

09 April 2008

To:

Local Authority Chief Executives, Chief Housing Officers,  
Directors of Social Work and Finance, private sector housing contacts,  
COSLA, CIH, voluntary, private and other public sector organisations

Dear Consultee

## **Housing (Scotland) Act 2006: Consultation on Draft Guidance and Regulations**

### **Introduction**

I am writing to invite you to comment on draft guidance and regulations which will support new local authority powers and duties in the Housing (Scotland) Act 2006. The consultation began today and will run until 01 July 2008.

The Act gives local authorities a new set of tools to assist and, where necessary, compel private owners to take action to improve the condition of their houses. It also opens the way to a new approach to helping owners adapt their houses to suit disabled occupants. It represents the biggest change for 30 years in national policy in this area.

The main audience for the consultation is local authorities. But we welcome feedback from other interested organisations and individuals, since the guidance is, ultimately, about the housing conditions of individual owners and their families in Scotland.

### **The consultation paper**

You can access electronic versions of the consultation documents and accompanying material, including the list of organisations we have notified, from the Scottish Government's consultation website at [www.scotland.gov.uk/Consultations](http://www.scotland.gov.uk/Consultations).

To reduce the amount of paper we use, we have printed only a limited number of paper copies of the consultation documents. If you would like a printed copy of any of the consultation documents, or require alternative formats, please get in touch using the contact details below.

## **The draft guidance**

The guidance we are proposing is intended to be a practical tool to help local authorities and others work effectively with the new powers and duties. Because of the complexity and breadth of the powers and duties in the Act we have produced six separate volumes of draft guidance, each focusing on a specific theme:

- Volume 1: Preparing and Delivering
- Volume 2: Housing Renewal Areas and Repair, Improvement and Demolition
- Volume 3: Maintenance
- Volume 4: Tolerable Standard
- Volume 5: Scheme of Assistance
- Volume 6: Proposals for a National Trusted Trader Framework.

To help you navigate through the draft guidance, each volume has a short table that explains its purpose, lists the main intended audiences, summarises the content and lists the consultation questions. You will wish to focus on the volumes that are closest to your interests. But you might also find it useful to read the early chapters of Volume 1, which set out the policy context for the consultation and explain the status of the guidance.

## **The draft regulations**

We are also consulting on draft regulations. The regulations will replace the current test of resources with a nationally consistent and streamlined approach to financial assistance for owners who wish to adapt their homes to suit a disabled occupant. This radically overhauls the current system of support and fits with existing community care legislation. The regulations should help clarify the roles of housing and social work in respect of adaptations.

## **Consultation events**

We plan to hold a series of consultation events across the country in May to help consultees frame their thoughts on responding to the consultation. The events will offer the chance to discuss the draft guidance and regulations with the Scottish Government team which drafted them and the opportunity to engage with colleagues from other organisations.

The events are in Dundee, Edinburgh, Glasgow and Inverness. I have enclosed an information sheet (Annex A) which gives further details about the events, including dates, locations and how to register.

## **Responding to the consultation**

You can respond to the consultation either electronically or in writing. We would find an electronic response easier to handle but do not let that deter you from sending a written response if that is what you prefer.

Annex B provides further information about the consultation process, including full details of how to respond and how we will handle your response.

The Scottish Government's consultation website (address above) contains three forms which you should fill in when responding. These are:

- a questionnaire, which lists the consultation questions and should help you to respond;
- a 'respondent information form', which lets us know how to handle your response; and
- an equal opportunities monitoring form.

If you have any queries please contact Lynsey Silverman on 0141 305 4143, e-mail [lynsey.silverman@scotland.gsi.gov.uk](mailto:lynsey.silverman@scotland.gsi.gov.uk).

I would like to thank you in advance for your contribution to this consultation.

Yours faithfully



**Roger Harris**  
Unit Head, Private Housing Quality Unit  
Housing and Regeneration Directorate  
Scottish Government

roger.harris@scotland.gsi.gov.uk  
0141 271 3754

## **Housing (Scotland) Act 2006: Consultation on Draft Guidance and Regulations**

### **List of Consultation Recipients**

We have asked the following organisations to respond to our consultation:

Age Concern Scotland  
ART Homes Ltd  
Birmingham City Council  
Building Research Establishment Scotland  
Capability Scotland  
Care & Repair Forum  
Care & Repair Projects  
Citizens Advice Scotland  
CHANGEWORKS Resources For Life Ltd.  
Chartered Institute of Bankers in Scotland  
Chartered Institute of Housing Scotland  
College of Occupational Therapists - Specialist Section in Housing - Scotland  
Construction Licensing Executive  
Contact A Family  
Convention of Scottish Local Authorities  
Council of Mortgage Lenders  
Electrical Safety Council  
Energy Action Scotland  
Energy Savings Trust Scotland  
Equality & Human Rights Commission  
Federation of Master Builders Scotland  
Glasgow & West of Scotland Forum of Housing Associations  
Glasgow Centre for Inclusive Living  
Glasgow Chamber of Commerce  
Glasgow Housing Association  
Hacking & Paterson Management Services  
Health and Safety Commission  
Historic Scotland  
Home Improvement Trust  
Institution of Engineering and Technology  
Law Society of Scotland  
Murray & Muir Chartered Surveyors  
Muscular Dystrophy Campaign  
National Autistic Society Scotland  
National Inspection Council for Electrical Installation Contracting  
Office of Fair Trading  
Ownership Options  
Property Managers' Association Scotland  
Registers of Scotland  
Royal Environmental Health Institute of Scotland  
Royal Institution of Chartered Surveyors  
Royal Scottish Agricultural Benevolent Institution  
Scottish Association of Building Standards Managers  
Scottish Association of Landlords  
Scottish Building Federation  
Scottish Building Standards Agency  
Scottish Consumer Council  
Scottish Decorators Federation  
Scottish Enterprise Glasgow  
Scottish Federation of Housing Associations

