

ARGYLL & BUTE COUNCIL

WRITTEN SUBMISSION

Part 1: Right to Buy

This part of the Bill places abolishes the right to buy by making certain repeals. The commencement of the main section on repeals is prohibited for at least 3 years. The Bill will also make some amendments which it is intended will apply before the repeals are commenced.

Q1. *What are your views on the provisions which abolish the right to buy for social housing tenants?*

We would agree that the Right to Buy should be abolished and fully support the provisions of the Bill which will bring an end to an outmoded and counter-productive policy.

Q2. *Do you have any views on the proposed 3 year timetable before these provisions come into force?*

While recognising that a reasonable lead-in period is appropriate when an existing right is being withdrawn, we would nevertheless prefer that the timetable for the abolition of the right to buy is reduced i.e. the provisions should be implemented sooner. This might also help to preclude any unintentional spike occurring in pre-emptive sales prior to abolition.

{NB. Q3 appears to be missing}

Part 2: Social Housing

This part makes provisions which relate to social housing. The rules and procedures around the allocation of social housing will be adjusted as will the operation of short Scottish secure tenancies and Scottish secure tenancies.

Q4. *In your view, will the provisions which are proposed to increase the flexibility that landlords have when allocating housing, allow them to make best use of social housing?*

It is important to emphasise to social landlords that they are still required to give reasonable preference to people who are homeless and who have unmet need which cannot be met by other housing options. As a stock transfer authority, Argyll and Bute Council has some concerns as to how the new powers will be interpreted and that it will mean the most vulnerable people are being disadvantaged. It is acknowledged that social landlords are required to take account of the Local Housing Strategy for the area and we look forward to Scottish Ministers' guidance on persons who social landlords must include in its rules governing priority of allocations.

The fact that ownership of property can be taken into account will mean that in certain circumstances it is possible to make best use of the social housing. Provisions to enable the short Scottish secure tenancy to be used

where an applicant is an owner and requires a short term solution will be useful for landlords. However, in respect of the provisions intended to address anti-social behaviour, we believe that there are appropriate mechanisms through the criminal justice system to deal with anti-social behaviour and criminal activity. Consideration of these factors to limit access to social housing will mean that these persons and their dependents will be excluded from social housing. The right of appeal to the Sheriff court is unlikely to be practical for people who have limited means.

Q5. *Will the proposals which will adjust the operation of short Scottish secure tenancies and Scottish secure tenancies provide landlords with tools that will assist them in tackling antisocial behaviour in an appropriate and proportionate manner?*

No, people who live chaotic lives still need and have a right to accommodation. We are a stock transfer authority with limited temporary accommodation. There needs to be clear guidance and definitions attached to the legislation and it should set out what constitutes evidence of someone 'acting in an anti-social manner'.

Q6. *Will this part of the Bill meet the Scottish Government's objective of providing further protection for tenants, particularly tenants with short SSTs, by strengthening their rights?*

Yes, it does give tenants more rights and we welcome the fact that there is an option to request a review.

Part 3: Private Rented Housing

This part provides for the transfer of the sheriff's existing jurisdiction to deal with matters relating to private rented housing to the First-tier Tribunal (which is to be created under the Tribunals Bill, currently before the Parliament). In particular it transfers all non-criminal actions relating to regulated tenancies and some actions relating to the repairing standard, the right to adapt houses and landlord registration. Ministers are given a power to transfer certain actions relating to houses in multiple occupation. Part 3 also contains some further adjustments to private rented housing legislation, making changes to the landlord registration system and creating some third party rights in relation to enforcing the repairing standard.

Q7. *Do you have any comments on the proposals for transferring certain private rented sector cases from the sheriff courts to the new First-tier Tribunal?*

This is welcomed as a positive move as it will hopefully make the process more accessible and resolution should be reached more quickly.

Q8. *Do you have any views on the adjustments to private rented housing legislation, which are intended to enhance local authorities' discretionary powers to tackle poor conditions in the private rented sector?*

This is a major issue but we believe these proposed adjustments will lead to only a marginal change and are not significant. The problem is so widespread and resources to tackle it are so limited that we do not envisage that these adjustments will make much difference overall.

Q9. *Do you have any comments on the Scottish Government's intention to bring forward provisions at Stage 2 to provide additional discretionary powers for local authorities to target enforcement action at an area characterised by poor conditions in the private rented sector?*

We would be interested to see the detail of the provisions to be brought forward at stage 2 but suspect that these may not make a difference – there are risks associated with these powers for the local authority if it involves local authority expenditure. There is a need to target owners and encourage them to take responsibility. There is also an issue about how older people are supported to maintain their property and an expansion of care and repair type organisations may be worth exploring.

Part 4: Letting Agents

This part establishes a registration system for letting agents. As well as setting up a register, it sets out various offences, provides for the publication of a code of conduct and gives the First-tier Tribunal the power to issue letting agent enforcement orders in relation to breaches of that code. It also confers on Ministers a power to transfer the existing jurisdiction of the sheriff in relation to disputes between letting agents and landlords or tenants.

Q10. *Do you have any comments on the proposal to create a mandatory register of letting agents in Scotland, and the introduction of statutory provisions regarding letting agents' practice?*

In principle this is a good idea but practically it is unlikely to make much difference unless resources are committed to address non-compliance. We would also recommend that local authorities should be exempt from the requirement to register as a letting agent if they are letting property to discharge their obligations in terms of the homeless legislation.

Q11. *Do you have any views on the proposed mechanism for resolving disputes between letting agents and their customers (landlords and tenants)?*

We would support the proposals.

Part 5: Mobile Home Sites with Permanent Residents

This part creates a new licensing regime for mobile home sites with permanent residents. It inserts a new Part 1A into the Caravan Sites and Control of Development Act 1960.

Q12. *Do you have any views on the proposed new licensing scheme?*

This Council is generally supportive of the proposed scheme but we have some concern about the availability of resources to implement the proposals effectively.

Q13. *What implications might this new scheme have for both mobile home site operators and permanent residents of sites?*

There will be more regulation and control over how they operate their business and it may mean that there is some investment required so that they can comply with the necessary standards. Operators will also have to ensure that the staff they employ to manage the site meet the 'fit and proper person criteria'. As this authority appears to have a significant number of residents on such sites, we would welcome any moves to improve and safeguard their position.

Part 6: Private Housing Conditions

This part includes a number of adjustments to the law as it relates to private housing including conferring on local authorities a power to pay a share of costs arising from the tenement management scheme under the Tenements (Scotland) Act 2004 and modifying provisions relating to work notices, maintenance notices and maintenance orders under the Housing (Scotland) Act 2006.

Q14. *Do you have any comments on the various provisions which relate to local authority enforcement powers for tackling poor maintenance, safety and security work, particularly in tenemental properties?*

There are problems associated with the use of existing default powers and we do not believe that these provisions will make much difference.

{NB. Q15 appears to be missing}

Part 7: Miscellaneous

This part contains some miscellaneous housing provisions, including a power to exempt certain securities from the right to redeem after 20 years contained in section 11 of the Land Tenure Reform (Scotland) Act 1974, the conferral of a power to delegate on the president of the private rented housing panel and homeowner housing panel, a modification of the Scottish Housing Regulator's powers and a repeal of certain enactments relating to defective designation.

Q16. *Do you have any comments relation to the range of miscellaneous housing provisions set out in this part of the Bill?*

No comment.

Other Issues

Q17. Are there any other comments you would like to make on the Bill's policy objectives or specific provisions?

None

Q18. Are there any other issues that the Scottish Government consulted on that you think should be in the Bill?

None

**Argyll & Bute Council
15 January 2014**