



RESPONDENT INFORMATION FORM

Please Note That This Form **Must** Be Returned With Your Response To Ensure That We Handle Your Response Appropriately

1. Name/Organisation

Organisation Name

Region 9 Glasgow and Eilean Siar National Engagement Committee

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3. Permissions

I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate Yes No

Draft Housing (Scotland) Bill: a consultation – questionnaire

We invite responses to the consultation paper by **14 August 2009**.

You can use this questionnaire for your response. It covers all the questions included in the consultation paper. Please reply by email to:
housingbill2009@scotland.gsi.gov.uk

or post your response to:

The Tenant Priorities Team
Scottish Government
Area 1-H South
Victoria Quay
Edinburgh EH6 6QQ

Please send your completed **respondent information form** with your reply (see 'handling your response' below)

If you have any queries about how to reply, please contact a member of the team on 0131 244 5568 or email us at housingbill2009@scotland.gsi.gov.uk.

Questions

There are three sets of questions, on:

1. Part 1 of the consultation paper – reforming Right to Buy;
2. Part 2 of the paper – modernising regulation; and
3. Annex A – the draft equalities impact assessment.

You don't need to answer all the questions if you don't want to. Different questions may be more or less important to different groups of people or organisations. We want your comments on the areas that matter most to you, so please feel free to focus on as many or as few as you wish. However, we would particularly welcome comments on the draft equalities impact assessment.

Handling your response

We need to know how you wish us to handle your response and, in particular, whether you are happy for us to make your response public. Please complete and return the **respondent information form** which comes with this questionnaire. This will help us to treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it as such.

The Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002. This means we have to consider any request made to us under the Act for information relating to responses made to this consultation exercise.

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Part 1 - reforming Right to Buy

Question 1.1

What financial impact would our proposed reforms to RTB have on social landlords, particularly over the longer term? And what steps could landlords take to mitigate this?

**The impact of Right to Buy sales has now levelled off as the majority of those wishing to buy their homes have already done so. Landlords should be planning now to consider their financial viability in light of the RTB reforms. In the short term landlord will not receive income from reduced sales however, this will be off set in the longer term against the monies generated through rental income which will be a guaranteed source of income.
We do not want to see rents increased to supplement income.**

Question 1.2

Do you agree with the definition of new supply social housing provided at section 109 of the draft Bill?

We agree with the definition but would add the extra exemption below.

Question 1.3

If not, what definition do you propose?

We would go further that all social housing built in the past three years should be dealt with as new housing and therefore exempt from Right to Buy as many schemes are built in phases it could mean one person on one side of the road could have the RTB whilst the other side does not.

Question 1.4

Do you agree with the safeguards we are proposing for existing tenants?

We believe that transferred tenants who transfer to a smaller or bigger property should retain the right to buy (modified), unless they transfer to a new property then there should be no right to buy. They have the choice not to move to a new property, so this is fair.

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Question 1.5

If not, which safeguards do you propose?

See 1.4.

Question 1.6

Do you agree that new tenants entering the social rented sector after the date on which the section comes into force should no longer have the RTB?

Yes we agree. There could be options for people to get help to buy houses but not from social housing stock:

Question 1.7

Do you agree that tenants of other relevant landlords should continue to be given modernised RTB entitlements if they transfer directly to the social rented sector?

Yes unless the properties are less than three years old and they did not have the right to buy before.

Question 1.8

Is the scope of proposed reforms to pressured-area designations appropriate?

**The group felt that they would like to see pressurized area designation used more often. They also thought that the time element should be double from 5-10 years or it should be open ended but reviewed on a year by year basis.
Pressurised status by house type should be looked at eg. three apartment houses in certain areas could be withdrawn from RTB.
The group felt that pressurised status should be decided by the Local Authority, Landlords, Tenant and Community groups via consultation. They also agreed that the status should last for as long as the area was pressurised with yearly reviews.**

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Question 1.9

Do you agree that the maximum designation period should be increased from five to ten years?

