

EAST AYRSHIRE COUNCIL

HOUSING COMMITTEE - 23 MAY 2001

HOUSING (SCOTLAND) BILL 2000 UP-DATE

Report by the Director of Homes and Technical Services

1. PURPOSE OF THE REPORT

- 1.1** To provide an up-date on the progress and issues surrounding the Housing (Scotland) Bill 2000 which was introduced in the Scottish Parliament on 18th December 2000.

2. BACKGROUND

- 2.1** The Housing Bill 'Better Homes for Scotland's Communities' was published in July 2000 with a 3 month consultation period. During that time 3,300 copies of the document were sent out by the Scottish Executive. Those receiving a copy of the consultation paper included COSLA, Local Authorities, Housing Associations, Voluntary Organisations, Tenants Groups, Scottish Federation of Housing Associations and many more.

3. CURRENT POSITION

- 3.1** Nearly 250 formal responses to the consultation document were received. The majority of responses expressed strong approval of the unifying effects on the socially rented sector and widespread approval to convert Scottish Homes to an executive agency with the role of regulator. There was also far-reaching support for the legislative proposals to tackle homelessness.
- 3.2** The Housing (Scotland) Bill 2000 was as indicated in Para 1.2 above introduced in the Scottish Parliament on 18th December 2000. In March 2001 the Social Inclusion and Housing Committee heard evidence in Stage 1 of the process. The Committee, in common with most of the organisations which gave evidence, broadly welcomed the proposals contained in the Bill. The following points were raised in a recent minute from the Social Justice Committee.
- The Bill as introduced contains a relatively large number of provisions for secondary legislation, and the Committee shares the concerns of many of its witnesses that there should be full and detailed consultation before such secondary legislation is introduced.
 - The Committee also notes comments that the role of the new Executive Agency may be too large, and needs to be more clearly defined.

- The Committee also notes the views of those witnesses that there may be potential for duplication of role between the Executive Agency and local authorities, for example in respect of responsibility for community regeneration.
- Finally, the Committee notes that the Bill is not intended to make provision for the private housing sector. While the Committee acknowledges that the private sector is, in general, outwith the scope of this particular Bill, it nevertheless shares the concerns of a number of witnesses that legislation is needed to address issues which affect tenants in the private rented sector. However, the Committee notes from the Policy Memorandum that the Executive is to bring forward 'other legislative and funding initiatives' to address some of these points, and welcomes the establishment of the Housing Improvement Taskforce.

4. MAIN ISSUES RAISED

4.1 The following section give a summary of the main issues and concerns that Local Authorities, COSLA and others have raised in official responses to the Scottish Executive.

4.2 HOMELESSNESS & ALLOCATION OF HOUSING

4.2.1 Most organisations support the proposals in this section which are designed to improve the existing homelessness legislation and include a duty on local authorities to produce homelessness strategies

4.2.2 Minister for Social Justice Jackie Baillie pledged to try and reverse an amendment passed at Stage 2 of the Homelessness Bill. The amendment (Amendment 93) seeks to ensure that, when making a request the Local Authority must consider the allocation policies of the Registered Social Landlord. This amendment undermines the rights of homeless people. If it remains in the Housing Bill, it will create a loophole whereby Registered Social Landlords could avoid housing homeless people.

4.2.3 In anticipation of the requirement to develop a Homelessness Strategy the Department has started preliminary work to agree an outline strategy plan and is jointly funding a baseline research study with Scottish Homes and the Health Board.

4.3 SINGLE SOCIAL TENANCY

4.3.1 There has been broad support for the introduction of this type of tenancy and the unifying effects it will have. The Scottish Executive has produced consultation documents on the content of a model tenancy agreement and how it could be implemented.

4.4 RIGHT TO BUY

4.4.1 Proposals to reform the right to buy have been gladly accepted by most local authorities although there is still a great deal of debate around the benefits for housing associations. The long-term viability of housing association activity is a matter for serious concern along with the position of financial institutions who provide private finance for all development work.

