

WEST DUNBARTONSHIRE COUNCIL

Report by Executive Director of Housing, Environmental and Economic Development

Council: 25 June 2008

Subject: Housing (Scotland) Act 2006 Consultation on Draft Guidance and Regulations

1. Purpose

- 1.1** To inform the Council of a consultation on the implications of major changes being introduced which affect the private housing sector and to seek agreement for officers to compile an appropriate response by the deadline of 1 July 2008.

2. Background

- 2.1** The Scottish Government issued extensive draft guidance and regulations in April 2008 which will support new Council powers and duties in relation to the condition of existing housing in the private sector, arising from the Housing (Scotland) Act 2006. The guidance explains how local authorities should implement parts of the 2006 Act in line with national policy. Responses to the consultation are sought by 1 July 2008.
- 2.2** The complexity and extent of the powers and duties are evident in that the consultation involves six separate volumes each of which focuses on a specific theme. These are as follows:
- Volume 1: Preparing and Delivering. This covers the overall approach to dealing with the quality of private sector houses including: the policy context; the guidance itself; the transitional arrangements; and factors which should be considered when developing the strategic approach.
 - Volume 2: Housing renewal areas and repair, improvement and demolition. This provides an overview of revised powers to deal with sub-standard housing, identifies issues which local authorities should consider when implementing these and provides good practice.
 - Volume 3: Maintenance. This provides an overview of the new powers to issue maintenance orders and associated requirements identifies issues for consideration when implementing these and provides good practice.

- Volume 4: Tolerable Standard. This introduces the updated standard and gives practical guidance to those assessing houses against it.
- Volume 5: Scheme of Assistance. This is a major area of change and the volume sets out: the context; issues in relation to advice, information and practical assistance; and a framework by which authorities can decide their arrangements and priorities for financial assistance for owners. It also provides a model framework for an authority's Scheme of Assistance Statement.
- Volume 6: Proposals for a National Trusted Trader Framework. This covers proposals for the development of a possible trusted trader framework accessible to all.

2.3 The volumes are available via the Scottish Government website at www.scotland.gov.uk/Publications/2008/04/07144231/0 or can be made available on request.

3. Main Issues

3.1 The new local authority powers and duties are aimed at addressing concerns over the condition of the private sector housing stock. There are four main strands:

- Enhanced duties for the local authority to plan strategically for the use of powers to improve housing in its area.
- Modernised and extended powers for local authorities to enforce repair and maintenance in the private sector, coupled with an extension to the tolerable standard to cover the basic provision of thermal insulation and safe electrical wiring.
- A substantially wider range of options for assisting owners to carry out their repair and maintenance responsibilities, including information and advice, practical and financial assistance. Mandatory grant for works required by a statutory notice is replaced by mandatory assistance.
- Clearer separation of the powers relating to works to carry out disabled adaptations.

3.2 The key themes within the guidance are:

- Enhanced duties to undertake strategic planning to achieve better quality private housing, linked into the authority's Local Housing Strategy.
- A duty to publish a Scheme of Assistance which is a statement of criteria for providing assistance which reflects the Council's full range of policies for dealing with the condition of private sector housing (not just grants).
- An extension to the Tolerable Standard to cover the provision of adequate thermal insulation and safe electrical wiring.
- A new and distinct difference between the approach for repairs and maintenance and the approach for adaptations to help disabled occupants. For repairs and maintenance this includes:
 - Striking the balance between assistance and enforcement
 - Moving away from grant dependency
 - Flexible and preventative enforcement action
 - Detailed advisory guidance for consistency and fairness
 - Guidance on the Tolerable Standard

For adaptations to help disabled occupants this includes:

- Close partnership working with health and Care and Repair
- Grant of at least 80% for most adaptations
- A move away from the expectation that grant will be provided.
- Cost effective options for financial assistance to maximise owners' own investment in their properties in a way they can afford, including lending and lending advice provided through a central resource for those who can afford it but cannot access commercial lending.
- Increased focus on raising awareness of responsibilities for house condition; personalised service delivery and use of delivery partners such as Care and Repair (already much used in West Dunbartonshire).
- Developing good information on house condition on an on-going basis (HEED Committee recently rejected a recommendation that a private sector house condition survey be undertaken).

- 3.3** The new powers and duties will have a major impact on the way the Council works with home owners. There will be a need for closer working within the Council and consideration will need to be given to how the various strands of private sector housing (including, for example Housing in Multiple Occupancy and Landlord Registration) can be comprehensively integrated with the public sector element within the Local Housing Strategy. This will be necessary not just to meet legislative requirements but also to ensure that there is a sound knowledge and policy base for successful funding bids.
- 3.4** The powers and duties in the 2006 Act in relation to private sector house condition replace provisions in the Housing (Scotland) Act 1987 and changes will be required in our policies and practices for service delivery. The Guidance proposes a transition period for the adoption of the new approach between 1 October 2008 and 31 March 2009 so that authorities can take up their new powers.
- 3.5** The six volumes of consultation documentation include a total of 66 specific questions on which responses are sought. It is not considered necessary to present these in the context of this report as they relate to detailed, largely technical matters rather than matters of policy. Responses to these questions will be forwarded to the Scottish Government by the due date.

4. Personnel Issues

- 4.1** There are no immediate personnel issues but there will be a need for more co-ordinated working within the Council among a number of Departments and Sections to ensure that the new legislation is fully and successfully implemented. More detailed working up of new practices and procedures may lead to a future request for additional staffing.

5. Financial Implications

- 5.1** There are no immediate financial implications at this time and ring fencing of Private Sector Housing Grant (PSHG) has been retained for the initial implementation stage of 2008/09 and 2009/10. Any additional staffing could be funded from PSHG.

6. Risk Analysis

- 6.1** Considerable preparatory work is required to ensure that the radical and broad ranging changes can be implemented successfully with new procedures and practices being introduced in time. There are currently difficulties in filling the vacant post of Grants Officer and if these and any related staffing issues cannot be resolved then there is a risk that the Council's preparation for the change will be sub-optimal.

7. Conclusions

- 7.1** The changes being introduced by the Housing (Scotland) Act 2006 represent the biggest policy shift in Scotland in this area of work for over 30 years and replace a regime which has remained essentially the same throughout that period. The most significant change is the move away from the provision of grants to deal with disrepair in the private sector to the delivery of advice and assistance that facilitate action by homeowners themselves.
- 7.2** The implications of the new legislation need to be worked through thoroughly through joint working to ensure that successful delivery can be achieved. Further reports will be submitted as required to keep Elected Members up to date and to seek any necessary approvals for courses of action.

8. Recommendations

8.1 The Council is invited to:

- **note the content of this report;**
- **agree that officers respond to the detailed consultation questions which cover a number of matters of considerable detail; and**
- **note the provisional date for implementation of the new powers and duties as 31 March 2009.**

Elaine Melrose
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Date: 12 June 2008

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Appendices: None

Background Papers: The Housing (Scotland) Act 2006: Guidance for Local Authorities Volumes 1 to 6

Wards Affected: All