

Midlothian Council

Housing Allocation Policy Consultation Report 2024



Midlothian Council new build development, Clerk Street, Loanhead

Introduction

As part of Midlothian Council's commitment to involving tenants and other service users in the management of housing services it undertook a planned consultation on the Housing Allocation Policy in January 2024. The previous Housing Allocation Policy was written in 2019 and required updating in order to make best use of housing stock and how properties are allocated.

Scottish Government guidance requires that houses are let in a way that gives reasonable preference to those in greatest housing need, which makes best use of the available stock and helps to sustain communities. It is important for every social landlord to have an allocation policy that complies with all relevant legislation and statutory guidance whilst also reflecting local housing needs.

Key Legislation and Guidance

The legislative and regulatory framework for the allocation of social rented sector homes has evolved over time, including through the Housing (Scotland) Act 1987, the Housing (Scotland) Act 2001 and the Housing (Scotland) Act 2014.

This Allocation Policy must comply with the homelessness rules set out in Part II of the 1987 Act (as amended by the 2001 Act and the Homelessness etc. (Scotland) Act 2003).

Midlothian Council as a landlord has a duty to make and publish rules covering priority of allocation of houses, transfers and exchanges (section 21 of the 1987 Act, as amended by section 155 of the Leasehold Reform, Housing and Urban Development Act 1993 and the 2001 Act). This allocation policy must set out clearly how Midlothian Council will decide on priority for housing.

There is a range of statutory guidance which has been referred to when reviewing this Allocation Policy including:

- The Legal Framework for Social Housing Allocations, Statutory Guidance for Social Landlords, Housing (Scotland) Act 2014
- Minimum Period for Applications to remain in force –Suspensions Under Section 20B of the Housing (Scotland) Act 1987. Statutory Guidance, Housing Scotland Act 2014
- The Scottish Government's Code of Guidance on Homelessness 2005 (updated in 2019) - [Supporting documents - Homelessness: code of guidance - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents/homelessness-code-of-guidance)
- Scottish Social Housing Charter
- The Equality Act 2010 (Specific Duties) (Scotland) Regulations 20121 (as amended).
- The Equality and Human Rights Commission's Services, Public functions and Associations: Statutory Code of Practice
- Housing to 2040 - [Housing to 2040 - gov.scot \(www.gov.scot\)](https://www.gov.scot/housing-to-2040)

This allocation policy is also aligned with internal housing related strategies including:

- Midlothian Local Housing Strategy 2021 – 2026 - [Housing strategy and performance documents | Midlothian Local Housing Strategy 2021-2026](#)
- Midlothian Rapid Rehousing Transition Plan - [Rapid Rehousing Transition Plans | Rapid Rehousing Transition Plan 2022/23 - 2023/24 \(midlothian.gov.uk\)](#)
- Midlothian Strategic Housing Investment Plan 2024/25 – 2028/29 - [Strategic Housing Investment Plans \(SHIP\) | Strategic Housing Investment Plan 2024/25 - 2028/29 \(midlothian.gov.uk\)](#)

Consultation

Consultation Method

In January 2024 Midlothian Council officers consulted on the Housing Allocation Policy using the following methods:

- A survey sought the views of tenants, housing applicants and stakeholders. The survey could be completed online, via a link on the council's social media pages or respondents could request a paper copy
- A series of eight public drop-in information events were held in libraries across Midlothian

The consultation ran from Monday 8 January to Wednesday 31 January 2024.

Consultation Results

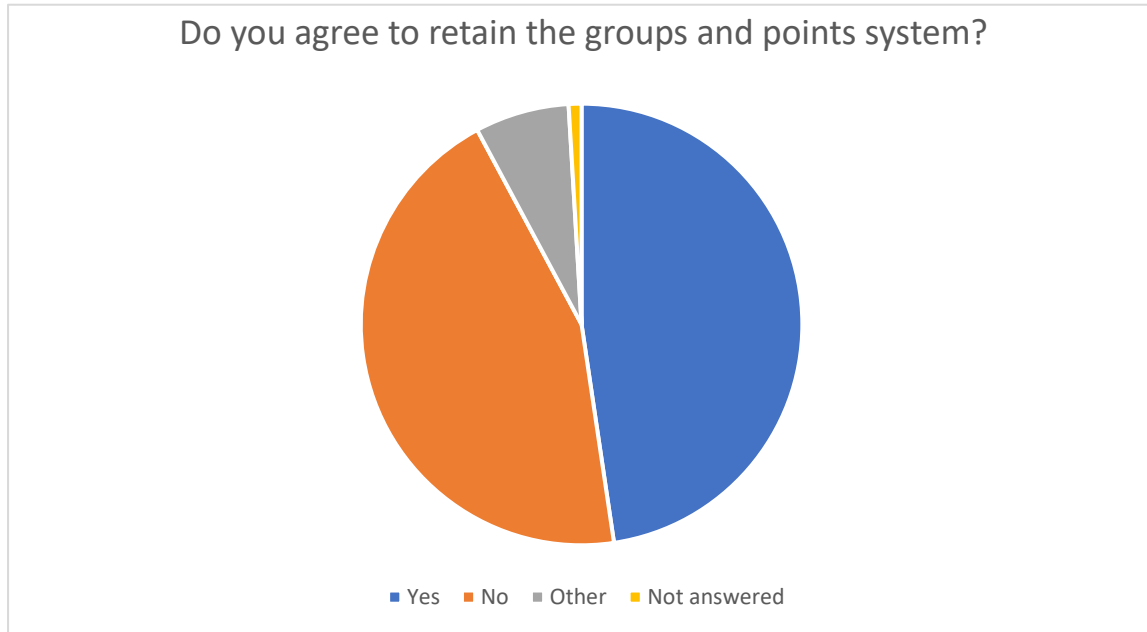
319 surveys were completed and 20 people attended the public drop-in sessions. The survey results are illustrated below with the original questions and accompanying information provided. A recommendation for each question will follow.

