

Glasgow City Council  
Development & Regeneration Services

Date 18 June 2003

Consultation on the Housing Improvement Task Force Final Report

I am please to enclose Glasgow City Council's response to the above consultation, which was approved by the Housing Development Committee on 22 May 2003.

Head of Housing Investment Development and Regeneration Services

SCOTTISH EXECUTIVE HOUSING IMPROVEMENT TASK FORCE FINAL REPORT  
"STEWARDSHIP AND RESPONSIBILITY - A POLICY FRAMEWORK FOR PRIVATE  
SECTOR HOUSING IN SCOTLAND"

RESPONSE BY GLASGOW CITY COUNCIL

Approved by the Housing Development Committee, 22 May 2003

OVERVIEW

1. Overall, the Council warmly welcomes the Housing Improvement Task Force Final Report. The Council has contributed to the work of the Task Force and it has taken on board many of the Council's concerns, resulting in what is for the most part a very satisfactory report from the Council's point of view. The Council is keen to see the recommendations implemented as quickly as reasonably possible. Disagreements and suggestions for improvement set out here generally do not relate to the main thrust of the recommendations. The Council is confident that in developing detailed policy, the Scottish Executive will work in close partnership with local authorities to ensure that the final framework is as effective as possible.

THE CURRENT STATE OF PRIVATE HOUSING

2. The Council attaches great importance to the issue of poor conditions in the private sector. It is less confident than the Task Force that the private housing stock continues to improve in quality, at least in Glasgow. It considers that the condition of much of the city's private sector stock, particularly the traditional tenement property, is in a perilous situation. Unless additional funding can be directed into this sector, conditions will only continue to deteriorate. It is likely that in Glasgow, conditions are significantly worse than suggested in para.5 of the report. Also, many non-BTS houses or flats can be sub-standard or in serious disrepair. The Council is currently carrying out its own survey of older private housing in order to establish a more reliable picture of the position.

THE GENERAL APPROACH OF THE REPORT

3. The Council agrees that responsibility for the upkeep of houses in the private sector lies first and foremost with their owners and not in the first instance with the local authority. However, in practice, it will take time to bring about the necessary culture change.

4. The Council welcomes the emphasis on changes to the framework of civil law to better facilitate owners' ability to carry out communal repairs and maintenance. There is little evidence to suggest that any criminal offences created by new powers given to local authorities, will receive more attention by the Procurator Fiscal than such offences currently do.

5. The Council also welcomes the greater emphasis on targeting and conditionality in grant aid. Many of the grants allocated in the past did not bring about the longer term changes that were intended.

## QUALITY STANDARDS

### The Tolerable Standard

6. The Council considers retention and extension of the Tolerable Standard to be essential and broadly welcomes the extensions which are proposed to it. However, it would prefer to see condensation and mould growth included as an item in the standard, rather than being taken into account indirectly as is proposed. The Council may well face additional demands for action in relation to this issue. The Council continues to want serious disrepair included in the Standard. The impact on the dwelling of structural instability or cumulative disrepair should be taken into account. The HITF also implies (para.58) that there is such a thing as penetrating damp which will not cause further physical damage to the property. This is not the case. Any penetrating dampness will in the longer term result in some physical damage.

7. The Council would welcome the opportunity to comment on any guidance to assist in the interpretation of the Tolerable Standard which is produced and would be happy to assist in its preparation.

8. In order to deal with lead in water supplies, sampling, analysis and enforcement action need to be reinforced and strengthened. The role of direct public health action in relation to this specific issue in some cases, rather than the slower procedures of the Tolerable Standard, should not be ignored. Again, the opportunity to comment on any guidance issued would be welcomed.

