

Housing Allocations Policy

Reviewed 2021

Approved by Housing and Communities Committee

February 2022

.....

Contents

1.	Introduction	5
1.1	Background	5
1.2	Aims and Objectives	5
2.	Legal Background	6
2.1	Housing (Scotland) Act 2014	6
2.2	Applicable Legislation	6
2.3	Scottish Social Housing Charter	7
3.	Equal Opportunities	9
4.	Other Related Policies.....	10
4.1	Local Housing Strategy	10
4.2	Homelessness Strategy.....	11
5.	Allocation of Houses	11
5.1	Stock Profile	11
5.2	Matters to Disregard when Selecting Applicants	12
5.3	Mutual Exchanges	13
5.4	Subletting.....	13
5.5	Assignment	15
5.6	Joint Tenancies	16
5.7	Succession	16
5.8	Suspensions from the Housing Register.....	17
5.9	Removal from the Housing Register	18
5.10	Short Scottish Secure Tenancies	19
5.11	Economic Migrants & Persons Subject to Immigration Control.....	19
5.12	Applicants serving in the Armed Forces	20
5.13	Housing References	20
5.14	Tenancy Conditions.....	20
5.15	WDC Tenants with Less than 12 Months Tenancy.....	20

6	Points Categories & Points Structure	21
6.1	Groups Plus Points System	21
6.2	Points Categories	23
6.3	Points Structure	26
6.4	Verification of Information	26
6.5	Eligible House Size.....	27
7	Sheltered & Adapted Housing	28
7.1	Allocation of Adapted Housing.....	28
7.2	Allocation of Sheltered Housing.....	29
8	High Risk Offenders	29
9	Gypsy Travellers Site	30
10	No Home for Domestic Abuse.....	30
11	Housing Support.....	31
12	Lettings Plans & Initiatives	31
13	Exceptional Circumstances.....	32
14	Monitoring & Review	33
14.1	Review of Policy	33
14.2	Appeals Process.....	33
15	Satisfaction Monitoring.....	34
16	Working with other Housing Providers	35
17	Role of Councillors	35
18	Allocations to Members of the Council & Housing Staff	35
19	Publicity	36
20	Access to Information on Applicant.....	36

Appendix 1 – Policy for the use of Short Secure Tenancy Agreements

This document is also available in other languages, large print and audio format on request.

Arabic

هذه الوثيقة متاحة أيضا بلغات أخرى والأحرف الطباعية الكبيرة وبطريقة سمعية عند الطلب.

Hindi

अनुरोध पर यह दस्तावेज़ अन्य भाषाओं में, बड़े अक्षरों की छपाई और सुनने वाले माध्यम पर भी उपलब्ध है

Punjabi

ਇਹ ਦਸਤਾਵੇਜ਼ ਹੋਰ ਭਾਸ਼ਾਵਾਂ ਵਿਚ, ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ ਅਤੇ ਆਡੀਓ ਟੇਪ 'ਤੇ ਰਿਕਾਰਡ ਹੋਇਆ ਵੀ ਮੰਗ ਕੇ ਲਿਆ ਜਾ ਸਕਦਾ ਹੈ।

Urdu

درخواست پر یہ دستاویز دیگر زبانوں میں، بڑے حروف کی چھپائی اور سننے والے ذرائع پر بھی میسر ہے۔

Chinese (Cantonese)

本文件也可應要求，製作成其他語文或特大字體版本，也可製作成錄音帶。

Polish

Dokument ten jest na życzenie udostępniany także w innych wersjach językowych, w dużym druku lub w formacie audio.



British Sign Language

BSL users can contact us via [contactSCOTLAND-BSL](https://www.scotland.gov.uk/contact-scotland-bsl), the on-line British Sign Language interpreting service.

☎ 01389 737527

✉ West Dunbartonshire Council, 16 Church Street, Dumbarton, G82 1QL

💻 communications@west-dunbarton.gov.uk

1. Introduction

1.1 Background

This Allocations Policy sets out how the Council intends to let its houses. It lays out a hierarchy of need, in order to best allocate a limited supply of housing. It aims to ensure the best use of housing stock in terms of meeting housing need and deliver transparency for applicants in relation to their housing options. The allocation of properties has a crucial part to play in promoting sustainable communities, in which people will want to live and work. The Allocations Policy ties in with objectives from the Local Housing Strategy, the Homelessness Strategy and the Rapid Rehousing Transition Plan to provide a holistic approach to addressing housing need in the area.

1.2 Aims and Objectives

This policy aims to:

- Let homes to those who are most in need;
- Make the best use of housing stock;
- Promote sustainable communities; and
- Meet statutory requirements and reflect good practice guidance outlined in the Allocations Practice Guidance and other sources.

Our key objectives are to:

- Provide all applicants with detailed advice and information about their housing options, the allocations process, including their prospects for re-housing;
- Allocate properties based on a consistent assessment of housing need, applied in a fair and equitable manner;
- Allocate housing to applicants with different housing needs in order to achieve balanced and sustainable communities;
- Make the best use of the housing stock and promote tenants' rights such as the right to exchange homes;
- Maintain clear audit trails of the allocations and lettings process;
- Let houses against quality housing standards ("our re-let standard") and in line with targets to minimise rental income lost due to properties being empty;
- Provide support to applicants to maximise tenancy sustainment;
- Reviewing our policy every three years in consultation with tenants, housing list applicants and other relevant stakeholders;
- Ensure that the policy doesn't discriminate on the grounds of race, gender, transgender, sexual orientation, marital status, ethnic origin, faith or religious belief, disability, or age; and,
- Ensure that there is an open and transparent appeals process.

2. Legal Framework

2.1 Housing Act 2014

The allocation of social housing in Scotland is governed by the provisions within the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001 and again by the Housing (Scotland) Act 2014. The legislation sets out the principles that should guide the practice of social landlords in relation to holding and managing a housing list, the extent to which circumstances and needs should be assessed and the applicant characteristics that should be prioritised in the assessment of housing need.

The Housing (Scotland) Act 2014 changed certain aspects of the law on social housing allocations and management:

- The Right to Buy was abolished for all social housing tenants in Scotland by this Act;
- The Act made changes to allocation rules for social landlords, to increase flexibility and allow them to make best use of their stock; and
- The Act allows landlords more flexibility to use Short Scottish Secure Tenancies (SSSTs) to address anti-social behaviour.

The other legislative provisions surrounding the allocation of social housing in Scotland relate to meeting the needs of homeless households set out in the Housing (Scotland) Act 2001 and Homelessness etc. (Scotland) Act 2003.

2.2 Applicable Legislation

There is a framework of rights based legislation which also influences the allocation of housing and with which the Councils must comply with. These are:

- Human Rights Act 1998;
- Matrimonial Homes (Family Protection)(Scotland)Act 1981;
- Children Scotland Act 1995;
- Civil Partnership Act 2004;
- Immigration & Asylum Act 1999;
- Protection from Harassment Act 1997;
- Domestic Abuse (Scotland) 2011;
- Management of Offenders etc. (Scotland) Act 2005;
- Equality Act 2010;
- Adult Support & Protection (Scotland) Act 2007; and
- Data Protection Act 2018.

2.3 Scottish Social Housing Charter

The Scottish Social Housing Charter (the Charter), sets out the outcomes and standards that all social landlords should be delivering for their tenants and other customers.

The first Charter came into effect on 1 April 2012 and following a review in 2016. A revised Charter was approved by the Scottish Parliament and came into effect from April 2017.

Scottish Ministers consulted the Scottish Housing Regulator; tenants in social housing and their representative bodies; social landlords; homeless people; and other stakeholders about the Charter's contents to ensure that the outcomes in the Charter:

- Describe the results that tenants and other customers expect social landlords to achieve;
- Cover social landlords' housing activities only; and
- Can be monitored, assessed and reported upon by the Scottish Housing Regulator.

The Charter does not replace any of the legal duties that apply to social landlords, but in several cases the outcomes describe the results social landlords should achieve in meeting their legal duties.

The Council has to report on these outcomes annually to the Scottish Housing Regulator and makes this information available to the public each year, in October.

The following Charter Outcomes are of direct relevance to the allocations policy and practice:

Outcome 1: Equalities

Social landlords perform all aspects of their housing services so that:

- Every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

This outcome describes what social landlords, by complying with equalities legislation, should achieve for all tenants and other customers regardless of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, or sexual orientation. It includes landlords' responsibility for finding ways of understanding the rights and needs of different customers and delivering services that recognise and meet these.

Outcome 2: Communication

Social landlords manage their businesses so that:

- Tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.

This outcome covers all aspects of landlords' communication with tenants and other customers. This could include making use of new technologies such as web-based tenancy management systems and smart-phone applications. It is not just about how clearly and effectively a landlord gives information to those who want it.

It also covers making it easy for tenants and other customers to make complaints and provide feedback on services, using that information to improve services and performance, and letting people know what they have done in response to complaints and feedback. It does not require landlords to provide legally protected, personal or commercial information.

Outcome 3: Participation

Social landlords manage their businesses so that:

- Tenants and other customers find it easy to participate in and influence their landlord's decisions at a level they feel comfortable with.

This outcome describes what landlords should achieve by meeting their statutory duties on tenant participation. It covers how social landlords gather and take account of the views and priorities of their tenants, other customers, and bodies representing them such as registered tenant organisations; how they shape their services to reflect these views; and how they help tenants, other customers and bodies representing them such as registered tenant organisations to become more capable of involvement – this could include supporting them to scrutinise landlord services.

Outcomes 7, 8 and 9: Housing options

Social landlords work together to ensure that:

- people looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them
- Tenants and people on housing lists can review their housing options.

Social landlords ensure that:

- People at risk of losing their homes get advice on preventing homelessness.

These outcomes cover landlords' duties to provide information to people looking for housing and advice for those at risk of becoming homeless. This could include providing housing 'health checks' for tenants and people on housing lists to help them review their options to move within the social housing sector or to another sector.

Outcome 10: Access to social housing

Social landlords ensure that:

- people looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and on their prospects of being housed.

This outcome covers what social landlords can do to make it easy for people to apply for the widest choice of social housing that is available and suitable and that meets their needs. It includes actions that social landlords can take on their own and in partnership

with others, for example through Common Housing Registers or mutual exchange schemes, or through local information and advice schemes.

Outcome 11: Tenancy sustainment

Social landlords ensure that:

- Tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations.

This outcome covers how landlords on their own, or in partnership with others, can help tenants who may need support to maintain their tenancy. This includes tenants who may be at risk of falling into arrears with their rent, and tenants who may need their home adapted to cope with age, disability, or caring responsibilities.

Outcome 12: Homeless people

Local councils perform their duties on homelessness so that:

- Homeless people get prompt and easy access to help and advice; are provided with suitable, good-quality temporary or emergency accommodation when this is needed; and are offered continuing support to help them get and keep the home they are entitled to.

This outcome describes what councils should achieve by meeting their statutory duties to homeless people.

3. Equal Opportunities

The Council is committed to fulfilling the three key elements of the general equality duty as defined in the Equality Act 2010:-

- Eliminating discrimination, harassment and victimisation;
- Advancing equality of opportunity between people who share a protected characteristic and those who do not ; and
- Fostering good relations between people who share a protected characteristic and those who do not.

