

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Executive Director of Housing, Environmental and Economic Development**

**Housing, Environment and Economic Development Committee:  
11 January 2012**

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**Subject: Scottish Housing Regulator - Consultation on the Regulation of  
Social Housing in Scotland**

#### **1. Purpose**

- 1.1** The purpose of this report is to present to members West Dunbartonshire Council's recent response to the Scottish Housing Regulator consultation document - 'Consultation on the regulation of social housing in Scotland'. The consultation document has been used to inform landlords how the Scottish Housing Regulator intends to regulate Registered Social Landlords and the housing functions of local authorities.

#### **2. Background**

- 2.1** The Housing (Scotland) Act 2010 establishes the Scottish Housing Regulator as an independent regulator directly accountable to the Scottish Parliament. The Act sets out the statutory objective, functions, powers and duties of the Scottish Housing Regulator. The statutory objective is to safeguard and promote the interests of tenants and others who use the housing and homelessness services provided by local authorities and registered social landlords (RSLs), collectively known as social landlords.
- 2.2** This organisation will take over the functions that were the responsibility of the previous Scottish Housing Regulator. Members will recall that the SHR undertook an inspection of our housing service in November 2009. The outcome of the inspection was reported to the Housing, Environment and Economic Development committee in May 2010 and a further report in September 2011 set out progress with respect to the improvement plan implemented following inspection.
- 2.3** The consultation document outlines the approach the SHR will take in regulating social landlords in Scotland.

**2.4** Much of the document relates specifically to RSLs. The main areas that require consideration by the Council are:

- **Section 2:** How the SHR will regulate.
- **Section 3:** How the SHR will measure our performance against the Scottish Social Housing Charter.
- **Section 6:** The SHR's powers on inquiry and information.
- **Section 7:** The use of SHR intervention powers.

### **3. Main issues**

**3.1** The SHR's proposals for regulation are focused on outcomes; specifically they have stated that their main objectives will be to:

- Safeguard and promote the interests of tenants and other service users
- Ensure decent homes are maintained
- Ensure that good services are delivered

**3.2** The main vehicle for monitoring these outcomes will be the Scottish Social Housing Charter. Each year all social landlords will provide a return to the SHR with their performance as measured against the Charter; this is known as the Annual report on the Charter (ARC). A subsequent report will be presented to tenants which provides a performance analysis of how well landlords have performed against the Charter and this will be copied to the SHR.

**3.3** The Scottish Government recently carried out a separate consultation exercise on the draft Scottish Social Housing Charter. The Charter is expected to be considered by the Scottish Parliament in January 2012 and will come into effect in April 2012.

**3.4** The new approach to regulation highlights a range of powers for the Regulator, notably:

- **Assessing risk:** The SHR will use a shared risk assessment with other scrutiny bodies to determine the level of risk posed by council activities.
- **Tenants concerns:** The SHR will enable tenants to raise concerns about significant failure in meeting the outcomes of the Charter.
- **Target setting:** Where they believe landlords are under-performing in terms of meeting Charter outcomes, the SHR can set national or local targets.
- **Intervention and inquiry powers:** The SHR will have different levels of intervention and inquiry powers. Depending on the circumstances, this can range from a simple request for information to a snap inspection.

**3.5** The Scottish Housing Regulator plans to involve tenants and other service users in the regulation of social landlords. Council and RSLs will be expected to incorporate the views of tenants and service users in their assessment of performance.

**3.6** The overall principles set out in the Scottish Housing Regulator's consultation paper should be welcomed and the Council should work towards using the Scottish Social Housing Charter as a further opportunity to engage with tenants and service users about the quality and standard of services.

#### **4. People Implications**

**4.1** There are no direct implications associated with this report.

#### **5. Financial Implications**

**5.1** There are no direct financial implications in relation to this report, although the delivery of the requirements from the regulatory framework will bring together a number of resource streams from the Council and partner organisations.

#### **6. Risk Analysis**

**6.1** There is a risk that failure to continue to develop and strengthen our Performance monitoring framework in parallel with the development of a Scottish Social Housing Charter could attract an adverse reaction from the Scottish Housing Regulator and may have wider consequences for the Council in the context of Best Value. Recent investment of resources in this key area of activity should assist in mitigating this risk.

#### **7. Equalities Impact Assessment (EIA)**

**7.1** The Scottish Housing Regulator carried out an Equalities impact Assessment with regards the development of this consultation; this is included within the consultation document.

#### **8. Strategic Assessment**

**8.1** The Council has identified four main strategic priorities for 2011/2012, namely Social & Economic Regeneration, Financial Strategy, Asset Management Strategy; and Fit for Purpose Services.

**8.2** The development of the new legislative requirements will allow staff to operate in a better designed environment with fit for purpose resources to deliver an excellent service to our customers. Progress in delivering the outcomes contained within the Scottish Social Housing Charter will define an approach to meeting customer's expectations and aspirations.

## **9. Conclusion and Recommendations**

**9.1** Regulation is part of the landscape in all aspects of Local Government work. The new Scottish Housing Regulator is setting out its response to the legislative requirement upon it to regulate. It does so in a world where proportionality, risk and value for money are more prominent than they ever have been. West Dunbartonshire Council welcomes proportionate risk based regulation and has worked well with the new regulator in its initial establishment and we hope to build on those positive experiences as things move forward.

**9.2** It is recommended that the Committee:

- (i) notes the consultation response attached as Appendix 1 to the Scottish Housing Regulator's consultation on *the regulation of social housing in Scotland*;
- (ii) notes and approves the consultation response sent to the Scottish Housing Regulator on the 25 November 2011; and
- (iii) gives authority to the Executive Director of Housing, Environmental and Economic Development to report back to the committee with regards the introduction of the Scottish Social Housing Charter before April 2012.

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**Executive Director of Housing, Environmental and Economic Development**  
**Date: 12 December 2011**

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**Appendix:** West Dunbartonshire Council response - Scottish Housing Regulator - Consultation on the regulation of social housing in Scotland

**Background Papers:** Scottish Housing Regulator - Consultation on the Regulation of Social Housing in Scotland - Consultation Document

**Wards Affected:** All