



# Housing, Operations and Development Directorate – Housing Services

## Housing Management Policies

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## **1.0 Allocations**

## **Contents**

### **1.1 *Policy Statement***

*South Ayrshire Council let properties in accordance with the requirements of the Housing (Scotland) Act 2001. Properties are allocated giving reasonable preference to those most in housing need such as applicants living in overcrowded circumstances or in properties below the tolerable standard, those with large families and people who are homeless, or threatened with homelessness.*

*The Council aim to offer housing applicants as much choice as possible whilst also ensuring that available stock is used to its best potential in terms of meeting housing need within the local area.*

*The Council, as far as possible, aims to provide long term housing solutions for applicants requiring social rented housing. The need to create sustainable and stable tenancies and communities is an important aspect of the allocations process.*

### **1.2 *Principal objectives***

- To address housing needs in the area.
- To assess applications for housing in an objective, consistent and fair manner, complying with all relevant legislation and best practice.
- To let houses in a way that maximises choice for housing applicants.
- To make best use of available housing stock.
- To promote sustainable communities.

### **1.3 *Statutory Framework***

The statutory framework governing the allocation of housing in the social rented sector is set out in sections 19 and 20 of the Housing (Scotland) Act 1987, as amended by sections 9 and 10 of the Housing (Scotland) Act 2001.

### **1.4 *Equal Opportunities***

Section 106 of the Housing (Scotland) Act 2001 places a statutory duty on local authorities and Registered Social Landlord's to encourage equal opportunities and to prevent discrimination on the grounds of sex, marital status, race, gender, disability, age, sexual orientation, language or social origin. To comply with this statutory duty, we will:

- Provide services that reflect the Council's commitment to equality of access for all tenants, taking into account the particular needs of vulnerable groups.

- Take into account good practice in equal opportunities when we update our policies, procedures and service standards.
- Ensure that our policies, procedures, service standards and information material are accessible to all customers, by producing information in plain language and different formats on request that is clear and understandable.
- Have an impartial approach in the assessment of housing need and allocation of tenancies to applicants.
- We will also take into account other relevant legislation, e.g. Sex Discrimination Act 1975, Race Relations Act 1976 and the Disability Discrimination Act 1995.

### 1.5 ***Data Protection and handling confidential information***

The 1998 Data Protection Act is the legislation which protects confidential information.

South Ayrshire Council will not disclose information that is given to us in confidence without the consent of the individual to whom the information is pertinent. We will control access to personal information when sharing information with other agencies.

We will respect an applicant's right to confidentiality in dealing with their application and in the allocation of Council accommodation. In processing an application and undertaking work associated to this policy e.g. mutual exchanges etc, we will need to gather and confirm information in relation to an applicants housing, social and medical needs.

Checks which may be undertaken in relation to housing applications could for example include an exchange of information between us and:

An applicant's previous landlord  
 An applicant's GP  
 South Ayrshire Council's Community Care and Housing department  
 An applicants solicitor, e.g. in the case of a marital/relationship split  
 Customer's legal representative  
 Any representative authorised by the applicant to receive or provide information.

We will not discuss an application with someone else, unless we have written permission from the applicant to do so.

When handling confidential personal information we will promote, support and protect the privacy, dignity and rights of our customers.

We will follow good practice.

A breach of confidentiality will be investigated thoroughly and if necessary appropriate action will be taken.

Customers have certain rights to access the information held by the Council in respect of their communication and should they wish to do this they should write to the Housing Service requesting access to their file.

Applicants have certain rights to access the information held on their file and should they wish to do this they should write to the Housing Service requesting access to their file.

## 1.6 ***Performance and service standards***

We aim to adhere to the following nationally agreed performance standards published by the Scottish Housing Regulator:

### ***AS1.1 - Access to housing***

Ensure that all people have fair and open access to our housing list and assessment process. We work with others to maximise and simplify access routes into our housing.

### ***AS1.2 – Lettings***

Let houses in a way that gives reasonable preference to those in greatest housing need; makes best use of available stock; maximises choice; and helps to sustain communities.

We have adopted agreed service standards for areas of service provision including housing advice and information, and allocating houses. We will monitor our performance in delivering these standards of service and use the results to improve service delivery.

## 1.7 ***Admission to the Housing List***

In accordance with the Housing (Scotland) Act 2001, South Ayrshire Council (SAC) operates an 'open' housing list. This means that anyone aged 16 years and over is entitled to be admitted to the Housing List, however, offers of housing will be dependent on further eligibility criteria and associated policies.

## 1.8 ***Eligibility for Housing***

To be offered housing the applicant will either be 16 years or over and be a permanent resident in South Ayrshire, **or**, if living outwith South Ayrshire:

- (a) is employed in South Ayrshire, or
- (b) has accepted an offer of employment in South Ayrshire, or
- (c) is unemployed and actively seeking employment in South Ayrshire, or
- (d) wishes to move to South Ayrshire to be near a relative or carer, or has exceptional social or medical reasons for moving to South Ayrshire, or
- (f) wishes to move to South Ayrshire because of harassment, or
- (g) wishes to move to South Ayrshire because he/she runs the risk of domestic violence



There are certain factors we will not take into account when deciding on the allocation of a property. These include:

- Any rent arrears or other tenancy related liability no longer outstanding.
- Any rent arrears where the amount is no more than 1/12<sup>th</sup> of the annual rent or where the applicant has an arrangement for paying the arrears, has been keeping to the arrangement for at least 3 months and is continuing to make payments.
- Any outstanding debts such as Council Tax arrears, which are not directly attributable to the tenancy of the house.
- The applicants age, provided that the applicant has attained 16, except where houses have been designed or adapted for occupation by a particular age group or where they are in receipt of housing support services for a particular age group.
- The income of the applicant and his family.
- Whether or not the applicant or any of his family has or has owned heritable or moveable property.
- The length of time an applicant has resided in the area.

#### 1.9 ***Assessment of Housing Need***

We assess all applicants for housing on a fair and consistent basis. The placing on the housing/transfer list will be determined by the number of points awarded to an applicant, on the basis of their current circumstances. There is no maximum level of points that will be awarded to applicants.

We are required by the Housing (Scotland) Act 2001 to give reasonable preference to people who:

- are occupying accommodation which does not meet the tolerable standard.
- are overcrowded or have large families \* (see additional notes)
- are living under other unsatisfactory conditions.
- are homeless or threatened with homelessness.

\*Overcrowding points are awarded by South Ayrshire Council based on the following definition:

- Every person in the household aged 16+ should have their own bedroom
- Couples should have one bedroom
- Lone parents should have one bedroom
- One bedroom per pair of children under 10 years of age.

Points are awarded as follows:

Insecurity of tenure	10 or 15 points depending on rights to occupy current accommodation (excluding owner occupiers).
Overcrowding	10 points for each additional bedroom the household needs.
Sharing amenities with another household	8 points for each amenity shared.
Living in unsatisfactory housing conditions	10 points for each amenity lacked or fault suffered.
Medical points	<p>Medical points apply primarily to medical conditions that affect an applicant's (or a member of his/her household's) mobility. This will be assessed on information provided by the applicant.</p> <p>Waiting list applicants who are residing in temporary accommodation will have their need for medical points assessed only once, at the point of Homeless presentation, and the assessment will be based on their circumstances at the point they presented as homeless.</p>
Living in a caravan	10 points.
No fixed abode	24 points.
Children in Close Points	5 points per child under 14.
Tenancy Points	<p>1 point per complete year of tenancy at date of application.</p> <p>Tenancy points will not be awarded to sheltered or ground level applications.</p>
Undercrowding	10 points for every additional room beyond the requirements of the household, as defined above.
Homeless in SAC accommodation points	A standard award of 60 Temporary Accommodation Points will be awarded to waiting list applicants who are residing in South Ayrshire Council temporary accommodation. The 60 points will replace overcrowding points, sharing points, homeless points and lacking amenity points for these applicants.
Homeless not in SAC accommodation points	20 points for applicants who are assessed as homeless or threatened with homelessness and are not residing in SAC temporary accommodation.

More detailed information on the award of points can be found in the Allocations procedures.

In assessing housing need the first consideration must be given to any priority housing cases, which are as follows:

<p>Priority Medical (PMED)</p>	<p>Applicants will be awarded a priority medical status (PMED) where a move to more suitable accommodation is essential. Applicants will be moved to the top of the list and given one reasonable offer of housing.</p> <p>Where an applicant refuses one reasonable offer of housing their application will revert to a general application for selection under normal rotation.</p>
<p>Community Care Category (CCC)</p>	<p>Community Care Service Users are defined as:</p> <ul style="list-style-type: none"> <li>(i) People who are being discharged from long term hospital care.</li> <li>(ii) People leaving residential care to move into the community.</li> <li>(iii) People who are at risk of reception into residential care or admission to hospital.</li> </ul> <p>Applicants who are awarded a Community Care Category (CCC) will receive priority on the waiting list for suitable accommodation and will receive one suitable offer of housing. Applicants will be held for all neighbourhoods and appropriate property types and heating types relevant to their assessment, within their chosen lettings districts.</p> <p>Where an applicant refuses one reasonable offer of housing their application will revert to a general application for selection under normal rotation.</p>
<p>Young Care Leavers (16 -18 year olds for whom the local authority has a responsibility).</p>	<p>The Youth Housing Support Group will assess when a Young Care Leaver is ready to live in permanent housing. The Young Care Leaver will complete a housing application form and submit it to the Homeless Casework Co-ordinator. The applicant must choose Ayr and at least 2 additional areas of their choice.</p> <p>The Homeless Casework Co-ordinator will pass the application to the relevant area office and the application will be processed using Young Care</p>

	<p>Leaver priority housing status. The application will be placed at the top of the waiting list, ready to be allocated a suitable permanent tenancy.</p> <p>Where a Young Care Leaver has supported accommodation provided by Throughcare and this breaks down, and the person then presents as homeless they will still be considered for priority rehousing.</p> <p>Applicants under this category will be made one suitable offer of housing, and will be held for all house types, heating types and neighbourhoods in their chosen letting districts.</p> <p>The priority application with the earliest date of application will appear at the top of the list. Where an applicant refuses one reasonable offer of housing their application will revert to a general application for selection under normal rotation.</p>
Key Worker (KEY)	<p>Applicants whose employment warrants Key Worker status will be made one suitable offer of housing, and will be held for all house types, heating types and neighbourhoods in the chosen lettings districts. An applicant who refuses an offer will lose his/her KEY status and revert to a general application for selection under normal rotation.</p>
Priority Transfer Applicants	<p>Transfer applicants tenants living in high demand neighbourhoods, who are willing to downsize by at least two bedrooms, will be awarded priority for re-housing.</p> <p>Applicants under this category will be made one suitable offer of housing, based and will be held for <b>their choice</b> of house types, heating types and neighbourhoods in their chosen letting districts.</p> <p>Where an applicant refuses one reasonable offer of housing their application will revert to a general application for selection under normal rotation.</p>

The Council will also take into account the type of accommodation required in addition to the points to be awarded, e.g. amenity standard, wheelchair accessible, etc.

If an applicant who has been awarded a priority status refuses one suitable offer of housing, their application will revert back to general status.

If there is more than one suitable applicant for a vacancy with priority status, the property will be allocated to the applicant with the earliest date of priority status registration.

#### 1.10 ***Applicants in Special or Extreme Circumstances***

Applications, from people who are in circumstances which are not covered within the terms of this Allocations Policy, may be considered for priority for re housing by a Special Decision Making Panel.

The Decision Making Panel consists of Senior Housing Managers.

Applications will only be referred for consideration by the Panel if all possible solutions to the existing housing difficulties have been explored and investigated fully, and can be supported by evidence.

Allocations staff will determine when and if it is appropriate for an application to be referred to the Panel.

When considering applicants for priority for re housing, the Panel will take into account the following factors:

- All the circumstances and facts of the existing housing difficulties.
- The impact that priority for re housing would have on the prevention of future homelessness.
- The extent to which a move to alternative accommodation would resolve the existing problems.

The Panel will either award priority for re housing or refuse it. If priority for re housing is awarded, the Panel can attach conditions to the award of priority status, depending on the circumstances of the case.

If priority for suitable re housing is awarded, the applicant will be moved to the top of their re housing list, and will be given one offer of suitable accommodation. If the applicant refuses this offer of accommodation, their application will revert back to general status.

Applicants will be notified within 3 working days of the decision that is made by the Panel. Applicants will be entitled to appeal against the decision made by the Panel, by following the appeals procedure outlined in section 1.33.

## 1.11 **Choices and offers of housing**

Applicants can choose an unlimited number of letting neighbourhoods, house types and heating types.

Applicants will receive up to four suitable offers of housing. If an applicant refuses all four offers their application will be suspended for a year during which time waiting time points will still be awarded.

Applicants will be offered a property with the number of bedrooms required by their household as follows:

One bedroom for:

- Each adult couple or single adult over 16
- Two children of the same sex under the age of 16
- Two children under the age of 10 regardless of their sex
- Each unpaired single/adult couple or child

Applicants **can** request to be held for an additional bedroom more than they need for their household as follows:

- Single applicants and couples;
- Applicants who are 25 weeks pregnant or more and will require an additional bedroom for the unborn child where this child cannot be paired with another in the household;
- Applicants with two children, where one child is over 8 and where they are separated by at least a 4 year age gap. Due to the limited availability of 4 bedroom properties, this choice will not be offered if it would result in the household requiring a 4 bedroom property;
- Applicants with a medical condition may be considered for an extra bedroom where a particular condition warrants this, e.g. an applicant who requires a carer to be resident on a 24 hour basis, or a room is required for large medical equipment, e.g. dialysis machine;
- Parents who have residential access to children where they receive child benefit for the child/children.

Where there are no applicants on the waiting lists for a particular vacant property, consideration can be given to the applicants on other waiting lists who would under-occupy this property by a maximum of 1 bedroom.

If an applicant wishes to choose an additional bedroom, they will be required to sign a disclaimer form accepting that they understand housing benefit may be reduced if they have more bedrooms in their home than they need for their household.

Households waiting on 4 bedroom properties can choose to be placed on the 3 bedroom list if there are no 4 bedroom properties in their chosen letting

neighbourhoods. Overcrowding points will not be awarded for the additional rooms required if this choice is made.

### 1.12 ***Offer suspensions***

Applicants may be suspended from receiving offers of housing in the following circumstances:

- Outstanding tenancy related debt, (where the amount owed is more than one twelfth of the annual rent payable, and no workable repayment arrangement has been in place for 3 months).
- Adaptations have been carried out to an existing SAC tenancy and the tenant has no demonstrable need to move.
- Previous history of Antisocial Behaviour, (dependent on the severity of the previous behaviour, the nature, duration and frequency of behaviour and the ability to evidence this).
- Unsatisfactory tenancy references (covering last 3 years).
- Failed a transfer inspection.
- An applicant has refused a fourth offer of housing.
- An applicant has requested that their application be suspended.