The protected characteristics are:

- Age;
- Disability;
- Gender reassignment;
- Pregnancy and maternity;
- Race, this includes ethnicity, colour and national origin;
- Religion or belief;
- Sex;

- Sexual orientation; and
- Marriage/civil partnership (for which only the first duty applies)

Everyone has 'protected characteristics', but it is the treatment individuals and groups receive, the level of autonomy they have, and the positive or negative outcomes for them, that are our focus. Therefore we will:

- Remove or minimise disadvantages experienced by people due to their protected characteristics;
- Meet the needs of people from protected groups where these are different from the needs of other people; and
- Encourage people with protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

As well as being legal requirements, these steps contribute to fairer, more efficient and more effective services. Therefore the Council will:

- Take effective action on equality;
- Make the right decisions, first time around;
- Develop better policies and practices, based on evidence;
- Be transparent, accessible and accountable; and
- Deliver improved outcomes for all.

As well as being legal requirements, these steps contribute to fairer, more efficient and more effective services. The policy has been equality impact assessed.

4. Other Related Policies

4.1 Local Housing Strategy

The Local Housing Strategy (LHS) sets out how West Dunbartonshire Council and its partners plan to address housing and housing related issues over the five year period from 2017/18 – 2021/2022.

The LHS is a wide ranging and all tenure document covering:

- Housing ;
- Homelessness and Housing Options;
- Housing Support Services; and
- Fuel Poverty.

The Allocation Policy has a vital part to play across a number of policy areas to help in the delivery of the LHS outcomes. The strategy highlights how local lettings planning and other demographic tools can help to make best use of our housing stock to achieve individual tenancy and broader community sustainment and social cohesion. The LHS is due to be updated in November 2021 and some of the key themes being considered in this new review are climate change, energy efficiency and health.

4.2 Homelessness Strategy

Our current approach to homelessness is outlined in the Council's first Rapid Rehousing Transition Plan 2019-2024 entitled "Home at the Heart". The plan acknowledges that challenges exist in terms of developing appropriate Accommodation and Support Pathways which work for homeless households and has the following four key outcomes:

- Deliver a Whole Systems approach to the prevention of homelessness;
- Enable service users with low or no support needs to access settled housing quickly;
- Develop interim housing options which enable independent living and housing sustainment; and
- Implement a Housing First model which enables the most excluded service users to achieve housing sustainment.

The Council has a duty to provide settled accommodation for households who are homeless or threatened with homelessness and our Allocations Policy gives a reasonable preference to households who are homeless and are at the point of securing settled accommodation (see Section 5).

The Council is committed to developing a housing options approach as an action under the homelessness strategy which will improve access to housing for all applicants. A person centred approach will be created and all different options for housing will be looked at to allow applicants to make an informed choice about their living situation.

5. Allocation of Houses

5.1 Stock Profile

The total Council housing stock has at the end of 2020/21 numbered 10,153 properties and rose for the first time in many years. This was due to the Council's new build programme and Buy Back Scheme, as well as that fact that the previously agreed demolition programmes are now complete and the Right to Buy legislation has been abolished.

The Council's housing stock is split into three main population areas - Clydebank, Dumbarton and the Vale of Leven. Around 51%, of the Council's housing stock is located in Clydebank, 29% is located in the Vale of Leven area and 20% is located in Dumbarton. The terms of size, 2 bedroom properties account for around 45% of the total stock, 1 bedroom and 3 bedroom properties account for around 25% each and 4 bedroom properties make up around 3%, with relatively few numbers of bedsits and larger sized homes. Across the whole of the West Dunbartonshire area, flatted accommodation accounts for around 72% of the total housing stock, with houses accounting for around 28%. Our flats are a mix of four in a block accommodation, tenement flats, multi-story accommodation, maisonettes and duplex flats, with four-in-blocks make up around 30% of the total housing stock. Sheltered accommodation accounts for around 2% of the stock provision. Up to date stock information is available via the Council's website [here](#).

5.2 Matters to disregard when selecting applicants

The Council must disregard certain matters when selecting. These are:

- The length of time that applicants have resided in our area;
- Any debt related to a tenancy not owed by the applicant, as a tenant or former tenant, or any housing debt since paid back;
- Any outstanding debt not attributable to the tenancy, for example, council tax arrears (this also applies to anyone else that it is proposed will reside with the applicant);
- The age of the applicant unless a) housing has been designed or substantially adapted for persons of a particular age or b) the housing is for persons who are, or will be, in receipt of housing support services for a particular age group; and
- The income of applicants, including income of other household members.

The law now does enable Councils to take property ownership into account in certain circumstances. However, the Council is not taking account of any property owned by applicants or their family members when selecting tenants. The policy is based on housing need and applicants may have various forms of housing need irrespective of home ownership.

When letting houses, the Council must also take no account of whether or not an applicant resides in our area if they:

- Are employed, or have been offered employment in our area;
- Want to move into our area to look for employment and we are satisfied that this is their purpose;
- Want to move into our area to be close to a relative or carer;
- Have special social or medical reasons for being re-housed in our area; and
- Want to live in our area to avoid harassment or runs the risk of domestic abuse and wishes to move into the area.

In law, there are specific conditions that the Council cannot impose, namely:

- Applications must be active for a minimum period before considering applicants for housing (except if that tenant has been informed that their application has been suspended);
- A judicial separation or divorce should be obtained, or dissolution of a civil partnership or a decree of separation of civil partners be obtained; and
- That applicants should no longer be living with, or in the same house, as someone else before they can be considered for housing.

When letting houses, the Council must also disregard any arrears or other tenancy related debt which is less than one twelfth of the annual rent amount payable.

Therefore any rent arrears of less than one month will not stop an offer of housing being made.

If rent arrears are more than one month's rent this will not stop an offer of housing being made if applicants:

- Agree an arrangement with the Council to repay the debt
- Pay the amount as agreed for at least three months; and
- Continue to pay this amount;

All cases however will be considered on a case by case basis and outstanding arrears should not stop an offer of housing where the applicants is at risk of homelessness.

5.3 Mutual Exchanges

A tenant that is looking to swap their Scottish Secure Tenancy with another tenant of the Council, any of the Local Housing Associations within West Dunbartonshire or anywhere else in the UK, can register with Homeswapper to exchange their property. Homeswapper is an online service that holds details of mutual exchanges within WDC and elsewhere.

Reasonable grounds for refusing a mutual exchange can include:

- The property is subject to a proceedings of recovery;
- The exchange would mean that a property designed or adapted for occupation by someone with special needs was no longer occupied by a person with these needs;
- The mutual exchange would lead to overcrowding, under occupation or one household living in a property that is not suitable to their needs;
- Failure by the tenant to adhere to existing tenancy terms such as anti-social behaviour;
- Having rent arrears or any other housing related debt where there is no arrangement in place to repay the debt;
- The condition of the property is unacceptable;
- Failure by all joint tenants to apply for an exchange; and
- The property is a tied house that has been provided by the landlord for employment purposes.

The above list is not a definitive list and each case will be considered and other reasons may exist for refusing exchange applications. The tenant will have to have been in the tenancy they wish to consider swapping for a year before they will be granted a mutual exchange, unless there are medical reasons for requiring a swap. Instances such as this would be considered on a case by case basis. The Council will aim to give you a response on a decision no longer than one month after the application is received.

5.4 Subletting

Existing WDC tenants may apply to sublet their property. However, before a tenant can sublet their home they must apply in writing to the Council's housing department and get written consent. Tenants must also notify the Council's housing department of any proposed rent increase. The rent cannot be increased if the Council does not consent to the increase.

The 2014 Act makes the following change:

- The tenant must have had the tenancy for the past 12 months immediately before they apply for permission to sublet.

A request to sublet can be for a variety of reasons and can include tenants who have received a custodial sentence for less than one year. Notification of a tenant receiving a custodial sentence can be received from Criminal Justice/Prison Social Worker/tenant/or a representative for the tenant themselves. The actual time likely to be spent in custody should be established, as generally sublets are not granted for more than one year.

If the tenant has indicated that they wish to return to their tenancy on their release, the Housing Officer can consider their application to sublet their tenancy for the duration of the tenants' time in prison. They can liaise with the Resettlement Officer to ensure they know when the tenant is due for release.

5.4.1 Grounds for Refusing a Sublet

The Council will only refuse an application to sublet a tenancy if it has reasonable grounds for doing so.

Each application must be considered on its own merits to determine whether it is reasonable to grant the request. Some specific reasons where it may be reasonable to refuse consent are listed below:

- An eviction process has been served that specifies any of grounds 1 to 7 in Schedule 2 of the Housing (Scotland) Act 2001;
- An eviction order has been made against the tenant;
- The rent proposed is not deemed to be reasonable by West Dunbartonshire Council;
- The deposit proposed is not deemed to be reasonable;
- The subletting would cause statutory overcrowding;
- Proposed works by the landlord that would affect the accommodation to be used by the subtenant, or other person living in the house as a result of the transaction;
- Where the tenant is leaving for an indefinite period and unable to specify when he/she will return. In this case, each application should be considered on an individual, circumstantial basis;
- Where another person's occupancy rights are likely to be adversely affected if permission is granted;
- Where the sublet would lead to substantial under occupation;
- Where the subtenant is unable to understand the terms of the sublet;
- The sub-tenancy is likely to be problematic, due to previous anti-social behaviour of the proposed subtenant that is likely to continue if the sublet is granted;
- Where the proposed subtenant has an unsatisfactory reference for former tenancies, both WDC & Non WDC;
- Where the property would not be deemed suitable for the subtenant for medical reasons.

5.4.2 Withdrawing Permission

The Council has the right to withdraw permission if there are complaints of anti-social behaviour as a result of the property being sublet.

5.5 Assignment

Before a tenant can assign their home to someone else, they must apply in writing to the Council's housing department. Once a tenant assigns their interest in the tenancy they no longer have a contractual relationship with the Council. The tenancy is transferred to the assignee and they take on all the responsibilities and liabilities of the tenancy, including any debt related to the tenancy.

Section 12(2) of the 2014 Housing (Scotland) Act makes the following changes:

- The house must have been the tenants only or principle home during the 12 months immediately prior to the tenant applying for written permission to pass their tenancy on to someone else;
- The person the tenant wishes to pass their tenancy on to (assignee) must have lived at the property as their only or principle home for the 12 months prior to the application; and
- The tenant, joint tenant or person the tenant wished to assign the tenancy to must have notified the Councils (Housing Officer) that they are living in the house that they wish to take the tenancy over for. The 12 month period does not start unless the landlord has been told that the person is living in the property as their only or principle home.

The Council can refuse permission to assign a tenancy if it is reasonable to do so. Each case will be assessed individually and consent will not be withheld unreasonably. Specific grounds where it is reasonable to withhold consent are as follows:

- Where the house has been adapted and the person wishing to take over the tenancy does not require these adaptations.
- A notice of proceedings has been served on the tenant under the Housing (Scotland) Act 2002;
- Where the Council is seeking to regain possession of the property;
- The assignment would lead to statutory overcrowding;
- The Council proposes to carry out work to the building that would affect the accommodation to be occupied by the assignee;
- Where the assignee would not be given reasonable preference under the Allocations Policy;
- Where the assignment would result in the property being under occupied;
- Where the proposed assignee(s) have arrears/former tenancy arrears or other housing related debt and an arrangement to pay has not been kept to in accordance with the Allocations Policy;
- Where the existing tenant(s) have arrears (and no Notice/Court order is in place) and an arrangement to pay has not been kept to in accordance with the Allocation Policy;
- Where the proposed assignee(s) have an unsatisfactory tenancy reference;

- Non consent of a spouse with occupancy rights;
- Other legal orders in force, for example an anti-social behaviour order which does not permit the proposed new tenant to be in the area.

