

HOUSING (SCOTLAND) BILL - MINISTERIAL SOUNDING BOARD

**Minute of the fifth meeting of the Ministerial Sounding Board held on
Wednesday 9 September 2010 at Victoria Quay, Edinburgh**

Present

Douglas	Edwardson	Association of Local Authority Chief Housing Officers
Nicola	Clarke	Chartered Institute of Housing Scotland
Jon	Harris	Convention of Scottish Local Authorities
Kennedy	Foster	Council of Mortgage Lenders
Chris	Cunningham	Glasgow and West of Scotland Forum
Russell	Gunson	National Union of Students
Danny	Mullen	Regional Network of Registered Tenant Organisations
John	Blackwood	Scottish Association of Landlords
Hanna	McCulloch	Scottish Disability Equality Forum
Iain	MacInnes	Scottish Tenants Organisation
Rosemary	Brotchie	Shelter Scotland
Sandy	Murray	Tenants First Housing Co-operative
Ilene	Campbell	Tenants Information Service
Jamie	Ballantyne	Tenant Participation Advisory Service
David	Tares	Tenants Regulation Advisory Group
William	Fleming	Scottish Government (Chair)
Linda	Leslie	Scottish Government
Joanne	McDowell	Scottish Government
Ross	Wilson	Scottish Government
Tessa	Brown	Scottish Government (minutes)

1 Welcome and apologies

William Fleming welcomed members to the meeting. He noted that the Minister was unable to chair this meeting as he had been asked to speak at the second day of the SFHA conference. Apologies had also been received from Jen Wallace of Consumer Focus, Lorna Paterson of SFHA, Martin Hayward of EHRC and Ian Ballantyne of Veterans Scotland.

2 Minutes of meeting on 14 June and matters arising

The minutes were agreed and there were no matters arising.

3 Stage 2 amendments – overview

Linda Leslie provided an overview of the Government's response to the Local Government and Communities Committee's stage 1 report and proposals for stage 2 amendments. These would include a number of technical and drafting amendments on regulation. The Government would also respond to the concerns of Glasgow and West of Scotland Forum and of the Subordinate Legislation Committee by introducing an amendment specifying legislative registration criteria for RSLs on the face of the Bill.

To strengthen the role of tenants, the Government would bring forward an amendment to provide for landlords to involve their tenants in reporting their performance to the SHR. This was intended to address concerns about the robustness and transparency of a system relying on self-assessment. There would also be an amendment to section 32(l) concerning tenant participation – to encompass review as well as formulation of proposals by landlords.

An amendment would be made to the 'marker provision' on unauthorised tenancies at section 142, reflecting the recommendations made by the Repossessions Group.

The Government was considering an amendment to the 20-year lease and standard security rules, whose aim would be to widen options for providing and financing affordable housing, such as mid-market rent. It was also considering amendments on pre-action requirements in respect of those facing evictions from social housing on grounds of rent arrears.

No amendments were proposed at this stage to Part 12 on private rented housing, as the Government intended to introduce a separate Private Rented Housing Bill in early October (discussed under the next agenda item).

Summarising the amendments, William Fleming noted that the intention was to fine-tune the Bill's existing provisions in response to points made in the Parliamentary reports on the Bill and to concerns raised at the sounding board and elsewhere. The Government hoped that this approach would minimise the burden at stage 2 on the Local Government and Communities Committee and give the Committee more time to consider the forthcoming Private Rented Housing Bill. It seemed likely that another Housing Bill would be required in the next Parliament. That would allow full consideration of any further more substantial reforms, including those emerging from the debate stimulated by the Government's "Fresh Thinking, New Ideas" paper.

Commenting on the amendments, Danny Mullen said the RTO networks had hoped to see a Government amendment removing the provision that allows the regulator to charge fees. This was a fundamental concern for tenants. He

added that they would also like to see something on the face of the Bill recognising the role of tenants on the SHR's board.

William Fleming said he would pass these comments on to the Minister. On the second point, he said that the Minister was fully committed to having tenant representation on the board. On 22 September, the Minister would be discussing with the Local Government and Communities Committee the order providing for appointments to the SHR's board to be made under the scrutiny of the Office of the Commissioner for Public Appointments in Scotland. In doing so, it was likely that the Minister would confirm that experience and understanding of being a tenant would be one of the criteria for appointment to the Board.