Chart 1 below shows that a slight majority of respondents favoured retaining a group and points system of housing allocation (48%); whilst 45% opted against it. The remaining 7% chose 'other'.

Question 1 - Do you agree to retain the groups and points system?

There are two ways to allocate properties in Scotland, groups/points or choice-based letting. We currently operate a groups/points system, where you are placed into one of two groups - Homeless or General Needs. You are then given points depending on your circumstances. This means that you are shortlisted for every property available within your selection of areas and the person with most need is allocated the home. Choice-based letting is where instead of being assigned a home automatically, applicants express preferences for available homes. The applicants are placed in order of most in need. This allows applicants to see the available properties, however applicants must remember to register interest each week.

Chart 1: Do you agree to retain the groups and points system?



Comments received on question 1 and the groups and points system:

'The point system is good but it would be good to see the available properties and be able to put forward for the properties you like'

'First come first served. Keep point system and choice. Be transparent like Edinburgh. Advertise available properties let people bid. Person with most points got priority to view accept property. If declined next one with most points offered it.'

'We need more housing to make either of the options credible'

Recommendation

Based on the similar support for both retaining and removing the group and points system, it is recommended that it should remain as Midlothian Council's system of housing allocation.

Allocation Policy Review Outcome 1: Retain group and points system of housing allocation

Action(s) and Commitments for delivery of outcome	Current status	Target/End Point	Who/Co-ordinator
No action required	Group and points system in use	N/A	N/A

Question 2 - Would you like to be able to apply online for a council house and to update your details via an online applicant's portal?

Table 1 below shows very clearly that 94% of respondents would like an online housing application with applicant's portal in order to update and refresh details as required. Just 6% opted against this.

Table 1: Would you like to be able to apply online for a council house and to update your details via an online applicant's portal?

	Number of respondents	% of respondents
Yes	300	94%
No	19	6%

Recommendation

Based on the very high level of support, it is recommended that Midlothian Council implements an online housing applicant portal which enables applicants to update and refresh their details as required.

Allocation Policy Review Outcome 2: Creation of online housing application and applicant portal

Action(s) and Commitments for delivery of outcome	Current status	Target/End Point	Who/Co-ordinator
Creation of applicant portal	Housing application can currently be downloaded, not completed online. Amendments are made by email/phone.	September 2024	-Housing Services Team -Communication and Marketing Team

Question 3: Do you agree to combine the housing areas as per the community council boundaries?