## **Housing (Scotland) Act 2006: Consultation on Draft Guidance and Regulations**

Scottish Housing Best Value Network  
Scottish Local Authorities  
Scottish MEPs  
Scottish Muscle Network  
Scottish & Northern Ireland Plumbing Employers' Federation  
Scottish Parliament Library  
Scottish Rural Property and Business Association  
Scottish Stone Liaison Group  
Scottish Water  
Scotland's Electrical Trade Association  
Sheffield City Council  
Shelter Scotland

# Housing (Scotland) Act 2006: Consultation on Draft Guidance and Regulations

## ANNEX A: CONSULTATION EVENTS

### Purpose

We will be holding a series of consultation events for stakeholders. These will provide an overview of the consultation, and give consultees the opportunity to take part in sessions to discuss the draft guidance and regulations. The intention is to assist those attending to decide how to respond to the consultation. The discussion at the events will not be recorded as a formal response to the consultation.

### Dates and Locations

The events, which will run from approx 9.30 am to 4.30 pm, will be held in:

Dundee (West Park)	6 May
Edinburgh (Edinburgh Training Centre)	8 May
Glasgow (Radisson)	13 May
Inverness (Thistle Inverness)	15 May

### Agenda

The events will include an overview of the consultation. There will also be discussion sessions, which are likely to include the following topics relating to the new powers:

Workshop 1	- Preparing and Delivering
Workshop 2	- Housing Renewal Areas and Repair Improvement and Demolition
Workshop 3	- Maintenance
Workshop 4	- Tolerable Standard
Workshop 5	- Financial Assistance
Workshop 6	- Adaptations
Workshop 7	- Information and Advice

Each attendee will be able to take part in a maximum of 3 workshops.

### Attendance

These events are likely to be most relevant to those who will be directly involved in working with, or advising on, the new powers. Please register your organisation's interest by sending an email to [housingact06@scotland.gsi.gov.uk](mailto:housingact06@scotland.gsi.gov.uk) by **Friday 18 April** stating:

- the preferred date and venue;
- the names, job titles and contact details of those who wish to attend; and
- for each person, the three workshops they would be most interested in attending.

Please note that places in each workshop may be limited. We will take account of each person's preference but it may not be possible to accommodate in all cases.

We may also need to cap the number of people attending from individual organisations, depending on the level of interest at each venue.

### Next steps

We will confirm the agenda and places at each event in w/b 28 April.

## Housing (Scotland) Act 2006: Consultation on Draft Guidance and Regulations

### ANNEX B: INFORMATION ON YOUR CONSULTATION / INVITATION TO RESPOND

#### Responding to this consultation paper

We are inviting written responses to this consultation paper by 01 July 2008. **We would prefer you to respond electronically, although we are happy to accept a paper version if you do not have access to e-mail.**

Please send your response to:

[housingact06@scotland.gsi.gov.uk](mailto:housingact06@scotland.gsi.gov.uk)

or

Lynsey Silverman  
Scottish Government  
5<sup>th</sup> Floor Highlander House  
58 Waterloo Street  
Glasgow  
G2 7DA

If you have any queries contact Lynsey Silverman on 0141 305 4143 or email the above address.

We would be grateful if you would use the **Consultation Questionnaire** attached to this letter. If you do not use the consultation questionnaire, please indicate clearly in your response which questions or parts of the consultation paper you are responding to as this will aid our analysis of the responses we receive.

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at <http://www.scotland.gov.uk/consultations> . You can telephone Freephone 0800 771 234 to find out where your nearest public internet access point is.

The Scottish Government now has an email alert system for consultations (**SEconsult**: <http://www.scotland.gov.uk/consultations/seconsult.aspx>). This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). SEconsult complements, but in no way replaces SG distribution lists, and is designed to allow stakeholders to keep up to date with all SG consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

#### Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form** and **Equal Opportunities Monitoring Form** attached to this letter as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this

## **Housing (Scotland) Act 2006: Consultation on Draft Guidance and Regulations**

consultation exercise.

### **Next steps in the process**

Where respondents have given permission for their response to be made public, these will be made available to the public in the Scottish Government Library by 29 July 2008. We will check all responses where agreement to publish has been given for any potentially defamatory material before logging them in the library or placing them on the website. You can make arrangements to view responses by contacting the SG Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

### **What happens next ?**

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us reach a decision on finalising our guidance for Local Authorities. We aim to issue a report on this consultation process in the autumn and publish final guidance later in 2008.

### **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to the contact details above.

## Housing (Scotland) Act 2006: Consultation on Draft Guidance and Regulations

### The Scottish Government Consultation Process

Consultation is an essential and important aspect of Scottish Government working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Government web site enabling a wider audience to access the paper and submit their responses. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Government library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4565).

All Scottish Government consultation papers and related publications (e.g. analysis of response reports) can be accessed at: [Scottish Government consultations \(http://www.scotland.gov.uk/consultations\)](http://www.scotland.gov.uk/consultations)

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

**While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.**