

## HOUSING (SCOTLAND) BILL - MINISTERIAL SOUNDING BOARD

**Minute of the third meeting of the Ministerial Sounding Board held on Tuesday 25 May 2010 at Victoria Quay, Edinburgh**

### **Present**

Alex	Neil, MSP	Minister for Housing and Communities
Douglas	Edwardson	Association of Local Authority Chief Housing Officers
David	Bookbinder	Chartered Institute of Housing Scotland
Jennifer	Wallace	Consumer Focus Scotland
Jon	Harris	Convention of Scottish Local Authorities
Jim	Harvey	Glasgow and West of Scotland Forum
Russell	Gunson	NUS Scotland
Danny	Mullen	Regional Network of Registered Tenant Organisations
John	Blackwood	Scottish Association of Landlords
Hanna	McCulloch	Scottish Disability Equality Forum
Andrew	Field	Scottish Federation of Housing Associations
Iain	MacInnes	Scottish Tenants Organisation
Rosemary	Brotchie	Shelter Scotland
Ilene	Campbell	Tenants Information Service
Lesley	Baird	Tenant Participation Advisory Service
Rena	Smith	Tenants Regulation Advisory Group
William	Fleming	Scottish Government
Linda	Leslie	Scottish Government
Ian	Spence	Scottish Government – minutes

### **Apologies**

Martin	Hayward	Equality and Human Rights Commission
Kennedy	Foster	Council of Mortgage Lenders
Ian	Ballantyne	Veterans Scotland

**In attendance:** Tessa Brown, Laura Gilbert, Colin Affleck, Jenny Goldsmith and Valerie Sneddon from the Scottish Government.

## **1 Welcome and opening remarks**

Mr Neil welcomed members to the third meeting of the sounding board for the Housing (Scotland) Bill. He particularly welcomed Jon Harris of COSLA, substituting for Councillor McGuigan; Andrew Field of SFHA, substituting for Lorna Paterson; and David Bookbinder of CIH, substituting for Alan Ferguson.

## **2 Minutes of meeting on 20 April and matters arising**

Mr Neil said that the minutes of the previous meeting had been circulated in draft form and amended in the light of members' comments. The final version had been circulated to members the previous day.

Mr Neil updated the meeting on the progress of the Bill. The Local Government and Communities Committee had finished taking evidence, and was preparing its report. Mr Neil hoped the Committee would recommend to the Parliament that it should support the main principles of the Bill. The Stage 1 Debate on the report was scheduled to take place in the Parliament on Wednesday 23 June.

## **3 Topic 1 – Private Sector Housing provisions**

Mr Neil invited views on Parts 12 and 13 of the Bill, with the caveat that these provisions may be moved to the forthcoming Private Sector Bill in light of the Committee's report on the current Bill. Mr Neil commented that the purpose of the provisions was to improve conditions in private sector housing generally and in particular to crack down on rogue landlords without imposing extra burdens on the vast majority of honest landlords, who had a necessary and important part to play in meeting housing need.

### *Landlord Registration*

In a discussion about landlord registration, the following points were made:

- Effective enforcement of the registration regime was the key issue, rather than further legislation. There was anecdotal evidence that the resources – particularly staff - that some councils were committing to this activity were inadequate, despite the provision of information by responsible landlords.
- A number of councils were making registration work well. Examples of their good practice, and the benefits that flowed from it, should be shared with other councils.
- On the question of tougher penalties for non-compliance, the size of the fine was irrelevant if councils were not enforcing the regime and non-compliant landlords were not being pursued and fined.
- It was important that councils made tenants more aware of their rights and responsibilities – for example, anecdotal evidence suggested that tenants with

disabilities were being evicted from their homes for asking their landlords for adaptations. There was a need for a co-ordinated information campaign for tenants, and also a need to raise awareness of the issue among landlords (including awareness of what is being achieved through registration).

- Local authority officials should be able to take cases to the Private Rented Housing Panel, as tenants are often reluctant to come forward for fear of reprisals.
- Letting agents also have a role to play. At the moment they did not have to ask if a landlord who approached them was registered or in the process of registering. That was a gap in the legislation that needed to be addressed.

Summing up this part of the discussion, Mr Neil said that he would discuss with COSLA, at their next regular meeting, ways of publicising the need for landlords to be registered and the rights and protection available to tenants. He would also have a separate meeting with Mr Blackwood at which some of the points raised in the discussion could be pursued in more detail.

#### *Houses in Multiple Occupation (HMOs)*

In a discussion about HMOs, the following points were made:

- The purpose of HMO licensing was to ensure minimum standards of safety for tenants in such properties. Using the regime to address wider planning and landlord management matters might encourage some landlords to avoid the regime altogether, which would put at risk the safety of tenants. Breaches of planning should be enforced using the existing planning laws. On the other hand, it was unsatisfactory that someone in contravention of planning laws could obtain an HMO licence and it was missing an opportunity not to see HMO licensing as a tool for addressing problems of poor landlord management.
- An alternative means of addressing problems of landlord management might be to create a link between landlord registration and planning, rather than between the planning and HMO regimes.