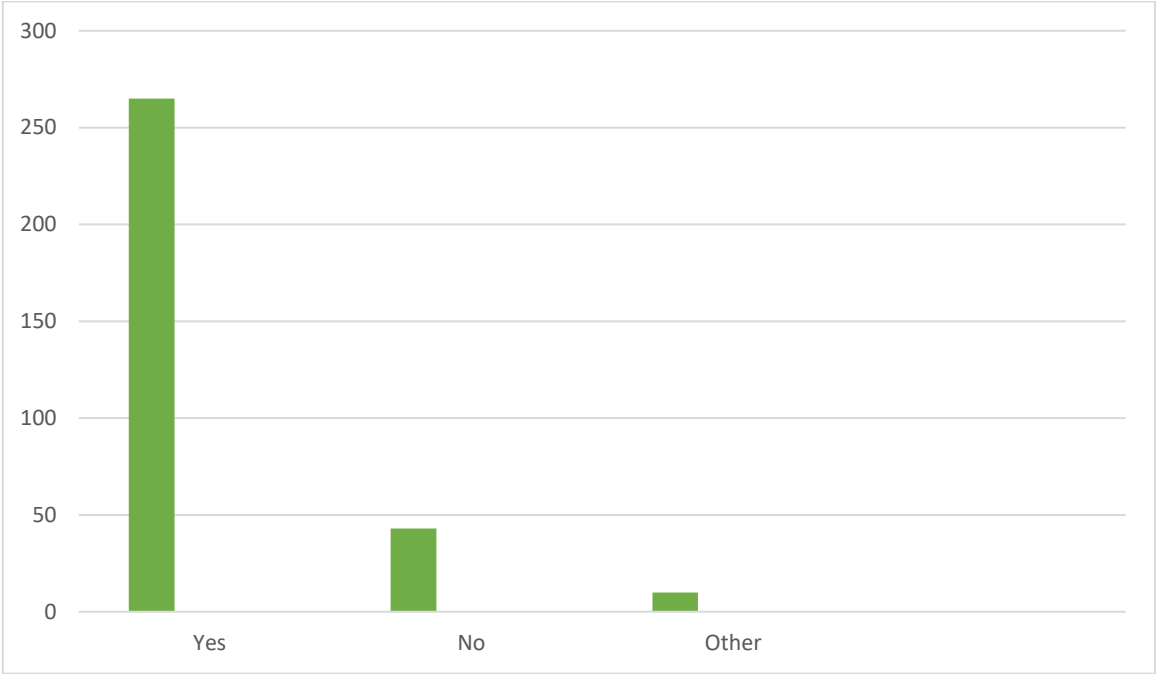
With the increase in new builds in our towns, our boundaries are moving and so we would like to mirror the community council boundaries.

Find the link to the community council boundaries on the overview page of this survey or paste www.midlothian.gov.uk/communitycouncils into your browser.

For example, Danderhall would become Danderhall and district including Shawfair, Wellington, and Millerhill, and Bonnyrigg would become Bonnyrigg and district including Poltonhall and Lasswade.

Chart 2 below shows that 83% of respondents chose to align housing areas with those of the community council boundaries with 13% preferring the status quo and the remaining 3% choosing ‘other’.

Chart 2: Do you agree to combine the housing areas as per the community council boundaries?



Recommendation

Based on the high level of support, it is recommended that housing letting areas are aligned with community council boundaries.

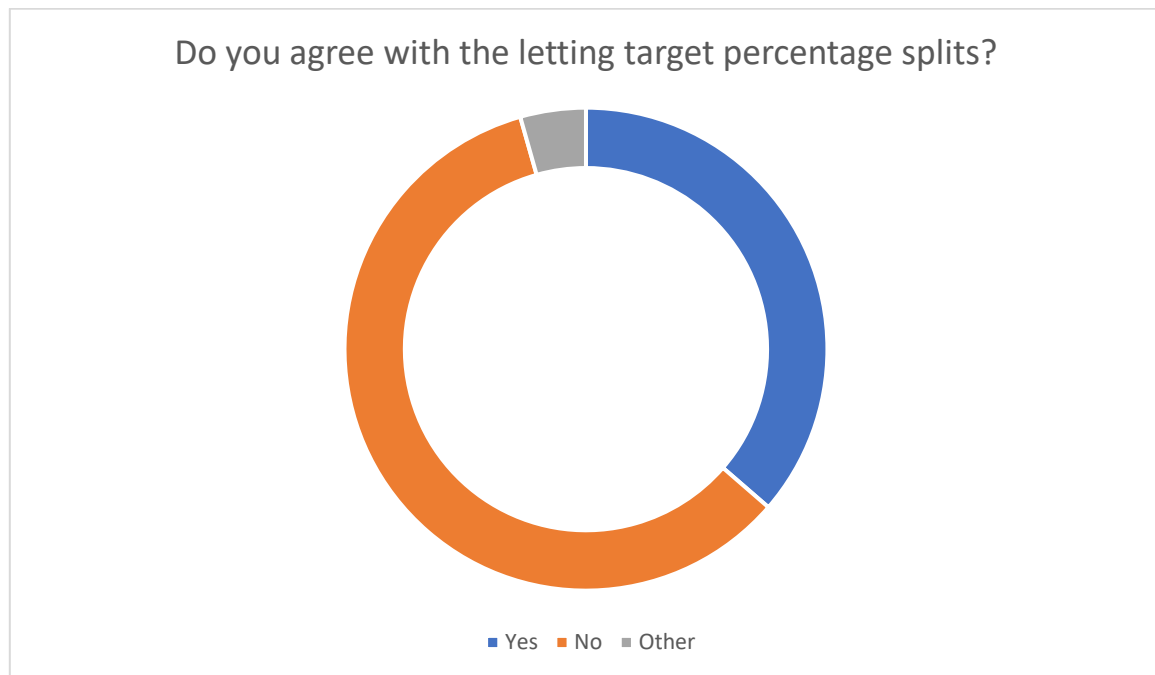
Allocation Policy Review Outcome 3: Align housing areas with those of the community council boundaries			
Action(s) and Commitments for delivery of outcome	Current status	Target/End Point	Who/Co-ordinator
Update housing areas on application form	Housing application currently contains historic areas	September 2024	-Housing Services Team -Communication and Marketing Team
Update housing areas for existing applications on waiting lists	Waiting lists currently using historic areas	April 2025	-Housing Services Team -Business Systems

