

SOUTH WEST SCOTLAND REGIONAL NETWORK (Dumfries & Galloway, East Ayrshire and South Ayrshire)

WRITTEN SUBMISSION

Introduction

South West Scotland Regional Network is one of the 9 Regional Networks of Registered Tenants Organisations (RTOs) formed in 2008 and covers the local authority areas of Dumfries & Galloway, East Ayrshire and South Ayrshire.

We are a committee of 12, elected annually, and generally represent the views of our tenant and resident members of the 49 RTOs across our area.

We welcome being involved in the extensive consultations held on many of the proposals included in the Bill and we particularly welcome the proposals to abolish the Right to Buy and the provisions on social sector allocations and tenancies

However, we are disappointed that the proposal to create a Housing Tribunal for the social rented sector and the introduction of Probationary Tenancies are not included in the Bill.

Our comments are as follows on the provisions in the Housing (Scotland) Bill are:

Part 1 – the Right to Buy

- The Right to Buy (RTB) should now be abolished in order to safeguard and protect the limited social housing resource that we currently have in Scotland.
- The timetable for abolishing the RTB should be less than 3 years and we would propose one year. We consider that people who currently have the RTB, have had this right for a significant number of years and have not exercised it in these years and may now be unlikely to do so, and we do not wish any more houses to be lost through RTB.

Part 2 – Social Housing

a) Allocations

We agree with this measure as it removes an unhelpful barrier to landlords wanting to allocate to particular groups in specific situations and believe the Bill makes it explicit that removing this age bar does not mean that landlords

can discriminate against particular age groups or that it contravenes the Equality Act 2010.

However we consider that landlords should be enabled to allocate housing in a “common sense approach” in order to sustain tenancies, protect the interests of existing tenants in terms of their right to live in a safe and secure environment and allocate tenancies in a sensitive manner with regard to the demographic of other people living in neighbouring properties, with particular regard to areas or property types that are more suitable for or already have older people living in them.

Landlords should be able to take an applicant’s previous Antisocial Behaviour (ASB) into account when considering whether or not to offer them a house. This should also include homeless applicants previously evicted for ASB.

Landlords must consult tenants and tenants’ organisations on any proposals to change allocations policies and procedures.

b) Probationary Tenancies (Initial tenancies)

The outcome of the Governments consultation concluded that the majority of the sector, including tenant responses, were in favour of introducing Probationary tenancies (or Initial Tenancies) and we are disappointed that it was dropped for this Housing Bill.

We **strongly support** the introduction of initial tenancies and support the introduction of probationary tenancies for all social housing tenants and believe that the benefits of introducing this outweigh any negativity especially when it has the real potential to help deal with tenancy problems, such as anti-social behaviour, much sooner.

c) Short Scottish Secure Tenancies (SSSTs)

We consider that:

- Short Scottish Secure Tenancies should be increased to 12months
- Under no circumstances should people be allocated a social rented house and continue to keep their own home elsewhere.
- Landlords should be able to allocate Short Scottish Secure Tenancies to allow them to work with people with a previous history of ASB.

d) Antisocial Behaviour - SSSTs

We consider that:

- Landlords should be able to give all new tenants Short Scottish Secure Tenancies where there has been previous ASB

- Landlords should be able to convert full Scottish Secure Tenancies to Short tenancies where they are dealing with a tenants ASB to allow them to work with the tenant to try to improve the behaviour or stop the tenancy where the ASB continues
- Increasing the timescale of a Short Scottish Secure Tenancy should allow landlords additional time to monitor tenancies and provide tenancy support. This should be an increase to 12 months with potential to extend to 18 months if things improving. However it should be noted it is vital that this does not mean that other tenants suffer ASB in their communities for a longer period of time
- Landlords should be able to continue to extend Short Scottish Secure Tenancies until they are convinced that the tenancies will not cause problems to neighbours and / or the wider community
- Landlords should continue to provide tenancy support whilst tenants have a Short Scottish Secure Tenancy and there needs to be powers for landlords to make sure that the ASB can be addressed or tenancy terminated

