

SOUTH
LANARKSHIRE
COUNCIL

HOUSING AND TECHNICAL RESOURCES
STEWART GILCHRIST, EXECUTIVE DIRECTOR

24 June 2002

Mr Tony Cain
Secretary
Housing Improvement Task Force
Housing Division 2
Victoria Quay
Edinburgh
EH6 6QQ

Dear Tony

RESPONSE TO THE FIRST REPORT OF THE HOUSING IMPROVEMENT TASK FORCE

South Lanarkshire Council welcomes the opportunity to respond to the first report of the Housing Improvement Task Force. The Task Force Report is commendable in the range and type of information that has been collated and reported. As detailed in the report is the Council would consider that further investigation and expansion is required and would therefore highlight issues which require consideration on the following pages.

1. Private Rented Stock Condition

The Council acknowledges that there are good private -rented landlords who make a valuable contribution to the sector by providing decent well-maintained accommodation. However, it is widely recognised that the disreputable portion of landlords from this sector do little to promote the service by providing property for a fee which is normally based at the highest level of Housing Benefit payable which does not equate with the standard of property or repair services provided.

The general legal powers that are used in relation to the private rented sector cover disrepair and quality however there is no all encompassing regulation or regulator for this sector. The Council acknowledges that MP Frank Field's Bill which, if passed, will remove Housing Benefit from rogue landlords and may be a step towards a form of monitoring, however, regulation still has to be considered.

The Council would suggest that it would be prudent for the Task Force to consider the feasibility of a formal regulation and monitoring process, taking into account the cost consequences of implementation for Local Authorities. For example, would it be practicable

for the regulation of private sector landlords to be administered in conjunction or parallel with the mandatory HMO licensing system?

The Council acknowledge that a scheme of this type will be a disincentive on the future supply of private landlord property and will have an influence on the demand for social sector housing, however the current situation should not be endorsed. It is essential that the best interests of private rented tenants are given at the very least equal consideration to the interest of the private landlord.

2. Pre-Purchase Information - Right to Buy

The Task force report highlights the requirement to have a wide range of information available to new purchasers and outlines the lack of consensus over the level and type of information provided. The main area of concern for consideration is the lack of understanding of the obligations and responsibilities of owner occupation, especially with owners who have purchased under the Right to Buy.

The new Scottish Secure Tenancy introduces obligations on landlords to provide information on Right to Buy and future implications of owner occupation at the initiation of the tenancy. The Council considers this introduction as being a positive step towards ensuring that tenants who consider Right to Buy as a future option are given information that will enhance their obligation knowledge as well as outlining future possible maintenance cost implications. South Lanarkshire Council would promote the use of owner handbooks and property logbooks as being the next progressive stage in the communication process.

Following a review and consultation exercise the Council will be introducing a handbook for all owners covered by the factoring service. The handbook will reiterate the individual and joint owner obligations and will outline the Council's own policies and service standards. The Council considers the handbook to be an effective tool for both the owner and factoring service provider and would suggest that the Task Force consider the practicality of introducing a model handbook that could be promoted to all factoring service providers.

3. Equality in Communication and Participation

3.1. The Task Force report advises that owners are reticent to participate in schemes where there is a significant cost to them, especially in community regeneration projects, which can result in a negative impact on timescales, costs etc. This reticence can be reinforced by poor communication mechanisms between both parties which can often result in a loss of confidence and trust.

The Council acknowledges that the communication process between the Council, providing a factoring service/major repair project, and owners can be difficult and requires genuine consultation and participation. If owners consider that their views are not being taken into account they will not approach or contribute to any new initiative in a positive manner. It is therefore imperative that all landlords providing services to owners consider projects that are innovative and constructive to promote the fullest possible involvement.

Involvement can take a number of forms and can encompass even the most basic services. For example would the introduction of a monthly payment card scheme promote a flexible

and positive mechanism to facilitate payment from owners? Would such a scheme help redress the balance of non-participation from low income households?

The Council would suggest that a reviewed communication and participation process would help address the problem of owner reluctance to participate. The Task Force should further review the individual and collective consultation process and consider providing a model process allowing feedback from participants. The Task Force should further review and consider this issue in order to provide and promote new creative projects and to highlight models of good practice in forthcoming reports.

3.2 The Task Force report confirms that vulnerable households within the community are being excluded from good quality, “safe” housing, whether it be rented from the private sector or owner occupied, for a variety of reasons. In progressing the implementation of the Housing (Scotland) Act 2001, Tenant Participation legislation, residents who are not tenants are being excluded by the general ethos of the Tenant Participation legislation, and this is undoubtedly the case for vulnerable households. Guidance on the introduction of the Tenant Participation Strategy does not encompass residents other than tenants and does not offer any other means by which other residents can have an effective and comprehensive involvement in community participation.

The Council in responding to the Tenant Participation guidance expressed concern that the focus of participation was with tenants and not community or resident participation. The guidance does not take account of the positive impact that resident participation has on the community planning process and in turn perpetuates an inequality in terms of consultation.

The Council has always included all residents within established tenant and resident groups and will continue to consult and communicate with these groups following on from the implementation of the Tenant Participation duties. However, the Council would suggest that future reports from the Task Force consider further the impact and future implications that this legislation will have on owner occupiers and vulnerable groups.

4. Private Sector Repairs

The Task Force report highlighted the problems faced by tenants of private landlords in requesting a quality repair service and indicated that the regulated and deregulation of rent impacted either positively or negatively on the type and scale of repairs service provided. Tenants of private landlords are often unaware of their tenancy rights and the overall repair obligations of landlord and what remedies are available to them.

The Council has increased the housing information and advice service to all residents by the provision of Q & A section within each local housing office. The Council is currently reviewing the range and type of information and advice services provided in relation to the Homeless provisions within the Housing (Scotland) Act 2001. The Q & A staff are generic and can provide private sector tenants with advice and information in respect of landlord repair obligations or contact other agencies who may be of assistance.

The Council would suggest that future reports from the Task Force consider the provision of an all-encompassing information service as good practice and as an issue that would benefit from the introduction of good practice models.

5. Housing Quality Benchmarking Standards

The Task Force Report indicates that a standard quality benchmarking system is required which should be considered in the strategic planning framework and that those standards should be considered on a national and local level. The Council agrees that a standardised system should be devised in order to target and measure improvements and would welcome the opportunity to contribute and participate in the preparation of benchmarking mechanisms.

6. Dispute Resolution

At present there is no opportunity for disputes between owners and factoring service providers to be settled outwith the court system. The Council would recommend that future considerations for the Task Force would be to review the possibility of promoting an arbitration service that would provide mediation services which in time may reduce the timescales and costs incurred in attending court for decision.

The Council would welcome the opportunity to and participate and contribute to the discussion surround the introduction of such a scheme.

Whilst the Council considers the House Improvement Task Force first report to be very detailed and precise it would suggest that the information covered in the report is already widely known to those who have an interest in the housing sector. The Council considers the first report as a broad starting point and would recommend that future reports deal specifically with individual items as previously outlined. The Task Force has the opportunity help Councils and local communities address highly emotive and problematic issues and this cannot be done within a wide sweeping reporting system, therefore further reports have to be more area specific.

The Council will continue to welcome the opportunity to participate and consult in the endeavour to redress problems faced by owners and private sector tenants and looks forward to further consultation and future Task Force reports.

I hope that the above comments are helpful.

Yours sincerely

Jim Hayton
Head of Housing

Council Offices, Almada Street, Hamilton ML3 0AA. Telephone: 01698 454396 Fax: 01698 455616