Question 4: Currently Midlothian Council has a target of letting 60% of its homes to homeless applicants and 40% to general needs applicants.

Do you agree with the percentage splits?

319 people answered this question. Chart 3 below illustrates that 59% of respondents disagree with the percentage splits, 36% agree and the remaining 4% opted for 'other'.

Chart 3: Do you agree with the letting target percentage splits?



Comments received on question 4 and the letting target percentage split:

'Homelessness is a problem there is no denying that however there are people on the general needs list who are not homeless but are in need of their own home/space who cannot afford to private let or indeed buy'

'Homeless people should be getting houses before people should be getting a "move ". Focus on helping the homeless & those in temporary housing'

'In theory yes, however, too many abuse the system and find immoral ways of getting more points. Too many declare themselves homeless, when that's not strictly true. There needs to be a fairer way to allocate housing and prevent this happening'

Recommendation

It is recommended that the letting target percentage splits remain as they are – 60% for homeless households and 40% for general needs applicants, reducing the length of time in temporary accommodation and the statutory homeless system; to allocate to those in most need.

Allocation Policy Review Outcome 4: Current Midlothian Council target of letting 60% of its homes to homeless applicants and 40% to general needs applicants to remain

Action(s) and Commitments for delivery of outcome	Current status	Target/End Point	Who/Co-ordinator
No action required	Current target of 60% to homeless households and 40% to general needs applicants	N/A	N/A

Question 5: All applicants have waiting time points from the date we receive their housing application. When applicants move lists they keep those points. This means when a property is offered to a homeless person it may not be offered to the person who has been homeless the longest.

Do you agree that applicants on the homeless list should be made an offer based on how long they have been homeless for?

Table 2 below shows that 64% of respondents agree that homeless applicants should receive an offer of housing based on how long they have been homeless for, not based on the length of time they have had an application form submitted. Over a third (36%) disagree and would prefer to remain with the current system.

Table 2: Do you agree that applicants on the homeless list should be made an offer based on how long they have been homeless for?

	Number of respondents	Percentage of respondents
Yes	203	64%
No	116	36%

Recommendation

Based on the level of support, it is recommended that homeless waiting times should start at the date of homelessness to ensure that those who have been homeless longest, receive an offer of housing first.

Allocation Policy Review Outcome 5: Homeless waiting times to start at the date of homelessness			
Action(s) and Commitments for delivery of outcome	Current status	Target/End Point	Who/Co-ordinator
General needs waiting time points to be cleared if applicant becomes homeless	General needs waiting time points remain on application	Ongoing on receipt of homeless application	-Homelessness and Housing Options Team

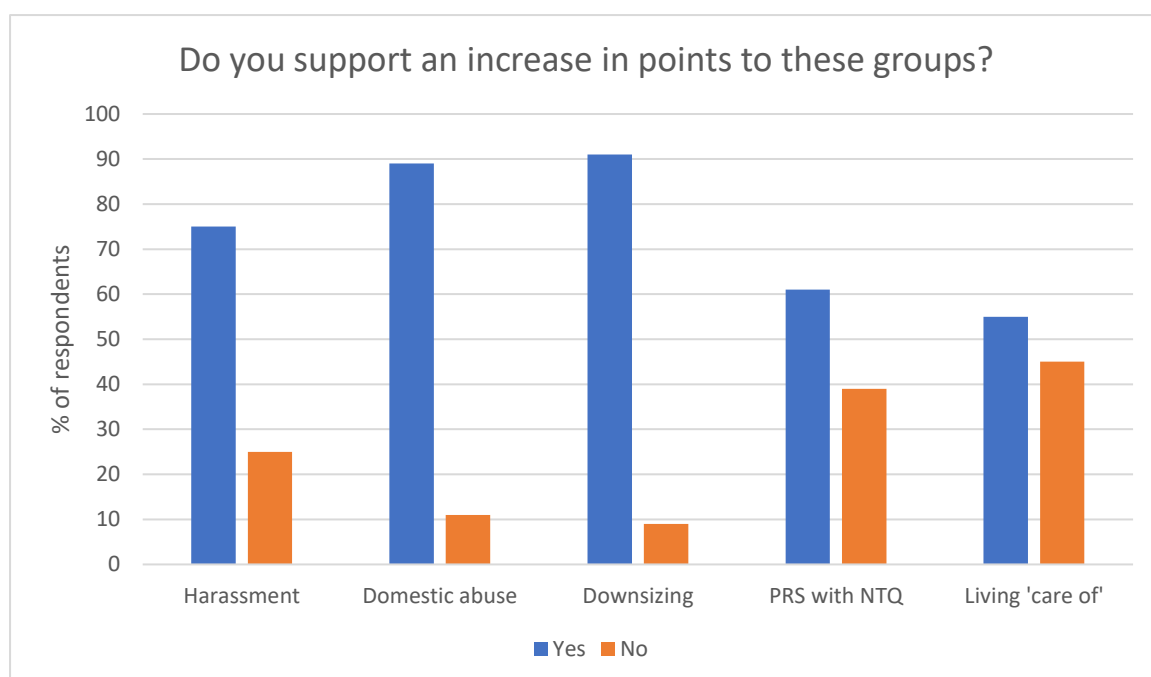
Question 6: We would like to review the following groups of points:

- a) Do you support an increase in points if you have been harassed?
- b) Do you support an increase in points if you have suffered domestic abuse?
- c) Do you support giving extra points for downsizing by at least two bedrooms to free up the larger home for a family in need?
- d) Do you support additional support for people in private lets who have been given notice to leave but who do not yet meet the homeless priority criteria?
- e) Do you support an increase to 'living care of address' points? These are points where an applicant is living at an address where they are not the main tenant.

Chart 4 below illustrates the responses to each category.

- a) Harassment points – 75% of respondents supported an increase in points whereas 25% did not.
- b) Domestic abuse points – 89% of respondents supported an increase in points whereas 11% did not.
- c) Downsizing by two bedrooms – 91% of respondents supported an increase in points whereas 9% did not.
- d) Received notice to quit from private let but not homeless – 61% of respondents supported an increase in points whereas 39% did not.
- e) Living 'care of address' – 55% of respondents supported an increase in points whereas 45% did not.

Chart 4: Do you support an increase in points to these groups?



Recommendation

- Harassment points – 100 additional points to be added to housing application
- Domestic abuse points – 100 additional points to be added to housing application
- Downsizing by two bedrooms – 250 additional points to be added to housing application
- Received notice to quit from private let but not homeless – 30 additional points to be added to housing application
- Living 'care of address' – no points increase to this category

Allocation Policy Review Outcome 6: Additional points awarded to housing applicants who – have suffered harassment, domestic abuse, are downsizing by two bedrooms and PRS tenants who have received a NTQ

Action(s) and Commitments for delivery of outcome	Current status	Target/End Point	Who/Co-ordinator
Update housing application form to reflect new category awards	Housing application form reflects existing category awards	August 2024	-Housing Officer Team -Communication and Marketing Team
Update points for existing housing applications based on new category awards	Application points are based on existing category awards	March 2025	-Housing Officer Team

Question 7: There are two projects where applicants have enhanced support to enable them to manage a tenancy. The first is the National Housing Project for young people who are care-experienced. Housing First, for those with complex needs and repeat homelessness, is the second. It is therefore important to be able to prioritise those groups when they are ready to move to a secure tenancy, so that the good work is not lost between being tenancy ready and awaiting a new home.

In cases where the tenant will be supported and ready to manage a tenancy, do you support separate points for the National Housing Project and Housing First?

Table 3 below illustrates that 66% of respondents support the creation of separate points for applicants who receive support from the National Housing Project and Housing First. This was not supported by 34% of respondents.

Table 3: In cases where the tenant will be supported and ready to manage a tenancy, do you support separate points for the National Housing Project and Housing First?

	Number of respondents	Percentage of respondents
Yes	210	66%
No	109	34%

Recommendation

Based on the level of support from respondents, it is recommended that housing applicants who receive support from the National Housing Project and Housing First have 250 separate points added to their housing applications.

Allocation Policy Review Outcome 7: Housing applicants who receive support from the National Housing Project and Housing First have separate points added to their housing applications

Action(s) and Commitments for delivery of outcome	Current status	Target/End Point	Who/Co-ordinator
Update points for existing housing applications based on new category	Application points are based on existing category awards	June 2024	-Housing Officer Team

Question 8: Last year between 1st April 2022 and 31st March 2023 we let 115 homes out of 184 homes to applicants with medical points. So you will see a high percentage of homes go to applicants with medical points.

Do you have any comments or suggestions about how we allocate our medical points?

There were 132 responses to this question. Table 4 below contains a balanced range of the comments received.