5.6 Joint Tenancies

All applicants may apply to have a joint tenancy with someone who is staying with them. (Intention to stay removed due to the 12 month clause) Applications should be made in writing to the Council's housing department. The person the tenant wishes to add as joint tenant must have lived at the property as their only or principle home for the 12 months prior to the tenant applying for them to become a joint tenant. The Council must also have been notified that the person wishing to apply for a joint tenancy has been living in the house. Again, the Housing Officer should be informed of this. The 12 month period does not start until the Council has been told that the person has been living there as their only or principle home. An existing joint tenant can terminate their interest in the tenancy by providing the Council and the other joint tenants with 4 weeks written notice. The Council with regard to notification of occupancy is considered to be Housing Operations as the landlord of the property.

The Council must consent to an application for a joint tenancy unless there are reasonable grounds for refusing. Possible grounds for refusal would be:

- Where agreeing to the joint tenancy would lead to the household being overcrowded;
- Where the proposed joint tenant would not be granted a tenancy under the Allocations Policy for reasons such as anti-social behaviour or housing related debt; and
- Where the existing tenant had rent arrears and no suitable arrangement was in place for repayment.

5.7 Succession

The Housing (Scotland) Act 2014 introduces a 12 month qualifying period and notification requirement before qualifying persons have the right to succeed to a Scottish Secure Tenancy on the death of the tenant. A succession can only take place where a tenant dies and there is a relevant qualifying person who wishes to succeed to the tenancy. Two rounds of succession can take place.

On the death of a Scottish Secure Tenant, the tenancy passes to the qualifying person. On the death of a qualifying person who succeeded to the tenancy after the first death, the tenancy then passes to another qualifying person; this would be the second succession. There is no qualifying period under the new rules for the tenants spouse, civil partner or joint tenant provided that the house in question was that persons only or principle home at the time of the tenant's death.

The new rules apply to the following 'qualifying persons' where the house has been their only or principle home throughout the 12 months prior to a tenant's death:

- Partners (cohabitants of either sex, including same sex cohabitants);
- Members of the tenants family aged 16 and over; and
- Carers aged 16 or over who have given up a previous or principle home.

Under the new Act the 'qualifying person' must also have notified the Council (Housing department/Housing Officer) that they are living in the property as their only or principle home. The qualifying period does not start until the Council has received this notification. If the property has been adapted for the needs of the tenant who is deceased, and these adaptations are not required by the person wishing to succeed to the tenancy, a like for like property will be sought for this person to ensure that adaptations are available for those tenants who have a medical need for them.

5.8 Suspensions from The Housing Register

A suspension is where a new or transfer applicant will not be eligible to be offered accommodation for a defined period of time. The Council cannot suspend people from applying for a house and joining the housing list but can from receiving offers of accommodation. This section highlights specific circumstances where it is legitimate for WDC to suspend offers.

Suspensions should only occur in instances relating to conduct or eligibility of applicants and are only used as a temporary measure.

Reasons for a suspension are as follows:

- Anti-social behaviour, or applicant currently has a Short Scottish Secure Tenancy (SSST) on antisocial related grounds in place - the Council may seek to suspend an applicant on the basis of anti-social behaviour if the applicant or a member of their household has engaged in anti-social behaviour, including in the vicinity of the house; harassment of others or anti-social behaviour towards a Council employee when applying for housing;
- Has a conviction for using their home for immoral or illegal activity or any other offence punishable by imprisonment committed in the locality of their home, this can also apply to someone who has resided with the applicant;
- Has had a court grant an eviction notice against the applicant;
- If an applicant has previously abandoned a tenancy or neglected a let property. A suspension can be put in place where an applicant's house was previously repossessed due to abandonment or where a house was repossessed due to abandonment of a joint tenant or where a property was repossessed due to neglect and ill treatment.

The Scottish Secure Tenancy requires tenants to leave a tenancy in a clean and tidy condition and make sure it is in good decorative order at the end of a tenancy. However, this does not have to occur throughout the tenancy and is not a breach of tenancy condition unless there is a nuisance or hazard caused.

Suspensions due to tenancy condition should therefore only be used for a serious breach of tenancy and the tenant's ability to maintain the property should also be taken into consideration with this;

- Where there have been rent arrears or other tenancy related debt. Unless the debt is not more than one month's rent and the applicant has made an arrangement to repay the debt and has maintained this arrangement for more than 3 months. Historic debt that had previously been written off by the Council can be taken into consideration also; and

- Where there has been a false statement made on an application for housing. This will be looked at on a case by case basis according to whether this information was intended to be misleading for fraudulent purposes or was a simple omission on the applicant's part.

Suspensions, when in place, will be for a period of a year but each case will be reviewed in case the circumstances of the tenant change, i.e. rent arrears being paid off or an arrangement made and maintained. The council cannot vary a suspension where it would increase its length and applicants have the right to appeal.

5.8.1 Three Reasonable Offers

The number of reasonable offers of housing an applicant can receive before their application is suspended from receiving further offers of housing has been limited to three. If a tenant refuses three reasonable offers their application will be suspended for 12 months. On the refusal of one or more offers of housing, the applicant should be contacted to review their preferences in terms of area choice and house type, to ensure they are up to date.

5.8.2 Managing and Monitoring Suspensions

A person's behaviour will only be considered back as far as 3 years. In exceptional circumstances the Council can consider behaviour back as long as 5 years ago but the reasons for doing this would have to be justifiable. The Council however wishes to minimise/prevent homelessness and provide services for all, so the use of suspensions should be minimal and alternative approaches will be considered wherever possible.

The Council aims to provide a service that is inclusive and accessible for all and to help those who are vulnerable. Therefore any applicant who has been assessed with a critical housing need with an A medical award will not be prevented from receiving suitable offers of housing that becomes available even if they fall into a category which would warrant a suspension. The Council will work with these applicants to take a proactive approach to manage the problem.

The Council will monitor and manage all cases that have been suspended and anyone who falls into one of the suspensions categories will be informed of their suspension, the length of time it is in place, reasons for the suspension and how this suspension will have an impact on them, i.e. no offers of housing for 12 months.

5.9 Removal from the Housing Register

The Council will only cancel applications for the following three reasons and remove applicants from the Housing Register for the following reasons:

- Death of an applicant – if notification of death of an applicant is received the application will be removed from the housing list;
- At an applicant's request – the Council will require notice from an applicant that they wished to be removed either via telephone, email or in writing; and
- Failure to Re-Register – the Council will carry out an annual review of its housing list. This review will ask applicants to confirm that the information on their application form is still correct and that they would like to remain on the housing list. If an applicant fails to respond to this review, a reminder letter will be sent and if no response the applicant will be removed. A letter confirming their removal from the list will then be sent.

5.10 Short Scottish Secure Tenancies

The Council generally lets its properties as Scottish Secure Tenancies (SST's) wherever possible, to maximise the rights which tenants can enjoy. However in specific circumstances it may not be appropriate to offer a SST. The Council has a SSST policy which defines the circumstances the Council can offer a Short Scottish Secure Tenancy (SSST). The SSST policy clearly identifies the 9 statutory grounds where the power to use a SSST can be considered and outlines how these would operate. Tenants with a SSST have less tenancy rights than those with a SST. These restrictions include:

- No provision for succession;
- More limited security of tenure; and
- Limited rights to assign and sublet the tenancy.

Our policy on the Use of Short Scottish Secure Tenancies has been incorporated into the Housing Allocations Policy and is attached as an appendix to this document.

5.11 Economic Migrants and Persons Subject to Immigration Control

Anyone aged 16 and over and from the UK is eligible for housing. This position is more complex for individuals from out with the UK. Legislation sets out who is and is not eligible, eligibility can depend on a number of factors such as:

- Nationality;
- Economic activity of the applicant and their family members;
- Immigration status and rules around asylum and immigration; and
- Entitlement to public funds

An EEA (European Economic Area) national who has the right to reside is eligible for housing and homeless assistance (which is classed as 'entitlement to public funds') from the Council, however, some will need to satisfy the habitual residency test meeting certain conditions before they can access certain benefits.

Local authorities are subject to the Immigration and Asylum Act 1999. Asylum seekers are permitted to join the Councils housing waiting list, however, we do not have a duty to provide full or short Scottish secure tenancies in these instances. A person's status can change and these cases would be reviewed regularly.

Generally a person is not disqualified from entitlement to public funds (and therefore housing and homelessness assistance) if he/she is:

- A British or Irish citizen;
- Is a person who is a citizen of a commonwealth country with a 'right of abode';
- Falls within one of the prescribed exceptions set out in immigration regulations;
- Has indefinite leave to remain (also known as 'settled status') including an EEA national with EU settled status;
- Has been granted leave because of their refugee status;
- Has been granted humanitarian protection;

- Has discretionary leave (assuming as is almost always the case, that their leave is not subject to a public funds condition) OR
- Has been granted temporary leave under the destitution domestic violence concession.

As housing and homelessness assistance is classed as a public fund, anyone who holds a visa with no recourse to public funds is generally prohibited from accessing it. However, as a local authority we are bound by Human Rights Law and should provide support where failure to do so would result in a breach of an individual's human rights. This is likely to arise where someone would be destitute and cannot return to their home country or where children are involved.

When the Council is dealing with these cases we therefore are often required to make an assessment of an individual's circumstances, and whether there is a potential claim for leave to remain, to see what services we can provide to the individual. We cannot however provide individuals with immigration advice and given the complexity of these cases it is recommended that all individuals seek their own legal advice.

5.12 Applicants Serving in the Armed Forces

Applications from people serving in the armed forces will be reviewed and processed on receipt of written confirmation from either the applicant or their commanding officer that they will be leaving the armed forces by a specific date. If an applicant has been seriously injured and requires adapted housing, the application will be assessed and points awarded accordingly. Applicants in these circumstances can also apply directly to Homeless services. The Council has also signed up to the Armed Forces Covenant - [Link to armed forces covenant](#) . The Armed Forces Covenant is a promise by the nation ensuring that those who served or have served in the armed forces, and their families, are treated fairly.

5.13 Housing References

When applying for housing with the Council, references will be sought from previous landlords for the past 3 years. Tenancy references are sought to establish whether the applicant, or anyone wishing to be housed with them, has been subject to an Anti-Social Behaviour Order or has a history of anti-social behaviour, has any previous housing related debt with no repayment arrangement in place or has breached other tenancy conditions. If any of these is the case, the application will be suspended – see section 5.8 on Suspensions for more information on this.