### The Scottish Housing Quality Standard

9. The Council welcomes the proposal for a cross-tenure Scottish Housing Quality Standard with the same standards for private as for social housing. The new Standard should include

- Common Areas outwith the Dwelling The proposal that nothing external to the dwelling should be included in the SSHS does not really make sense in the Glasgow context where common areas of ground outwith the dwelling are much more prevalent than in other parts of Scotland, and are often in bad condition. In practice these are vital issues to address in driving up standards and establishing safe, strong and sustainable communities. The Council does not accept that technical difficulties of measurement should in practice prevent inclusion of these issues in a commonsense way. The essential items are paths, walls or fences, bin stores, back courts and commonly owned private lanes.

- Streetscape In practice, adequate quality of "streetscape", i.e. traffic calming and pedestrian safety, parking bays and street furniture has become a standard item in social housing improvement projects and should be included in the standard.

- Accessibility It is accepted that it would be inappropriate to require barrier free standards or some other accessibility standard in all already existing social housing. However, where it is clear that houses are mainly intended for or likely to continue to be occupied by tenants who required barrier free standards, these should be included.

- Affordable Heating The NHER rating in itself does not necessarily address the issue of affordability. NHER ratings are modelled in relation to a standard household, where the adults are assumed to be in work. A value of 5 is relatively low in relation to the requirements of a household where the adults are out of work or elderly, and both have a low income and need to heat the house for longer than the standard hours. There should be some recognition that where it is known that houses will be occupied by a generally out of work population, the NHER will need to be higher.

10. Standards being applied must be subject to discussion with local authorities to avoid future disputes and move to a point where a performance standard is agreed, particularly in areas such as thermal insulation.

## IMPROVING THE OPERATION OF THE HOUSING MARKET

11. The Council has little involvement in the house buying process and has no comments to offer on this aspect of the report. However, it is very conscious of the difficulties encountered by householders with "cowboy builders", which can have a substantial impact on disrepair. It therefore welcomes the proposals to ensure that current initiatives in this area are followed through effectively.

## VAT

12. The Council greatly regrets the fact that the opportunity has been missed to argue for harmonisation of VAT levels on repair and improvement with those on new building. It is disappointing that the Task Force did not follow the lead of the Rogers Task Force in England, which recommended that VAT should be the same for new build and rehabilitation. Currently there is a major disincentive to most improvement, repair and conversion, which is charged at 17.5%, while new build is exempt. The Council does not agree with the Task Force's argument (para.244) that tax regimes have little impact on behaviour, or with their conclusion that policy changes in this area are not central to achieving the objectives of good maintenance of the private housing stock.

13. There can be no doubt that the discrimination in VAT is a major structural factor diverting investment from the existing stock towards new building. The discrimination has been only slightly ameliorated by the changes in the urban regeneration package of the Autumn Statement 2000, which for instance requires a building to be empty for 10 years before refurbishment qualifies for VAT exemption. If investment in the older housing stock is to be encouraged, it is vital that it should at least not be discriminated against by the tax system. As it is, the VAT charge goes a long way to offset the value of any grants made by the public sector. There is a strong case at least to exempt works from VAT in the postcode sectors which have been exempted from stamp duty.

14. This is a key issue from the point of view of environmental sustainability as well as housing conditions. The Council urges the Executive to revisit this issue as a matter of urgency.

## FACILITATING COMMON REPAIRS AND MAINTENANCE

15. The Council is broadly in agreement with the proposals on common repair and maintenance.

16. Mediation services for owners, with a backstop of enforcement, could well be worthwhile, but would require to be properly resourced.

17. The process of cost recovery could perhaps be speeded up if devolved to the District Court rather than Sheriff Court.

18. It is important to be careful about the potential interaction of the proposals for compulsory insurance with those relating to rights to fix TV aerials and satellite dishes in the Tenements Bill proposals. There will be a tendency for owners to assume that if they have the right to fix aerials to common parts, as is proposed in the Tenements Bill, they will also be covered for any resulting damage to the fabric, and perhaps also for any damage to the aerial. There could be considerable potential for disputes. It will be important that any compulsory insurance policy should make absolutely clear who is covered for what.