Suspended applications will be actively managed and reviewed and applicants will be notified in writing of any suspended application, and the reason for the suspension.

Waiting time points will continue to be awarded during the period of suspension. For applicants who have previously been perpetrators of Antisocial behaviour, or who have been subject to unsatisfactory tenancy references, discretion will be applied by the Co-ordinator (Housing Services) to determine if the application should be suspended from receiving offers.

### 1.13 ***Cancelling applications***

Applications for housing will be cancelled in the following circumstances:

- The applicant is now deceased.
- The applicant has requested that their application be cancelled.
- The applicant has repeatedly failed to respond to correspondence.

The applicant will be notified in writing that their application has been cancelled, and will be provided with the reason for the cancellation.

The criteria for 'failing to respond to correspondence' are one initial letter, followed by a second letter 14 days later. If the applicant fails to respond, the application will be cancelled. The applicant will have up to 4 weeks to request it is reinstated.

The cancellation criteria also apply to applicants who fail to update their application review forms.

### 1.14 ***Ground Level***

In the case of ground level properties or those with ground floor facilities, vacancies will ordinarily be allocated to ground level medical applicants. Discretion will be applied to allocate ground level properties to mainstream applicants, including homeless applicants. Applicants who were awarded 8,9 or 10 medical points under the previous medical priority policy will be considered before those with fewer medical points.

### 1.15 ***Amenity Housing***

Properties that have been designated as amenity housing will be allocated to applicants taking into account the following criteria:

- The housing application should be for ground floor housing.
- Applicants who have a medical condition affecting mobility, i.e. difficulty with walking or climbing stairs should be given priority.
- A move to ground level/amenity housing would benefit the applicant or improve the medical condition or existing circumstances of the applicant.

The urgency with which the applicant requires to be re-housed should be taken into account.

- The age of the applicant, i.e. an applicant may not have a qualifying medical condition, but still demonstrate a need for amenity/ground level housing due to age.

Applicants who are at the top of the list, but do not demonstrate any need in terms of the above will be bypassed from receiving offers of amenity housing.

Applicants who are at the top of the list, but do not demonstrate any need in terms of physical mobility will be bypassed from receiving offers of properties with equipment and adaptations.

### 1.16 ***Local Lettings Initiatives***

Local lettings initiatives will be implemented when considering applicants for properties where there is a low demand for housing in specific areas. Local lettings initiatives take into account restrictions on residency requirements and the reasonable preference provisions of the legislation.

### 1.17 ***Sensitive letting***

Sensitive Lettings are for cases where, for social reasons, it is necessary to exercise discretion in tenant selection, and, therefore, there is a departure from routine practice, such as selecting an applicant from the top of the list. In such cases, a judgement is made about the suitability of the applicant for the vacancy concerned, in the context of the applicant's circumstances and issues regarding the property and or its location. The aim is to secure the social well being of the applicant and the cohesiveness of the local community and neighbourhood.



Sensitive lettings involves bypassing applicants at the top of the list where it is felt by managers that the allocation would lead to an unsustainable let or surrounding community.

The criteria where sensitive lettings may be used is as follows:

- a) Applicants who have been evicted for ASB or who have been subject to an ASBO within the last 3 years.
- b) Applicants who are known to Community Care and Housing, and or the Police, and who require the suitability of an offer to be checked prior to the offer being made.
- c) Applicants who are known fire raisers.
- d) Applicants who have been subject to unsatisfactory tenancy references for tenancies they have held in the last three years, relating to previous social conduct, (including previous SAC tenancies).
- e) Applicants who have social problems, e.g. addictions, and the allocation of a property would not be suitable for their needs or would not create a balanced or sustainable let.
- f) Applicants who have previously been issued with warnings while residing in temporary accommodation or have had their temporary accommodation withdrawn due to their conduct or behaviour.
- g) Applicants who have been responsible for serious Antisocial Behaviour whilst residing in a previous or current property, i.e. they may not have been the tenant, and the property may not have been a Council property.
- h) Any other criteria where Co-ordinator – Housing can evidence that the applicant is not suitable for the offer.

Sensitive letting will be administered using a thorough audit trail process, so that the system is fully transparent and accountable.

### 1.18 ***Sheltered Housing***

To assess the suitability of the applicant for sheltered housing and to determine whether the applicant will be classified as having a high, medium or low priority, points will be awarded as follows:

High priority (12 points) - Sheltered accommodation is essential for the applicant or the joint applicant.

Medium priority (8 points) - Sheltered accommodation would benefit them.

Low priority (4 points) - Sheltered accommodation satisfies an aspiration, but is not essential nor of any specific or known benefit to the applicant.

In the allocation of sheltered housing, we will use a guideline of 60 years and over for applicants to generally be considered. However, we will not restrict younger applicants from accessing sheltered housing, where they demonstrate a need for this type of accommodation.

Applicants who qualify for sheltered housing will be held on the sheltered sublist, and will only be considered for sheltered properties.

Applicants who are currently tenants of a South Ayrshire SHU may apply to transfer to another SHU. Such transfer applications will be classified as a low priority, except where their current property has been assessed as unsuitable or the applicant currently lives in a property which is above ground level, without a lift, and he/ she wishes to transfer to a ground level SHU property.

Any applicant who transfers from the ground level medical list to the sheltered housing list (or vice versa) will have their waiting points calculated from the date of the first application.

### 1.19 **Tenancies**

All South Ayrshire Council houses are generally let as a Scottish Secure Tenancy (SST). A Short Scottish Secure Tenancy (SSST) with support will only be offered where there is justifiable reason to believe that the applicant will be unable to sustain a full SST. The specific circumstances in which a SSST will be offered are outlined in sections 34 & 35 and Schedule 6 of the Housing (Scotland) Act 2001. The Council will grant a SSST in the following circumstances:

#### *Previous Antisocial Behaviour*

- If the tenant, or a member of their household, has been previously evicted, (anywhere in the UK), for antisocial behaviour in the last 3 years.
- The tenant is, (or a member of their household is), currently subject to an antisocial behaviour order.

Offering a SSST on this basis permits the Council to discharge homeless duty to an unintentionally homeless person.

Housing Support will always be provided with a SSST when created on this basis.

#### *Applicant Requires Support to Sustain a Tenancy*

The Council can offer a SSST with support to an applicant who is homeless in the circumstances prescribed by the Homeless Persons Interim Accommodation (Scotland) Regulations 2002. In this instance if the applicant is unintentionally homeless and requires support provision as outlined in the regulations, the Council can offer a SSST as a means of permanent accommodation.

The support provision requirements in the regulations are as follows:

- a) a housing support services assessment for an applicant has concluded that the applicant or any other person residing with that applicant requires housing support services which cannot reasonably be provided within permanent accommodation; and
- (b) as a result of that housing support services assessment, the local authority is providing an applicant or any person residing with that applicant with interim accommodation together with housing support services in connection with that interim accommodation which include-
  - (i) all services required in terms of the housing support services assessment;

- (ii) access to independent advocacy and information services in connection with the services;
- (iii) a timetable, agreed with the applicant, for the provision of the interim accommodation and housing support services;
- (iv) an end or review date for the provision of services and interim accommodation, which date shall not be later than a date six months from the date on which the interim accommodation was first provided;
- (v) a written record of the housing support services assessment, detailing the services that are to be provided and the timetable.
- (vi) a mechanism to monitor the use of interim accommodation and the long term outcomes for each applicant.

A SSST can be offered to a housing applicant who is not homeless on the basis of requiring support. In this case a support assessment will still be carried out and the support provision will be agreed and planned with the prospective applicant.

All SSST'S will be recorded, managed and monitored with a view to successfully converting as many as possible to full SST's within a twelve month period.

## 1.20 **Successions**

We will assess requests for a succession to tenancy on the death of a tenant, in terms of Section 22 and Schedule 3 of the Housing (Scotland) Act 2001. The qualifying criteria for succession to a tenancy has been updated to take account of the legislative change effective from 1 November 2019.

There are three levels of priority for succession to a Scottish secure tenancy. Who is eligible to succeed to a tenancy is determined by priority:

- First priority goes to a tenant's surviving spouse or civil partner, someone living with the tenant as husband or wife (this can include a same sex partner) or a surviving joint tenant. There is no length of residency requirement for a spouse, civil partner, or joint tenant to succeed to the tenancy. However, for someone living with the tenant as husband or wife, there is a requirement that the house must have been their only or principal home for a minimum period of 12 months prior to the death of the tenant. The length of residency is only counted from the date that the tenant notified the Council that the person had moved in;
- Second priority - if no one in the first priority category qualifies, or chooses to succeed, then the second level of priority goes to a member of the tenant's family aged at least 16. There is a requirement that the house must have been the family members only or principal home for a minimum period of 12 months prior to the death of the tenant. The length of residency is only counted from the date that the tenant notified the Council that the person had moved in; or
- Third priority - if no one in the first two priority categories qualifies, or chooses to succeed, then the third level of priority goes to a carer who is

providing, or who has provided care for the tenant, or a member of the tenant's family. The carer must be aged at least 16 and have given up his/her previous only or principal home, to be qualified to succeed. There is a requirement that the house must have been the carers only or principal home for a minimum period of 12 months prior to the death of the tenant. The length of residency is only counted from the date that the tenant notified the Council that the person (carer) had moved in.

In all three cases, the house of the deceased tenant must have been the only or principal home for the qualifying person. If the tenancy began on or after 30<sup>th</sup> September 2001, the tenancy can only be succeeded to on two different occasions by a qualifying person. Discretion in this instance may be applied by managers, where successions to the tenancy have taken place before this date.

If a person declines an offer of succession, they must confirm this in writing to the Council within 28 days of the tenant's death.

Where properties have been adapted for people with particular needs, there are restrictions on who is able to succeed to the tenancy. Only a spouse, cohabitee, civil partner, joint tenants or persons with particular needs can succeed to that tenancy. Other persons who would otherwise be qualified to succeed will have a right to other suitable alternative accommodation. Suitable accommodation is defined Part 2 of Schedule 2.

### **Succession and under-occupancy**

If the person succeeding to the tenancy could be placed in an under-occupancy situation, advice and guidance will be given in accordance with Housing Benefit and Universal Credit Housing Cost Regulations.

Succession will not occur without the Council's written permission.

A decision will be made within 1 month of receipt of the application. If the request is refused, reasons for the refusal will be given, and will be in accordance with the legislation.

**N.B. There is no automatic right of succession or right to assign the tenancy of the lock-up. Where reasonable grounds exist the Co-ordinator (Housing Services) will decide if the request is to be granted, e.g. transferring the lock-up to a wife following the death of a husband.**

## **1.21 Assignations**

We will assess requests to assign the tenancy of a property in terms of Section 32 and Schedule 5 of the Housing (Scotland) Act 2001.

The qualifying criteria for assignation to a tenancy has been updated to take account of the legislative change effective from 1 November 2019.

There is a residency requirement to be eligible to be assigned a tenancy. The prospective person(s) to whom the property is to be assigned to, must have lived in the property as their only or principal home for a period of at least 12 months prior to the application to the Council being made to request an assignation.

The tenant or person in question, must have notified the Council that the proposed assignee was residing in the property at least 12 months prior to the application. The length of residency is only counted by the Council from the date that the tenant notified the Council that the person had moved into the property.

A tenant who wants to assign (pass) his/her tenancy must apply in writing on the official form available.

Assignations may be refused in the following circumstances:

- A Notice of Proceedings has been issued to the tenant, and remains live.
- Assignation would lead to overcrowding within the definition of this policy.
- Major repair work is scheduled to take place on the property.
- Unsatisfactory tenancy reference has been received for proposed assignee.
- The tenant has been the perpetrator of previous ASB, and the case remains live.
- Outstanding tenancy related debt.
- The property has been adapted for a person with disabilities, and the proposed assignee does not have a need for an adapted property.

In the cases of unsatisfactory tenancy references, discretion may be applied by managers to determine if the assignation can go ahead.

#### **Assignation and Welfare Reform (under-occupancy)**

If the assignation could result in an under-occupancy situation, advice and guidance will be given in accordance with Housing Benefit and Universal Credit Housing Cost Regulations.

A decision will be made within 1 month of receipt of the application. If the request is refused, reasons for the refusal will be given, and will be in accordance with legislation.

**N.B. There is no automatic right of succession or right to assign the tenancy of the lock-up. Where reasonable grounds exist the Co-ordinator (Housing Services) will decide if the request is to be granted, e.g. transferring the lock-up to a wife following the death of a husband.**

#### **1.22 Mutual Exchanges**

Existing Scottish Secure tenants of South Ayrshire Council have the right to apply for permission for a Mutual Exchange with another public sector or Registered Social Landlord tenant. Such requests will be considered under the terms of Section 33 and Schedule 5 of the Housing (Scotland) Act 2001.

Tenants who wish to request a mutual exchange must apply in writing on the official form available.

Mutual Exchanges may be refused on the following grounds:

- A Notice of Proceedings has been issued to the tenant, and remains live;

- The exchange would lead to overcrowding for one of the households within the definition of this policy, or an excess number of bedrooms as defined within the terms of this policy;
- Major repair work is scheduled to take place on either property;
- An unsatisfactory tenancy reference has been received from another social landlord re one of the tenants;
- Either tenant has been the perpetrator of previous ASB, or the case remains live;
- Tenancy related debt; or/and
- The property has been adapted for people with disabilities and the proposed new tenant does not have this type of housing need and demand exists on the housing list for an adapted property of this type in this neighbourhood.

In the cases of unsatisfactory tenancy references or previous ASB, discretion may be applied by managers to determine if the exchange should go ahead.

### ***Alleviating Housing Need***

Mutual Exchange applications should not normally be granted where the exchange would lead to (or worsen) overcrowding for one, or both of the households, or lead to or increase the number of excess bedrooms available to the applicant as defined in Section 1.11 of this policy.

A mutual exchange can, however, be granted where the exchange would improve (but not worsen) the housing situation of one or both applicants in one or more of the following circumstances:

- An exchange would reduce existing levels of overcrowding or undercrowding; and/or
- The mutual exchange would improve the housing situation of applicant(s) who have a medical condition affecting mobility, i.e. difficulty with walking or climbing stairs; and/or
- The mutual exchange would allow the needs of an applicant who requires an adapted property (as assessed by an Occupational Therapist) to be met by exchanging with an applicant who does not require the existing adaptations within their property: and/or
- The mutual exchange would allow the applicant to be nearer to a relative or carer; and/or
- The mutual exchange would allow an applicant to be nearer their place of employment.

