative stage.
- The proposer must give sufficient reasons for any proposal to permit intelligent consideration and response.
- That adequate time must be given for consideration and response.
- That the product of consultation must be conscientiously taken into account in finalising any proposals.

### **8.5.**

Under Section 50A(4) of the Local Government (Scotland) Act 1973, the public should be excluded from the meeting in respect of any discussion relating to Appendix 2 to this report. Appendix 2 contains exempt information as defined in paragraph 2 of Part 1 of Schedule 7A of the Act.

## **9. Contact Officers**

James Wylie, Executive Director of Education, Leisure and Housing, extension 2401, Email [james.wylie@orkney.gov.uk](mailto:james.wylie@orkney.gov.uk).

Frances Troup, Head of Housing, Homelessness and Schoolcare Accommodation Services, extension 2177, Email [frances.troup@orkney.gov.uk](mailto:frances.troup@orkney.gov.uk).

## **10. Appendices**

Appendix 1: Summary of Consultation Results.

Appendix 2: Comments from Consultation

## Appendix 1 – Responses to the Individual Questions

### 1. Responses to the individual questions are as follows:

#### 1.1

Are you:		
A tenant.	19.	54.29%.
An applicant.	12.	34.29%.
An agency.	0.	0%.
Another interested party.	4.	11.43%.

#### Policy issue one: Our housing groups.

Our information leaflet, which gives additional information on our existing groups and the proposed groups.

#### 1.2.

#### Question one: Do you think the proposed, smaller number of groups is clearer?

Yes.	15.	42.86%.
No.	4.	11.43%.
Not sure.	16.	45.71%.

Comments included not having received an information leaflet, comments stating that there will still be the same level of need but a different means of organising/recording it.

The group meetings were generally in support of the proposal. Various questions were asked during the group meetings.

#### 1.3.

#### Policy issue two: Our pass system and use of pluses.

#### Question two: Should we abolish the plus points award to applicants and instead allow applicants to hold more than one priority pass?

Yes.	11.	31.43%.
No.	8.	22.86%.
Not sure.	16.	45.71%.

Comments included suggestions that it would be fairer and more transparent and those who felt it was the opposite. Some expressed a lack of understanding.

The group meetings were generally in agreement though expressed they found the concept confusing.

#### 1.4.

##### **Policy issue three: Using targets for letting houses.**

**Question three: Do you agree with this approach to use targets to determine the spread of housing lets across all of our groups annually?**

Yes.	12.	34.29%
No.	10.	28.57%.
Not sure.	13.	37.14%

Comments included that could be fairer, comments also included the opposite. It was suggested the most important thing was housing people quickly.

The group meetings generally indicated agreement though there was some uncertainty.

#### 1.5.

##### **Policy issue four: Tenants in under-occupied houses (houses which are too large for their needs).**

**Question four: Do you agree with giving tenants who under-occupy their homes extra priority to transfer to a more suitable property? In doing so this would free up a larger property for a family in need. (This applies only to Scottish social landlords).**

Yes.	26.	74.29%.
No.	5.	14.29%.
Not sure.	4.	11.43%.

Comments included that this was a good idea provided it was by choice.

At the group meetings questions were asked as to whether households could be forced to move and legally they cannot. Once that had been established, all were in agreement with the proposal.

## 1.6.

### **Policy issue five: The role of applicant choice and/ or preference.**

**Question five: Do you agree with the approach outlined in our information leaflet to provide greater levels of choice?**

Yes.	21.	60.00%.
No.	5.	14.29%.
Not sure.	9.	25.71%.

Additional comments were generally very positive including that people should be able to choose which areas they lived in, for a range of information and that it would save time.

The group meetings were in support of this proposal.

## 1.7.

**Question six: Do you agree this removes the need for a choice-based lettings system?**

Yes.	9.	25.71%
No.	7.	20.00%.
Not sure.	19.	54.29%.

Comments included points regarding the Housing Service's knowledge of people needing to be rehoused and indicated a general lack of understanding of the issue.

The group meetings were in agreement that greater choice would be incorporated into the policy and therefore a choice-based lettings approach was no longer necessary.

## 1.8.

### **Policy issue six: Suspension of offers.**

**Question 7: Do you agree that we should have a separate and comprehensive suspension policy?**

Yes.	18.	51.43%.
No.	3.	8.57%.
Not sure.	14.	40.00%.

Comments which related to the question generally indicated agreement. There were some comments regarding the law surrounding suspensions.

The group meetings agreed that a separate policy on suspensions was appropriate.



### 1.9.

#### **Policy issue seven: Application checks.**

**Question eight: Do you agree with our list of proposed identification for applicants?**

Yes.	25.	71.43%.
No.	3.	8.57%.
Not sure.	7.	20.00%.

Comments included an understanding that other councils had similar requirements, it was relatively straight forward and could assist to prevent identity fraud.

The group meetings were in agreement with the suggestions.

### 1.10.

#### **Policy Issue eight: Consultation format.**

You are requested to provide the information below. This will enable us to consult with you in formats that address your needs.

**Question 9: Did you find the methods used for the consultation to be useful (public meeting, offer of private discussion, survey available in paper copy and online).**

Yes.	23.	65.71%.
No.	7.	20.00%.
Not sure.	5.	14.29%.

Comments included being happy with the online survey due to inability to attend meetings, suggestions that skype or video conference would assist and also comments that the timing of the sessions made it difficult for isles tenants to attend meetings.

The group meetings were happy with the face to face meetings provided.

### 1.11.

#### **Did you find the consultation form easy to complete?**

Yes.	23.	65.71%.
No.	5.	14.29%.
Not sure.	7.	20.00%.

## **1.12.**

### **If no, please tell us how you would like to be consulted with in the future?**

Comments included having face to face meetings, speaking to people directly and using video conferencing.

The group meetings were generally happy with the format though one comment was made regarding the acoustics of one room used.

## **1.13.**

### **Policy issue ten; Any general comments.**

A range of general comments were provided. Mainly these focused on issues such as clarity being requested on their own housing situations and perceptions as to who should be housed first and the reasons why.

## **1.14.**

In each section additional space was provided to allow comments to be made. These are attached at appendix 1.

## **2.**

When the responses of both the survey and the group meetings are taken into account, the statistical responses to questions 1 to 3 relating to groups, the removal of the plus pass and use of targets do not show an absolutely clear response. However, these changes have been suggested as a result of changes to legislation and good practice which have impacted on the area of lettings including the introduction of the Rapid Rehousing Transition Plan and the need to house more homeless households. Therefore, these changes are necessary.

## **3.**

In general terms questions 4 to 12 indicate clear cut positive responses with the exception of question 8 which relates to choice based lettings. However, the comments from the survey would indicate a lack of understanding as to the information already held through existing processes. Responses from the group meetings agreed that greater choice would be included in the policy and therefore a choice based lettings approach was unnecessary.

## **4.**

On the basis of the statistical responses, and the legislative and good practice requirements, the Council's Lettings Policy should be reviewed to take account of the views expressed and a separate Suspension Policy should be produced accordingly.