

Falkirk Council Chief Executive Office

Date: 20 June 2003

'Stewardship and Responsibility' - A Policy Framework for Private Housing in Scotland

Thank you for the opportunity to comment on 'Stewardship and Responsibility', the final report and recommendations of the Housing Improvement Task Force.

The Task Force's recommendations for improvement in conditions, standards and the overall quality of housing across the private sector are to be generally welcomed. The report is comprehensive and wide ranging in its proposals. The ultimate implementation of the recommendations will be a challenge for all involved.

There are obviously recommendations in respect of local authority powers and it is anticipated that the implementation of a number of these will have both staffing and significant funding implications for the Council. In this regard clarification from the Executive would be appreciated, on an early basis, on how and when it intends to progress implementation. In November 2002, in announcing the proposed introduction of the Scottish Standard for Social Housing, Margaret Curran, the then Social Justice Minister, made reference to the availability of £215m nationally- over 3 years to take forward the work of the Housing Improvement Task Force. Information from the Executive on individual Council's allocations to facilitate this would also now be helpful.

The report is presented at a time when there are a number of other inter-related issues on the agenda, e.g. the reform of the Repair & Improvement Grant system, the Tenements (Scotland) Bill and the national house condition survey. Specific guidance from the Executive would be helpful on how it proposes to integrate the Task Force's recommendations with these other issues.

Reference is made to the desire to see the Executive provide guidance to local authorities on planning to address private sector housing quality issues. If practical it would be useful to have this guidance available at an earlier stage to allow it to be considered within the context of Local Housing Strategy preparation.

Chief Executive

The following comments provide more detail.

#### Quality Standards for Private Housing in the 21st Century

##### The Tolerable Standard

Recommendation 5: The decision not to include condensation and mould growth in the Tolerable Standard is sensible due to its complex causes. As highlighted, this should be capable of being addressed by- the insulation, heating and ventilation requirements. It would be helpful if this could be emphasised in guidance. It is noted that the presence of such condensation and mould growth should be dealt with specifically within guidance to the effect that the moderate or severe occurrence of either should normally be regarded as an indicator in respect of insufficient thermal insulation, heating or ventilation. It is considered this would impose increased obligations on landlords and therefore particular attention would require to be paid to the definitions of "moderate" and "severe" contained within the guidance.

The guidance, which is intended to aid interpretation, is welcome to ensure consistency of approach. This should be consulted upon and finalised in sufficient time for the new Standard taking effect.

##### Scottish Housing Quality Standard

The intention to align standards across all housing tenures, where feasible, is to be welcomed.

Recommendation 12: In paragraph 94, the Consultant specifies the view that "the Standard should not include noise or noise attenuation because the causes of nuisance are not entirely related to the building itself and there is difficulty in accurately and objectively- measuring noise nuisance". I would agree that this may benefit from further consideration. There is evidence that poor insulation can contribute to neighbour disputes. Minimum standards of sound insulation, for example, would go some way towards minimising or even eradicating this.

##### Repairing Standard for Private Landlords

Recommendation 13: Private Landlords' rights of entry, for purposes of carrying out inspection/ repair, would benefit from clarification and strengthening in a situation where tenants delay or refuse to respond or allow entry.

##### Improving the Operation of the Housing Market

###### The Single Survey

Recommendation 25: The recommendation that there should be no prescribed shelf life for the single survey should be the subject of review following the pilot scheme. A time limit of perhaps 6 to 12 months may well be appropriate as the condition of the property may deteriorate due to factors other than fair wear and tear, e.g. flooding and/or market conditions may change.

Recommendation 28: It should be noted that the additional legal work involved in amending missives, drafting single survey contracts etc may lead to increased legal costs for both buyers and sellers.

Recommendation 29: Release of the single survey. There would be some benefit in there being a time limit within which the single survey should be made available to prospective purchasers to ensure that there is timeous release of the survey by sellers or their agents, e.g. in closing date situations. If this scheme is voluntary rather than statutory, this may be difficult to enforce.

#### Purchaser's Information Pack

Recommendation 34: Having regard to the number of houses sold by local authorities there can be no doubt that there will be additional administrative costs involved in producing the proposed pack. Clarification on whether it will be possible to pass on any extra costs involved to the purchaser would be appreciated. There is an important distinction to be made between a private seller voluntarily putting their house on the market and that of the Council who has to respond to 'right to buy' applications as and when they are received. It is questionable that the additional administrative costs involved in compiling this information would be "limited" as indicated in the Report. The work involved in summarising common repair and maintenance burdens for each property to be sold would also be substantial. There is no indication of any additional resources being made available to fund this additional work.

Recommendation 36: The proposal for pilot schemes to be undertaken to assess the administrative and production costs is welcome for the reasons outlined above and consideration requires to be given to the provision of adequate funding to enable this requirement to be fulfilled.

#### Possible Changes to the House Buying and Selling Process

Recommendation 41: The proposal that local authorities should encourage local Trading Standard Officers to examine and test the issue of setting low upset prices in the context of existing legislation may- require additional staff training and there could be substantial financial implications for unsuccessful 'test' cases'.

#### Improving Confidence in the Building Industry

Recommendation 51: The recommendation should not detract from the main issue of quality and cost of works.

#### Facilitating Common Repairs and Maintenance

##### Common Repair and Maintenance

Recommendation 55: The proposal to put a duty on owners who do not use their house as their main or principal residence to provide other owners sharing common repair and maintenance burdens or a property-manager appointed by these owners, with a contact address could be difficult to enforce. Owners may have difficulty or have to incur expense to identify contact details and presumably the proposals would have to be backed up with suitable penalties for failure to disclose.

Recommendations 61 to 63: The proposals to increase local authority responsibilities - to facilitate the establishment of owner's associations and effective property management arrangements, establishment of reserve or sinking funds for owners with maintenance plans and the placing of charging orders on non-compliant owners to allow work to proceed, all have additional resource implications for local authorities.

#### Public Sector Intervention and Support at Local Level

##### Assistance for the Improvement, Repair and Adaptation of Houses

Recommendation 79: The provision of a small repairs service, in addition to the current Care & Repair service would have additional resource implications which would need to be adequately funded.

Recommendation 89: The proposals that conditions currently applied to the payment of improvement and repairs grants also apply to loans and other grants extended to a period of 10 years may be excessive given the statistics contained earlier in the Report that people move house on average every 6 years.

#### Improving Standards in the Private Rented Sector

##### Strengthening the Rights of Private Tenants

Recommendation 132: That local authorities should promote the development of local voluntary accreditation schemes would have training and resource implications that would need to be adequately funded.

##### Wider Private Rented Sector Issues

Recommendation 150: The proposals for a model private tenancy- agreement would assist in promoting minimum standards, endeavouring to strike a fair and reasonable balance between the interest of landlords and tenants. Consistency of approach and increased awareness of tenant's rights and responsibilities would be achieved by making repairing obligations explicit in written leases. The implied nature of obligations should continue in the absence of written lease.

In conclusion, the proposals contained in the Report are wide ranging and comprehensive and recommendations made need to be supported with effective funding mechanisms, practical assistance and realistic time scales.

I look forward to continuing discussions.

Yours sincerely

CHIEF EXECUTIVE