Note - The other conditions in Section 1.22 above would still apply which may result in refusal of an application to mutual exchange.

Each party wishing to exchange must agree that the property is in an acceptable condition for them.

Where an applicant is not a South Ayrshire Council tenant, the Council will require the agreement of the other landlord and a satisfactory tenancy reference.

A decision will be made within 1 month of receipt of the application. If the request is refused, reasons for the refusal will be given.

### 1.23 **Subletting**

Existing tenants may apply to sublet their property. The tenant must get written permission from the Council to do this. Permission will not be unreasonably refused.

The qualifying criteria for subletting a tenancy has been updated to take account of the legislative change effective from 1 November 2019. From this date, the tenant requesting the sublet must have lived in the property for at least 12 months.

The request to sublet may be refused in the following circumstances:

- A Notice of Proceedings has been issued to the tenant, and remains live.
- The sublet would lead to overcrowding.
- Major repair work is scheduled to take place on the property.
- Unsatisfactory tenancy reference has been received from another landlord re the proposed sub tenant.
- The tenant or proposed sub tenant has been the perpetrator of previous ASB, or the case remains live.
- Outstanding tenancy related debt.
- The property has been adapted for the use of the tenant, and the proposed sub tenant does not require to live in an adapted property and demand exists on the housing list for an adapted property of this type in this neighbourhood.

The following rules apply to subletting:

- A sublet will only be granted for an initial 6 months, up to a maximum of one year.
- The rent charged must be no more than the Council rent, and the deposit no more than 4 fortnightly rent payments.
- The tenant will be responsible for paying the rent to the Council and ensuring the sub tenant adheres to the tenancy agreement.
- The house must be occupied by the sub tenant at the start of the sub let.
- The tenant must get permission from the Council to increase the amount of rent charged, which cannot be more than the Council charge.
- Council must be informed of any changes in circumstances.
- The tenant must inform the Council in writing no less than 2 months before the end of the period of sub let, to confirm they will be returning to the Council.

### 1.24 **Lodgers**

Existing tenants can apply in writing to take in a lodger. The Council must provide written permission to do this. Permission will not be unreasonably refused by the Council.

- A Notice of Proceedings has been issued to the tenant, and remains live.
- Taking in a lodger would lead to overcrowding.
- Major repair work is scheduled to take place on the property.
- Unsatisfactory tenancy reference has been received from another landlord re the proposed lodger.
- The tenant or proposed lodger has been the perpetrator of previous ASB, or the case remains live.
- Outstanding tenancy related debt.
- The property has been adapted for the use of the tenant, and the proposed lodger does not require to live in an adapted property.

The following rules apply to lodger requests:

- The rent charged must correspond with the number of bedrooms in the house.
- Any deposit must not be more than 4 fortnightly rental payments.
- The tenant will continue to be responsible for paying the rent to the Council, the behaviour of the lodger, and adhering to the tenancy agreement.
- The tenant must request written permission from the council to increase any rent payments.

#### 1.25 ***Allocation of Housing to EU Nationals***

Housing and homelessness assistance will be allocated to EU and A2 nationals in accordance with the Immigration (European Economic Area) Regulations 2006 and immigration law and The Persons Subject to Immigration Control, (Housing Authority Accommodation and Homelessness) Order 2000.

EU applicants will be required to evidence that they meet the relevant qualifying criteria outlined in the regulations, to be eligible to receive offers of housing and homelessness assistance.

The Council will not suspend an application from an EU national unless it cannot be evidenced that they meet the relevant qualifying criteria in terms of the regulations.

#### 1.26 ***Matrimonial Disputes and Relationship Breakdown***

If the court awards the tenancy of the matrimonial home to one spouse or partner, the person who loses or fails to gain the tenancy and applies for housing will be awarded tenancy points equal to the time he/she has continuously tenanted/occupied the matrimonial home, and any other points to which he/she is entitled.

A tenant who voluntarily assigns the tenancy of the matrimonial home to his/her spouse/partner, and leaves the house permanently and applies for housing, will be awarded points equivalent to tenancy points for the time he/she occupied the matrimonial home/s and any other points to which he/she is entitled.



A tenant who wishes to assign the tenancy of the matrimonial home to his/her spouse/ partner and intends to continue living in the house will be allowed to do so, provided the tenancy has been conducted satisfactorily and the rent is paid up to date.

### **1.27 Applications for Joint Tenancies**

An application for a joint tenancy can be applied for at any time. Applications should be made in writing using the relevant application form.

A decision should be made on a request for a joint tenancy within 1 month from the date the application form is received.

A request for a joint tenancy will not be unreasonably refused.

A request may be refused in the following circumstances:

- A Notice of Proceedings has been issued to the tenant or proposed tenant, and remains live.
- The joint tenancy would lead to overcrowding as defined within this policy.
- Major repair work is scheduled to take place on the property.
- Unsatisfactory tenancy reference has been received for the tenant or proposed tenant.
- Either the tenant or proposed tenant has been the perpetrator of previous ASB or has been evicted for ASB, or the case remains live.
- Either the tenant or proposed tenant owes outstanding tenancy related debt to the Council, and has not met any of the exceptions stated in section 1.8 of this policy.

In cases of unsatisfactory tenancy references and previous or existing ASB, discretion may be applied by Managers to determine if a joint tenancy should be granted.

### **1.28 Applicants Living In Tied Accommodation**

For applicants occupying accommodation in South Ayrshire as a proven condition of their employment, their application will be reviewed, and made live on receipt of written confirmation from their employer that they will be required to leave the tied accommodation by a specified date.

Waiting time points will be awarded from the date the applicant took up occupancy of the tied accommodation at the rate of 4 points per complete year. If the applicant had a current application for housing on entering tied accommodation, waiting points will be awarded from the date of this application.

Points will also be awarded for housing need as detailed in section 1.9 of the allocations policy. Where an applicant indicates that they are living in unsatisfactory housing condition they will require written confirmation from their employer.

Waiting points in respect of previous tied tenancies in South Ayrshire will only be taken into account if residence in tied accommodation has been continuous.

If an applicant does not receive a suitable offer of housing prior to the date they are due to leave employer's accommodation, they will continue to be eligible to receive offers of housing provided they have not secured alternative accommodation which they have a legal right to occupy, and the application has not been suspended for any reason.

Tied applicants who own, or have a legal right to occupy accommodation other than the tied accommodation, will be treated as normal housing list applicants, and their circumstances will be assessed as if they were living in that accommodation. Waiting time points will be awarded from the date of application.

For example, suitable and adequate accommodation includes, but is not restricted to:

- (i) An assured tenancy
- (ii) A secure tenancy with another local authority
- (iii) A property owned by the applicant and/or his/her partner

The rules in this section will also apply to a surviving partner who confirms that he/she has to leave tied accommodation because of a partner's death.

Where an applicant provides written confirmation that they have split from their spouse/partner, their spouse/partner may apply to be housed on a separate housing application. They will be entitled to receive waiting time points from the date they were registered on the original application as a spouse/partner, and their circumstances will be assessed on the accommodation in which they currently reside.

If an applicant moves outwith South Ayrshire, his/her application will be assessed in accordance with the criteria set out in section 1.8 of the allocations policy.

If an applicant did not have an application for housing while occupying tied accommodation, and has now left tied accommodation, and has not secured accommodation which they have a legal right to occupy, they may apply retrospectively. Waiting time points will be awarded back to the date they entered tied accommodation, on receipt of written confirmation from their previous employer. This request must be made within 12 months of the date the applicant left tied accommodation.

#### 1.29 ***Applicants serving in H.M. Forces***

Applications from applicants serving in HM forces will be reviewed, and made live on receipt of written confirmation received from their Commanding Officer that they will be required to leave the forces by a specified date.

Waiting time points will be awarded from the date the applicant entered H.M. Forces at the rate of 4 points per complete year. If the applicant had a current application for housing on entering H.M. Forces, waiting points will be awarded from the date of this application.

Applicants who own, or have a legal right to occupy other accommodation will be treated as normal housing list applicants, and their circumstances will be assessed as if they were living in that accommodation. Waiting time points will be awarded from the date of application.

Points will also be awarded for housing need as detailed in section 1.9 of the allocations policy. Where an applicant indicates that they are living in unsatisfactory housing condition they will require written confirmation from their Commanding Officer.

If an applicant does not receive a suitable offer of housing prior to the date they are due to leave H.M. Forces, they will continue to be eligible to receive offers of housing, provided they have not secured alternative accommodation which they have a legal right to occupy, and the application has not been suspended for any reason.

The rules in this section will also apply to a surviving partner who confirms that he/she has to leave forces accommodation because of a partner's death.

Where an applicant provides written confirmation that they have split from their spouse/partner, their spouse/partner may apply to be housed on a separate housing application. They will be entitled to receive waiting time points from the date they were registered on the original application as a spouse/partner, and their circumstances will be assessed on the accommodation in which they currently reside.

If an applicant moves out-with South Ayrshire, his/her application will be assessed in accordance with the criteria set out in section 1.8 of the allocations policy.

If an applicant did not have an application for housing while serving in H.M. Forces, and has now left service, and has not secured accommodation which they have a legal right to occupy, they may apply retrospectively. Waiting time points will be awarded back to the date they entered H.M. Forces on receipt of written confirmation from their former Commanding Officer. This request must be made within 12 months of the date the applicant left H.M. Forces.

### 1.30 ***Applicants Admitted to Prison***

The Council will not take legal action against a tenant unable to occupy their property because they are in prison, provided they are able to return within 13 weeks and adhere to all conditions of tenancy including maintaining a clear rent account. If they are unable to return within 13 weeks, they will be expected to relinquish their tenancy

### 1.31 ***Applicants Discharged From Prison***

Applicants who are in prison may apply for housing providing that their only or principal home was in South Ayrshire immediately prior to their imprisonment or otherwise fulfil one of the criteria set out in section 1.8 of this policy.

Applications will be made live when confirmation of the applicant's expected release date is received and will be treated as a normal housing application. When

the applicant is released, the application will be assessed on their housing circumstances at that time.

No points will be awarded for housing need (e.g. overcrowding or sharing facilities) during an applicant's stay in prison. Points will be awarded according to the applicant's circumstances on his/her discharge.

### 1.32 ***Living in a Caravan or any other moveable structure i.e boat/bus***

Applicants who currently occupy a pitch at the Council's Travelling Person's site at Girvan will not be entitled to points for lack of amenities as these are provided on site.

For the purpose of assessing overcrowding the length of caravan will be used to determine its bedroom capacity:

<u>Length of Caravan</u>	<u>Assessed As</u>
35 feet or less	one bedroom house
Over 35 feet	two bedroom house

The rules for admission on to the Council's waiting lists will apply to applicants living in a caravan.

Applicants will not be required to occupy a registered site, but may be living on a seasonal site or elsewhere.

### 1.33 ***Information and Advice***

The Housing (Scotland) Act 2001 imposed on local authorities new duties in relation to the provision of housing advice and information.

South Ayrshire Council's Housing Advice and Information Strategy has been developed following a review of housing advice and information provision in the Council's area and in consultation with a wide range of partners and service users. See Housing Advice Resource Pack.

By working in partnership with other advice and information providers this strategy aims to develop a co-ordinated approach to the provision of housing advice and information to:

- Improve the delivery of Housing Advice and Information within the Housing Service.
- Improve access to quality housing advice and information.
- Effectively record and monitor the provision of housing advice and information.
- Prevent homelessness through early intervention and identification of those at risk of homelessness.

- Improve communication and joint working arrangements with other providers.

Details of how these objectives will be met are contained in the Housing Advice and Information Strategy, which can be obtained on request.

#### 1.34 ***Working with other housing providers***

The Council has Nomination Arrangements in place with Registered Social Landlords (RSL'S). These arrangements provide the Council with the right to nominate applicants from the Council's Housing List for vacancies arising within the RSL's housing stock. The Council will be entitled to 50% or 100% of available properties for applicants on our housing lists, depending on the individual arrangement. The agreements will not provide the Council with the right to allocate such vacancies and such allocations will be carried out in accordance with the RSL's Allocations Policy.

Under the Homelessness etc. (Scotland) Act 2003, the Council has a Section 5 protocol in place with RSL's in South Ayrshire. Section 5 places a statutory duty on housing associations and other RSLs to provide accommodation to people who are homeless.

Section 5 nominations will form part of the total Nomination Agreement quota, which has been agreed with the individual RSL's.

All housing applicants will be asked to indicate whether they wish to be considered for a nomination to RSL's, and on request, will be provided with further information regarding the RSL such as tenancy arrangements etc.

The Council will nominate homeless applicants to be housed by RSL's where the Council has a permanent duty to house the applicant. The RSL shall comply with a request for accommodation within a reasonable period unless there is good reason for it not to be provided.

All Section 5 nominations will be recorded and monitored on a regular basis.

#### 1.35 ***Appeals***

Refer to section 3.7 of the Customer Care policy.

#### 1.36 ***Policy Review***

This policy will be reviewed in accordance with legislative change and Good Practice as a minimum every two years.

## **2.0 Antisocial behaviour**

## **Contents**

### **2.1 *Policy Statement***

*Housing Services will manage Antisocial behaviour concerning Council tenants. We will work with other agencies to develop local solutions to local problems.*

*We believe everyone has the right to the peaceful enjoyment of their home and where tenants do not adhere to the conditions outlined in their tenancy agreement, we will take appropriate action where necessary to deal with breaches of these conditions.*

### **2.2 *Principal Objectives***

- To work in partnership with other Council departments, the Antisocial Behaviour Team, Noise Nuisance Team, Environmental Health and the local police to prevent Antisocial behaviour (ASB) within the local community.
- To ensure that people understand the responsibility of being a good neighbour, and tenants adhere to the conditions outlined within their tenancy agreement.
- To respond and investigate reports of antisocial behaviour within the areas and houses we manage in a consistent and non-discriminatory way.
- Take action, where necessary, to resolve complaints using measures contained within the Antisocial Behaviour etc. (Scotland) Act 2004.
- To ensure, as far as possible, that every tenant and resident has the right to the peaceful enjoyment of their home.
- Our approach to Antisocial behaviour will incorporate the principals of the South Ayrshire Council Antisocial Behaviour Strategy, within our procedures.

### **2.3 *Statutory Framework***

South Ayrshire Council will ensure that our Antisocial Behaviour Policy complies with the requirements of the Housing (Scotland) Act 2001, Housing (Scotland) Act 2014, the Antisocial Behaviour etc (Scotland) Act 2004 and, chapter II of the Crime and Disorder Act 1998 and the Environmental Protection Act 1990.

We will also work within the objectives set out in the South Ayrshire Antisocial Behaviour Strategy.