Kennedy Foster asked how the work being carried out by Professor Russell Griggs fitted with the Bill, and when his report would be published.

William Fleming explained that the Minister had asked Professor Griggs to carry out a brief review of the Bill's provisions to ensure that they would not result in any unnecessary or disproportionate regulatory burdens being placed on RSLs. Professor Griggs had also been asked to look at the Scottish Government's procedures for making grants to RSLs and it was possible that Professor Griggs would make some recommendations to streamline these. Hanna McCulloch asked whether the Government was considering any amendments in relation to equalities, in view of the Committee's comments at paragraph 252 of their report. Linda Leslie confirmed that the Government was considering this.

Hanna McCulloch referred to the suggestion by the Local Government and Communities Committee that the Social Housing Charter might address the issue of disabled tenants losing their RTB on moving to a new supply house better suited to their needs. She did not believe that this was a matter for the Charter, but emphasised the importance of the issue for tenants with a disability. She acknowledged that there was an argument for the RTB reforms being used to retrain adapted properties in the social rented sector, so that they remained available for future generations of tenants who needed access to such housing, and noted that the real issue was the shortage of adapted housing in all tenures.

Ilene Campbell asked for further detail on the amendments to strengthen the role of tenants in regulation. William Fleming explained that detailed provisions were being worked up, and that they might take the form of a duty on the SHR to publish guidance for landlords on how they should involve tenants in gathering and reporting information.

The Government intended to lodge most, if not all, of its stage 2 amendments on 15 September. A link would be circulated to sounding board members as soon as they were lodged.

4 Update on the Private Rented Housing Bill

William Fleming referred to the Government's plans to introduce a Private Rented Housing Bill in early October. In light of that, the Government had decided not to bring forward any stage 2 amend to Part 12 of the current Bill. . Instead, the provisions in Part 12 (amended to reflect stakeholders' and Committee's views at stage 1 of the current Bill) would reappear in the new Bill. The Government would then discuss with the Committee the possibility of deleting Part 12 at stage 3 of the current Bill.

Members noted the risks attached to this approach, since it could not be assumed at this stage that the second Bill would necessarily be passed. In acknowledging this risk William Fleming noted that it would still be possible to put forward amendments to the current Bill at stage 3. By that time, however, the Committee would have had time to reflect on the provisions in the Private Rented Housing Bill and reach an informed view on how to deal with part 12..

5 Anti-social behaviour – problems and solutions

Introducing this item, William Fleming noted that antisocial behaviour had been raised as a topic in the Committee sessions on the Bill. It was clear that it was also an important issue for tenants and that it was not limited to any particular housing tenure.

Danny Mullen agreed and noted that the RTO networks had recently produced a paper for the Minister on this issue. Antisocial behaviour was a concern for tenants in all tenures. It appeared that despite all the recent initiatives, partnerships and legislation the problem was becoming worse rather than better. There was a need for tough, co-ordinated action to eradicate it.

Russell Gunson asked whether there had been any research into the extent and nature of the problem. Some examples were offered – Douglas Edwardson said Aberdeenshire Council had recently surveyed tenants on this issue (with dog-fouling being the most frequently reported example of antisocial behaviour), while Jon Harris cited research by Edinburgh Council showing that most antisocial behaviour in the city could be attributed to 30 families.

Summing up a wide ranging discussion of the matter, William Fleming noted that the term "antisocial behaviour" was used to describe actions that ranged from the selfish and inconsiderate to the more or less criminal. These actions arose from a range of causes and contributory factors, including the impact that people with varying lifestyles, expectations and levels of tolerance had on each other. There appeared to various common sense approaches that could be adopted in dealing with lower level types of behaviour and landlords would benefit from learn from each other's experience in such cases. In more

serious cases, landlords and other agencies needed to work together more closely in tackling what were community problems, not just housing management problems

There appeared to be a consensus among sounding board members that further legislation was not the answer and that more might be achieved by landlords sharing and learning from best practice and – in particular – through better communications on this issue between tenants and landlords.

6 Any other business

There was no other business.

7 Date and agenda for next meeting

The next meeting, which had been scheduled for 25 October, would take place now in Victoria Quay on 19 October (starting at 10.30 am).

The main items would be a review of stage 2 consideration of the Bill and looking forward to stage 3. This would be the final meeting of the Bill sounding board.