19. The Council intends to develop internet-based advice for owners as part of its grant and loan services. In taking forward the proposals, there should perhaps be greater emphasis on the potential of the internet to provide continuously updated advice and information.

## PUBLIC SECTOR INTERVENTION AND SUPPORT AT THE LOCAL LEVEL

20. The proposed new local authority powers and duties are welcomed. However, it is essential that adequate resources should be allocated by the Scottish Executive, especially given the substantial raising of standards which is being proposed.

Resourcing needs to address not only the cost of grants as such but also the other increased responsibilities for advice and support to be placed on local authorities.

21. The Council regards the proposals for firm targets for addressing unsatisfactory private housing, to be agreed by the Scottish Executive, as essential. There is a risk that in the absence of clear targets, it will be difficult to secure adequate funding for unsatisfactory private housing. It would be unfortunate if the Scottish Executive were to fix targets for attaining the SHQS in social housing but not any parallel targets for private housing. This is particularly important in Glasgow since poor conditions are widespread in the private sector but there is now an adequate improvement programme for the ex-council stock established through the stock transfer. It is essential that targets should be set by the Scottish Executive in discussion with local authorities.

22. The Council has been critical of the measurement of dampness, disrepair and Tolerable Standard failure in the Scottish House Condition Survey and welcomes the proposed modifications to the SHCS to reflect the proposed Scottish Housing Quality Standard. In the view of the Council, the SHCS does not currently attempt to establish the full extent of unsatisfactory conditions, particularly in relation to older housing. There have been extensive discussions with Communities Scotland on this issue. With the advent of national targeting, it will clearly be essential to use the SHCS for resource allocation and therefore the issue of accurate measurement will become even more important. It is suggested that a thorough review of the SHCS is called for. One input to this should be the results of the Council's current survey of older private housing.

23. The national scheme of assistance in recommendation 72 needs to make adequate provision for commercial premises. Deeds of conditions often place an unfair burden on small shops which may already be struggling. It is not uncommon for 50% of costs to be allocated to them. These deeds may date from an era when the shops were much more profitable than they are in an older neighbourhood today.

24. The Council considers that the local authority should have the power to require a formal maintenance arrangement as a condition of grant or loan, and that there should be sufficient flexibility in the powers for the authority to address local circumstances. This issue is discussed in para.374 of the Report but there is no formal recommendation. The Council agrees with the Report's proposal that conditions should apply for 10 years in the case of a grant or for the period of the loan in the case of a loan.

25. The Council welcomes the proposals for Maintenance Orders and Maintenance Plans. It agrees that there is a need for formal procedures for notification of completion of works to the authority.

26. There could be significant benefits in the proposals to remove the link between statutory notices or orders and mandatory grants, making way for more flexible forms of assistance. However, there may well be conditions which always warrant some form of grant on the service of a notice in order to bring about the desired change for health reasons. Lead in water could be an example where a mandatory grant should be available to all.

#### IMPROVING STANDARDS IN THE PRIVATE RENTED SECTOR

27. The Council welcomes the more active approach to conditions in the private rented sector proposed in the report. Parts of the sector have very bad conditions. Once again there will be an issue of resources in relation to the local authority's role. The Council would welcome involvement of Trading Standards Officers in the issues of management and property standards.

28. The Council welcomes the proposals for accreditation schemes for private landlords. In taking these proposals further, it needs to be recognised that in an area like Clydeside with some landlords operating across local authority boundaries, there could be benefit in organising schemes on an inter-authority basis.

29. Vigorous debate continues around the control of Houses in Multiple Occupation. This issue requires mature consideration by a working group of all parties involved before jumping to conclusions as to the best way forward. Perhaps, the proposed working group which is to be set up by the Executive to consider a number of issues in relation to the current licensing regime is a step in the right direction. The Council would wish to play its part in an informed debate.