## 2.4 ***Equal Opportunities***

Section 106 of the Housing (Scotland) Act 2001 places a statutory duty on local authorities and Registered Social Landlord's to encourage equal opportunities and to prevent discrimination on the grounds of sex, marital status, race, gender, disability, age, sexual orientation, language or social origin. To comply with this statutory duty, we will:

- Provide services that reflect the Council's commitment to equality of access for all tenants, taking into account the particular needs of vulnerable groups.
- Take into account good practice in equal opportunities when we update our policies, procedures and standards.
- Ensure that our policies, procedures, standards and information material are accessible to all customers, by producing information in plain language and different formats on request that is clear and understandable.
- Have an impartial approach in finding satisfactory resolutions to antisocial behaviour issues.
- We will also take into account other relevant legislation, e.g. Sex Discrimination Act 1975, Race Relations Act 1976 and the Disability Discrimination Act 1995.

## 2.5 ***Data Protection and handling confidential information***

The 1998 Data Protection Act is the legislation which protects confidential information.

South Ayrshire Council will not disclose information that is given to us in confidence without the consent of the individual to whom the information is pertinent. We will control access to personal information when sharing information with other agencies.

We will respect a customer's right to confidentiality in dealing with issues of antisocial behaviour. In investigating and resolving antisocial behaviour issues we will need to gather and confirm information in relation to incidents and complaints.

Checks which may be undertaken in relation to antisocial behaviour could for example include an exchange of information between us and:

Other Council departments

Local Community Police

South Ayrshire Council's Community Care and Housing department

Antisocial behaviour Team

Customer's legal representative

Any representative authorised by the complainant or complainee to receive or provide information

When handling confidential personal information we will promote, support and protect the privacy, dignity and rights of our customers.

We will recognise good practice published by the Chartered Institute of Housing, Scottish Government and other relevant agencies.

A breach of confidentiality will be investigated thoroughly and if necessary appropriate action will be taken.

Customers have certain rights to access the information held by the Council in respect of their communication and should they wish to do this they should write to the Housing Service requesting access to their file.

## 2.6 ***Preventative Measures***

South Ayrshire Council Housing Service aims to adopt preventative measures to combat antisocial behaviour within the local area. Preventative measures will include the following:

- Ensuring that tenants understand their responsibility to be a good neighbour by clearly explaining the conditions of the SAC tenancy agreement at tenancy sign up, and that the Council will ask tenants or residents to assist by recording incidents of antisocial behaviour generally as they occur, and specifically where they have made a complaint which requires investigation.
- Ensuring there is open communication between allocations staff and estate management staff at the point of tenant selection, so as to avoid concentrations of ASB within specific localities and neighbourhoods.
- Using a problem solving approach in conjunction with the ASB team to deal with community issues.
- Housing Services staff being vigilant and pro-active when visiting specific areas, and taking measures where necessary to prevent antisocial behaviour.
- Actively encouraging and advertising the SAC mediation service to tenants who would benefit from this approach, in order to prevent the escalation of ASB problems.
- Working actively with local tenants and resident groups, and other agencies to develop local solutions to local problems.
- Implement tenancy support where possible to assist in the prevention and reoccurrence of antisocial behaviour issues.
- Considering the use of current and new technology to promote safe communities, and assist in the prevention of antisocial behaviour related problems.



- Working with private landlords to give advice, and make them aware of their responsibilities as a landlord for the behaviour of their tenants and members of their household.
- Making use of Short Scottish Secure Tenancy agreements as a means of monitoring the behaviour of tenants who have previously been responsible for acts of antisocial behaviour.
- Identifying tenants who may benefit from housing support to alleviate antisocial behaviour problems.

## 2.7 ***Investigation of ASB Complaints***

Housing Services will investigate ASB complaints concerning council tenants only. The timescale for investigation of complaints will be dependent on the severity of the ASB issue.

We will:

- Make contact with the person who makes the complaint within 7 days of receiving a complaint about neighbour nuisance or antisocial behaviour.
- Make contact with the person the complaint is about within 14 days of the first complaint being received.
- Confirm in writing to both parties any action taken, and that the case will be monitored for 28 days. Where no further complaints are received the case will be closed and the relevant parties notified. A case will not be closed where further complaints are received and a resolution has not been reached.
- Encourage both sides to work at settling the dispute together by promoting mediation where appropriate.
- Investigate complaints on a fair and non-discriminatory basis.
- Work with other relevant agencies to ensure a multi-agency approach to the investigation and resolution of complaints.

Where young people are offenders of ASB, we will work closely with Community Care and Housing, Children's Reporter, and schools to deal effectively with these issues.

## 2.8 ***Legal Action***

Staff will gather and record accurate and robust evidence to support any legal action that may be taken by the Council.

South Ayrshire Council seeks to avoid the use of legal action in relation to Antisocial behaviour, but will be prepared to use the powers available to the Authority under the Housing (Scotland) Act 2001, Housing (Scotland) Act 2014, the Antisocial Behaviour etc. (Scotland) Act 2004, and part 1, chapter II of the Crime and Disorder Act 1998, where a tenant is in breach of their tenancy agreement, and all other action has been tried and has failed to remedy the situation.

The 2014 Act introduced a new requirement that the notice of intention to raise proceedings for recovery of possession on the grounds that the tenant, or a person residing in or visiting the house, has been convicted of using the house for immoral or illegal purposes, or an offence punishable by imprisonment committed in, or in the locality of, the house, must be served on the tenant within 12 months of (A) the day on which the person was convicted of the offence forming the ground for recovery of possession, or (B) where that conviction was appealed, the day on which the appeal is dismissed or abandoned.

This may include using measures such as Antisocial Behaviour Orders, Antisocial Behaviour Contracts, in addition to the legal measures available to the Police, e.g., arrests closure, orders and confiscation of personal property.

## 2.9 ***Multi-agency working***

Housing Services will:

- Work jointly with the local community police, Community Support Officers, the ASB team, Noise Nuisance Team, Environmental Health and Waste Management in order to develop solutions to local ASB problems.
- Investigate complaints initially and aim to resolve cases as quickly as possible. Where no initial solution can be found the case will be referred to the dedicated ASB team for further investigation and action. Housing Services will continue to be updated regarding case progress and will work with the ASB team to develop solutions in partnership.
- Work with local tenants and residents groups to combat ASB within local areas, and develop local solutions to problems with the input of community members.

## 2.10 ***Monitoring***

We will monitor the level of complaints received by neighbourhood to assist in identifying specific concentrations of antisocial behaviour, and directing resources where required.

## 2.11 ***Performance and Service Standards***

We aim to adhere to the following nationally agreed performance standard published by the Scottish Housing Regulator:

### ***AS1.9 – Antisocial Behaviour***

We will deal appropriately with Antisocial behaviour. Where appropriate we work in partnerships to manage such behaviour.

We have adopted agreed service standards for areas of service provision including dealing with neighbourhood nuisance and antisocial behaviour. We will monitor our performance in delivering these standards of service and use the results to improve service delivery.

## 2.12 ***Appeals***

See section 3.7 of the customer care policy.

### ***N.B.***

In relation to ASB, people have the right to appeal to the Sheriff Court in certain circumstances, for example, the granting of an Antisocial Behaviour Order, Decree for Possession on the grounds of ASB and conversion of a full Scottish Secure tenancy to a Short Scottish Secure Tenancy.

## 2.13 ***Review of Policy***

This policy will be reviewed in terms of legislative changes and good practice guidance every 2 years.

### **3.0 Customer Care**

### **Contents**

#### **3.1 *Policy Statement***

*We will take account of the views and opinions of customers when delivering our housing management services, and use customer feedback to inform future service provision.*

*Our housing management policies whilst based on legislative requirements and good practice recommendations, will be focussed on the needs of our customers.*

#### **3.2 *Principal objectives***

- To involve tenants and other customers in shaping housing services provided in South Ayrshire.
- To monitor performance, and promote continual improvement of services.
- To be responsive to the changing needs and demands made upon the service.
- To ensure customer feedback influences continuous improvement of the housing service, to meet the needs and aspirations of the Council's customers.
- To be open, accountable, fair and transparent in all areas of service delivery.
- To adopt policies, procedures and service standards which are consistent and non-discriminatory.
- Our staff will be trained to provide a professional service to customers.
- To protect our staff from customers who are acting in a violent or aggressive manner.
- To ensure service delivery meets the service standards set out by the Community Care and Housing department.

#### **3.3 *Regulatory Framework***

Section 72 and 73 of the Housing (Scotland) Act 2001 allows Scottish Ministers to appoint a person to carry out an inspection of the exercise of the functions of a local authority in relation to the provision of housing accommodation and related services.

The Housing Management, Property Maintenance and Homeless Services of South Ayrshire Council were inspected in June 2005, and the Council has adopted an improvement plan from recommendations made by the then Communities Scotland.

Where strengths were identified in the inspection report, we will strive to maintain these high standards. We will address weaknesses to improve service delivery and ensure we are customer focussed in the service we provide.

As part of the process of inspection customers were asked to provide their views and experiences of the services provided by the Council.

Any evaluation of our service that is undertaken will be customer focussed with the aim of improving future service delivery.

### 3.4 ***Equal Opportunities***

Section 106 of the Housing (Scotland Act 2001) places a statutory duty on local authorities and RSL's to encourage equal opportunities and to prevent discrimination on the grounds of sex, marital status, race, gender, disability, age, sexual orientation, language or social origin. To comply with this statutory duty, we will:

- Provide services, which reflect the Council's commitment to equality of access for all tenants, taking into account the particular the needs of vulnerable groups.
- Take into account good practice in equal opportunities when we update our policies, procedures and standards.
- Ensure that our policies, procedures, standards and information material are accessible to all customers, by producing information in plain language and different formats on request that is clear and understandable.
- We will also take into account other relevant legislation, e.g. Sex Discrimination Act 1975, Race Relations Act 1976 and the Disability Discrimination Act 1995.

### 3.5 ***Data Protection and handling confidential information***

The 1998 Data Protection Act is the legislation which protects confidential information.

South Ayrshire Council will not disclose information that is given to us in confidence without the consent of the individual to whom the information is pertinent. We will control access to personal information when sharing information with other agencies.

We will respect a customer's right to confidentiality in communications with the Council. In dealing with customer communications we may need to gather and confirm information with other parties.

When handling confidential personal information we will promote, support and protect the privacy, dignity and rights of our customers.

We will recognise good practice published by the Chartered Institute of Housing, Scottish Government and other relevant agencies.

A breach of confidentiality will be investigated thoroughly and if necessary appropriate action will be taken.

Customers have certain rights to access the information held by the Council in respect of their communication and should they wish to do this they should write to the Housing Service requesting access to their file.

### 3.6 ***Performance Monitoring***

We provide the Scottish Government with Statutory Performance Indicator data on request, and within agreed timescales for our service areas.

Key performance information is available to customers and interested parties via the Council's public website, tenant newsletters, and in local housing offices.

Management information is used to assess the effectiveness of current policies and to inform regular reviews of policy and procedures.

The objectives of the management information system are as follows:

- To measure the extent to which customer's needs and expectations are met and use feedback to improve future service delivery;
- To measure the quality of the service that is provided;
- To monitor resources used to provide the service to ensure that it is cost effective;
- To identify responsibilities for improving performance;
- To provide good quality performance information that can be used to identify strengths and weaknesses and staff training needs;
- To identify and share best practice across Areas;
- To provide information that allows benchmarking with other Registered Social Landlords

### 3.7 ***Appeals***

The housing appeals procedure allows applicants the opportunity to request a review of a decision made in respect of a current housing policy. (Homeless policy decisions are not dealt with through the Housing Appeals Procedure and follow a separate process as detailed in the Homeless Policy Section).

The Head of Housing and Facilities will consider appeals in the first instance.

If the appellant is not satisfied with the response from the Head of Housing and Facilities, the appellant will have the option of having their appeal heard at the Council's Appeals Panel.

Details of the Housing Appeals Procedure are available on request.

### 3.8 **Consultation**

We consult with tenants, Registered Tenant's Organisations and other relevant stakeholders on any proposals in relation to:

- Our policy on housing management, repairs or maintenance and other related activity where the proposal, if implemented, is likely to significantly affect them.
- The standard of service in relation to housing management, repairs or maintenance or other related activity that we intend to provide.
- The tenant participation strategy.
- A disposal which would result in a change of landlord, or, if different, of owner of the house which is the subject of the tenancy.
- We will have regard to any representations made by the above interested parties.

For each consultation activity undertaken we inform stakeholders:

- How and when the final decision will be taken.
- How the proposal will affect them.
- How and within what timescale they can make their views known.
- How they will receive feedback.
- Contact details for the officer dealing with the consultation.
- Information on how and where to complain.

### 3.9 **Review of Policy**

This policy will be reviewed in terms of legislative changes and good practice guidance every 2 years.



## 4.0 **Estate Management**

## **Contents**

### 4.1 ***Policy Statement***

*The Council will manage their tenancies in accordance with the Housing (Scotland) Act 2001.*

*South Ayrshire Council will aim to deliver an effective and robust Estate Management Service by taking all necessary steps to ensure that tenants adhere to their tenancy obligations, and by providing advice to tenants and other service users regarding their rights and responsibilities and the standards of service they can expect to receive.*

*We will ensure that the physical environment on our estates is maintained to the highest possible standard within the allocated resources.*

### 4.2 ***Principal objectives***

- To ensure tenants adhere to their tenancy obligations outlined in the Scottish Secure Tenancy or Short Scottish Secure Tenancy agreement.
- To ensure a safe, clean and well managed environment for tenants to live in.
- To ensure that tenants understand, and accept their responsibilities for maintaining their home and the area they live in.
- To work with tenants and other residents to find solutions to problems, or take action to resolve issues where appropriate.
- To adopt policies, procedures and standards to manage tenancies which are consistent and non-discriminatory.
- To work with other agencies and statutory bodies with the aim of ensuring that communities are safe, well looked after, and our legal obligations are met.

### 4.3 ***Statutory Framework***

South Ayrshire Council will ensure that our Estate Management Policy complies with the requirements of the Housing (Scotland) Act 2001, the Antisocial behaviour Act 2003, and Part 1, chapter II of the Crime and Disorder Act 1998.

### 4.4 ***Equal Opportunities***

Section 106 of the Housing (Scotland) Act 2001 places a statutory duty on local authorities and RSL's to encourage equal opportunities and to prevent discrimination on the grounds of sex, marital status, race, gender, disability, age, sexual orientation, language or social origin.