Comment
That isn't fair. General People get over looked time and time again.
Fully support medical points however they should be allocated on a case by case basis. For example someone with say COPD living in a ground floor flat isn't going to get any better moving to another ground floor, where as someone with COPD in a first floor would benefit more from the ground floor, even though they have the exact same conditions.
Maybe also allocation medical points based on each person in the house that suffers with medical needs so not just 1 persons but take all in to consideration
I do not agree that there should be a medical points cap. I have 3 children on child disability payment
To improve health and social inclusion. They should be housed in the same area as their support and social networks.

Housing should be first come first served.
Take in more consideration towards people with mental / physical health and try understand their situations
Physical conditions should be taken into account much much more than any other disability as these people require physical changes to their home in order to live like everyone else

Question 9: We currently provide Midlothian Council tenants who downsize by 1 bedroom a payment of £1,000 and Midlothian Council tenants who downsize by 2 or more bedrooms a payment of £1,500. We also provide a Mutual Exchange grant of £250 to any Midlothian Council tenant who mutual exchanges to another property.

If you are looking to move, what incentive would you need to exchange your home by Mutual Exchange?

If you have an extra bedroom and are willing to downsize, what would be a good incentive to make you do so?

There were 102 responses to these questions. Table 5 below contains a balanced range of the comments received for Mutual Exchanges and the Incentive to Move Scheme.

Table 5: Comments and suggestions received for the Mutual Exchange and Incentive to Move Schemes
Comment/suggestion – Mutual Exchange
Meet the neighbours beforehand. Help with mutual exchange forms.
Free removal van and extra time to move
Financial incentive but more importantly easier access to actual available properties as they are not always clearly listed most people who want to exchange do it through social media
Comment/suggestion – Incentive to Move Scheme
My mum tried this and it wasn't as straight forward as the council advertised. There was still a waiting list, forms to fill out, all that stuff, people who are downsizing should basically be offered a choice of 3 houses that you know are available. It makes sense for the council to make this move as straight forward as possible.... Also you take forever to pay out the money, my mums waited ages it should be done the same day they sign the new lease.
I for one would find it hard to start again and a move is not as black and white as some think after 20 years of being settled and memories. An incentive would be having a bit of a choice in the house you move to
Help towards moving costs or new floor etc
Offer a removal service
Support with the physical move. £1000 won't go far.

Question 10: Our current Local Letting Initiative for new build properties is as follows- available properties are allocated to suitable applicants in the following order of priority:

Tier 1- Allocate to existing council tenants on the housing list who currently live in the letting area where the new property has been built.

Tier 2- Allocate to existing council tenants on the housing list who live elsewhere in Midlothian.

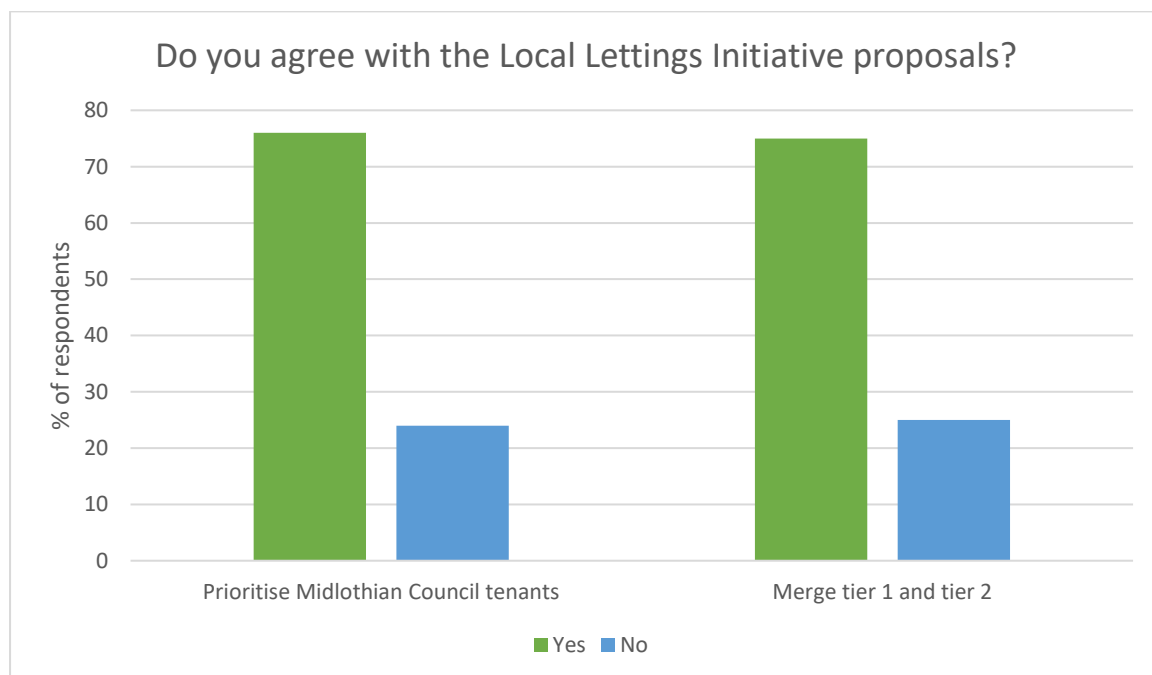
Tier 3- Allocate to housing list applicants who have chosen the letting area in which the new property was built. The applicant must have no recent housing related anti-social behaviour.