4.5 TENANT PARTICIPATION

4.5.1 The proposal to place a duty on local authorities to produce Tenant Participation Strategies in partnership with other providers and agencies, coupled with a right to participate for tenants, has not met with any criticism except that the proposals are not far reaching enough.

4.6 EXECUTIVE AGENCY

4.6.1 The proposals to convert Scottish Homes into an Executive Agency and give it the role of regulator of social housing has met with varied responses. The main concerns of most are that the new agency will merely duplicate of the current role of Scottish Homes with one or two additions.

4.6.2 Similarly there is severe criticism that the proposals to give the new agency the responsibility for community regeneration and social inclusion will cause conflict not only with their role as regulator but also in their role of implementing national policy as decided by the Scottish Executive.

4.6.3 In general Local Authorities are unhappy with the current level of input they have to the development of the role to be carried out by the New Executive Agency. Local Authorities fear that this new layer of the Executive constrains Councils in pursuit of their legitimate, democratic functions of assessing needs, delivering services and providing leadership within communities. They also have the view that the resources required to implement this new layer of government would be more effectively used through local Councils, and their partner organisations.

4.7 STRATEGIC HOUSING FUNCTION

4.7.1 The proposal to give powers to local authorities to adopt a wider strategic and enabling role has generally been welcomed. The main areas of concern so far have been over the potential conflicts with national policy. For example many local authorities working in partnership will reach local consensus, which may be out of line with national policy.

4.7.2 It is clear at this stage that Local Authorities will have to produce Local Housing Strategies which take a comprehensive view to the housing needs of an area and covers all tenures. The process will have to be done in partnership with all providers and agencies across the area. The Housing Committee of 31st January 2001 has already given approval to set up a Housing Forum to facilitate the development of the Local Housing Strategy and Members also agreed to recruit an administrative assistant to work with the Forum.

4.7.3 The proposal to give local authorities the powers to take on the development funding function previously administered by Scottish Homes has also raised some debate about this only being available to councils who have transferred all their stock. The Scottish Executive has indicated that the development function

may be transferred to local authorities where they have met a series of checks and balances but as yet these have not be detailed.

4.7.4 There is deep concern amongst Local Authorities that the Scottish Executive, during the development of these checks and balances, are not taking account of the comments of local Councils and are being influenced only by the comments of organisations such as Scottish Federation of Housing Associations.

4.7.5 While little is yet available to Local Authorities in terms of guidance, Members have agreed to fund a new post of Development Officer which will go some way to preparing for the requirements of the legislation.

4.8 PRIVATE SECTOR IMPROVEMENT/REPAIRS GRANTS

4.8.1 The proposals in this section designed to improve the current improvement/repairs grant system have been welcomed but most feel that it does not go far enough. In recognition of the need to develop a strategy for dealing with housing problems in the private sector, the Scottish Executive has set up a Housing Improvement Task Force with the specific aim of developing a long-term plan to deal with the many problems in this sector.

4.8.2 There are again concerns within Local Authorities that the Scottish Executive is not seriously seeking the views of Councils in the development work of the Task Force. Indeed, from the 12 strong membership of the Task Force, COSLA has only one place on the board.

4.8.3 Recent announcements have indicated that Local Authorities will have a duty to provide a Care & Repair Scheme. The Scottish Executive is also planning to extend the Below Tolerable Standard definition and introduce a new 'index' of standards that will be applied to all tenures.

5. NEXT STAGE

5.1 The Social Inclusion and Housing Committee will consider detailed amendments to the Bill during May and June 2001 and it is thought that it will be ready for final consideration by the Scottish Parliament sometime in July 2001.

6. RECOMMENDATIONS

6.1 It is recommended that Members:

- (i) note the content of this progress report.
- (ii) note that a full report will be submitted once the Bill has passed through the Parliament and the legislation has received Royal Assent.

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23 May 2001

(Members wishing further information on any of the above should contact Joseph Cassidy, Policy Manager, on 01563 576617)

AGENDA