5.14 Tenancy Conditions

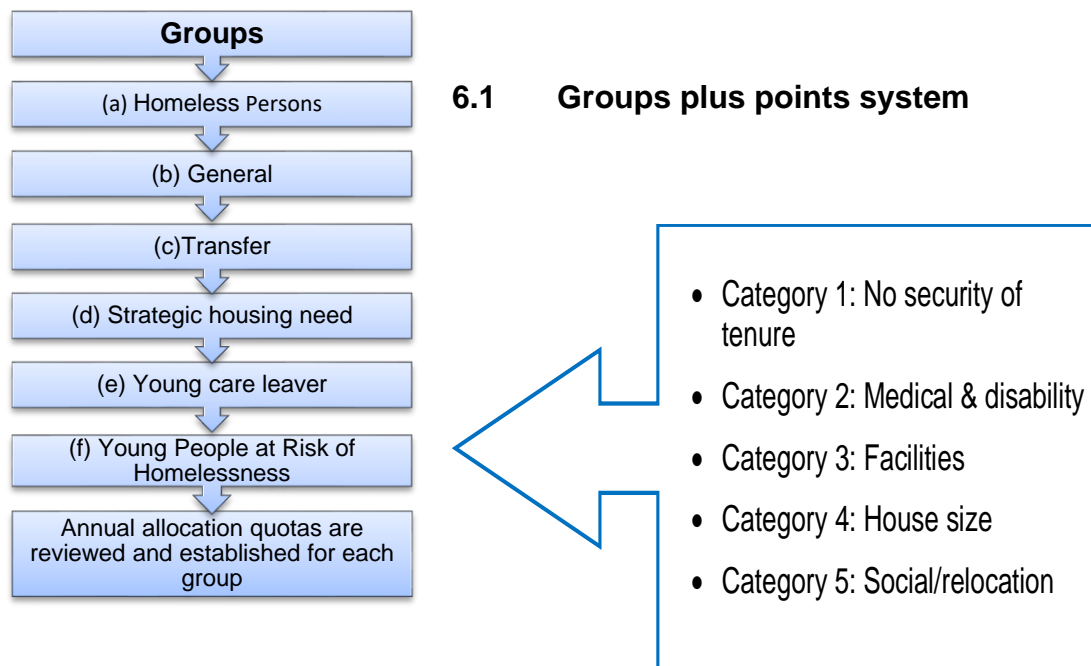
When a tenant is offered and accepts a WDC house, a legally binding contract is signed between the tenant and the Council. This is known as a Scottish Secure Tenancy Agreement (SST). This tenancy agreement sets out the tenants' rights and responsibilities and the Councils as a landlord. The Council makes every effort to fulfil its part of the agreement and expects tenants to do the same. If a tenant fails to keep to this agreement, action can be taken to have them removed from the property.

5.15 WDC Tenants with less than 12 Months Tenancy

Applicants who have a tenancy with the Council must demonstrate that they have maintained their current tenancy in a satisfactory manner for a period of 12 months. Unless there are exceptional circumstances applicants will not be considered for

another offer of housing, a mutual exchange or a nomination to another housing provider until they been in their tenancy for 12 months and received a satisfactory tenancy reference from their Housing Officer.

6. Points Categories & Points Structure



Reasonable preference refers to a level of priority given to applicants under certain circumstances. Our Allocation Policy must give a reasonable level of priority to those applicants who fall within one of the reasonable preference groups.

The 2014 Act amended section 20 of the 1987 Act and sets out three categories of applicants who should be given reasonable preference in an allocation policy. These are:

- Homeless persons and persons threatened with homelessness and who have unmet housing needs;
- People who are living under unsatisfactory housing conditions and who have unmet housing needs; and
- Tenants of houses which are held by a social landlord, which the social landlord selecting its tenants considers to be under-occupied.

The Council uses a group plus points system to allocate its properties, which recognises these applicants that should be given reasonable preference and also other groups identified as being in specific housing need.

This breaks the housing register down to clearly defined groups. A housing needs assessment based on the application is carried out and then the applicant is placed in one of the following groups and pointed accordingly. If an applicant shares the same level of points with another applicant within that group, the applications will be prioritised based on the date of application.

The relative priority given to each of the reasonable preference groups will depend on the profile of identified housing need. Our allocation lettings quotas are reviewed

annually and established for each group given a reasonable preference within the policy. This exercise recognises that other groups being prioritised for allocations will not dominate the policy in terms of letting activity, at the expense of the three reasonable preference groups in the 2014 Act.

The annual lettings target for homeless households is influenced by West Dunbartonshire Council's Rapid Rehousing Transition Plan (RRTP), which is updated annually, taking account of the previous years' letting activity and the level of homelessness within West Dunbartonshire. The percentage target agreed for homeless lets is not intended to be a rigid figure however, and any agreed target can be exceeded.

(a) Homeless persons

The Council has a statutory duty to secure permanent accommodation for applicants who have been assessed as being homeless or threatened with homelessness and homeless households are given reasonable preference within our Allocations Policy as per legislation. We have a robust homeless assessment process which ensures that all homeless applicants are treated fairly and equitably.

The policy aims to make sure that the needs of homeless households are met as quickly as possible and does not give homeless people any lesser preference than the other specified groups. This means that the weighting given to homeless households reflects our obligation to make a reasonable proportion of overall lets available to homeless households, having regard to the urgency of their individual circumstances, their housing and medical needs and the constraints of current stock availability.

(b) General Housing List Applicants

All other applicants including those living under unsatisfactory housing conditions and who have unmet housing needs.

(c) Transfer Applicants

All current WDC tenants including those under-occupying their current property.

(d) Strategic Housing Need/Redevelopment Applicants

All WDC tenants and tenants of landlords working in partnership with the council, affected by regeneration/redevelopment programmes.

(e) Young Care Leavers

In Scotland the Staying Put Scotland Guidance (2013) and Housing Options Protocols Guidance (2013) were produced to inform and share best practice and bring consistency to the options and support available to care leavers. Policy and legislation recognises and highlights the fundamental importance of safe, secure and sustainable accommodation in helping care leavers attain and achieve.

In addition, West Dunbartonshire Council is a supporter of the Scottish Care Leavers Covenant which includes a section dedicated to Housing and Accommodation. A key action within the Covenant is that, "Corporate parents must take action to ensure that care leavers do not have to make a 'homeless application' in order to access suitable accommodation/housing".

Therefore, the Council gives priority status to young care leavers. This also links in with the Homelessness Strategy, as it has been highlighted that in West Dunbartonshire Council youth homelessness continues to account for over a third of all incidences of

homeless. Part of the vision is to change the approach to how young care leavers are dealt with regarding housing; this is also in line with GIRFEC (Getting It Right For Every Child).

Recognising young care leavers as a group means that this group does not have to always access housing via the homeless route. Young care leavers are any looked after or accommodated child within West Dunbartonshire. The Throughcare team work very closely with each young person and will create a pathway plan to support young people's transition from care into their own tenancy to achieve maximum tenancy sustainment.

Should you wish to read more information on this you can see our Young Care Leavers Protocol which lays out in detail the accommodation pathway options available to young care leavers working with Throughcare.

(f) Young people at risk of homelessness

Youth homelessness is a key challenge and West Dunbartonshire is noted as a "youth homelessness hot spot" within the Scottish Government's statistics. Young people aged 16 to 24 make up 9.8% of the population in West Dunbartonshire, yet this age group accounted for 32% of all homeless presentations during 2020/21 (compared to a Scottish average figure of 24%).

Therefore, the council has given priority status to young people at risk of homelessness and have created an additional reasonable preference group within the Allocations Policy, similar to our provision for Young Care Leavers. The young people will be sourced from live cases at risk of homelessness and who are engaging with the Housing Options Service. This quota will be reviewed and updated annually, as is the case with other groups given reasonable preference within the policy. This system change aims to tackle the high levels of youth homelessness in West Dunbartonshire and aligns with our wider policy objectives outlined in our Local Housing Strategy and Rapid Rehousing Transition Plan.

6.2 Points Categories

Category 1- No Security of Tenure

Points will be awarded for those with no security of tenure which will include the following circumstances:

- People applying from the family home and those currently living somewhere else with no tenancy agreement of their own;
- Notice to Quit - points can be awarded to an applicant if the landlord has served a valid notice to quit.
- Tied Accommodation – points can be awarded to applicants if they reside in a house that is part of their conditions of employment. This is known as a tied tenancy. If an applicant who resides in one of these tenancies employment ends, it is recognised that they no longer have a right to reside in this tenancy, and points are therefore awarded in the following circumstances:
 - If they are a tied tenant retiring on ill health grounds or having to leave tied accommodation through loss of employment
 - If they are the spouse or partner of a tied tenant who has died in service and you are required to move out of the tied accommodation.

- Regeneration – points will be awarded to applicants if they are required to move to allow redevelopment or demolition works to take place. These points will however only apply to comprehensive redevelopment schemes approved by West Dunbartonshire Council, or where the Council has agreed to rehouse applicants if they are displaced by other landlords working in partnership with the Council.

Category 2 - Medical Needs and Disability

- Medical Needs and Disability – points can be awarded to applicants if they have a permanent or long lasting medical condition or physical disability which is made worse by their current accommodation. A disability is a physical or mental condition, which has a substantial and long term adverse effect on normal day to day activities. This is not an assessment of the severity of the medical condition or disability but an assessment of the need for another house that would alleviate the medical condition or disability. These points can be awarded to the applicant or any member of their household. A separate medical application form will need to be completed to be considered for this award. Application forms are available from local housing offices.

The process is one of self-assessment. A number of questions are asked regarding health problems. Applicants are not required to submit a letter from their doctor, however, can submit any other information considered appropriate, such as a letter from a consultant, clinic or support provider. Applicants will also be required to supply evidence of any disability benefits, medication or treatment received. Upon receipt of the application, a member of the housing operations team or the occupational therapist may call you to discuss the application and assess the property.

If it is determined that their medical condition may change, the application will be reviewed after an appropriate period determined by a medical professional.

Medical awards will be removed if the condition has improved to the extent that the applicant's current accommodation is no longer medically unsuitable.

Once your application has been assessed by the occupational therapist housing staff, a letter will be sent from the housing operations team advising whether medical points have been awarded and if so, the number of points awarded.

If the applicant is dissatisfied with the category of medical priority, or the medical award has been refused, they can appeal against this decision.

If an applicant wishes to defer their housing application, their medical award will be removed, unless due to circumstances out with their control they need to defer, i.e. hospital admittance. If they wish again to be considered for offers of housing, a new medical assessment form will be required to be completed.

Medical and disability points will be awarded based on the medical needs of each household. A single award of points will be made to the applicant with the most severe medical condition. This is to ensure that applicants with the greatest medical need are matched to suitable accommodation. Medical awards are split into 3 categories:

- Medical Award A: (Urgent) – Current accommodation is causing extreme aggravation to medical condition or disability

- Medical Award B: (Serious) – Current accommodation is causing serious aggravation to medical condition or disability
- Medical Award C (Significant) – Current accommodation is causing significant aggravation to medical condition or disability.

Category 3 – Facilities

- Sharing Amenities – Points can be awarded if an applicant is sharing amenities with anyone other than the people listed on their application to be rehoused with them, as they are considered as the direct household. You should not have to share amenities with anyone other than those in your direct household. Applicants who share amenities – bathrooms and kitchens with other members of their household - do not receive sharing amenities points, nor does it apply to applicants who have sublet part of their property or have taken in lodgers. Points will be awarded to sub-tenants, lodgers, or if an applicant is living with parents, friends or relatives; and
- Lacking Amenities – points can be awarded to applicants if they lack basic amenities – i.e. a bathroom and a kitchen located within the household. This is defined by current housing legislation and these facilities should be available to all occupants. Points will be awarded if an applicant does not have access to these facilities to reflect the fact that their accommodation is below tolerable standard.

Category 4 - House Size

- Overcrowding – points can be awarded to applicants if they are living in accommodation which is too small for their needs. This is calculated by how many bedrooms an applicant should have for the household and how many bedrooms the applicant has at their current location.