- a) Do you agree with our letting initiative prioritising Midlothian Council tenants?
- b) Would you agree to merge Tier 1 and Tier 2?

Chart 5 below illustrates the responses to each category:

- a) Prioritising Midlothian Council tenants – 76% of respondents agreed that Midlothian Council tenants should be prioritised whereas 24% did not.
- b) Merging tier 1 and tier 2 – 75% of respondents agreed that the tiers should be merged whereas 25% did not.

Chart 5: Do you agree with the Local Lettings Initiative proposals?



Recommendations:

Based on the level of support from respondents, it is recommended that Midlothian Council tenants should continue to be prioritised when allocating new build properties. Additionally, tiers 1 and 2 should be merged, which would allow a similar prioritisation for tenants who live in a different area of Midlothian from the new build development.

Allocation Policy Review Outcome 9: Merge tiers 1 and 2 of the new build Local Lettings Initiative (LLI)			
Action(s) and Commitments for delivery of outcome	Current status	Target/End Point	Who/Co-ordinator
Reconfigure new build waiting list based on merging on tiers 1 and 2 of LLI	New build properties are offered to MC tenants in the local housing area in the first instance before then being offered to MC tenants in Midlothian	Ongoing process at point of new build shortlisting	-Housing Officer Team

Question 11: As part of LLI, Housing Association (HA) tenants current shortlist under Tier 3, along with Homeless group and rest of the General need applicants i.e. if you are in a private let or living with someone awaiting accommodation. We have been asked to consider prioritising HA applicants under Tier 1 and Tier 2 for Midlothian Council New build homes. HAs have their own separate allocation policies which can be viewed on their websites.

Should we remain with the LLI as it currently is with HA applicants shortlisting with the rest of the General Needs group at Tier 3?

Table 6 below illustrates that 65% of respondents supported the status quo; Housing Association tenants remaining with the rest of the General Needs group in tier 3 of the Local Lettings Initiative. In contrast, 35% of respondents did not.

Table 6: Should we remain with the LLI as it currently is with HA applicants shortlisting with the rest of the General Needs group at Tier 3?

	Number of respondents	Percentage of respondents
Yes	207	65%
No	112	35%

Recommendation

Based on the level of support from respondents, is recommended that Housing Association applicants should remain in tier 3 of the Local Lettings Initiative prioritisation system.

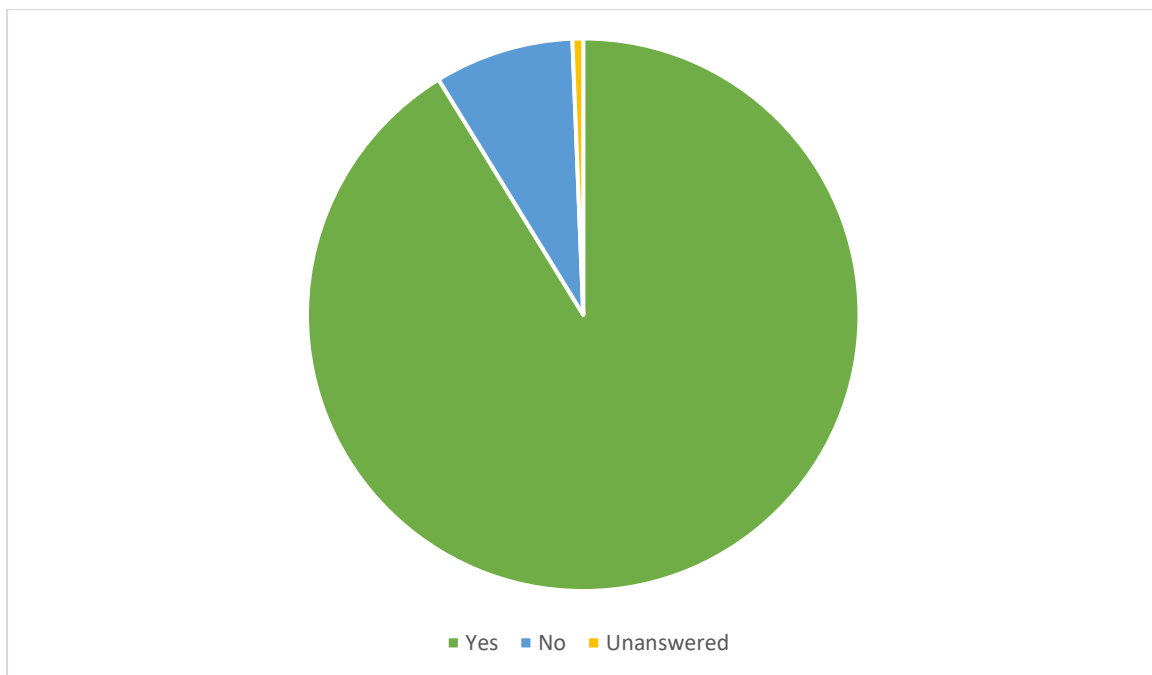
Allocation Policy Review Outcome 11: Retain HA applicants shortlisting with the rest of the General Needs group at Tier 3			
Action(s) and Commitments for delivery of outcome	Current status	Target/End Point	Who/Co-ordinator
No action required	HA applicants currently shortlisted with the rest of General Needs group	N/A	N/A

