

# ANGUS COUNCIL

## WRITTEN SUBMISSION

### 1. Introduction

Angus Council welcomes the opportunity to comment as part of the consultation on the infrastructure and capital investment in connection with the Housing (Scotland) Bill. Angus Council is a supporter of more flexibility for landlords and believes that this will help deliver better outcomes for communities.

#### **Part 1: Right to Buy**

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

The local authority is supportive of the removal of the right to buy and the provisions to abolish the right to buy entitlements would mean that the right to buy for all social tenants will end by 2017. We agree that the change in this legislation would be a benefit to Angus Council. We have a healthy waiting list for properties and this would help us retain our remaining stock. We have seen a reduction on right to buy receipts and we would continue to reap the benefits from the rental income for all properties and manage our assets effectively.

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

Our view is that 1 year lead in before the provisions come into force would be sufficient time for tenants to complete the right to buy process. However, we understand that there are other views from local authorities but this anticipated timetable would allow any tenants who qualify for the right to buy the opportunity to apply. Consideration to reduce the proposed 3 year period to 2 years would allow ample time for anyone to make an application if they were interested in the right to buy scheme.

#### **Part 2: Social Housing**

##### **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?**

Angus Council supports more flexibility and think that Community Based Letting Plans should be the mechanism to meet local needs and the best way for delivering outcomes. It will also allow us to make sensitive lets in areas where necessary to and continue to make best use of our stock.

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

Angus Council agrees that landlords should have the flexibility to consider previous anti-social behaviour of applicants and their household. Circumstances are all different which means that guidance will be open to interpretation. Short Scottish secure tenancies

should be a tool for landlords in managing anti-social behaviour and increasing the SSST for up to 12 months to allow the appropriate support to be put in place and to monitor the tenants' behaviour. In particular we think that landlords should be allowed to convert a tenancy to a SSST where misconduct has occurred but eviction can be avoided.

**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?**

This gives tenants in a short SST, more protection as when they are allocated the tenancy there must be a housing support package in place. Should the SSST be in place for 12 months, it would give that tenant more security and could help new tenants adopt a more responsible attitude to their tenancy and help create more sustainable communities.

**Part 3: Private Rented Housing**

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

Angus Council agrees that it would be beneficial to transfer certain private rent sector cases from the sheriff courts to the new First tier Tribunal. It is important that this will take pressure off the civil court system and the new approach will be more cost effective. This forum could also be more accessible to tenants involved and they might not experience the same anxiety if the case was dealt through the court system.

**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?**

The introduction of more discretionary powers in relation to private rented housing will give local authorities more tools to use in tackling poor standards of properties. However, we have concerns that there will be an expectation that we will solve disputes in the private sector that are really not disputes but a general fall out. There are little or no resources at the moment to allow local authorities manage this change. The regulation of letting agents will also be seen to improve standards.

**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 the area characterised by poor conditions in the private rented sector?**

Granting local authorities discretionary powers to apply to the Private Rented Housing Panel to enforce the repair standard or target enforcement action on areas characterised by poor conditions will improve standards across tenures and help people to adopt a more responsible attitude to their properties making communities more sustainable in the longer term. However, although allowing local authorities additional powers in the current financial climate there is not the proper resources available to carry out this task effectively.

**Part 4: Letting Agents**

**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?**

This will be another step towards better regulation of private landlords. It will benefit landlords and tenants if there is a mandatory register of letting agents introduced in Scotland. However, to allow this is progress effectively additional resources needs to be made available or the system would need to be self financed. We agree that it will promote good standards of service and establish good practice with minimum standards.

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

The introduction of a mandatory register of letting agents is an improvement on regulation of private landlords and includes a code of conduct for all parties concerned. The introduction of the First-tier Tribunal will have the power to make certain decisions and issue enforcement orders to letting agents, this should improve the process for disputes between landlords and tenants.

**Part 5: Mobile Home Sites with Permanent Residents**

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

In Angus, we have recognised that there has been an increase in “holiday” sites that are now being used for permanent occupation, which then becomes a breach of the site licence and planning consent. The Bill deals with permanent residential sites only and does not address the issue of “holiday” sites. The boundaries between the two in practical terms are very often blurred as many sites are a mixture of residential and so called holiday lets. Clarity is required as to whether the new legislation will apply to migrant workers sites. At present we don’t have sufficient tools in place to manage, police and enforce breach of conditions. The inclusion of the “fit and proper person” test will assist authorities when granting, managing and reviewing licences. The introduction of site licences being valid for 3 years will be beneficial to the management of the sites as at the moment they have no expiry date.

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

It can be difficult and resource intensive to police licence conditions, and in Angus breaches of planning permission and breaches of site licences are relatively common. We are not convinced that the Bill has sufficient cost efficient tools and penalties to deter misbehaviour until further legislation is introduced to address holiday and migrant worker sites. Again there will be cost implications in terms of administration for local authorities and in the current time when savings are being made there could be inadequate resources. The new licence regime should protect the interests of legitimate site owners also by creating a system which brings greater penalties for poor site managers.

**Part 6: Private Housing Conditions**

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

Although in Angus we do not have many tenements in the area, we welcome the additional powers to enforce repairs and maintenance in owner occupied homes and private rented housing. The additional legislative changes including powers to issue a maintenance order will improve the repair standard and encourage a more consistent approach across all tenures. Again the question to ask would be who is going to be responsible for managing this provision as at the present time local authorities are stretched on resources and if they were given more discretionary powers additional resources would be needed.

**Part 7: Miscellaneous**

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

The amendment of the 20 year rule will benefit and overcome previous hurdles that potential lenders in these tough conditions where they must comply with the Financial Conduct Authority's Mortgage Market Review Guidance which comes into force in April 2014.

**Other Issues**

**Q17 – Are there any comments you would like to make on the Bill's policy objectives and specific provisions?**

Angus Council welcomes the opportunity to work with The Scottish Government to help improve housing in Scotland. We believe that the Bill's policy objectives will deliver a more effective housing system that gives more structure but a flexible approach with realistic outcomes. We agree that there is a need for decision making to be decentralised and the ability to decide the actions and outcomes. This is a real opportunity to allow housing providers to operate as efficient organisations, create flexibility however; there is a need to identify additional resources in an environment where resources are spread thinly.

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

Angus Council agree we have been consulted on and give the opportunity to comment and the appropriate time to respond in all the areas within the Bill.

**Angus Council**  
**25.02.14**