To comply with this statutory duty, we will:

- Provide services that reflect the Council's commitment to equality of access for all tenants, taking into account the particular the needs of vulnerable groups.
- Take into account good practice in equal opportunities when we update our policies, procedures and standards
- Ensure that our policies, procedures, standards and information material are accessible to all customers, by producing information in plain language and different formats on request that is clear and understandable.
- We will take an impartial approach to the management of our tenancies and estates.
- We will also take into account other relevant legislation, e.g. Sex Discrimination Act 1975, Race Relations Act 1976 and the Disability Discrimination Act 1995.

#### 4.5 ***Data Protection and handling confidential information***

The 1998 Data Protection Act is the legislation which protects confidential information.

South Ayrshire Council will not disclose information that is given to us in confidence without the consent of the individual to whom the information is pertinent. We will control access to personal information when sharing information with other agencies.

We will respect a customer's right to confidentiality in dealing with estate management and tenancy issues. In granting and managing tenancies and dealing with estate management issues we will need to gather and confirm information in relation to individual customers and tenancies.

Checks which may be undertaken in relation to tenancy and estate management could for example include an exchange of information between us and:

Other Council Departments

Local Police

South Ayrshire Council's Community Care and Housing department

Antisocial behaviour team

Customer's legal representative

Any representative authorised by the applicant to receive or provide information

When handling confidential personal information we will promote, support and protect the privacy, dignity and rights of our customers.

We will recognise good practice published by the Chartered Institute of Housing, Scottish Government and other relevant agencies.

A breach of confidentiality will be investigated thoroughly and if necessary appropriate action will be taken.

Customers have certain rights to access the information held by the Council in respect of their communication and should they wish to do this they should write to the Housing Service requesting access to their file.

#### 4.6 ***Granting tenancies***

The Council can offer 2 types of tenancy. A Scottish Secure Tenancy or a Short Scottish Secure Tenancy. In most cases a Scottish Secure Tenancy will be offered, but in specifically defined circumstances, a Short Scottish Secure Tenancy may be offered. This will be where a full Scottish Secure Tenancy is not appropriate.

A Short Scottish Secure Tenancy was introduced in Section 34 of the Housing (Scotland) Act 2001. It may be offered where any of the following apply:

- Where the prospective tenant or anyone intending to live with the prospective tenant has been served with an Antisocial Behaviour Order.
- The tenant or anyone intending to live with the prospective tenant has been evicted on the grounds of antisocial behaviour during the last 3 years.
- The house is being offered to the prospective tenant in fulfilment of the Council's duties under homeless legislation.
- The prospective tenant requires or is in receipt of housing support services.

An applicant has the right to apply for a joint tenancy, which will not unreasonably be refused.

#### 4.7 ***Creation of tenancies***

We will outline both tenant's rights and responsibilities, and landlord obligations at the tenancy sign-up stage. A Council Officer will aim to visit new tenants within 6 weeks of their tenancy starting. This is referred to as a "Settling in Visit". The purpose of this visit is to ensure that the tenant has moved in, to deal with any issues or concerns that the tenant has and to arrange tenancy support if required. The officer carrying out the visit will also ensure that the tenant is managing to pay their rent and that all other aspects of the tenancy are satisfactory.

Section 23 of the Housing (Scotland) Act 2001 gives tenants a right to a written tenancy agreement and to information about the landlord's policies and procedures. A copy of the tenancy agreement will be supplied to the tenant at the tenancy sign-up interview along with other general information.

#### 4.8 ***Breaches of tenancy conditions***

We will aim to work with tenants who have breached their conditions of tenancy to find a satisfactory resolution, and avoid the need for legal action.

Examples of breaches of tenancy conditions would be:

- Failing to pay rent or any other debt due to the Council.
- Failing to maintain the property or garden to an acceptable standard.
- Taking in a lodger or sub-letting a property without written permission.
- Carrying out improvements to the property without written permission.
- Tenant(s) not occupying the property as their principal home.
- The tenant (or any one of joint tenants), a person residing or lodging in the house with, or subtenant of, the tenant, or a person visiting the house has been convicted of:-
  - (a) using the house or allowing it to be used for immoral or illegal purposes, e.g. using and/or supplying illegal drugs, or
  - (b) an offence punishable by imprisonment committed in, or in the locality of, the house.

The 2014 Act introduced a new requirement that the notice of intention to raise proceedings for recovery of possession on the grounds that the tenant, or a person residing in or visiting the house, has been convicted of using the house for immoral or illegal purposes, or an offence punishable by imprisonment committed in, or in the locality of, the house, must be served on the tenant within 12 months of (A) the day on which the person was convicted of the offence forming the ground for recovery of possession, or (B) where that conviction was appealed, the day on which the appeal is dismissed or abandoned.

Although South Ayrshire Council seeks to avoid the use of legal action in relation to estate management, we will be prepared to take such action where a tenant is in breach of their tenancy agreement and all other action has been tried and has failed to remedy the situation.

Where the Council must take legal action against a tenant for breach of tenancy conditions, the tenant will be kept fully informed of any action being taken and the implications for their tenancy.

We will implement tenancy support where appropriate to manage breaches of tenancy within the terms of the Housing (Scotland) Act 2001.

#### 4.9 ***Tenancy terminations***

We will terminate Scottish Secure Tenancies where they meet the requirements of Section 12 of the Housing (Scotland) Act 2001 namely:

- By written agreement between ourselves and the tenant(s)
- By 4 weeks notice given to the tenant by the landlord

**N.B. Lock-up tenancies require 14 days written notice from the tenant**

- On the death of a tenant or where a qualifying person succeeds to a tenancy on the death of a previous tenant
- By conversion to a Short Scottish Secure Tenancy because an Antisocial behaviour order has been granted against the tenant
- Where the property has been abandoned and notice has been served

- Where we have successfully brought action against one of the grounds for possession set out under Schedule 2 and secured a Court Order for possession

We will not bring to an end a Scottish Secure Tenancy in any other way other than those highlighted above.

Tenants who are temporarily accommodated in another house because their house is not available for occupation will have their security of tenure protected, e.g. where a tenant has been temporarily decanted from the property to allow modernisation work.

Where proceedings for possession have been started, any household members over the age of sixteen staying in the house of the tenant, either as a member of the family, or someone who the landlord gave permission to stay in the house, will be given the opportunity to be included in the proceedings of the Court and notified of any action.

#### 4.10 ***Abandoned Tenancies***

Section 17 and 18 of the Housing (Scotland) Act 2001 allows us to recover possession of a house that we believe has been abandoned by a tenant. Sufficient enquiries will be carried out to satisfy that the house is unoccupied and that the tenant has no intention of reoccupying it.

A notice will be served on the tenant giving four weeks to contact the housing office and prove that they have been occupying the property as their main or principal home. If no contact is received the property will be repossessed after the period of the notice.

Properties that have been abandoned will be secured against vandalism.

Where a joint tenant has abandoned a tenancy we will take action to bring to an end the joint tenants interest in the tenancy under the terms of Section 20 of the Housing (Scotland) Act 2001.

Any possessions found in a property will be dealt with in accordance with the provisions in the Scottish Secure Tenancies (Abandoned Property) Order 2002.

If a tenant feels that a property has been unlawfully repossessed they have the right to appeal to the Sheriff Court.

#### 4.11 ***Permissions***

Sections 28 and part 1 of Schedule 5 of the Housing (Scotland) Act 2001 requires a tenant to get written consent from the Council before undertaking any work, other than interior decoration on a house.

We will respond to any such requests within 28 days, and permission will not be unreasonably withheld.

Under Section 32 of the Housing (Scotland) act 2001, a tenant can assign or sublet their house, or take in a lodger with the consent of the Council. Written requests will be responded to within 28 days, and permission will not be unreasonably withheld.

The request to sublet may be refused in the following circumstances:

- A Notice of Proceedings has been issued to the tenant, and remains live.
- Subletting would lead to overcrowding within the definition of this policy.
- Major repair work is scheduled to take place on the property.
- Unsatisfactory tenancy reference has been received for proposed sub tenant,
- The tenant or proposed sub tenant has been the perpetrator of previous ASB, and the case remains live.
- The decision to sublet would result in under-crowding within the definition of housing need in this policy.

Where an assignation/permission to sub-let has been refused there is a right for the tenant to appeal to the Sheriff Court. This does not apply to requests to succeed to a tenancy.

Further conditions placed on Subletting are as follows:

- *Length of the sublet*  
The Council will grant permission to sublet for an initial period of six months and may allow a further sublet of six months. The Council will not grant more than one extension per sublet.
- *Amount of rent/deposit to be charged*  
The rent charged must be no more than the rent charged by the Council for the property under a secure tenancy.
- The tenant may require the sub-tenant to pay a returnable deposit as a security for gas, electricity and telephone accounts and against damage to the house, or its contents. The deposit must be no more than four fortnightly rent payments charged by the tenant to the sub-tenant.
- *Rent Payments/Conditions of Tenancy*  
The tenant will be responsible for paying rent to the Council and for ensuring that the terms of the tenancy agreement are adhered to during the sub-let.
- *Occupation of the property*  
The house must be occupied by the sub-tenant and those members of his/her household notified to the Council at the commencement of the sub-let.
- *Increase in Rent*  
The tenant must obtain the written permission of the Council for any proposed increase in the amount of rent charged to the sub-tenant.

The rent charged must not exceed the amount charged by the Council for the property under a secure tenancy.

- *Change in Circumstances*  
The tenant must inform the Council of any change in circumstances relating to the sub-let.
- *End of Sublet*  
The tenant must inform the Co-ordinator – Housing in writing not less than 2 months before the sub-let is due to end, confirming whether or not he/she intends to return to the property. If the tenant does not contact the Council, the Council may start legal action to recover possession of the property.

#### 4.12 ***Duty to Inspect and Right of Access***

Before a tenancy begins the property will be inspected as prescribed by section 27 and schedule 4 of the Housing (Scotland) act 2001. Any necessary work will be carried out to ensure that the house is wind and watertight and in all other respects reasonably fit for human habitation, and the tenant(s) will be notified in writing of work required.

We will also carry out any necessary work to keep the house in this condition within a reasonable time scale and make good any damage, including decoration caused in carrying out the work.

The Council, or someone authorised by the Council can also enter a tenant's home on 24 hours written notice to inspect the house and carry out any necessary work. Where forced entry is necessary for inspection, the Council is entitled to charge a tenant to make good any damage.

Forced entry may be required due to:

- External structural damage to a property rendering it unsafe for occupation, e.g. crumbling chimney.
- Failure of essential services to the property rendering it unsafe for occupation, e.g. gas leak.
- Internal damage to a property that may affect the structural stability or safe occupation of surrounding properties e.g. burst water pipe.

#### 4.13 ***Abandoned Vehicles and inconsiderate parking***

Where abandoned vehicles or considerate parking are causing a nuisance or a hazard, appropriate investigations will be carried out to identify the owner of the vehicle.

Attempts will be made to arrange for the owner to rectify the problem. Where the owner has failed to co-operate to resolve the issue, further action will be taken, which may include legal action.



#### 4.14 ***Dangerous Animals***

The Dangerous Wild Animals Act 1976 introduced a licensing system for people who want to keep dangerous animals as pets. Licences are required for any animal that is listed in the Act.

The licences are issued by the Council's Environmental Health Officers, and are only granted where the authority is satisfied that it would not be contrary to public interest on the grounds of safety or nuisance.

A tenant will be required to obtain a licence to keep a dangerous animal and will be required to provide a copy of the licence to their local Housing Office for record purposes.

Where a tenant has not been granted a licence to keep dangerous animals, they will be required to remove any dangerous animals from their home, and legal action may be taken if a tenant does not comply with this request.

#### 4.15 ***Dealing with Rats, mice and insects***

Where a tenant reports a problem with rats or mice, Housing staff will refer the case to Environmental Health Officers. An Environmental Health Officer will visit the property and either treat the infestation, or advise the occupier on how to eradicate the problem. There is no cost to council tenants for this service, however, non-council tenants and homeowners will be charged a fixed fee.

Environmental Health Officers will also treat any problems relating to insects. Housing Officers will refer any cases to Environmental Health Officers. An Environmental Health Officer will visit the property and either arrange for treatment of the problem or advise the occupier on appropriate solutions. This service is free to council tenants, however, there is a charge to all other occupiers.

#### 4.16 ***Permission to run a business from home***

A tenant may only use their home to run a business after receiving the permission of the Council.

The Co-ordinator – Housing will consider the request. Such a request will only be refused where there are concerns in respect of health and safety or where the business is likely to have a negative impact on other residents.

If permission is being refused, the tenant will be given a full explanation in writing within 1 month of applying. If permission is granted, the tenant will receive written confirmation within 1 month of applying. The written permission will include a number of conditions which the Co-ordinator – Housing deems to be appropriate.

#### 4.17 ***Multi-agency Working***

Housing Services will:

Work jointly with the local community police, Community Support Officers, the ASB team, Noise Nuisance Team, Environmental Health, Waste Management and Estate Caretakers to ensure a holistic approach to estate management.

Work with local tenants and residents groups to identify areas of concern and develop solutions to estate management issues.

#### 4.18 ***Performance and Service Standards***

We aim to adhere to the following nationally agreed performance standards published by the Scottish Housing Regulator:

##### ***AS1.10 - Estate Management***

We manage the environment around our properties and any common areas effectively, to ensure that the neighbourhood is an attractive, well-maintained and safe place to live.

##### ***AS1.9 - Antisocial behaviour***

We deal appropriately with antisocial behaviour. Where appropriate, we work in partnership with others to manage such behaviour.

We have adopted agreed service standards for areas of service provision including managing our houses and neighbourhoods houses. We will monitor our performance in delivering these standards of service and use the results to improve service delivery.

#### 4.19 ***Appeals***

See section 3.7 of the customer care policy.

#### 4.20 ***Review of policy***

This policy will be reviewed in terms of legislative changes and good practice guidance every 2 years.

## 5.0 **Homelessness**

## **Contents**

### 5.1 ***Policy Statement***

*South Ayrshire Council will carry out homelessness duties in accordance with the Housing (Scotland) Act 1987, the Housing (Scotland) Act 2001, the Homelessness etc (Scotland) Act 2003 and the Code of Guidance on Homelessness 2003.*

*We assess homelessness impartially and in line with statutory duties and good practice guidance, and we aim to prevent homelessness through our policies and procedures and provision of housing advice and information.*

### 5.2 ***Principal Objectives***

- Taking preventative action where possible to reduce the number of people becoming homeless in South Ayrshire.
- To carry out the statutory duties and obligations in relation to homelessness, in line with the 1987 Housing Act, Housing (Scotland) Act 2001 and the Homelessness etc (Scotland) Act 2003.
- Provide high quality temporary accommodation for homeless households.
- Our approach to the investigation and determination of an applicant's homeless status will be consistent and sensitive.
- Tackle homelessness throughout South Ayrshire by promoting active and meaningful partnership working with other agencies and housing providers.

