

COSLA

WRITTEN SUBMISSION

Right to Buy

We **welcome the Scottish Government's proposal to end the right to buy**. Our members are very clear that the Right to Buy **should end in the shortest possible timeframe**.

We believe that the proposed three-year timeframe should be questioned and that the shortest practicable timeframe should be achieved, as an equilibrium between human rights issues and avoiding a spike in sales.

A decision on the timeframe for ending the right to buy should take evidence from previous local government experience, such as from assigning pressurised area status.

Unacceptable practice in the private rented sector and mobile homes parks

We **welcome increasing local government powers to intervene where there is unacceptable practice in the private rented sector and mobile homes parks**. We have been an active part of the policy development process and are content with the proposals put forward so far.

We believe that a fit and proper person test for mobile homes park owners, similar to the current landlord registration regime, and an improvement of the site licensing regime, is a sensible and proportionate way forward, to protect mobile home owners from unacceptable practice. It is setting new national standards while allowing enough local flexibility to concentrate resources where they are most needed. As always, the **success of enforcement is dependent on adequate resources available for enforcement action**.

We are aware that the fact that mobile home site legislation does not cover holiday parks and that there is a risk that unscrupulous site owners resort to holiday parks. This needs to be addressed separately.

We welcome a new local government powers to intervene with unscrupulous landlords in the private rented sector, through third party reporting and special area status. We are looking forward to seeing more detailed proposals from the Scottish Government and understand that these will be forthcoming during Stage 2 of the bill process. We have been actively participating in the development of proposals and hope that they will not be watered down, so as to allow local authorities to effectively deal with unscrupulous landlords.

With regard to **Third Party Reporting**, we welcome this as a dedicated tool to be used by Local Authorities in special circumstances. A widespread expectation that local authorities take forward cases on behalf of tenants would have a considerable impact on resources.

Housing allocation and Initial Tenancies

COSLA is **disappointed that provision for initial tenancies was not included in the Bill.**

Initial tenancies are seen by many housing professionals as a missed opportunity, and they had considerable extent of tenant support. They are seen not as a means not to ease evictions, but as an effective means of early intervention and prevention, and as a tool for local authorities to establish early contact with problematic tenants. We are very keen that this proposal from the initial Scottish Government Consultation is being explored in the formal political process.

With regard to **taking age into consideration** when allocating tenancies, local authorities see this as a useful tool to make sensible use of public resources. It is not intended to be in any way discriminatory. Equally, we believe that local authorities should be able to **take income into consideration.**

It would have been prudent **to change the right to assign from being a tenant's right to a landlord's power to allow assignation** where this fitted with the best use of stock. The inclusion of stronger grounds for refusal based on the lack of housing need are however welcomed.

With regards to the wider issues of **ASB** and tenancy allocation, **councils are still experiencing considerable problems** where convicted persons are not the tenancy holder, where ABS is of a low level nature and in mid market rent.

Dispute resolution and Housing Tribunals

COSLA is **disappointed** that earlier proposals for more effective arrangements for dispute resolution through a **Housing Tribunal** for the social rented sector have been dropped by the Scottish Government. As with the initial tenancies, this proposal received support in the Scottish Government's own consultation and should have been more fully explored. We understand that the Government has decided to 'test' this model for the private rented sector, but maintain that a more effective way of dealing with the social rented sector is still badly needed.

Financial considerations

COSLA is clear that **any new local government activity needs to be cost neutral to local government, unless new resources are made available.** We are aware that the bill is designed in such a way as to ensure cost-neutrality. This will mostly be achieved through a charging regime for licensing etc. It is important that this remains the case, and that we don't find ourselves with sudden new proposals, which divert resources away from other vital functions, without full and proper consideration of the consequences.

COSLA
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