Yes and in some cases should be open ended with yearly reviews.

Question 1.10

Do you agree with our proposal to allow particular housing types to be designated as pressured?

Yes.

Question 1.11

Should Ministers devolve pressured area decision-making to councils?

The decision should be made by Local authorities in consultation with RSL's, Tenant Groups and the general community.

Question 1.12

If so, what would be the best way to implement devolved decision-making in practice to deliver a transparent, balanced and soundly-evidenced process?

Open consultations with all interested parties. We want there to be tenant and Registered Tenant Organisation (RTO) involvement in the Council's decision making process and there to be a clear and transparent process in place.

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Question 1.13

Do you agree with the criteria/approach (to developing guidance for applications from RSLs to extend the ten-year suspension) set out in section 1.7 of the consultation paper?

Yes we agree.

Where areas will always be pressured the suspension should be open ended and include all tenancies not just new ones as they would lose the right to buy under the Act anyways.

Question 1.14

If not, what alternative criteria/approach would you suggest?

Where areas will always be pressured the suspension should be open ended and include all tenancies not just new ones as they would lose the right to buy under the Act anyways.

Question 1.15

Do you agree that landlords should be encouraged to use their discretionary powers on the continuous occupation rule for ex-service personnel transferring to social housing?

The group discussed continuous occupation for ex-service personnel and felt that this should not be discretionary, but that it should be backed by law. Also that it should depend on house type and should be a modernised right to buy.

Question 1.16

Do you think this should apply in other circumstances or to other groups of tenants?

The group also thought that it should be discretionary for tied houses (IE. Forestry Commission or agricultural etc.) and that the modernised right to buy should be used.

End of part 1

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Part 2 – modernising regulation

Question 2.1

Do you agree that the purpose of the modernised regime of regulation should be to focus social landlords' efforts on:

- meeting tenants' priorities;
- continually improving performance and value; and
- commanding the confidence of public and private investors in social housing?

The Committee agreed in principle to the purpose of the SHR. Being to encourage RSL's to:
Meet tenant priorities.
Improve performance and Value.
Command the confidence of investors (public and private) in Social Housing.

Question 2.2

If not, what should be the purpose and why?

The group agreed that regulator should be independent and Local authorities should be regulated by the SHR. It was felt there was a need for the SHR to be customer focussed with a management board that involved the Regional Networks.
Inspection does not involve enough tenant input; include tenants, RTOs, federations and community groups in the inspection process.

Question 2.3

Do you agree in principle with the risk-based and proportionate approach to regulating social landlords that we have outlined in section 2.4 of the consultation paper?

No, we agree that Local Authority landlords should be regulated by the Scottish Housing Regulator.

The Regulator should be able to intervene when problems happen or when problems are flagged by tenant or community groups. Not as part of a rota, information/complaints should always be taken into account. A greater use of spot inspections with little notice should be implemented.

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Question 2.4

Do you have any proposals that would streamline further the regulation of social landlords?

**No, there should be no streamlining or self regulation.
Increasing the variety of interventions available to regulator is more important as is a sliding scale of intervention.
More inspections for poor performers, less for those who perform well
Ability to replace senior management (section 17) in the case of poor performers.
Section 17 should be published and used more often, name and shame.
Transparency of documentation, paper trail made more apparent.
Performance indicators need to be standardised and elements agreed across the board for all RSL's.**

Question 2.5

Should we continue to use the term 'social landlord' to describe local authority landlords and RSLs?

We prefer the name Community Housing and Community Housing Providers replace Social Housing and Social Landlords. It is after all about promoting community engagement.

Question 2.6

If not, what term should we use?

See 2.5

Question 2.7

Do you agree in principle with the proposal to set outcomes for social housing in a Scottish Social Housing Charter?