Living rooms are not considered suitable for sleeping accommodation, although some applicants may have to use these rooms due to the level of overcrowding in their present homes.

Children over 10 or older will be assessed as needing a room of their own, regardless of gender. A physically disabled child or children should have their own bedroom irrespective of age.

Different generations (grandparent, children, and grandchildren) living together should have separate bedrooms. Expectant mothers will be assessed as 2 persons from 3 months prior to the expected date of birth.

Overcrowding points will be given if a household member has a medical condition that requires an extra bedroom to accommodate an overnight carer or considerable medical equipment.

- Under Occupation – points will be awarded if an applicant who is under-occupying a property wishes to move to smaller accommodation that is more suitable to their needs. Applicants will be awarded under occupation points if they are occupying a property that has more bedrooms than needed to accommodate themselves and members of their household. Points will be awarded for every spare bedroom.

The Council can provide help to remove any barriers existing tenants face by offering incentives to move to smaller accommodation, such as assistance to move items and decoration packages. Tenants can speak to their Housing Officer to access this resource in a way that would suit their specific requirements best.

- Living in Multi Story Flats – points can be awarded to applicants if they live in a multi storey flat and have children under the age of 16 and wish to move to alternative accommodation.

Category 5 - Social/Relocation Points

- Relationship Breakdown – points can be awarded to applicants if they have suffered a relationship breakdown and are having to move house as a result of this;
- Social/Family support – points can be awarded to applicants if they require to be near family member/social network to give or receive support. Applicants will be required to provide evidence from the person giving or receiving the support; and
- Incoming Worker – points can be awarded to applicants if they currently work in West Dunbartonshire but do not live in the area and are experiencing difficulty in travelling to their place of work.

6.3 Points Structure

Categories	Circumstances	Points
Category 1 No security of Tenure	Applying from the family home	25
	Living somewhere with no tenancy agreement	25
	Notice to Quit	25
	Tied Accommodation	25
	Regeneration	25
Category 2 Medical and Disability	A award	100
	B award	60
	C award	10
Category 3 Facilities	Lacking Amenities	
	○ No bathroom	10
	○ No kitchen facilities	10
	Sharing Amenities	
	○ Kitchen	10
	○ Bathroom	10
Category 4 House Size	Overcrowded by 1 bedroom	20
	Overcrowded by 2 bedrooms	25
	Overcrowded by 3 or more bedrooms	30
	Under Occupying by 1 bedroom	20
	Under Occupying by 2 bedrooms	40
	And 20 points further for any further rooms	60+
	Multi Story Flats for Children Under 16	10
Category 5 Social / Relocation	Relationship Breakdown	25
	Social / Family Support	10
	Incoming Worker	10

6.4 Verification of Information

To ensure that applications are correctly assessed, applicants will be required to provide information to verify your circumstances. It is recognised that in some cases

the information required may be sensitive and of a personal nature, so in these circumstances a position of belief and trust will be adopted. The application form will highlight to applicants what information is required to be evidenced.

6.5 Eligible House Size

The Council aims to make best use of its housing stock and applicants will be eligible for a particular size of house based on the size of their household.

Household Size	Accommodation Size
Single person	Bedsit or 1 Bedroom property
Couple	1 or 2 Bedroom property
Single parent or couple with one child	2 Bedroom Property
Single parent or couple with two children	
- both aged under 10	2 Bedroom property
- one or both aged 10 or over	3 Bedroom property
Single parent or couple with three children	
- if two able to share a room (under 10)	3 Bedroom property
- none able to share a room	4 Bedroom property
Single parent or couple with four children	
- if all children are able to share rooms	3 Bedroom property
- if two children able to share a room	4 Bedroom property (maximum size available)
Expectant Mother	
- treated as two or more dependant of number of unborn children	2 Bedroom property

Where a member of your household is temporarily living away from home, for instance in further education or in the armed forces, they will be included as part of the household, if the individual provides written confirmation that they intend to live with you.

Each application will be considered on an individual basis, however, in order to make best use of housing stock and maximise tenant's choice, there are circumstances where a larger house maybe allocated.

These are listed as below:

- Where there is a medical reason for requiring a separate or additional bedroom. This will be considered on an individual basis;
- Where a separated spouse has access rights to child/children. An additional bedroom will generally be allowed to be used by the child/children during the access period;
- Where children are close to the threshold of requiring their own bedroom. This is to maximise tenancy sustainment, larger properties to accommodate the growing household will be considered; and
- Where there is no stock of a suitable size. In some areas where there are no properties of a suitable size, households can be considered for the next suitable size.

7 Sheltered and Adapted Housing

7.1 Allocation of Adapted Housing

WDC wants to move towards effective allocation of adapted housing, to aim to tackle the inequality experienced by disabled people in accessing suitable housing. An adapted property would be one that would enable a person(s) with a disability to live independently at home for as long as possible. Necessary adaptations help a tenant achieve personal independence and good use of adaptations can have a major impact on a tenant's wellbeing and quality of life. They can make daily tasks easier and help tenants stay in their home for longer.

To achieve this, the Council needs to make best use of existing stock, while meeting the needs of tenants. Instances where adaptations are removed from void properties as no tenant has required the adaption should be avoided. Carrying out adaptations for tenants in properties which would not be suitable for their longer term housing needs, will also be avoided.

Where tenants live in properties with adaptations which are no longer required, the Council will support these tenants to find a mutual exchange, if they are in agreement. The Council will not take possession back of adapted housing for those who have no need for it, but simply highlight the importance of the adaptations being for those in most need of them and encourage an exchange where possible.

Due to the changes in the Housing Act, the Council has the flexibility to make better use of adapted properties as short term temporary accommodation, where at the point of allocation there is no applicant requiring the adapted property. Adapted properties would therefore only be allocated to those applicants who need them and if no applicant on the list requires that adaption at that point, to avoid creating lengthy void times for adapted properties, they will be held and utilised for temporary accommodation until a suitable applicant is on the list.

The Council will therefore keep a record of how many properties it has that are adapted and where they are. Moving forward, these properties will flag up as adapted and can be ring fenced for allocation this way. The Council will also explore alternatives to adaptations, as adapting an existing property for the tenant may not always be the best long term housing solution.

When a tenant requires a major adaptation to their household, the Housing Occupational Therapist can work together with the Housing Officer and tenant to explore the housing options available and whether a move to an already suitably adapted property would be the best option. The Housing Occupational Therapist will understand the long term prognosis of the tenant's illness and the impact this will have on their future housing needs. The Housing Occupational Therapist will also be able to assess adapted stock which becomes void and identify people who would be suitable for the adaptations and ensure that the allocation of adapted housing meets the long term needs of the tenant, thus minimising the need for future rehousing.

If a tenant or residents current house does not meet their particular needs there maybe aids or adaptations that can be made to their existing house to enable them to remain there, if that is their preference. Owner Occupiers can request an assessment from Occupational Therapy or the HSCP. The request can be made personally, by family, GP or hospital etc. An assessment will then be carried out by the Occupational Therapist which, if needed, will result in a referral for equipment or an adaptation or both. Referrals for adaptations are then sent to Care and Repair who carry out the full grant application process, this is then sent to Private Sector Housing Grants Section for assessment.

7.2 Allocation of Sheltered Housing

Sheltered Housing is the name given to grouped housing particularly aimed at people of retirement age or for those with a disability approaching retirement age who would benefit from this type of housing. Anyone of retirement age, or anyone with a disability who is approaching retirement age and would benefit from this type of accommodation, can apply. To apply for sheltered housing, applicants can complete a sheltered housing application form. This form will consist of general housing questions and questions relating to the applicants current circumstances and level of mobility etc. An information leaflet is available on the Sheltered Complexes, which details the facilities they all have and support that they can offer.

The layout of each complex is very varied so applicants should consult the information leaflet when completing an application form to see if the needs that are wished/ required can be met by the applicants preferred complex.

Based on the information within the sheltered housing information leaflet applicants should then make their choices depending on which housing complex best suits their needs and rate them in order of preference. The supply of sheltered housing is limited within West Dunbartonshire and demand outstrips supply. The community alarm service is an option that is available for residents within their own current home. It is not just specific to properties within sheltered complexes, so may work for those who simply would like to reassurance of help being at hand. Applicants should take this into consideration when completing the form and matching their needs with the complexes.

The allocation of sheltered accommodation and adapted houses will therefore be made on the recommendation of qualified HSCP (Health and Social Care Partnership) professionals and/or Occupational Therapists in order to achieve the best match possible according to the assessment process and will not be determined solely by the number of points awarded. More information can be found in our Sheltered Housing Policy.

8 High Risk Offenders

The Council has a duty to consider the housing requirements of all applicants over the age of 16 but procedures are in place to manage and minimise the risk posed to communities by high risk offenders. The Council adopts a multi-agency approach to housing high risk offenders and works with a number of different agencies such as Police Scotland, Criminal Justice Social Work and the Scottish Prison Service. Multi Agency Public Protection Arrangements (MAPPA's) are in place, where all agencies decide jointly on risk management.

The Council and RSL's in the area do not therefore carry the principle responsibility of managing risk relating to high risk offenders. An information sharing protocol is in

place, which sets out the processes for information sharing and co-operation. The information sharing helps to assist with the management of risk but it cannot eliminate it entirely. All available properties are profiled to ensure their suitability before an offer would be made.

9 Gypsy Travellers Site

West Dunbartonshire has one travelling person's site located at Dennison Forge in Dumbarton. The site has a total of 20 bays and is open all year round. To apply for a pitch, applicants can complete a standard waiting list application form. Applicants simply tick the box option 'Gypsy Travellers Site' under the heading 'House Type'. Applications will be assessed and placed in the appropriate group based on their present housing circumstances, and points will be awarded accordingly. Gypsy Travellers, on receipt of a housing application, will be referred for a Housing Options interview to the Homelessness and Housing Options Team.

The facilities for each pitch includes:

- A hard standing for a caravan;
- Fixed and maintained utilities to Caravan;
- Fenced and gated inclusive to Pitch;
- Space to park a car or other vehicle;
- Toilets, showers and baths;
- A mailbox; and
- A designated Housing Officer for the area.

10 No Home for Domestic Abuse

No Home for Domestic Abuse is housing services' zero tolerance approach to domestic abuse occurring within our properties. It provides victims/survivors of domestic abuse with access to practical help, legal assistance and support to allow them to remain, if this is what they want.

Council tenants who are victims/survivors of domestic abuse are offered a range of housing advice based on their circumstances to support them. This includes:

- Supporting victims/survivors to remain in their own home – including transferring the tenancy into their own name where possible. Support includes making the victim feels safe and security measures such as lock changes;
- Supporting victims/survivors to gain legal information and advice;
- Supporting victims/survivors to access specialist domestic abuse support; and
- Providing suitable alternative safe and secure accommodation via the homeless service

The Council:

- Will use the full scope of Anti-Social Behaviour powers in conjunction with Housing and Matrimonial Homes Legislation to legally remove perpetrators if we need to; and
- Recognises that in order to support victims/survivors to stay in their own homes and to make them feel safer we must also address the housing needs of perpetrators. Those found guilty of committing domestic abuse will be offered short-term or permanent tenancies dependant on their circumstances, appropriately distanced from the victim/survivor.

This aligns with the Domestic Abuse (Protection) (Scotland) Act 2021.

