

Stewardship and Responsibility: A Policy Framework for Private Housing in Scotland.

RESPONSE

South Ayrshire Council thanks you for the opportunity to comment on the above report. We feel that this is a comprehensive and well thought out document that pulls together and addresses the many issues related to private housing in Scotland. Our comments are grouped under the chapter headings in the report.

Quality Standards for private housing in the 21st century

The proposed changes to the Tolerable Standard are supported and correspond with the new works identified in the Housing (Scotland) Act for grant aid. The proposals to publish wider and more detailed guidance covering matters like the Tolerable Standard are also helpful.

The introduction of a new Housing Quality Standard is also welcomed. However, although noise nuisance is not dependent on the fabric of buildings the level of sound attenuation within a house and between properties is controlled by the physical construction of floors and walls. It is also common practice to measure the ability of different forms of construction to achieve noise reduction and consequently, the level of nuisance is also reduced. For these reasons we would suggest sound insulation is seriously considered for inclusion part of the Quality Standard. (Recommendation 12)

There is a worthwhile case to strongly link recommendations 13 – 18 for Repairing Standards with any future HMO Licensing requirements.

Improving the operation of the housing market

Para. 174 indicates that building standards inspection reports will replace "letters of comfort". This is a matter under discussion and will very much depend on the development of detailed statutory procedures and the practicalities involved with the new system.

Para. 175 to 178 gives the view that a property logbook is not part of the Purchaser's Information Pack. We consider it is important to make it compulsory to have a logbook to ensure any changes to the construction are properly recorded. There is also merit in maintaining a log book to ensure the occupier is fully aware of management issues e.g. boiler controls to achieve thermal efficiency.

Recommendation 34 on page 44 indicates the Purchaser's Information Pack should contain consents and we suggest a specific reference to Completion Certificates is included.

In para. 239 reference is made to the Building (Scotland) Bill setting up a system for approved builders certifying certain works. This appears one-sided because the Bill also allows anyone to certify works as complete and in compliance with current building standards. Furthermore, we are not convinced the licensing scheme for building contractors will provide the quality controls expected by the Task Force.

Facilitating common repairs and maintenance

South Ayrshire Council welcomes the recommendations in this chapter of the report.

Public sector intervention and support at the local level

South Ayrshire Council is supportive of the principles underlining this chapter and, indeed, the report as a whole namely:

- The need for owners to take primary responsibility for repair and maintenance of their properties.
- The need for local authorities to be supportive of, rather than, substitutive for private owners responsibilities.

We accept that local authority activity should take one of three broad forms namely direct intervention, assistance to owners and strategic planning of interventions. We are particularly keen that problems of inequality and exclusion that are reinforced by the market and established practices are tackled and that effective mechanisms to support the large number of low-income households now living in owner occupation are established. The ability to make a more flexible use of resources would be welcomed and like the Task Force we welcome the announcement by Scottish Ministers that expenditure by local authorities in this area will be funded by a Private Sector Housing Grant linked to outcome agreements between local authorities and Communities Scotland.

South Ayrshire Council is already taking a pro-active role in relation to its strategic responsibilities and has recently completed a local house condition survey in the private sector in order to obtain information on stock condition at a local level. Likewise, in relation to offering advice to vulnerable owner occupiers we are currently establishing a Care and Repair scheme in South Ayrshire that will take a holistic approach to people's needs including health needs.

Improving standards in the private rented sector

South Ayrshire Council welcomes the comments that safety of the tenant underpinned their work and that any action to improve repair standards will encourage and improve safety for tenants. We also believe that landlords should bear the primary responsibility for ensuring repair and maintenance of their properties. We welcome the recommendations concerning the Repairing Standards for private landlords and cannot add to these.

The HITF recommendations concerning tax and benefit incentives in the private rented sector are of interest and the recommendation that there should be discussion with the United Kingdom Government, and the Scottish Executive with particular attention given to the potential benefits to rural areas of changes in the tax treatment for investment in repairs.

The HITF believes that tenants will be better able to exercise their rights if the repairing obligations are made explicit in written leases. We agree that the modernised Repairing Standards should be included in leases. SAC are in the process of developing a good tenant guide and this should inform them of their rights and details of where they can go to get advice and assistance on enforcing these obligations.

The HITF recommends that a significant publicity effort should be mounted by the Executive, local authorities, and other stakeholders, to get over to landlords and tenants the details of any changes. SAC believes that the Executive should be responsible for the overall publicity and should bear the cost. SAC has, a series of workshops, ongoing, for landlords and agents to improve communication. We have also started a newsletter aimed at those

interested in the PRS. SAC are also in the process of developing a Good Landlord Guide and as indicated previously a Good Tenant Guide. This Council have also appointed a Liaison Officer PRS to help improve communication and ensure that any changes in the PRS reaches its target audience. An important role for this Officer is to strengthen the rights of private sector tenants.

The HITF supports a concept of accreditation that is based on the establishment of a scheme by a local authority and landlord organisations (or landlord forum) which landlords and agents choose to join. The HITF believes that voluntary accreditation must aim to raise and maintain standards. SAC has presented a draft voluntary accreditation scheme to its Member Officer Group and this has been accepted as the best way to raise and maintain standards in the PRS. This Council has asked the Scottish Executive to consider us for any pilot voluntary accreditation schemes that may be set up. Through workshops we have sought the views of landlords and agents on voluntary accreditation and have been encouraged by the positive response. We have also established links with local authorities in England who have voluntary accreditation schemes in place. We are also keen to compare experiences and develop good practice with other local authorities in Scotland. SAC welcomes the HITF recommendation that voluntary accreditation should take place in the PRS as one means of promoting high standards.

The HITF rejected the idea of compulsory licensing for the whole of the PRS, and endorsed discretionary forms of regulation operated at a local level. SAC agrees with the HITF that all private landlords should not be subject to national compulsory licensing. We agree that local authorities should have the discretion to set up their own schemes and with the HITF proposals for the Scottish Executives that it should have the power to require any/or all local authorities to establish a registration, certification or licensing scheme.

The HITF believes that the PRS suffers from a negative image and this should be addressed. As indicated previously SAC have been pro-active in promoting the PRS in many areas. We have put together a PRS strategy and this fits with our Local Housing Strategy. The HITF noted the importance of advice and information-knowledge of rights and responsibilities and the availability of appropriate advice services. SAC supports this recommendation in our PRS strategy with timescales built into the action plan.

The HITF recommends that in collaboration with stakeholders the Scottish Executive should develop a model private sector tenancy agreement. SAC agrees with this recommendation. The HITF believes that there is merit in taking stock of the experience of the assured and short assured tenancy regime and recommends that the Scottish Executive carries out a review of the tenancy provision for the PRS as set out in the Housing (Scotland) Act 1988. We support the idea of a review of tenancy provision.