Summing up this part of the discussion, Mr Neil noted the concerns over the HMO licensing regime being used for purposes beyond safety in HMOs. He hoped that it would be possible to use enforcement of the various regimes to achieve better management in the private rented sector and increased safety for tenants, and looked forward to discussing the matter further during the development of provisions for the forthcoming Private Sector Bill.

Mr Neil said the Government wanted a wide ranging and open debate on the outcomes that should be set by the Charter. It did not want to inhibit the debate or set its terms. For that reason it was starting the process for developing the Charter with a “blank sheet of paper”. This reflected the Charter provisions in the Bill, which allowed for great flexibility in setting outcomes and required these to be discussed with stakeholders before they were put to the Scottish Parliament for its approval. He recognised that this non-prescriptive approach made it difficult for stakeholders to envisage what the Charter might mean in practice for tenants, landlords and other stakeholders and invited views on whether the Bill should be more specific about certain aspects of the Charter. For example, should it spell out the requirements for consultation, or set a number of mandatory outcomes?

In discussion, the following points were made;

- The opportunity for stakeholders to influence the development of the Charter from the outset and with no pre-conditions was welcome as was the intention that the Charter should set outcomes. On the other hand, as matters stood, the Bill’s minimalist approach meant that stakeholders did not know the nature and extent of the participation that would be open to them, or how that would influence the final shape and content of the Charter. More detail about the Government’s plans for discussion and consultation would be welcome. Also, without pre-empting the discussions, it would be useful to have an indication from the Government – perhaps through some illustrative examples - of how outcomes might be expressed.
- It would be important to find innovative means of involving as wide a range as possible of stakeholders in the Charter’s development. That would mean getting beyond the usual representative groups to engage tenants, prospective tenants, homeless people and others users of housing services. It would also mean ensuring that funding to support effective engagement was available.
- The Bill did not appear to be clear in its use of the terms ‘standards’ and ‘outcomes’. There needed to be clear distinction between them, possibly drawing on the precedent of other recent legislation that touched on similar matters.
- If the Charter were to enable tenants and other service users to hold to account their landlords, it needed to avoid jargon, be written in plain language and describe outcomes that tenants and others could recognise and use as a basis for assessment.
- The effort required to produce the Charter would be justified only if it became the key statement on what landlords should be delivering. It would have to be embedded in the work of landlords and of the Scottish Housing Regulator (SHR) in assessing their performance, so that what the SHR assessed flowed directly from the outcome set by the Charter. One consequence ought to be that the Charter would form the basis of the SHR’s information collecting

activities, with the current Annual Performance and Statistical Return requirements being streamlined and included within a single reporting exercise.

- It was important that the Charter should apply to the homelessness services of those local authorities that have transferred their stock.
- The role of tenant participation would be enhanced if the words ‘and reviewing’ were to be added to S 32 (1)(l) of the Bill.
- The list, at S 33 (2) of the Bill, of those that the Government should consult about the draft Charter should be amended to include the representatives of homeless people, other service users and equalities organisations.

Summing up this discussion, Mr Neil said there was general support for the open and non-prescriptive approach that the Government planned to adopt in developing the Charter. He noted, however, that stakeholders wanted a better understanding of the detailed process for developing the Charter and what the Charter might look like in practice. With that in mind, officials would circulate a paper for discussion at the next meeting that sought to address these points.

## **5 An alternative term for ‘social housing’ – discussion**

Mr Neil said that the consultation on the draft Housing Bill had canvassed views on the case for finding an alternative term to “social housing”. Stakeholders generally favoured seeking a new term, but did not agree on what it should be, though “community housing” had been the most frequently proposed alternative. The opportunity to agree a new term remained and he invited views on whether it should be pursued.

In discussion, the following point was made:

- There was a powerful stigma associated with the term ‘social housing’, which warranted seeking a new term. Against that, there was a risk that changing the name would simply be cosmetic. On this view, it was more important to work on removing the causes of the stigma, so that over time social housing became associated with a product that was viewed in positive terms.

Summarising the discussion, Mr Neil said that there appeared to be a majority among members in favour of a change, but no consensus on what the change should be. There was no pressing need to make an early decision on the matter and he suggested that consideration of it could be taken forward as part of the Charter discussion (albeit that this would mean “social housing” and “social landlord” would continue to be terms used in statute).

## **6 Agenda and Date of Next Meeting**

Mr Neil said that the next meeting, on **Monday 14 June 2010, 10.00 a.m.**, at Victoria Quay, Edinburgh, would focus on:

- a) Homelessness – based on Shelter’s evidence to the Local Government and Communities Committee.
- b) The paper on the Charter that officials would prepare.
- c) A PowerPoint presentation on the Housing Discussion Paper, launched 24 May.

## **7. Any other business**

There being no other business, Mr Neil thanked the members for attending and closed the meeting.