11 Housing Support

Housing support services are defined by the Housing (Scotland) Act 2001 as including any service that provides support, assistance, advice or counselling to an individual with particular needs, with a view to enabling that individual to occupy or continue to occupy their home.

If it is felt that a tenant requires support in sustaining their tenancy they can be referred to our registered housing support service, who will assess their needs and, if appropriate, provide support services to enable them to remain living in their tenancy.

Tenants can also be signposted to HSCP services and referrals can be made to HSCP when it is felt that there is a vulnerable adult or child in the tenancy.

Tenants can also be referred to Working 4 U if they are experiencing financial difficulties. Working 4 U can offer support with benefits and money/debt issues and assist people overcoming barriers to entering employment.

12 Lettings Plans & Initiatives

Lettings Plans and Letting Initiatives are tools help support strategic priorities and tackle the issue of empty properties and to combat other signs of neighbourhood decline.

Lettings Plans refer to how properties are allocated, whilst Lettings Initiatives refer to incentives to stimulate or increase demand for particular properties or areas.

12.1 Lettings Plans

Lettings Plans can be an important tool to enable the Council to respond to and tackle a range of specific circumstances in specific lettings areas and support wider strategic objectives initiatives.

These could include:

- Making best use of our available housing stock including new build housing to meet evidenced need supported by our Local Housing Strategy and Strategic Housing Investment Plan;
- The need to ensure stable communities;

- The desire to improving community stability and cohesion;
- Tackling low demand areas and difficult to let properties; and
- Tackling antisocial behaviour

The Council will ensure that houses are let strategically in a way which gives reasonable preference to those in housing need, makes best use of existing stock, reflects the local needs and circumstances that have been identified and contributes to more sustainable communities.

The Council will use triggers to highlight the need for a local Lettings Plan to be developed and will ensure that tenants, residents and other relevant stakeholder groups are consulted with as appropriate in the preparation of any such plan. The Council can be flexible in their approach for considering the best applicant for a void property by utilising the three lists that are available to them and also by optimising the Homeless and Young Care Leavers and Young people at risk of homelessness lists.

12.2 Lettings Initiatives

Lettings Initiatives are a reflection of best practice to tackle areas where there are high levels of empty houses, small or non-existent housing lists, high refusal rates and low levels of tenancy sustainment.

Where the Council needs to intervene to help to promote sustainable communities and generate demand for areas, a range of initiatives will be available at a local level to address help tackle this.

Such initiatives or incentives could include:

- Advertising of properties on Rightmove for prospective tenants to view; and
- Offering of incentives such as decoration allowances, white goods or carpets.

The success of Lettings Initiatives used will be monitored and assessed to ensure that the aims outlined are achieved. In areas where a lettings initiative is in place, allocations via the allocations policy will be suspended, to allow any prospective tenant interested in a void by the range of initiatives offered to be allocated a property, regardless of their points or place on the waiting list.

13 Exceptional Circumstances

Whilst our Allocations Policy is designed to reflect local housing need, it is important that it is flexible enough to deal with instances of exceptional circumstances, where the Council considers it appropriate to make an offer of housing to an applicant out-with the core policy.

We have an established Allocations Panel to deal with such cases. When exceptional circumstances arise and warrant an offer of housing out-with this policy, the Allocations Panel will review the case and decide the priority of the referral and, where necessary, can also decide on the size, type and location of the property to be offered through the Panels priority decision.

All referrals to the Allocations Panel will be monitored, decisions recorded and best practice will be adopted, including a clear audit trail when discretion has been used and reasons for an allocation.

Exceptional circumstances cannot be predicted but having the Allocations Panel in place provides a mechanism for such cases to be assessed in a fair and transparent manner. The Panel will focus on the following points:

- Applicants having exceptional level of need where circumstances are so unusual that the allocation policy cannot adequately assess and prioritise; and
- The number of cases being presented to the panel must be minimal, and individual cases will be monitored to highlight any growing patterns.

Examples of circumstances which may be considered by the Allocations Panel would include instances where Police Scotland recommended that someone moves home because they are being harassed and asks a landlord to help rehouse the person immediately or for applications to support kinship care arrangements which are supported by the Health and Social Care Partnership. All such applications will be considered on a case by case basis.

14 Monitoring and Review

14.1 Review of Policy

We will review the Housing Allocations Policy every three years or earlier if required, for example to comply with any legislative changes. We will consult tenants, applicants and other relevant stakeholders when carrying out a review. The percentage quota of the groups will also be reviewed annually and will change depending on the analysis of patterns of housing need and demand to ensure that all groups receive an equitable share of all allocations. We have also committed to provide applicants with annual lettings information and to recommence the annual reviews of all applications.

14.2 Appeals Process

Complaints can be made to the service area directly and an applicant can appeal any decision made during the processing of the housing application in writing, by telephone and/or in person. An area co-ordinator who has not been involved with the initial decision will investigate the appeal and send a written reply within 14days.

If not satisfied with the outcome of the above or if an applicant does not feel comfortable going directly to the service area, complaints can be made to the Customer Relations Team. See the 'How to Complain' section of the Councils website, where online forms can be completed or alternatively contact Customer Relations by phone or email on the details provided on the website.

Complaints can relate to the way in which an application for housing has been dealt with, staff conduct, any aspect of the allocations of particular properties, or on the Council policy relating to the allocation of housing within West Dunbartonshire.

The Complaints Handling Process has 2 stages:

- Stage 1 allows five working days or less to respond to the complaint, unless there are exceptional circumstances; and
- Stage 2 deals with complaints that have not been resolved at Stage 1 and those that are complex and require detailed investigation. Complaints handled at Stage 2 should be responded to within 20 working days.

If after receiving the Council's final response at Stage 2, a complainant is still not happy they have the right to ask for the complaint to be independently reviewed by the Scottish Public Services Ombudsman. Their contact details will be provided in the Council's final response.

Queries about the Complaints Handling Procedure or any aspect of the above information should be directed to the Council's Customer Relations Team.

15. Satisfaction Monitoring

The Council itself also has the following performance monitoring mechanisms in place to ensure that a quality service is delivered across all aspects of the allocations and lettings service.

The Council therefore monitors numbers of the following issues under the headings below.

Access to the housing register

- Applicants on the housing register, including tenants seeking to transfer or exchange houses;
- New applications to the housing register, including processing applications against set timescales; and
- Deletions from the housing register.

Offers and lets of accommodation

- Numbers of offers to applicants, including information on accepted and refused offers;
- Offers suspended and reasons, as well as appeals against suspensions and outcomes; and
- Allocations to each housing group against targets.

Equality monitoring

- Equality information to identify applications, offers and lets by reference to factors such as age, disability, ethnicity, sex and gender reassignment.

Appeals and complaints

- Numbers of appeals and complaints, including outcomes.

Other monitoring

This type of monitoring includes activities such as:

- The quality of our verbal advice and information about allocation matters; and
- The quality of our public information relating to written and electronic formats.

This includes meeting corporate quality standards such as producing information, as appropriate, that is:

- Accurate;
- In plain language; and
- Accessible to the needs of individual service users.

We also monitor specific issues to inform practice such as reasons why tenants are seeking to transfer to other houses or to exchange homes with other tenants.

16. Working with other Housing Providers

The Council has Nomination Agreements with Registered Social Landlords (RSL's) within West Dunbartonshire. These arrangements provide the Council with the right to nominate applicants from the housing waiting list for vacancies that arise within RSL housing stock. However, these arrangements do not give the Council the right to allocate such vacancies and any allocations are made in accordance with individual RSL's allocations policies and procedures.

Within the terms of the homelessness legislation, the Council has a Section 5 protocol in place with local RSL's. This provides the formal framework within which the RSL's, in partnership with the Council, provide permanent accommodation for homeless people within West Dunbartonshire.

RSL's agreed to a letting target for section 5 referrals that assists with the Council's Rapid Rehousing Transition Plan "Home at the Heart" aims to house people as quickly as possible reducing times in temporary accommodation. For more information on our Rapid Rehousing Transition Plan please see section 4.2 - Homeless Strategy.

17. Role of Councillors

The role of Councillors in making decisions about housing is restricted by the Housing (Scotland) Act 1987. Councillors are responsible for approving the Allocations Policy and monitoring its effectiveness but this Act excludes Councillors from being involved in any decisions relating to allocating a property (or a property where the Council had nomination rights). Councillors are, however, entitled to provide information in support of an application on the applicant's behalf.

18. Allocations to Members of the Council and Housing Staff

The Housing Application form will ask if the applicant is a member of staff, elected member or are related to either. To ensure transparency in the allocations procedures, approval from the Allocations Panel will be sought in instances where a house is being allocated to any member of Council staff, elected members or members of their immediate family. Where this is the case, the member of staff concerned should play no role in assessing the level of points to be

awarded or in making any offers of housing. Any such allocation will be processed by an Area Co-ordinator and approved by the Allocations Panel. A record will also be kept of why the applicant was awarded the points given and why any specific offer of housing was made.

19. Publicity

The Council will publish details of the Allocations Policy and how it assesses priority for housing. The policy published on the Council's website and will be circulated to other Council departments, registered residents and tenants associations, external partner organisations and other relevant stakeholder groups.

20. Access to Information on Applicants

If an applicant would like to check the details held on their application at any time they can contact their Housing Officer. Only the applicant is allowed access to the information held under the terms of data protection legislation. If, however, a tenant appoints a representative information can be passed on to them. Applicants should be aware when accessing information on their position on the lists, that the allocations policy is a needs based policy and that therefore positions can change.

Policy for Use of Short Scottish Secure Tenancy Agreements

**Approved by the Housing Improvement
Board**

Contents

1. Introduction	3
2. Policy Objectives.....	3
3. Relationship with other Council Strategies.....	3
4. What is a SSST.....	4
5. Legal Framework for the Use of a SSST.....	4
6. Identifying grounds where the power to use a SSST would be considered.....	7
7. Creating a SSST when a relevant Ground has been identified and agreed	10
8. Housing Support and a case management approach	11
9. Termination	12
10. Recovery	13
11. Appeals	14
12. Policy Review	14

1. Introduction

1.1 West Dunbartonshire Council houses are generally let as a Scottish Secure Tenancy (SST) **wherever possible**, to maximise the rights which tenants enjoy. However, in specific circumstances set out in the legal framework of the Housing (Scotland) Act 2001 and as amended by the Housing (Scotland) Act 2014, it may not be appropriate to offer a SST. In these defined circumstances, the Council will be able to offer a Short Scottish Secure Tenancy (SSST) to a prospective tenant.

2. Policy Objectives

2.1 The objectives of the Policy for Use of SSST's are:

- To set out a clear framework for the use of SSST and specify the circumstances when the Council will consider using a SSST;
- To assist tenants to sustain their SSST with a view to obtaining a SST;
- To assist in the creation of safe and sustainable communities by tackling antisocial behaviour and reducing repeat homelessness and abandoned tenancies;
- To prevent homelessness occurring and assist with the Council's wider strategic role; and
- To ensure that short SSST's are used uniformly and consistently and in accordance with legislation and good practice (an annual briefing note will be provided stating numbers, grounds used and outcomes of SSST's)

2.2 The Council will work jointly with the appropriate services and agencies, both internal and external to the Council, in order to maximise the opportunities that will ensure a positive outcome for the tenant, their household and the wider community. The Council will work jointly with HSCP in instances where there is a household containing children or vulnerable adults.