### 5.3 ***Statutory Framework***

The statutory framework governing the discharge of homelessness duties by Local Authorities is contained in part II, Housing (Scotland) Act 1987, as amended by part 1 Housing (Scotland) Act 2001 and the Homelessness etc (Scotland) Act 2003.

South Ayrshire Council aims to discharge homelessness duties in accordance with the above legislation and The Scottish Government Code of Guidance on Homelessness.

### 5.4 ***Equal Opportunities***

Section 106 of the Housing (Scotland) Act 2001 places a statutory duty on local authorities and RSL's to encourage equal opportunities and to prevent discrimination on the grounds of sex, marital status, race, gender, disability, age, sexual orientation, language or social origin.

To comply with this statutory duty, we will:

- Provide services that reflect the Council's commitment to equality of access for all customers, taking into account the particular needs of vulnerable groups.
- Take into account good practice in equal opportunities when we update our policies, procedures and standards.
- Ensure that our policies, procedures, standards and information material are accessible to all customers, by producing information in plain language and different formats on request that is clear and understandable
- Have an impartial approach in the assessment of homeless applications, provision of temporary accommodation and the discharge of our homeless duties.
- We will also take into account other relevant legislation, e.g. Sex Discrimination Act 1975, Race Relations Act 1976 and the Disability Discrimination Act 1995.

#### 5.5 ***Data Protection and handling confidential information***

The 1998 Data Protection Act is the legislation which protects confidential information.

South Ayrshire Council will not disclose information that is given to us in confidence without the consent of the individual to whom the information is pertinent. We will control access to personal information when sharing information with other agencies.

We will respect an applicant's right to confidentiality in dealing with their homeless application and in the allocation of Council accommodation. In assessing a homeless case we will need to gather and confirm information in relation to applicants housing, social and medical needs.

Checks which may be undertaken in relation to homeless applications could for example include an exchange of information between the Council and:

An applicant's previous landlord

An applicant's GP

Other Council departments

South Ayrshire Council's Community Care and Housing

An applicants solicitor, e.g. in the case of a marital/relationship split

Customer's legal representative

Support Agencies

Any representative authorised by the applicant to receive or provide information

When handling confidential personal information we will promote, support and protect the privacy, dignity and rights of our customers.

We will recognise good practice published by the Chartered Institute of Housing, Scottish Government and other relevant agencies.

A breach of confidentiality will be investigated thoroughly and if necessary appropriate action will be taken.

Applicants have certain rights to access the information held on their file and should they wish to do this they should write to the Homeless Service requesting access to their file.

## 5.6 ***Performance and Service Standards***

We aim to adhere to the following nationally agreed performance standards published by the Scottish Housing Regulator:

- ***AS4.1 – Strategy***

Publish and follow, an effective homelessness strategy for preventing and alleviating homelessness in our area that responds to current policy and legislative requirements.

Monitor and review its implementation and. consult and collaborate across our own organisation and with other organisations in planning and delivering the strategy.

- ***AS4.2 – Partnership Working***

Work actively with other organisations, and within our own organisation, to ensure that the needs of homeless people are met appropriately and as quickly as possible.

- ***AS4.3 - Access to homelessness services***

Ensure we provide open, fair and equal access to our homeless services, and provide a 24 hour crisis response service for roofless households.

- ***AS4.4 - Preventing Homelessness***

Ensure we work to prevent people from becoming homeless and to reduce the incidence of repeat homelessness.

- ***AS4.5 – Assessing homeless applications***

Have a high-quality assessment process, based on relevant legislation and the Code of Guidance. Make good decisions and offer appropriate solutions when considering applications from people seeking help on the grounds that they are homeless or threatened with homelessness.

- **AS4.6 – Information and Advice**

Have a high-quality assessment process, based on relevant legislation and the Code of Guidance. Make good decisions and offer appropriate solutions when considering applications from people seeking help on the grounds that they are homeless or threatened with homelessness.

- **AS4.7 – Information and Advice**

We make it clear that people can appeal against any of our decisions. We deal fairly and effectively with appeals.

- **AS4.8 – Quality of accommodation**

Arrange temporary or permanent accommodation and treat homeless people fairly and appropriately in terms of tenancy provisions, quality of housing and location. We provide temporary accommodation when needed and maximise the availability of suitable permanent accommodation for homeless people.

## 5.7 **Performance Monitoring**

We provide the Scottish Executive with Statutory Performance Indicator data on request, and within agreed timescales, e.g. homeless statistics are returned annually.

We make key performance information available to customers and interested parties via the Council's public website, tenant newsletters, and in local housing offices.

We will use management information to assess the effectiveness of our current policies and to inform regular reviews of policies and procedures. The objectives of the management information system are as follows:

- To measure the extent to which customers needs and expectations are met.
- To measure the quality of the service that is provided.
- To monitor resources used to provide the service to ensure it is cost effective.
- To identify responsibilities for improving performance.
- To provide good quality performance information that can be used to identify strengths and weaknesses and staff training needs.
- To identify and share best practice across areas.
- To provide information that allows benchmarking with other registered social landlords.

## 5.8 ***Prevention of Homelessness***

South Ayrshire Council has a duty, under section 32(2) of the Housing (Scotland) Act 2001, to take reasonable steps to ensure that accommodation does not cease to be available for those who are unintentionally threatened with homelessness, and to give advice and assistance to others threatened with homelessness.

South Ayrshire Council aims to prevent homelessness from a) arising in the first place and (b) recurring, through the provision of advice and information, early intervention and identification of potential homelessness and joint working with both internal and external agencies to promote tenancy sustainability.

## 5.9 ***Assessing Applications***

To be accepted as a homeless person for permanent housing under the terms of the Housing (Scotland) Act 1987 an applicant must:

- Be homeless **or** threatened with homelessness within 2 months of presentation as detailed in the Housing (Scotland) Act 2001.
- Have not made themselves intentionally homeless.
- Have a local connection with South Ayrshire.

A person is homeless if:

- He/she has no accommodation, which he/she and his/her family is entitled to occupy. The exception to this would be applicants assessed as Homeless from Home where they may continue to live on a short-term basis at home while their application is being assessed.

OR

- He/she has accommodation but cannot secure entry to it.
- It is a moveable structure, i.e. mobile home, and there is no-where to site it.
- The accommodation is overcrowded and may endanger the health of the occupants.
- It is not reasonable to continue to occupy it, i.e. (the property is below tolerable standard and the occupants are suffering as a result of this, there is external violence including racial or other harassment, continued occupation poses a substantial risk to a person's health, or the accommodation is impracticable for a particular applicant because of his/her physical infirmities/disabilities).

We will aim to complete enquiries and investigations within 28 days to determine if it is 'reasonable' for an applicant to continue to occupy a property. These will be carried out consistently and sensitively. The determination of reasonability is a matter of judgement and will depend, in some cases, on the personal circumstances of the applicant.

South Ayrshire Council will ensure that any decision that is made in respect of assessing an applicant's status of homelessness, will be made with reference to the legislation and Code of Guidance and will be explained, justified and notified in writing to the applicant. We aim to issue decisions and notify applicants of the right to review within one working day of the completion of inquiries.

#### 5.10 ***Priority Need***

In line with the legislative target South Ayrshire Council abolished priority need status on 1 January 2012.

#### 5.11 ***Homeless presentations outwith normal working hours***

South Ayrshire Council will provide a standby service for people who are homeless/roofless outwith the normal office hours of the homeless service.

Temporary accommodation will be provided where appropriate, but not where the applicant has access to accommodation which is safe and reasonable for them to occupy. A full homeless interview will be carried out as soon as possible thereafter during normal office hours.

#### 5.12 ***Provision of Temporary and Interim Accommodation***

Temporary accommodation units are situated in areas close to amenities and primary services.

South Ayrshire Council provides appropriate and suitable interim and temporary accommodation where required. We also aim, when making accommodation available, to secure long-term solutions to homelessness by taking into account a wide range of factors which may impact on resettlement and reduce disruption for applicants and their families.

Temporary accommodation meets the standards set out in the Homeless Persons (Unsuitable Accommodation) Scotland Order 2004 and the use of Bed and Breakfast accommodation is minimised as far as possible.

Where there is reason to believe an applicant is homeless but a final decision has not been reached on an application, South Ayrshire Council provides interim accommodation until a final decision has been reached. Temporary accommodation with advice and assistance will be provided for such a period as will give the applicant a reasonable opportunity to find alternative accommodation, where the applicant is assessed as being intentionally homeless.

A 'reasonable' opportunity will be a matter of judgement, but will take into account the personal circumstances of the applicant and their willingness to accept and use the advice and assistance provided.



Permanent accommodation will be provided where an applicant has been assessed as unintentionally homeless. Permanent accommodation is accommodation secured by a Scottish Secure Tenancy, or by an Assured Tenancy in the Private Sector. A Short Scottish Secure Tenancy can be used as a form of permanent accommodation, where an applicant has previously been evicted for antisocial behaviour, or has received an antisocial behaviour order, within the last 3 years, or where the applicant requires support as detailed in the Homeless Persons Interim Accommodation Regulations 2002.

South Ayrshire Council recognises that staying in temporary accommodation can be both disruptive and unsettling. Residents will be moved out of temporary or interim accommodation on to permanent accommodation as quickly as possible, whilst also ensuring that this is only done at a time when the household is able to sustain permanent accommodation.

Temporary accommodation will be of a satisfactory standard, and random checks will be carried out on our B&B establishments, and other regular checks on our temporary and interim accommodation.

#### 5.13 ***Protection of an applicant's moveable property***

South Ayrshire Council will arrange for the storage of an applicant's personal property in the following circumstances:

- The applicant is homeless or threatened with homelessness and the applicant has been provided with temporary accommodation pending inquiries.

*And*

- There is a danger of loss or damage to the applicant's moveable property because of the applicant's inability to deal with it, AND no other arrangements have been or are being made. This may be due to e.g. mental ill health or the applicant being on housing benefit/low income, and is unable to afford to store belongings.

#### 5.14 ***Managing Temporary Accommodation***

Temporary accommodation units are situated in areas close to amenities and primary services.

The accommodation team manage all temporary accommodation tenancies in accordance with the terms stated in the relevant temporary accommodation missive. Any report of tenancy misconduct will be investigated including deliberate damage to Council accommodation and reports of Antisocial Behaviour.

The accommodation team liaise closely with the Housing Benefit section to ensure applicants have full entitlement to available benefits and to prevent and reduce incidents of rent arrears.

Residents in temporary accommodation will be made aware of their rights, and responsibilities.

The accommodation team visit temporary furnished accommodation at least twice a week. Support staff will also visit. More regular visits will be arranged if there are specific issues with the tenancy and more contact is required. If, after repeated attempts a tenant fails to make or respond to contact, access will be gained to the property.

It is the aim of South Ayrshire Council to make periods of residence in temporary and interim accommodation as stable as possible for homeless applicants. The Accommodation team seek to manage temporary accommodation tenancies effectively to achieve this aim.

#### **5.15 Young Homeless**

South Ayrshire Council is committed to a policy, which attempts to deal with the accommodation and support needs of young people, and aims to prevent the incidence of youth homelessness.

Homeless duties towards young homeless people will be discharged in accordance with the Housing (Scotland) Act 1987 as amended by part 1 Housing (Scotland) Act 2001, Homelessness etc (Scotland) Act 2003, the Children (Scotland) Act 1995 and the Homeless Persons (Unsuitable Accommodation) Scotland Order 2004.

Wherever possible, the Council will respond through the combined efforts of Community Care, Housing, Education and the Voluntary Sector to avoid a situation where young people become homeless. At the initial point of presentation, the possibility of the young person returning home where it would be safe and reasonable for them to do so will be examined closely, and alternative options will be explored, specifically the South Ayrshire Council mediation service and support services.

South Ayrshire Council will take a holistic approach to the assessment of accommodation and support needs for young homeless applicants. Decisions regarding young homeless applicants will be made through joint assessment via the Youth Housing Support Group. This group will assess the needs of young homeless people and monitor the decisions made in respect of their accommodation and support.

The introduction of joint assessments and the mediation service has ensured a more holistic approach is taken to the needs and aspirations of young vulnerable homeless people in South Ayrshire.

South Ayrshire Council will continuously assess and review the needs of young homeless people whilst they are statutorily homeless.

Housing Services and Community Care will work jointly to provide young homeless applicants with necessary advice, assistance and support. This will help them to move through the homeless system, and eventually sustain a permanent tenancy or housing solution.

#### 5.16 ***Permanent Housing***

South Ayrshire Council has a duty to provide permanent accommodation where an applicant has been assessed as unintentionally homeless.

The Council can discharge its duty to provide permanent housing by offering a Short Scottish Secure Tenancy on the grounds of previous eviction for antisocial behaviour, or where an applicant requires intensive support to sustain a tenancy. To be awarded a Short Scottish Secure Tenancy on this basis the applicant must meet the minimum support assessment criteria and meet the support provision requirements as outlined in the Homeless Persons Interim Accommodation (Scotland) Regulations 2002.

In the allocation of permanent housing, and the selection of properties for homeless applicants, we will ensure any offer of accommodation is fair and reasonable, taking into account any extenuating circumstances, as far as is reasonable (i.e. the applicant is fleeing harassment or violence). We will take into account any medical needs of the household.

The Council will endeavour to offer homeless people a genuine choice of accommodation, taking into account all factors and availability of housing stock.

As part of the South Ayrshire Council allocations selection process reasonable preference will be given to applicants assessed as having the greatest level of housing need. Offers of housing will be made on the basis of date of application.

What is determined as 'reasonable preference' is a matter of judgement and will be determined by the Co-ordinator - Housing, in terms of legislation and good practice guidance.

One offer of permanent housing will be made to unintentionally homeless applicants.

#### 5.17 ***Partnership Working***

South Ayrshire Council endeavours to work in partnership, across Council and government departments, with the voluntary sector and with local advice and support agencies to provide a holistic homeless service. The Council is committed to the practice of multi-agency partnership working as a means of alleviating and preventing homelessness within the Local Authority.

#### 5.18 ***Review of Decisions***

An applicant has the right to a review of a homelessness decision and we will provide temporary accommodation until that review is carried out in the following circumstances:

- Any decision regarding the duty of the Local Authority to provide accommodation, advice and assistance in Sections 31 and 32 of the Housing (Scotland) Act 1987.

- Any decision made by the authority in referring the applicant to another Local Authority (local connection) under Section 33 of the Housing (Scotland) Act 1987.
- Whether accommodation provided to the applicant meets the Local Authorities obligations under Sections 31, 32 of 34 of the Housing (Scotland) Act 1987.

