

SUBMISSION FROM REGIONAL NETWORKS OF TENANTS ORGANISATIONS

There are 9 Registered Tenant Organisation Regional Networks covering the whole of Scotland. Regional Networks were formally set up in 2007 to help Registered Tenant Organisations (RTOs) engage with the Scottish Government on issues of national policy. The Regional Networks objective is to improve the housing and well-being of tenants and residents in Scotland. We will work with government and other interested stakeholders to promote tenants and residents interests in housing, planning, community regeneration, the environment and community safety.

Introduction

1. This paper sets out the Regional Networks collective views in relation to the Housing (Scotland) Bill introduced to the Scottish Parliament on the 13 January 2010.

Policy Objectives

2. The Regional Networks support the principal objectives outlined in the Policy Memorandum:
 - to improve the value that social housing delivers for tenants and taxpayers;
 - to safeguard the supply of that housing for the benefit of future generations of tenants; and
 - to improve conditions in private sector housing.
3. We also agree that these objectives can be achieved through:
 - Modernising the regime for regulating social landlords (local authority landlords and registered social landlords – RSLs).
 - Reforming the right to buy (RTB) of social housing.
 - Amending the law on registering private landlords, licensing houses in multiple occupation and dealing with disrepair in private housing.

Modernising Regulation

4. Regional Networks fully support the intention to establish an independent Scottish Housing Regulator to regulate the housing functions of both Local Authorities and RSLs. We consider the inclusion of Local Authorities will provide clarity of purpose, consistency for tenants, greater transparency and will gradually instil trust among tenants for the new regulatory process.
5. In considering the aims of the proposed modernised regulatory regime we agree the main aim should be to protect current and future tenants, homeless people and service users. We are particularly pleased to see the addition of homeless people as a distinct group worthy of protection. We also agree that the modernised regulatory regime should be introduced on the basis that social landlords will derive benefit, encouragement and support from the Regulator so as to improve their performance and deliver added value for all tenants, homeless people and service users.

Annual Reports and Self-assessments

6. It may well be possible to achieve regulation improvement through a proportionate and risk based regime. However, we do have particular concerns about a proportionate and risk based regulatory regime that has its foundation in landlord self-assessments. While recognising there are good practice landlords who involve their tenants in performance monitoring and reporting, we believe this is patchy. Only when this good practice becomes prevalent throughout the social rented sector will tenants be satisfied that valid and candid reporting is being submitted to the Regulator. We would advocate that a specific requirement is placed on landlords to involve tenants and RTOs in self assessment and that the Regulator has a specific duty placed on it to ensure this is demonstrated within the self-assessment process. Additionally, where any improvement notice is served, or action plan agreed, tenants and RTOs should become involved in developing the landlord's improvement plan.
7. One of the key objectives of the Bill is to improve the value that social housing delivers for tenants and taxpayers. Even so, effective tenant participation remains variable throughout the social rented sector and many tenants lack sufficient understanding of how landlords spend rent receipts and deliver value for money. This is particularly true in relation to local authority Housing Revenue Accounts. Tenants are concerned about seepages from the HRA for non-housing purposes. We would advocate that local authorities are required to detail all HRA expenditure in their annual report to the Regulator.

Light Touch Regulation

8. We agree good performing landlords should be subject to a lighter touch regulatory regime. However, we are concerned that good performing landlords may become too relaxed and tenants need reassurance that the Regulator will operate with due diligence and continue forceful supervision regarding improving all landlords performance. The Regulator should therefore be required to carry out sporadic spot checks of all landlords.

Tenant involvement with the Regulator

9. It is with some reassurance to us that the Bill contains proposals to give a landlord's tenants direct access to the Regulator to report serious failures in their landlord's performance or services. It is also reassuring that the Regulator is being obliged to consult with stakeholders (tenants included) on a number of important aspects of regulation.
10. Continued tenant involvement in inquiries is vital and we would seek reassurance that established arrangements for this continue and develop further. Tenant Assessors have a proven track record in this field and should be maintained. Additionally, local tenants should be invited to comment on their landlord's housing services during inquiries. The Tenants Regulatory Advisory Group has also made a valuable contribution in shaping regulation guidance and practice in partnership with the Regulator. We would wish to see this good practice continue under the new regulatory regime with the regulator having a formal mechanism in place for ensuring that tenants can inform and influence its work.

Regulation Board

11. Regional Networks welcome the establishment of an Independent Scottish Housing Regulator with its own Board of Directors. We also welcome the proposed makeup of the Board to be inclusive of the CEO and at least three non-executive members. However, we consider all non-executive members should be selected from the wider Scottish society, including tenants. We have confidence that if a tenant non-executive member is appointed he/she will demonstrate the necessary skills and competence to fulfil this challenging role.

Regulation fees and charges

12. We note with serious concern the Bill retains clauses that would allow the Regulator to set fees and charge landlords for regulation services. We believe it would be appropriate to remove the provision in the Bill which gives the Regulator powers to charge fees in light of the current Government's stated aim to continue funding the SHR in full.

13. We are also concerned that if the Regulator was permitted to set fees and charges for its services this would be paid for by tenants from rental income. Moreover, as SHR activity will be focussed on poorer performing landlords it would be tenants in receipt of the poorest services who would have to pay the fees and charges while the landlord will be deprived of essential funds necessary to improve its services for tenants.

Social Housing Charter

14. The section of the Bill regarding setting-up a Social Housing Charter is generally welcomed by tenants. We also welcome the opportunity afforded to the Regional Networks, tenants, RTOs and other stakeholders to assist in setting the Charter outcomes and agree with the Government's four stage consultation process. However, notwithstanding our general support for the proposals and recognising the diversity of rural and urban communities, we would like to see Tenant Participation being given greater prominence as a national outcome that all landlords will be expected to meet.

Right to Buy

15. Regional Networks endorse the proposals contained in the Bill in respect of Right to Buy. However, we would welcome clear guidance being issued to tenants on the implications arising from these changes.

Pressurised Area Status

16. We accept the need to extend the period of pressurised status and to include pressurised house types within the definition. We also support the decentralisation of decision making to local authorities provided adequate safeguards are put in place to ensure local community agreement is sought by local authorities regarding designations.

Registration of Private Landlords

17. We support the proposals to strengthen local authority's powers to ensure all private landlords apply for registration. Additionally, we would advocate the registration period is accelerated.

Local Connection

18. We agree service personnel should benefit from establishing a local connection in the area they are stationed in.

Amending Housing (Scotland) Act 2006

19. We agree to the strengthening of local authority powers to ensure owners look after their part of a property and to allow for payment recovery in respect of all maintenance costs where homeowners are unwilling to pay their share. Notwithstanding this support, we feel that factoring costs should be monitored and where there are affordability issues for homeowners, they should be allowed to pay their share at an affordable rate.

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