3. Relationship with other Council Strategies and Policies

3.1 The Policy on the Use of Short Scottish Secure Tenancy Agreements will help the Council to meet the objectives of the *West Dunbartonshire Community Planning Partnership Community Plan 2017-2027* and the *West Dunbartonshire Council Strategic Plan 2017-2022*.

3.2 The policy will aid the Council in making best use of its stock by meeting housing need as explained in the *Local Housing Strategy 2017-22*. In addition to this the policy will assist the *West Dunbartonshire Homelessness Strategy 2017-2020* in preventing homelessness, *West Dunbartonshire Council's Rapid Rehousing Plan 2019-24* for homeless households and *Anti-Social Behaviour Strategy* in making safer communities.

3.3 This policy adheres to the [Statutory Guidance](#) issued by the Scottish Government on using the changes to the law on short Scottish secure tenancies introduced in the Housing (Scotland) Act 2014 and compliments the aims and objectives of the Council's main Allocations Policy.

4. What is a Short Scottish Secure Tenancy

- 4.1 Tenancy agreements outline the rights tenants have and set out the responsibilities of tenants, members of their household, and also highlights the responsibility of tenants for the behaviour of people visiting their home.
- 4.2 A tenancy agreement should make clear to tenants that actions which break the conditions of their tenancy agreement can result in legal action to evict them or in a reduction of their tenancy rights.
- 4.3 A SSST is a short term, probationary or temporary tenancy agreement that can be used in limited circumstances as defined in the Housing (Scotland) Act 2001 and amended by the Housing (Scotland) Act 2014.
- 4.4 The rights under a SSST are the same as a full SST except:
 - There is no right of succession to the tenancy;
 - There is no express statutory right for a landlord or tenant to terminate the agreement before the end of the agreed term;
 - Security of tenure is limited to the term of the SSST;
 - The Council is required to provide a reason(s) for seeking repossession and prove that it is reasonable that decree for repossession be granted.;
 - Members of the tenant's household have no right to have a notice of proceedings served on them if the Council seeks recovery of possession in accordance with the (Housing (Scotland) Act 2001, Section 36 and have no right to be sisted as parties to the action; and
 - Rights to take in a lodger, sublet, etc. under a SSST are limited to the period of the SSST, the Council would also have to have given the tenant permission in writing for this.
- 4.5 SSST's have also been altered in line with the 2014 Act to reflect the 12 month clause around assignation, subletting and joint tenancies.
- 4.6 The Council must provide housing support services where a SSST has been used on an ASBO ground or previous eviction ground (Housing (Scotland) Act 2001, Section 34 (7)). The services must be appropriate to enable the conversion of the SSST a SST.
- 4.7 The conditions of a SSST apply to new or existing tenants or other specified person. Any other specified person includes any joint tenant, any person that will stay in the household, any person visiting, subletting or lodging at the tenancy.

5. Legal Framework for the Use of a SSST

- 5.1 West Dunbartonshire Council will ensure that the Policy on the Use of SSST's complies with current legislation and promotes good practice, including the Housing (Scotland) Act 2001, the Homelessness etc. (Scotland) Act 2003, the Antisocial Behaviour etc. (Scotland) Act 2004 and the Housing (Scotland) Act 2014.

5.2 This legal framework sets out defined circumstances where a landlord has the power (but not a duty), to use a SSST. These are set out in paragraphs 1-7 of Schedule 6 to the 2001 Act, as amended by the Housing (Scotland) Act 2014 and are as follows:

1. Previous anti-social behaviour

Where an order for recovery of possession for antisocial behaviour has been issued against the prospective tenant (or any prospective joint tenants) within the last 3 years;

2. Anti-social behaviour order

Where the prospective tenant (or any prospective joint tenants) or a person who it is proposed will reside with the tenant is subject to an anti-social behaviour order (ASBO);

2a Other anti-social behaviour

Where a course of conduct of antisocial behaviour has been carried out within the previous three years as set out in Section 7 of the Housing (Scotland) Act 2014;

3. Temporary letting for employment

If a temporary let is needed for people to take up an offer of employment in the area;

4. Temporary letting for development

If temporary accommodation is needed pending development work on a current property, resulting in a material change to the building;

5. Accommodation for homeless persons

If temporary accommodation is to be let to a homeless person expressly on a temporary basis for six months or more in fulfilment of a duty imposed on a local authority by Part II (homeless persons) of the 1987 Act. (for example, if they are 'intentionally homeless' and therefore under homelessness legislation there is 'no duty to house'). Intentionality is not routinely being assessed in West Dunbartonshire, so we would expect the number of SSST's being used on this Ground to be low. This ground cannot be used to discharge duty for unintentionally homeless households where the duty is settled accommodation. Only grounds 1, 2 & 2a (antisocial related grounds) can be used to discharge duty for homeless households.

6. Accommodation for person already in receipt of housing support

if temporary accommodation is given to a person in receipt of housing support services;

7. Accommodation in property not owned by landlord

if the Council has leased the house from another body and the terms of the lease ban subletting under a Scottish secure tenancy; or

7a Temporary letting where another property owned

if temporary accommodation is needed by a person pending the making of arrangements in relation to a property they own which will allow the person's housing needs to be met (homeowners may be granted a SSST to allow them to make arrangements in respect of the

property they own, for instance to sell the property or make adaptations that will allow their housing need to be met. At present the Council's Allocation Policy does not however take home ownership into account when allocating homes).

- 5.3 Prior to the 2014 Act, the Council would have had to obtain an eviction order or anti-social behaviour order (ASBO), to use a SSST on grounds of anti-social behaviour. An additional ground in which a SSST may be used has been introduced by the 2014 Act is outlined at 2a – other antisocial behaviour) above - a tenant or person associated with the tenant has, within the previous 3 years, acted in an anti-social manner or pursued a course of conduct amounting to harassment.
- 5.4 To use a SSST on this ground, the Council must provide information that shows that the prospective tenant (or any prospective joint tenants) or a person who it is proposed will reside with the tenant, has within the period of 3 years preceding the date of service of the notice:
 - (a) acted in an antisocial manner in relation to another person residing in, visiting or otherwise engaged in lawful activity in the locality of a house occupied by the prospective tenant or by a person who it is proposed will reside with the prospective tenant, or
 - (b) pursued a course of conduct amounting to harassment of such other person, or a course of conduct which is otherwise antisocial conduct in relation to such other person.
- 5.5 'Antisocial' means causing or likely to cause alarm, distress, nuisance or annoyance to any person or causing damage to anyone's property. Harassment of a person includes causing the person alarm or distress. Conduct includes speech and a course of conduct must involve conduct on at least two occasions.
- 5.6 This means that where a prospective tenant, any one of prospective joint tenants, any visitors to their current accommodation, or anyone who is likely to live with them in their new property, has within the last 3 years, behaved antisocially towards anyone living in, visiting or going about their normal everyday activities in the locality of a house (occupied by the prospective tenant or by a person who it is proposed will live with the prospective tenant), or has harassed such a person on more than one occasion, landlords can consider offering a SSST for antisocial behaviour under the new 'other antisocial behaviour' ground.
- 5.7 A SSST cannot be used unless the household falls into one of these 9 grounds.

6. Identifying grounds where the power to use a SSST would be considered

New mainstream tenancies

- 6.1 For new mainstream tenancies a SSST can be used where one of the grounds in Schedule 6 exist. Best practice would be to identify whether any ground does exist at the application stage and discuss this with the applicant/prospective tenant early.
- 6.2 This helps applicant/prospective tenants understand why they may be provided a SSST and provide transparency around their housing options and to allow them time to address the issues. This would be reviewed again at the time of offer or by the annual review if sooner.
- 6.3 It is expected that for new mainstream lets, grounds that are likely to be identified and the use of a SSST considered will be grounds 1, 2, 2a (anti-social behaviour grounds) and potentially ground 6 (letting a property as temporary accommodation to a person in receipt of housing support services).
- 6.4 Scottish Government guidance identifies that using a SSST on any of the antisocial behaviour grounds is a significant step that will have consequences for both tenant and landlord.
- 6.5 If one of the anti-social behaviour grounds is identified (1, 2 or 2a), the following factors will be taken into consideration when deciding whether to offer a SSST:
- Who has behaved in an antisocial manner and their connection to the property;
 - Any other household members who could be considered as vulnerable;
 - The nature, duration and frequency of the antisocial behaviour;
 - The impact the antisocial behaviour is having on any other person such as neighbours and the community;
 - The action that has been taken to date to end the antisocial behaviour;
 - Whether a court order has been breached or if there are any convictions in that respect; and
 - Any other factors relevant to the case.
- 6.6 If Ground 6 is identified and that the use of a SSST is being considered to let a property on a temporary basis to a person who is in receipt of a housing support service, it is important to note that this ground cannot be relied on where the tenant simply requires housing support services. Instead, the tenant must already be in receipt of housing support services.
- 6.7 The decision to use a SSST for any mainstream let will be made by the relevant Team Leader in Housing Operations.

Discharge of homelessness duties

- 6.8 Local authorities have duties under the Housing (Scotland) Act 1987 to provide settled accommodation to unintentionally homeless applicants. The 1987 Act includes a list of the types of accommodation which are considered to be permanent accommodation to discharge a landlords homelessness duties.
- 6.9 The 2001 Act amended the 1987 Act to clarify that where the applicant is assessed as being unintentionally homeless the authority has a duty to secure the provision of permanent accommodation.
- 6.10 Permanent accommodation is defined by Section 31(5)(a), and (d) as accommodation secured by a **Scottish Secure Tenancy** or, in the private sector, by a Private Residential Tenancy.
- 6.11 The Housing (Scotland) Act 2014 now amends this list to include the use of a SSST to discharge a homelessness duty for settled accommodation if any of the antisocial behaviour grounds exist (ground 1, 2 and 2a).
- 6.12 Ground 5 (accommodation for homeless persons) has been used where a household had been assessed as Intentionally Homeless (and no duty to provide settled accommodation existed). Following changes to the homelessness legislation there is no longer a requirement to assess Intentionality and whilst there remains a power to do so we would expect homeless cases being given SSST's on this ground to be very few.
- 6.13 As noted above the use of a SSST on any of the antisocial behaviour grounds is a significant step that will have consequences for both tenant and landlord.
- 6.14 The Housing (Scotland) Act 2010, imposed duties on a local authority to conduct a housing support assessment for homeless applicants who are unintentionally homeless or threatened with homelessness and who they 'have reason to believe' need housing support services prescribed in the regulations (this would also apply to households where intentionally has not been assessed).
- 6.15 This assessment takes into consideration all the needs, including assessing any support needs and vulnerabilities, of the homeless household to ensure that the accommodation being offered meets the specific circumstances of the household. This will include the factors outlined at 6.4 where an anti-social behaviour ground is identified.
- 6.16 Depending on the circumstances of the individual case, and following the Scottish Government Guidance and the Homeless Persons (Provision of Non-permanent Accommodation) (Scotland) Regulations 2010, an **alternative** option to a SSST can be considered. Instead of discharging duty a supported tenancy within the homeless service for an initial 6 month period to provide support to address behaviours can be offered.
- 6.17 Care plans are monitored closely to determine whether behaviour has improved sufficiently to allow the household to be offered settled

accommodation. This is likely to include monitoring further complaints and their outcome and maintaining contact with the tenant and with those affected by any further antisocial behaviour.