Applicants can request a review of a homeless decision by submitting the request in writing within 21 days of being notified of a decision. Applicants do not have the right to request a review of a decision that has already been reviewed.

#### 5.19 ***Review of Policy***

This policy will be reviewed in terms of legislative changes and good practice guidance every 2 years.

## 6.0 **Rents and Arrears**

## **Contents**

### 6.1 ***Policy Statement***

*South Ayrshire Council will actively pursue the recovery of current tenant rent arrears, maximising the rental income to the Council by minimising the level of rent arrears. This will be achieved by applying a firm but fair approach to recovery action, being proportionate and acknowledging individual tenants circumstances.*

*This policy will be consistent in ensuring that the tenancy agreement between South Ayrshire Council and its tenants is adhered to, and will recognise the Council's aims of building sustainable communities, promoting social inclusion and preventing homelessness.*

*Where tenants fail to adhere to their contractual obligation of maintaining their rent account, the Council has a responsibility to all its tenants to minimise rent arrears by following an agreed procedure for debt recovery.*

### 6.2 ***Principal objectives***

- To maximise the amount of rent collected by making a range of payment options available, and work to minimise arrears and voids.
- Offer early appropriate professional support and guidance to tenants to reduce rent arrears.
- Monitor levels of rent arrears and have early intervention mechanisms in place to prevent rent arrears arising.
- Take appropriate action in accordance with the level of rent arrears and individual circumstances of tenants for arrears of rent.
- Prevent homelessness arising and assisting in the Councils wider strategic objectives including building sustainable communities.
- Actively pursue former tenant rent arrears and maximise the recovery of income to the Council, in an effective and efficient manner, which is consistent with best practice, and sensitive to the situation of individual former tenants with arrears.

### 6.3 ***Statutory Framework***

The statutory framework governing the rent obligations of a Council as a landlord are set out in Section 23 to 25, and Section 31 of the Housing (Scotland Act 2001).

#### 6.4 ***Equal Opportunities***

Section 106 of the Housing (Scotland Act 2001) places a statutory duty on local authorities and RSL's to encourage equal opportunities and to prevent discrimination on the grounds of sex, marital status, race, gender, disability, age, sexual orientation, language or social origin.

To comply with this statutory duty, we will:

- Provide services that reflect the Council's commitment to equality of access for all tenants, taking into account the particular needs of vulnerable groups.
- Take into account good practice in equal opportunities when we update our policies, procedures and standards.
- Ensure that our policies, procedures, standards and information material are accessible to all customers, by producing information in plain language and different formats on request that is clear and understandable.
- Apply the principals of the rents and arrears policy on a fair and non-discriminatory basis.
- We will also take into account other relevant legislation, e.g. Sex Discrimination Act 1975, Race Relations Act 1976 and the Disability Discrimination Act 1995.

#### 6.5 ***Data Protection and handling confidential information***

The 1998 Data Protection Act is the legislation which protects confidential information.

South Ayrshire Council will not disclose information that is given to us in confidence without the consent of the individual to whom the information is pertinent. We will control access to personal information when sharing information with other agencies.

We will respect a tenant's right to confidentiality in dealing with their rent account. In managing rent accounts and arrears we will need to gather and confirm information in relation to a tenant's ability to pay rent.

Checks which may be undertaken in relation to rent accounts could for example include an exchange of information between us and:

Housing Benefit Services

Money Advice Agencies

Other Council departments

South Ayrshire Council's Community Care and Housing Department

Customer's legal representative

Support Agencies

Any representative authorised by the applicant to receive or provide information

When handling confidential personal information we will promote, support and protect the privacy, dignity and rights of our customers.

We will recognise good practice published by the Chartered Institute of Housing, Scottish Government and other relevant agencies.

A breach of confidentiality will be investigated thoroughly and if necessary appropriate action will be taken.

Tenants have certain rights to access the information held on their file and should they wish to do this they should write to the Housing Service requesting access to their file.

## 6.6 ***Performance and Service Standards***

We aim to adhere to the following nationally agreed performance standards published by the Scottish Housing Regulator:

### ***AS1.6 – Setting Rents***

We will set rents that take account of affordability, the costs of managing and maintaining our houses, comparability with other social landlords in the area, and that enable us to service existing loans and fulfil contractual obligations. We have a fair system for apportioning rents between individual properties.

### ***AS1.8 – Arrears of Rent***

We will act to prevent arrears of rent and amenity charges building up. We recover any arrears fairly and effectively.

We have also adopted agreed service standards for areas of service provision including rents and arrears. We will monitor our performance in delivering these standards of service and use the results to improve service delivery.

## **Current Tenant arrears**

### 6.7 ***Arrears Prevention***

The pre-tenancy stage will be utilised to give tenants information about their rent, including the importance of making regular payments, and the methods of payment available.

Tenants are encouraged to make early contact with staff in their local office to prevent rent arrears accruing. Staff will make early personal contact with tenants, and aim to make at least four home visits throughout the arrears process.

Publicity campaigns will be carried out at regular intervals throughout the year to raise the profile of arrears recovery, and tenancy support will be implemented to assist in the prevention of rent arrears, and managing rent arrears where appropriate.

## 6.8 ***Managing rent arrears***

A minimum of £1.00 arrears value will trigger the rent arrears process with written notification to a tenant, with a view to preventing escalation of the arrear.

The Council apply a firm but fair approach to recovery action, which is proportionate by acknowledging individual tenants circumstances.

The Council has a responsibility to all its tenants to minimise rent arrears by following an agreed efficient and effective procedure for debt recovery.

We will take a staged approach to recovery that is recorded at each stage for audit purposes.

All repayment arrangements are realistic to ensure a realistic and affordable reduction in rent arrears, and will be reviewed at regular intervals.

A tenant will be advised of the final instalment date on an agreed arrangement to reduce their arrear of rent.

We will aim to have all arrears cleared within 12 to 18 months unless the tenant is in receipt of Housing Benefit, and limit the number of times an arrangement can be broken to 3 occasions.

Direct payments from the Benefits Agency will be accepted where a tenant meets the criteria or is in receipt of Job Seeker's Allowance or Income support where this is agreed by the Benefits Agency, or voluntary deductions from their salary with the agreement of their employer.

All tenants in arrears are treated sympathetically, and made aware of the consequences of missed payments and broken arrangements.

100 percent of any redecoration allowance awarded will be deducted where the tenant has other Council debts.

## 6.9 ***Advice and information***

Housing advice and information to tenants will be provided to tenants to prevent arrears accruing through leaflets, tenant's handbook, posters in local Area Offices and information on our website and other local information points, e.g. libraries. Referrals are made where necessary to other support agencies, including Trading Standards (Money Advice), Welfare Rights, and the Ayr Housing Aid Centre.

The number of evictions carried out will be advertised on the Notice of Proceedings letter to act as a deterrent, and any person who has been evicted of rent arrears will be informed of any statutory obligations the Council has towards them in terms of homelessness and other relevant legislation.

Tenants will be advised of the consequences of non-payment of rent e.g. possible credit blacklisting, eviction, and suspension of transfer application.



Tenants will be assisted to maximise their income by increasing their awareness of benefit entitlement.

#### 6.10 ***Legal Action***

Legal action is instructed for recovery of rent arrears as a last resort when all other attempts to recover the arrear have failed. All available legal processes to recover rent arrears are used including Wage & Bank Arrestments, and eviction is only used as a last resort.

We will evict tenants for rent arrears within 3 months of the decree being awarded by the Court, unless the Head of Housing and Facilities or his delegated officer decides to the contrary in the light of exceptional and individual circumstances.

#### 6.11 ***Partnership Working***

Referrals are made where necessary to other support agencies, including Trading Standards (Money Advice), Welfare Rights, and the Ayr Housing Aid Centre and we liaise with Financial Services (Unified Benefits), Legal and Administration, Trading Standards (Money Advice), Ayr Housing Aid, Community Care, and the Enquiry and Information Team.

Where tenants are vulnerable we ensure that all relevant Council, voluntary services, and other agencies are involved to provide support.

#### 6.12 ***Monitoring Performance***

Targets are set annually and performance is regularly reviewed and monitored against these targets. Monitoring reports are produced on a fortnightly basis for Area Office staff to help them monitor their performance against their individual targets and those set by Audit Scotland.

Rent Arrears Statutory Performance Indicators are published as required.

## **Former Tenant Arrears**

### **6.13 *Arrears Prevention***

The period between receiving a tenancy termination and the actual date of termination will be used to maximise recovery prospects and ensure that tenants are aware of the requirement to repay any debts owed.

Prior to tenancies being terminated, where possible we will ensure that arrears are cleared.

A variety of payment options are offered for the convenience of customers.

### **6.14 *Managing former tenant arrears***

A firm but non-threatening approach is adopted to recover former tenant arrears, which aim's to assist former tenants' to repay their rent arrears.

Forwarding addresses will be obtained, where possible, for all tenants' terminating tenancies and any case without a forwarding address is held for a period of 6 months before preparing the case for write-off. This period will allow staff to carry out further checks to try and obtain a forwarding address.

Cases will be forwarded to Sheriff Officers for collection (if appropriate) failing a response to reminder letters

Reasonable steps are taken to trace former tenant debts owed to the Council.

Former Tenant Arrears are monitored on a regular basis in line with the appropriate Rental cycle, and a minimum of £1.00 arrears value will trigger the former rent arrears process with written notification to the former tenant.

Repayment arrangements are realistic and take account of the tenants' personal and individual circumstances.

We will consider new recovery options including Trace & Collect services provided by Debt Collection Agencies.

Cases will be prepared for write-off, which are uneconomic to pursue or where there is no prospect of recovery. Records will be retained to allow future recovery if appropriate.

We will not pursue any debts, which are prescribed after a period of 5 years as recommended in the framework of the Prescription and Limitation (Scotland) Act 1973.

### **6.15 *Advice and information***

We will provide advice and assistance to former tenants, including information leaflets, and where necessary make referrals to other support agencies, including Money Advice, Welfare Rights and Ayr Housing Aid Centre.

Former tenants are made aware of the consequences of not paying their arrears.

Former tenants will be assisted to maximise their income by increasing awareness of benefit entitlement.

6.16 ***Monitoring and Performance***

Reports are produced on a fortnightly basis to assist staff monitor their performance in terms of the recovery of Former Tenant Rent Arrears.

6.17 ***Appeals***

See section 3.7 of the customer care policy.

6.18 ***Review of Policy***

This policy will be reviewed in terms of legislative changes and good practice guidance every 2 years.

## 7.0 **Responsive Repairs**

## **Contents**

### 7.1 ***Policy Statement***

*South Ayrshire Council will carry out routine and responsive repairs in accordance with responsibilities under the Housing (Scotland) Act 2001.*

*We aim to deal with repairs efficiently and effectively in order to maintain our housing stock to the highest possible standard whilst ensuring tenant satisfaction.*

### 7.2 ***Principal objectives***

- To provide a prompt, efficient and effective response repairs service, which incorporates the principals of Best Value and strategic objectives.
- Comply with legislation relating to the repairs duties of South Ayrshire Council.
- To ensure that our houses are wind and water tight and reasonably fit for human habitation at the start of a tenancy, and that the house is kept in that condition throughout the tenancy.
- We will also ensure that our houses meet the South Ayrshire Council letting standard at the start of a tenancy.
- To ensure planned maintenance programmes work in conjunction with responsive repairs, to maximise the useful life of the housing stock, by achieving a balance in spending.
- To monitor the performance of the repairs service by taking into account feedback from tenants.
- To listen to our customers and stakeholders and meet their aspirations by ensuring we respond to their needs by reviewing policies, procedures and working practices in line with their comments.
- To ensure that responsive repairs are carried out within agreed legislative and internal timescales.
- Qualified tradesmen will carry out repairs to our houses.

### 7.3 ***Statutory Framework***

The statutory framework governing the repair obligations of a Council as a landlord are set out in Section 27 to 30, and Schedule 4 of the Housing (Scotland Act 2001).

#### 7.4 ***Equal Opportunities***

Section 106 of the Housing (Scotland) Act 2001 places a statutory duty on local authorities and Registered Social Landlord's to encourage equal opportunities and to prevent discrimination on the grounds of sex, marital status, race, gender, disability, age, sexual orientation, language or social origin. To comply with this statutory duty, we will:

- Provide services that reflect the Council's commitment to equality of access for all tenants, taking into account the particular needs of vulnerable groups.
- Take into account good practice in equal opportunities when we update our policies, procedures and standards.
- Ensure that our policies, procedures, standards and information material are accessible to all customers, by producing information in plain language and different formats on request that is clear and understandable
- We will also take into account other relevant legislation, e.g. Sex Discrimination Act 1975, Race Relations Act 1976 and the Disability Discrimination Act 1995.

#### 7.5 ***Data Protection and handling confidential information***

The 1998 Data Protection Act is the legislation which protects confidential information.

South Ayrshire Council will not disclose information that is given to us in confidence without the consent of the individual to whom the information is pertinent. We will control access to personal information when sharing information with other agencies.

We will respect a tenant's right to confidentiality in dealing with repairs. In repairing and maintaining properties we will need to gather and confirm information.

Checks which may be undertaken in relation to repairs and maintenance could for example include an exchange of information between us and:

Other Council Departments  
Contractors and Sub-contractors  
Local Police  
Other Council departments  
Customer's legal representative  
Support Agencies

Any representative authorised by the applicant to receive or provide information

When handling confidential personal information we will promote, support and protect the privacy, dignity and rights of our customers.

We will recognise good practice published by the Chartered Institute of Housing, Scottish Government and other relevant agencies.

A breach of confidentiality will be investigated thoroughly and if necessary appropriate action will be taken.

Tenants have certain rights to access their repairs information and should they wish to do this they should write to the Housing Service requesting access to their file.

#### **7.6 Performance and Service Standards**

We aim to adhere to the following nationally agreed performance standards published by the Scottish Housing Regulator:

##### **AS2.1 – Responsive Repairs**

Provide an efficient and effective responsive repairs service for our tenants.

##### **AS2.4 – Adapting housing stock**

Be responsive to the particular needs of applicants and the changing needs of existing tenants, and adapt our properties efficiently to meet these needs. Have good records about the adapted houses we own.

We have also adopted agreed service standards for areas of service provision including repairs and maintenance. We will monitor our performance in delivering these standards of service and use the results to improve service delivery.

#### **7.7 Council Responsibilities**

We will ensure that any necessary repair work is carried out to ensure our properties are:

- wind and watertight
- habitable
- in all respects fit for occupation.

We will carry out necessary repairs to the structure of our properties such as walls and roof (including gutters and down pipes). We will also maintain the installations in our properties which supply gas, water, electricity and drainage, but tenant(s) will be responsible for paying for gas, electricity and water supplies which they use.