The Scottish Social Housing Charter was discussed and was thought to be a good thing, but only if it is enforceable and tenants are involved in the development. Standardisation to include minimum key points for all RSL's a minimum level of tenant Engagement set out and backed up by SHR. All RSL's should have named Tenant Participation Officer with set duties and responsibilities. Outcomes & values need to be updated,

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regularly and all RSL's should be made to work with Tenants' Groups regional networks to update TP strategy regularly. It was also felt that within the charter there should be a minimum definition of tenant participation. The charter should compliment and reinforce the 2001 Act.

Question 2.8

If you agree, do you wish to suggest changes to any aspect of the proposal?
If you disagree, how would you identify the outcomes and value that social landlords should be achieving for their tenants?

See 2.7

Question 2.9

Do you agree that the modernised SHR should be established as a non-Ministerial department under its own Board?

It was felt that the SHR should a non-ministerial department with a separate board and that the board should include tenant representatives from the Regional Networks. The department should have its own Key Performance Indicators and reporting structure.

The SHR should work with the Regional Networks and tenant groups to promote the interests of tenants present and future.

The SHR should work with tenant groups to attain best value in reporting, assessing and enforcing performance improvement.

This is enabled through increased inspections for poor performers less for good performers. The ability to remove funding for future development from really poor performers. Removal of directors from posts or putting in monitoring personnel that landlord pays for should still be included in list of sanctions. Standardisation of funding for tenant groups across the country should be included in the charter.

Question 2.10

If not, how would you ensure that the SHR was independent enough?

See 2.9

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Question 2.11

Should the modernised SHR have the statutory objective of promoting the interests of tenants and future tenants?

A modernised regulator with teeth, backed by real powers would promote and protect the interests of tenants and future tenants.

Question 2.12

If not, what objective do you think the SHR should be given?

See 2.9

Question 2.13

Should the modernised SHR assume responsibility for regulating services in respect of homelessness, Gypsies/Travellers and factored owners?

It should also regulate ALL aspects of housing and related services (homelessness, Gypsies/travellers and factored owners).

Question 2.14

Should SHR work to improve value for tenants and taxpayers through powers to assess, report on and, if necessary, enforce performance improvement?

See 2.9

Question 2.15

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If so, would the powers and duties that the draft Bill gives the SHR enable it to do that work?

The ability to remove funding for future development from really poor performers. Removal of directors from posts or putting in monitoring personnel that landlord pays for should have been included in Act. Standardisation of funding for tenant groups across the country should be included in charter.

Question 2.16

If not, what role should the SHR have in improving performance and what powers would it need to carry out that role?

See 2.9 and 2.15

Question 2.17

Do you agree that the current inspection powers should be replaced?

We see it more as an increase and strengthening of powers than a replacement.

Question 2.18

If so, would the new provisions that we are proposing in respect of inquiries and information provide a satisfactory replacement?

See 2.9 and 2.15. We would broadly welcome the new provisions with the addition of those set out above.

Question 2.19

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If not, what approach would you suggest?

See 2.9 and 2.15

Question 2.20

Do you think that the powers in the draft Bill provide the right balance and would allow the SHR to take prompt and effective action to tackle problems in financial viability and governance?

See 2.9 and 2.15 we believe that the extra powers set out above will make the bill more balanced.

Question 2.21

If not, what powers would you suggest?

See 2.9 and 2.15.

Question 2.22

Do you agree with the proposal to abolish the requirements in Part 1 of Schedule 7 on payments and benefits, and replace them with a code of conduct setting out standards of financial management and governance?

The group agreed that if the procedures now are not fit for purpose then they should be made more robust and transparent, not streamlined.

We also discussed registration criteria for RSL's and felt the SHR should enforce the criteria set by the Government.

Question 2.23

If not, what would you suggest?

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See 2.22.

Question 2.24

Do you agree that Ministers should set the criteria for eligibility to seek registration as an RSL and that the SHR should set the criteria against which it tests applications?

Yes.

Question 2.25

If not, what approach would you suggest?

N/A

Question 2.26

Do you agree that this power should extend to allowing profit-distributing bodies to become eligible for registration?