Question 12: We may suspend applications where we have sufficient evidence. Examples include antisocial behaviour, abandoning or neglecting previous council tenancies, making false statements, refusing more than two offers of housing without successful appeal. The applicant has the right to appeal to the landlord and they have the right to appeal to the Sheriff Court.

Do you support the suspension of applications for up to a maximum of three years to prevent them from receiving an offer of housing from the date they apply?

Chart 6 illustrates that 91% of respondents supported this proposal with the remaining 9% opting to either vote against it or leave the question unanswered.

Chart 6: Do you support the suspension of applications for up to a maximum of three years to prevent them from receiving an offer of housing from the date they apply?



Recommendation

Based on the level of support from respondents, it is recommended that applications should be suspended for up to a maximum of three years to prevent an offer of housing if the Housing Service has sufficient evidence to support a suspension. The applicant has the right to appeal to Midlothian Council and the Sheriff Court.

Allocation Policy Review Outcome 12: Suspension of housing applications for three years if sufficient evidence			
Action(s) and Commitments for delivery of outcome	Current status	Target/End Point	Who/Co-ordinator
Evidence gathering of inappropriate behaviour to be recorded on One Housing system	Power to suspend not currently utilised	Ongoing on receipt of housing application and relevant evidence	-Housing Officer Team

Question 13: We are currently reviewing our Tenant Participation strategy for 2024-2027. Would you like to hear more about this Strategy?

142 respondents requested further information about the Tenant Participation Strategy 2024-2027. The Housing Team will contact these respondents in due course.

Question 14: Would you be interested in joining in any residents/communities/tenancy participation group(s)?

72 respondents indicated that they would be interested in joining a residents/communities/tenancy participation group. The Housing Team will contact these respondents in due course.

Question 15: Would you like to see any other changes to our allocation policy?

There were 150 responses to this question. Table 7 below contains a balanced range of the comments received.

Table 7: Would you like to see any other changes to our allocation policy?

Comment/suggestion
Single people in over 2 beds should have to downsize
I would like if Midlothian council could keep people on the list updated with any further points or changes.
People in flats where circumstances change and they begin to have families should automatically be allocated homes with enclosed gardens shouldn't be expected to carry everything in and out and up multiple stairs so the child can enjoy outdoors
Private let tenants are not there by choice but by necessity. To allocate all new builds to only council tenants who is to say their needs are greater than others. How can anyone become a council tenant if they are constantly passed over for a person/s coming from a different area or housing association and most likely in suitable accommodation

Yes more help for people who are not yet meeting homeless criteria but need to leave there private let
It should be transparent and fair and consistent and not draconian. Tenants should not be penalised for mistakes made in the past . They might just need tenancy support.
One reasonable housing offer (regardless of housing type) to those in genuine need. Far too many people allowed to refuse flats and not have their application marked as having refused an adequate and reasonable housing offer.
Allow people who have part custody of children extra points
I would like more help for anyone in armed forces ,military when either made redundant or leaving active service more help with getting rehoused
The main issue is that the local authorities have not replaced the housing that was sold off during the right to buy scheme. It's hasn't built anywhere near enough social housing. The policy on allowing house building by private companies need's reviewed as they get away with building housing that's too expensive and only supply minimum social rented builds crammed into a small space. Planning applications require to be reviewed and updated in favour of the social renter not the private buyers.
Just build more disabled housing so easier to downsize. Currently in house which 2 large for me and wheelchair user mum.
Mid market letting information easier to follow/apply
More help offered for pregnant women, and people who have been homeless for a lengthy amount of time