- 6.18 When this has been shown to be the case, the use of a SSST after this period to discharge the “homelessness duty” for settled accommodation will not be seen as routine.
- 6.19 As part of the process of identifying settled accommodation, information will be shared with Housing Operations detailing the progress in addressing previous behaviours and outlining whether a SST or SSST will be used to discharge the “homelessness duty”.

Converting a SST to a SSST

- 6.20 In certain circumstances, a landlord can also serve a notice on a tenant converting an SST to a SSST. Prior to the 2014 Act, a SST could be converted to a SSST where a tenant (or any one of joint tenants) was subject to an ASBO.
- 6.21 The 2014 extends the circumstances in which a landlord can serve a notice on a tenant converting an SST to a SSST to include circumstances where the tenant (or any one of joint tenants), a person residing or lodging with, or a subtenant of, the tenant, or a person visiting the house has, within the period of 3 years preceding the date of service of the notice –
- (i) acted in an antisocial manner in relation to another person residing in, visiting or otherwise engaged in lawful activity in the locality of a house occupied by the person, or
 - (ii) pursued a course of conduct amounting to harassment of such other person, or a course of conduct which is otherwise antisocial conduct in relation to such other person.
- 6.22 During the period of conversion the Council will offer and encourage housing support as appropriate and monitor the position with regard to the antisocial behaviour (see Section 8).
- 6.23 This will be subject of a review as to whether any further notices to end the tenancy will be served in terms of the Housing (Scotland) Act 2001 or whether the tenancy will convert back again to a full SST. The SSST can be continued for a further 6 months by seeking an extension under section 35a of the Housing (Scotland) Act 2014, however the SSST cannot be continued in tacit relocation. If no notices are served to continue or end the tenancy it will automatically convert to a full SST at the end of its duration period.

7. Creating a SSST when a relevant Ground has been identified and agreed

7.1 A SSST is created in under Section 34 of the Housing (Scotland) Act 2001. In order to create an short Scottish secure tenancy from the outset, a [Section 34 Notice](#) must be served on the tenant **before** they sign the SSST.

7.2 The Section 34 Notice is a form prescribed by regulations. Therefore, this should be a strictly 'fill in the blanks' exercise. The Notice should not deviate from the form prescribed

The notice must state:

- that the tenancy is to be a SSST;
- The reason that it is offered instead of a Full SST (1-7 of Schedule 6 outlined at 5.3 above);
- the term of the tenancy (must be a minimum period of 12 months for Anti-Social Behaviour and 6 months in all other cases).

7.3 Once the tenant has been served with the Section 34 Notice, they may sign the SSST.

7.4 The length of a SSST is now dependent on the reason it is being used, meaning that it is now necessary to use two separate SSST agreements for these different grounds.

7.5 Section 35a of the 2014 Act states that if a SSST is used on the grounds of antisocial behaviour, the landlord may continue, by agreement, the SSST for a further 6 month period. It can no longer renew itself by tacit relocation. If no notices are served to continue or end the tenancy, it will automatically convert to a full SST after the 12 month period (or 18 months in cases where this has been extended).

7.6 SSST's used in these circumstances therefore be in place for up to 18 months to allow for sufficient time for support to be put in place to help address the antisocial behaviour. If during this period, the behaviour of the tenant does not improve, the Council will seek to evict the tenant.

7.7 SSST's used for grounds not related to anti-social behaviour do not automatically convert to a SST. If by the end of the period neither the council, nor the tenant has asked to end the tenancy, by tacit relocation it will renew itself for the same amount of time again. Alternatively, in agreement with the tenant, the tenancy can be renewed for a different period of time. This can be less than six months. The renewed tenancy will still be a SSST. If the council has asked to end the SSST, a notice to quit will be issued 2 months prior to the end date of the SSST. In this circumstance the tenant will only have to leave the property if the council then seek an eviction order, otherwise a SST will be granted.

7.8 SSST tenants are liable for the payment of rent. Tenants may apply for Housing Benefit or the Housing Costs element of Universal Credit if they

consider that they may be entitled to assistance with their rent. Tenants are responsible for making an application for Housing Benefit or Universal Credit as appropriate.

8. Housing Support and a case management approach

- 8.1 Housing support services are defined by the Housing (Scotland) Act 2001, as including any service that provides support, assistance, advice or counselling to an individual with particular needs with a view to enabling that individual to occupy or to continue to occupy, their home.
- 8.2 A landlord should ensure the provision of such housing support services as it considers appropriate to enable a SSST convert to a SST. We will make sure that when a SSST is used it will meet the individual needs of the tenant and support will be offered where required. Where support is required the support will be a condition of the SSST with a view to help it convert to a SST. Where the tenant doesn't engage with housing support this will be fed back to the Housing Officer at the case review meetings.
- 8.3 All support will be provided by our housing support services. If a SSST is being used for a mainstream let, the housing officer will refer the household to Housing Support. If a SSST is being used to discharge a "homelessness duty", Homeless Services will refer the household to Housing Support and inform Housing Operations that a SSST is being used.
- 8.4 The prospective tenant/joint tenant will participate in identifying and agreeing their support needs and care plan with their named Housing Support Worker. The Housing Support Worker will seek to ensure that the household is engaged with appropriate support services to address identified needs and it is the tenant's responsibility to engage with the support on offer as this will be an essential element in relation to the SSST being able to convert to a SST. If they don't engage with support services this will be seen as a breach of their SSST agreement.
- 8.5 The Housing Officer will be responsible for case managing all the SSST and for holding all case conference / review meetings.
Anti-social Behaviour Grounds
- 8.6 This policy endorses the Council's case management approach to joint and collaborative work in tackling issues of behaviour that cause concern.
- 8.7 Case conference meetings for SSST's created on antisocial related grounds will be held on a monthly basis, with the housing officer and other stakeholders updated regarding progress being made.
- 8.8 The composition of the case conference meeting will depend on the individual circumstances of the household and may include representatives from Housing Operations, Antisocial Behaviour Team and Housing Support Service. The case conference may also include other Council Services (such as HSCP) or external parties where appropriate.

Non anti-social behaviour grounds

- 8.9 For SSST's created on grounds other than those for anti-social behaviour, a review meeting will be held at 4 weeks, 8 weeks and 4 months into the SSST.
- 8.10 The composition of the review meetings will depend on the individual circumstances of the household and may include representatives from Housing Operations, Antisocial Behaviour Team and Homelessness Services. The case conference may also include other Council Services (such as HSCP) or external parties where appropriate.

9. Termination

- 9.1 West Dunbartonshire Council will make use of all available and relevant remedies to assist a tenant in a SSST and only terminate a tenancy as a last resort. The decision to terminate the SSST and seek to evict the tenant would be made at the case conference meetings. If the tenancy is to be terminated, the Council must take action for possession at least two months in advance of the end date of the tenancy and this must be borne in mind at the monthly reviews (case management meetings), a notice to quit must be issued to the tenant. This is because, as set out in section 36 of the Act, the notice of recovery of possession must specify a date, not earlier than two months, from the date of service of the notice.
- 9.2 The 2014 Act makes a number of changes to the law around recovery of possession of a tenancy under a SSST. Different processes now apply depending on whether recovery of possession is being sought at the end of a SSST (section 36 of the 2001 Act, Schedule 1 or Schedule 2 depending on the type of SSST) or during the term of the SSST (section 14 of the 2001 Act). The Council must now clearly set out why the tenancy is being recovered, notices of proceedings must therefore contain the following information:
- Reasons why the council requires possession of the house, stating the reasons why the council considers tenancy obligations to have been broken
 - A date for recovery.
- 9.3 The Short Scottish Secure Tenancies (Proceedings for Possession) Regulations 2018 set out the form of notice to be used for notifying the tenant of the Council's intention to raise proceedings for possession of the house. The form of notice at schedule 1 must be used where the SSST was created on any of the antisocial behaviour grounds (1, 2 & 2a of Schedule 6). The form of notice at schedule 2 must be used where the SSST was created on other grounds (3-7 of Schedule 6).
- 9.4 The Council recognises that the tenant also has a responsibility to ensure that their actions contribute to a successful outcome. If the tenant's behaviour has improved sufficiently to allow the tenancy to convert to a SST, the Council will issue a new tenancy agreement. Where a tenancy has converted to a SSST, tenants would not need to sign a new tenancy agreement. After the 12 month period (or further 6 month period) the tenancy would revert back to the original SST agreement. However to ensure the tenant has a record of when the

tenancy converted back to a SST the council will issue a letter advising of this and reinforcing the responsibilities they have under a their SST and the consequences of any further antisocial behaviour.

- 9.5 Should the tenant choose to terminate their tenancy they must follow the guidance on ending the tenancy as set out by Section 6 of the full SST.

A SSST can therefore be terminated by any of the following methods:

- Termination by the tenant;
- By written agreement;
- On death of the tenant;
- By Court Order once the fixed period of the tenancy has ended with Section 36 of the Housing (Scotland) Act 2001 and as amended by Section 11 of the Housing (Scotland) Act 2014, with no need to demonstrate any specific or management grounds in this case; or
- By Court Order in accordance with Section 14 or Schedule 2 of the Housing (Scotland) Act 2001.

10. Recovery

- 10.1 The Council can seek recovery of possession of a SSST on the same grounds applicable to SST (Housing (Scotland) Act 2001 Section 34(6) and (Housing (Scotland) Act 2001 Section 36(7)) and as amended by Section 11 of the 2014 Act.

In these circumstances, the court must grant an order for recovery of possession, provided:

- the tenancy has reached its term;
- the tenancy will not automatically renew under tacit relocation;
- no further contractual tenancy has been entered into.

- 10.2 Any order granted as above must appoint a date for recovery, and has the effect of terminating the tenancy and giving the landlord the right to repossess the house on that date.

- 10.3 Where the Council seeks to recover a SSST in accordance with Section 36 of the Housing (Scotland) Act 2001 and as amended by Section 11 of the 2014 Act, members of the tenant's household have no right to have a notice of proceedings served on them and have no right to be sisted as parties to the action.

- 10.4 The tenant has the right, to ask the Council to review the decision to seek recovery of possession before the case goes to court, see appeals sections for more information on this.

- 10.5 Recovery of a SSST on antisocial related grounds under section 14 of the housing act, where the SSST was granted under Section 35 paragraph 1, 2 or

2a of Schedule 6 of the 2001 Act cannot have proceedings raised for eviction unless:

- The correct statutory notice of recovery of possession, which includes the correct prescribed information, has been served;
- A tenancy obligation under SSST has been broken;
- The proceedings are raised on or after the date specified in the notice; and
- The notice is in force at the time the proceedings are raised.

It is important therefore to monitor these SSST cases closely in line with section 8 above.

11. Appeals

11.1 Section 11(c) of the Housing (Scotland) Act 2014 amends Section 36 of the 2001 Act giving the tenant the right of appeal to a Sheriff if they are not satisfied with a SSST being offered, their existing SST being reduced to a SSST or the decision to recover possession of the property. The Council should make tenants aware of this right in writing when offering a SSST, reducing an existing SST to a SSST or seeking recovery of the property. Any request for an appeal should be made in writing to the Area Co-ordinator in Housing Operations.

12. Policy Review

The policy shall be subject to review by the Council as required and at least on a three year cycle in conjunction with the Allocations Policy. An annual briefing note will also be provided stating numbers, grounds used and outcomes of SSST's.