The Council has the right of entry, after reasonable notice (generally 24 hours for an emergency), to carry out any necessary repair work in order to meet its legal obligations.

Our obligations to carry out repairs to properties are generally encompassed in the List of Responsibilities and Repairs provided to all tenants at the start of their tenancy. This document lists the responsibilities for both the Council and tenants.

The Council will not be responsible for carrying out repairs where damage has been caused by deliberate or accidental damage by a tenant, anyone living with a tenant, or a visitor to their home. The Council will recharge the cost of any necessary repair work to the tenants in these circumstances.

#### **7.8 *Tenant responsibilities***

The tenant must report all repairs promptly and provide access so that the repair can be attended to. The Council will not be responsible for any repair if the tenant has not taken care of the property or the tenant, anyone living with a tenant, or a visitor to their home has damaged it.

Tenants must allow access to the property to carry out necessary repair work. Where a tenant has reported an emergency repair, the tenant must ensure that access to the property is available within 4 hours of reporting the repair.

Where damage has been caused as a result of vandalism, the Council will carry out the necessary repair work provided the tenant provides proof of a report being made to the police, usually by providing an incident number for the incidence of vandalism.

Communal repairs in mixed tenure properties will be carried out for Council tenants where it is necessary to maintain the property in a wind, water tight and safe condition. The Council will recover the shared cost of repairs from owner-occupiers or other residents where required.

#### **7.9 *Repair Timescales***

The Council will allocate each repair a category depending on the nature and urgency of the work required as follows:

##### ***Emergency – Timescale 4 hours***

Repairs where there is a risk to personal health and safety or could lead to serious structural damage.

##### ***Urgent – Timescale 3 working days***

Repairs where there is no emergency but the risk is sufficient for the work to be carried out in shorter time than a routine repair.

##### ***Routine – Timescale 20 working days***

This covers repairs for which the Council is responsible where there is no urgency but the work is unsuitable for a planned maintenance programme.

There may be exceptional circumstances where the completion of a repair may be delayed due to e.g. severe weather conditions. In these circumstances the repair will be carried out as soon as it is safe for employees to carry out the required work.

There may also be circumstances where a repair is delayed due, for example, to ordering of parts and aids and adaptations. This may result in repairs taking longer to complete.

#### 7.10 ***Right to Repair***

South Ayrshire Council operates the Right to Repair scheme for tenants and conforms to the legal provisions set out in Section 27 of the Housing (Scotland) Act 2001, and the contractual terms set out in the Council's Scottish Secure Tenancy.

We will pay compensation to tenant(s) under the Right to Repair scheme where we have failed to meet our contractual obligations.

Any amount of compensation due may be reduced where a tenant has outstanding debts e.g. unpaid rent.

#### 7.11 ***Right to Compensation for Improvements***

We will pay compensation for improvements a tenant has made to their home on or after 30 September 2002, where the improvement is eligible for compensation as prescribed by Section 30 of the Housing (Scotland) Act 2001.

Compensation is not payable where a tenant carries out improvements without written consent from the Council.

Any amount of compensation due may be reduced where a tenant has outstanding debts e.g. unpaid rent.

#### 7.12 ***Landlords consent to work***

Sections 28 and part 1 of Schedule 5 of the Housing (Scotland) Act 2001 requires a tenant to get written consent from the Council before undertaking any work, other than interior decoration on a house.

We will respond to any such requests within 28 days, and permission will not be unreasonably withheld.

#### 7.13 ***Duty to Inspect and Right of Access***

Under section 27 and schedule 4 of the Housing (Scotland) act 2001, we will, before a tenancy begins, inspect the house and identify any work necessary to ensure that the house is wind and water tight and in all other respects reasonably fit for human habitation, and to notify the tenants of any such work.

We will also carry out any necessary work to keep the house in this condition within a reasonable time scale and make good any damage, including decoration caused in carrying out the work.



The Council, or someone authorised by the Council can also enter a tenant's home on 24 hours notice to inspect the house and carry out any necessary work. Where forced entry is necessary for inspection, the Council is entitled to charge a tenant to make good any damage.

#### 7.14 ***Reimbursement of cost of work***

Under section 9 of the Housing (Scotland) Act 2001 the Council has a **power** at the end of a tenancy to reimburse a tenant for the cost of any work they have carried out to the house. Where a tenant has carried out improvement work to the house with the consent of the Council, the Council can make a payment to the tenant or his representative up to the cost of the improvement work after deducting the amount of any grant which was paid by the Council to help with the repairs or improvement.

#### 7.15 ***Compensation for improvement***

Under Section 30 of the Housing (Scotland) Act 2001 the Council has a **duty**, at the end of a tenancy to reimburse tenants for the cost of any work they have carried out to the house with our consent. The amount of compensation paid will be dependant on the original cost of work, but will take into account any damage to the fixtures or fittings due to fair wear and tear and depreciation in value, and will not exceed £4000.00 for any one compensation claim.

#### 7.16 ***Rechargeable Repairs***

A repair may be classed as rechargeable when it falls into one of the following categories:

- An owner-occupier's percentage share of a common repair;
- Any repair required due to vandalism where the tenant does not provide a police incident number;
- Any repair requested by the tenant which is not the responsibility of the council as highlighted in the list of responsibilities & repairs detailed in the South Ayrshire Secure Tenancy Agreement;
- Repairs which have been assessed and classified as rechargeable due to negligence, misuse or vandalism by the tenant, members of their household, or visitor/s to their home will be result in the tenant incurring the cost of necessary repairs.

Any outstanding debt to the Council including rechargeable repairs will be deducted from any decoration allowance awarded to a tenant.

#### 7.17 ***Gas Safety***

We will ensure that all gas appliances and flues are checked and certified as safe on an annual basis as required by the Health and Safety at Work Act 1974, and the Gas Safety (Installation and Use) Regulations 1998.

PH Jones as our appointed contractor will undertake annual gas installation and smoke alarm installation, inspection, testing and maintenance works in council owned properties for the period 2007 – 2010.

We will take appropriate action where required to gain access to properties to carry out testing, where access has not been granted voluntarily by a tenant.

#### 7.18 ***Letting Standard for Council Properties***

The Council wishes to re-let its properties as quickly as possible so that people waiting for houses can move in. However it is also important that the properties are in a good condition for new tenants.

We have adopted a letting standard, which is a statement of the condition that all void Council properties should meet before they are re-let.

#### 7.19 ***Appeals***

See section 3.7 of the customer care policy.

#### 7.20 ***Review of Policy***

This policy will be reviewed in terms of legislative changes and good practice guidance every 2 years.

## 8.0 **Housing and Homelessness Services Domestic Abuse Policy** **Contents**

### **Definition:-**

*“Domestic abuse is the use of physical or emotional force or threat within close, adult relationships in a way that causes harm or distress to victims, children or other vulnerable adults.”*

### 8.1 **Policy Statement**

*South Ayrshire Council will treat the victims of domestic abuse fairly and with respect.*

*We will work with partner agencies to provide appropriate services throughout South Ayrshire for men and women who are the victims of domestic abuse, and provide access to accommodation and advice and support where appropriate.*

*Where victims of domestic abuse wish to remain within their own home, we will aim to achieve this where possible with appropriate support.*

### 8.2 **Principal Objectives**

- To work with partner agencies to develop a flexible range of holistic services, to assist victims of domestic abuse to live in safety and security.
- To provide a sensitive, confidential and victim centred approach to addressing the housing and support needs of victims’ and their families.

### 8.3 **Statutory Framework and Good Practice**

The Council has a duty under the Housing (Scotland) Act 2001 and the Homelessness etc (Scotland) Act 2003 to take into account the needs and vulnerability of applicants who have experienced domestic abuse, in terms of assessing homeless status and housing need.

The Children (Scotland) Act 1995 places a duty on the Local Authority to promote the welfare of children, and to respond effectively to their interests and needs when implementing policy.

GIRFEC- “Getting It Right for Every Child” is a national programme that aims to improve outcomes for all children and young people in Scotland.

The Adult Support & Protection (Scotland) Act 2007 main provisions create new measures to protect adults who are believed to be at risk of harm.

South Ayrshire Child Protection Committee (CPC) was formed in 1996 and is a partnership forum which has the primary focus of developing and implementing strategies for the protection of children across and between all agencies operating in South Ayrshire

The Council must also take into account the following legislation when providing housing and homelessness services for victims of Domestic Abuse, and their families:

Matrimonial Homes Family Protection (Scotland) Act 1981  
Civil Partnership Act 2005  
Protection from Abuse (Scotland) Act 2001  
Children's (Scotland) Act 1995  
The Equality Act 2006  
Data Protection Act 1998  
"GIRFEC - Getting It Right For Every Child"

#### **8.4 Multi Agency Working**

Good practice for organisations dealing with victims of domestic abuse highlights the importance of multi agency partnership working and integrated services. A flexible and person centred response for victims and their families, requires close working between Housing Services and the following partner agencies:

Other Council Departments  
Local Police Domestic Abuse Unit  
Social Work Services  
South Ayrshire Women's Aid  
Victim Support  
Ayr Housing Aid Centre  
Community Safety Partnership  
South Ayrshire Multi Agency Partnership to Tackle Violence against Women and Children  
Local Housing Advice and Support Agencies  
NHS Ayrshire & Arran

The Council will work with partner agencies through the establishment of agreed protocols and referral processes.

#### **8.5 Equal Opportunities**

Section 106 of the Housing (Scotland Act 2001) places a statutory duty on local authorities and RSL's to encourage equal opportunities and to prevent discrimination on the grounds of sex, marital status, race, gender, disability, age, sexual orientation, language or social origin.

- Provide services that reflect the Council's commitment to equality of access for all customers, taking into account the particular needs of vulnerable groups.
- Take into account good practice in equal opportunities when we update our policies, procedures and standards.
- Ensure that our policies, procedures, standards and information materials are accessible to all customers, by producing information in plain language and different formats on request that is clear and understandable. Where required an interpreter/signer will be arranged to aid communication.

- We will also take into account other relevant legislation, e.g. Sex Discrimination Act 1975, Race Relations Act 1976 and the Disability Discrimination Act 1995.

## 8.6 Data Protection and Handling Confidential Information

The 1998 Data Protection Act is the legislation which protects confidential information.

South Ayrshire Council will not disclose information that is given to us in confidence without the consent of the individual to whom the information is pertinent. We will control access to personal information when sharing information with other agencies.

Information gathered in relation to domestic abuse could for example include an exchange of information between the Council and:

South Ayrshire Women's Aid  
 Victim Support  
 South Ayrshire Council's Homeless Section  
 South Ayrshire Council's Social Work department  
 Local Police Domestic Abuse Unit  
 South Ayrshire Multi Agency Partnership to Tackle Violence against Women and Children  
 NHS Ayrshire & Arran  
 Other Council departments  
 Customer's legal representative  
 Support Agencies  
 Any representative authorised by the applicant to receive or provide information

When handling confidential personal information we will promote, support and protect the privacy, dignity and rights of our customers.

We will follow good practice.

A breach of confidentiality will be investigated thoroughly and if necessary appropriate action will be taken.

Customers have certain rights to access the information held by the Council in respect of their communication and, should they wish to do this, they should write to the Housing Service requesting access to their file.

## 8.7 Conflict of Interest

Where a victim of domestic abuse has been interviewed by a South Ayrshire Council staff member, subsequent interviews involving the alleged perpetrator will not be conducted by the same member of staff.

This will ensure impartiality, and avoid the possibility of a conflict of interest.

## 8.8 Performance and Service Standards

We aim to adhere to the following good practice:

We will treat the victims of domestic abuse fairly and with respect. We will work with partner agencies to provide appropriate services throughout South Ayrshire for men and women who are the victims of domestic abuse, and provide access to accommodation and advice and support where appropriate.

Where victims of domestic abuse wish to remain within their own home we will aim to achieve this where possible with appropriate support.

We have also adopted agreed service standards for areas of service provision including domestic abuse. We will monitor our performance in delivering these standards of service and use the results to improve service delivery.

## 8.9 South Ayrshire Housing/Transfer Applicants

When a South Ayrshire applicant applies for housing within South Ayrshire, where they have been the victims of domestic abuse, their situation will be assessed sensitively, and any information that is divulged will be treated confidentially. Applicants will be offered a private interview with an officer of the same sex; to ensure they are conducted in a sympathetic and non-judgmental manner.

General advice and information provided to applicants will include:

- Information on all appropriate housing options available, to prevent homelessness.
- Assessment of the support needs of the applicant and their household.
- Advice on additional available support, where this is required.
- Signposting and referring to relevant specialist agencies.
- Assisting with the completion of housing application forms.
- Notification to Social Work Services of any concerns regarding the safety and security of children within the household.

## 8.10 Prevention of Homelessness for Housing Applicants

The Council will try to prevent homelessness for people who are experiencing Domestic Abuse, where it is safe and reasonable to do so. In situations where applicants are experiencing Domestic Abuse in their current accommodation and feel they must be re housed immediately, the Council may consider the following options:

- Applications for re housing may be considered for priority by a panel of three Senior Officers from Housing Services (cases will be considered on an individual basis, taking into account all relevant circumstances, e.g safety of the applicant and their household, type and location of accommodation and support required to assist with resettlement).

- Where the applicant is in agreement, and it is safe and reasonable to do so, Housing Services can refer applicants to the Additional Security Project. This project is run by South Ayrshire Council and offers a range of security measures helping people to feel safer in their own homes, these include:
  - optional security check and advice from Strathclyde Police
  - additional safety locks for doors and windows
  - security chains
  - peepholes
  - access to the Alert community alarm system – instant 999 referral.
- Where there are disputes regarding entitlement to existing accommodation in the event of relationship breakdown, information will be provided on housing rights, and referrals made to specialist legal advice agencies where required.

### 8.11 Homeless Applicants

In cases where the applicant has already left the household, and has presented as homeless, the Council will do the following:

- Carry out an assessment of support needs for the applicant and their household.
- Notify the Council's Social Work department and Child Protection Services, where there are concerns re the safety and security of children within the household.
- Refer any relevant members of the household for the required support.
- Allocate suitable temporary and permanent accommodation, as far as possible, taking into account individual circumstances, and the needs of any children within the household.

### 8.12 Person Centred Approach

In the provision of services to victims of Domestic Abuse, the Council will place the victim and their family, and their best interests, at the centre of the decision making process.

### 8.13 Appeals

See section 3.7 of the customer care policy.

### 8.14 Monitoring and Evaluation

Services offered to victims of Domestic Abuse and their families, and the outcomes of cases, will be regularly evaluated and monitored.

### 8.15 Review of Policy

This policy will be reviewed in terms of legislative changes and good practice guidance every 2 years.