

## **Stewardship and Responsibility: A Policy Framework for Private Housing in Scotland – The final report and recommendations of the Housing Improvement Task Force**

I am pleased to provide the following comments on behalf of West Dunbartonshire Council (WDC).

### **Preface**

WDC has followed the development of government policy regarding these issues with some interest. We agree with the general approach of the suggested policy framework and we particularly welcome the fact that the policy is based on defining clear and shared responsibilities for all owners of communal properties.

### **Chapter 1**

WDC agrees with the “key themes” set out in Chapter 1, especially the core theme of the owner’s primary responsibility for repair and maintenance. We also agree that improving co-operation between owners is essential as we have first hand experience of difficulties in flatted properties where owners cannot, or will not, come to an agreement over costs, scope of work, and so on, to the detriment of all concerned. WDC also welcomes the proposed changes in the role of local authorities and their ability to deal with issues of serious disrepair across the privately owned and rented sectors. We clearly recognise the problems experienced by low-income households who are owner-occupiers and we welcome the proposals to modernise the range of statutory powers available to deal with individual flats or houses as well as entire blocks or areas.

### **Chapter 2**

WDC agrees that the current definition of the Tolerable Standard and the designation of properties as being Below the Tolerable Standard (BTS) are long overdue for revision. We agree that the key elements of structural stability and basic ‘health and safety’ provisions must remain. However, we also agree with recommendations 1 – 7 on p18 of the final report regarding the extension of the Tolerable Standard to reflect housing conditions in the 21st Century. Our only concern is that extending the Tolerable Standard to include electrical wiring and condensation/dampness may raise expectations that grant assistance will be made available to owners and that demand will outstrip supply.

WDC also agrees with recommendations 8 – 12 on p23 of the final report concerning the Scottish Housing Quality Standard and we welcome the proposal that this standard should cover all tenures to provide a benchmark of quality.

### **Chapter 3**

We agree with the broad findings contained in this chapter and with some of the recommendations (19 – 33) on p41 of the final report. We are however unsure about the practicality or indeed the desirability of the single survey concept. If such a duty is placed on sellers it is our opinion that the format of such surveys should be specified by law rather than “market-led” or voluntary.

We agree that the principle of *caveat emptor* tends not to be abused by sellers and there is an argument that it would be better to retain this general principle. It is our opinion that the seller's survey does not fit well with the long-established and understood principle of *caveat emptor*.

WDC agrees with recommendations 34 – 39 on pp44 – 45 of the final report regarding the Purchaser's Information Pack. We recognise the practical value of providing a pack of this type and the usefulness of pulling together this essential information in to one source of reference for purchasers.

#### **Chapter 4**

We agree with the broad findings of this chapter and with recommendations 54 – 65 on pp73 – 74 of the final report. It is our opinion that the provision contained within the title deeds should not alter with regard to apportioning costs unless the present basis of apportionment is inequitable or is no longer applicable (e.g. where flats have been created from former shop premises on the ground floor, two flats have been integrated to make one unit, etc.).

WDC agrees that reserve or sinking funds to cover works of repair and maintenance are desirable and demonstrate a sound property management approach. However, we have doubts about the feasibility of enforcing any mandatory scheme, as it is our experience that many owner-occupiers are on low or fixed incomes with little scope for contributing to such funds.

We are particularly pleased to note the finding that compulsory common insurance policies are the only device that ensures appropriate cover.

#### **Chapter 5**

WDC agrees with the increased emphasis on local authorities as the strategic planning bodies for housing, both in terms of provision to meet needs and demand, and in ensuring quality standards. This role complements the development of Local Housing Strategies (LHS) and helps to facilitate joint working across a range of council services such as community planning, town planning, environmental services, and economic development. WDC therefore endorses recommendations 66 – 71 on pp80 – 81 of the final report relating to the strategic planning role and functions of local authorities.

We also welcome recommendations 72 – 89 on pp88 – 90 of the final report, particularly those that relate to the targeting of scarce public resources and to direct assistance for disabled, older and vulnerable people. We are currently developing Joint Future partnership working and the Single Shared Assessment, and we see clear linkages between the identification of needs and the ability to target resources accordingly. We are working towards a “seamless”, person-centred approach to all of our services and these recommendations would be most useful in taking this forward.

WDC is pleased to note the proposals for a review of local authority powers (contained in Annex C to the final report), as there have been difficulties in enforcement under the Housing (Scotland) Act 1987, as amended, due to the consequent mandatory provision of assistance to owners.

In common with many other local authorities, WDC has always been obliged to “ration” grant assistance in each financial year and to prioritise specific applicant groups, such as disabled and vulnerable people, leaving very little scope for addressing disrepair and poor housing conditions. The extension of powers and the introduction of a scheme of assistance would greatly increase our ability to address existing and emerging issues in the private housing sector.

## **Chapter 6**

We broadly agree with the recommendations contained in this chapter concerning the improvement of standards in the private rented sector. Complaints about private landlords and their lack of response to tenants’ requests for repairs and maintenance form a large part of the work of our Environmental Health Officers and of Protective Services in relation to quality standards. However, we can see difficulties in enforcing additional rights for private tenants in an increasingly fragile sector and we would not wish to lose the contribution made by private landlords as an alternative to owner-occupation and social rented housing.

I trust that the above comments will be of help to Scottish Ministers and to the Scottish Executive in responding to the recommendations contained in the final report of the HITF.

**Chief Executive**