The group felt very strongly that profit distributing groups should not be considered for registration under any circumstances as this would make them eligible for public subsidy which would mean dividends being paid indirectly out of the public purse.

Question 2.27

If so, do you think it is right to have specific enforcement powers for profit-distributing RSLs?

See 2.26.

Question 2.28

Are the enforcement powers that we have set out for profit-distributing registered landlords the right ones?

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See 2.26

Question 2.29

If not, what enforcement powers do you think would be right?

Profit distributing bodies should not become RSL's.

Question 2.30

Do you agree that RSLs should only have to seek consent for the three areas of rule changes set out in section 2.15 of the consultation paper?

No, it was agreed that all changes affecting RSL's should be reported to the SHR especially those that were considerably different to their registration details: i.e. Subsidiaries and commercial ventures even if the profits were ploughed back into development and investment.

Question 2.31

If not, what approach would you suggest?

The SHR should have everything reported to them and they should decide.

End of part 2

Annex A – draft equalities impact assessment

Question A.1

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What else do we need to know about tenants, prospective tenants and RTB purchasers to help us understand their diverse needs and experiences of social housing, and where can we get this information?

Tenants want quality, warm affordable homes this becomes more necessary as “Social Renting” is once again becoming a first choice for many families.

More support for the mortgage to rent scheme to allow RSL’s to buy back RTB housing when home-owners get into difficulties.

The working group on tenant priorities in social housing reported back through the Regional Networks and this information is available and should be looked at.

More use of the Regional Network of tenant groups would be the obvious way to gather this information.

Seek the views of existing tenants and RTOs through conferences, focus groups, surveys and discussion groups. Also, seek advice from organisations such as TPAS and TIS.

Question A.2

Do you think ending the RTB for new social housing will have a disproportionately negative impact on particular groups of people in our target audience?

Long term tenants moving to smaller houses as their children leave home will become more reluctant to move due to losing the RTB. This may lead to less larger housing being freed up. Larger families who become overcrowded may be reluctant to move as they lose the RTB.

Question A.3

If you think the RTB proposals will have a negative impact on a particular group, why is this?

See A.2

Question A.4

What positive impacts do you think ending the RTB for new social housing will have on particular groups of people?

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There may be more people prepared to go into the private sector to rent thus freeing up more housing for those in real need. The first time buyer market and shared equity market may get a slight boost, as less people have RTB.

Question A.5

What changes to the RTB proposals would you suggest to reduce any negative impact or enhance any positive impact you have identified?

Allow the modified RTB for those who are forced to move due to overcrowding and those who move voluntarily due to under occupancy. Sliding scale of LIFT for those who give up Social Rented housing to buy shared equity property. Incentive schemes where grant is given to buy on open market in proportion to time renting.

Question A.6

Do you think the changes to regulation will have a disproportionately negative impact on any group, or groups, of people?

Local Authority tenants will not have the same protection if The Modernised SHR does not inspect Local Authorities this would be a major negative effect.

Question A.7

If you think there will be a negative impact on a particular group, why is this?

The Scottish Housing Regulator should be responsible for all Social Housing, not inspecting Local Authorities would deny their tenants real input into the inspection process and would be a major step back for community engagement.

Question A.8

What positive impacts do you think modernising regulation will have on particular groups of people?

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Tenants will have a greater degree of protection from a truly independent regulator.

Question A.9

What changes to the proposals for regulation would you suggest to reduce any negative impact or enhance any positive impact you have identified?

The SHR must regulate Local Authorities.

Question A.10

When we complete our impact assessment of the changes to regulation and RTB, are there any other significant issues we need to consider in relation to:

- Age
- Disability
- Gender
- Sexual orientation (Lesbian, Gay, Bisexual and Transgender (LGBT))
- Race
- Religion and belief?

Please continue on a separate sheet if necessary

End

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Thank you for taking the time to respond.

Please remember to complete your respondent information form and return it to us with this questionnaire.