Part 3 – Private Rented Housing

In terms of the private rented sector, we agree that there needs to be increased powers and measures to deal with this sector, and that this is required in relation to:

- Ensuring private tenants have up to date and accurate information on their rights and responsibilities
- Protecting the rights of private tenants
- Protecting the rights of the private landlords and
- Protecting the rights of other tenants and residents in communities where:
 - Private tenants are the cause of ASB, damage to the property of other tenants and residents in the block, street or community
 - Ensuring common repair and investment work is carried out that social landlords need to or want to do for their tenants and properties
 - Private landlords lack of care or investment in properties causes problems for social housing tenants or landlords

a) The Tribunal

We agree that the introduction of the private sector housing tribunal is positive **HOWEVER** it should be noted that we are disappointed that this has not been included in the Bill for the social rented sector as per our response to the Dispute Resolution Consultation in 2013. In addition it should be noted that:

- Further information and clarification is required on the operation and enforcement powers of the Tribunal and that the Tribunal needs to “have clout and teeth” or it will not be worth the bother
- The Tribunal needs to be able to “streamline” the disputes process and make it easier and quicker than the current operation via the Sheriff Court system

b) Private Rented Housing Panel

We agree that:

- Local Authorities should have increased powers to enforce the repairing standard
- That evidence in relation to private landlords not meeting the standard should not just have to come from tenants and that neighbours, fire and rescue services, police, others and the local authority itself should be able to provide this evidence
- Where appeals are made by the private landlord, the funding required from the Local Authority to defend their position / action should not come from Housing Revenue Accounts (HRA's)
- The Private Rented Housing Panel should make the process simpler and more streamlined and that the Panel should have “teeth” and be a less onerous process than using the Sheriff Court system
- Local Authorities will require enforcement powers to ensure the repairs and maintenance work is carried out
- All Private Lets should meet the repairing standard and Local authorities should have increased powers to enforce this

Part 4 – Letting Agents

We consider that:

- Letting Agents should be subject to a robust and effective registration scheme
- Local Authorities should have additional enforcement powers in areas where there are issues with management of all stock owned by this landlord
- Local Authorities should have increased powers to deal with private landlords where there are issues in relation to:
 - The behaviour of the tenant living in their property

- The lack of repairs and maintenance of the property and any common areas, especially where this social housing tenants and / or properties
- Letting Agents should be required to meet and sign up to a Code of conduct
- Guidelines need to be developed
- Letting Agent Registration and Code of conduct “needs to have teeth”
- Disputes between agent and landlord should be addressed by Trading Standards
- The Bill and the Scottish Government needs to look at “beefing up” existing systems and ensure Local Authorities and other involved implement the use of the full powers already available rather than adding new things

Part 6 – Private Housing Condition

We agree that Local Authorities should have powers to enforce private landlords to carry out repairs and improvement to their properties. In addition in properties where social landlords own some of the properties, social landlords should have additional powers to enforce repairs and easier mechanisms to encourage private landlords to contribute their share of improvement works required.

Consideration should be given to developing a private rented housing standard, similar to the Scottish Housing Quality Standard.

Others

a) SHR Transfer of Assets

These changes were not the subject of previous consultation.

We **strongly disagree** with this provision and would like to see this removed from the Bill and that the consultation with tenants’ clause is retained.

It is our view that if the SHR is “doing its job properly”, that evidence of potential insolvency will be known in ample time to ensure the RSL tenants are consulted on any proposals to transfer to or merge with or be taken over by another landlord, therefore we do not agree that the requirement to consult should be removed.

For the reasons outlined above, we also do not consider that the duty on the SHR to always obtain a valuation of assets or direct a transfer at an open

market valuation should be removed. The value of assets should always be known.

**South West Scotland Regional Network
21 February 2014**