Housing, Regeneration and Planning

Consultation on Affordable Rented Housing

Analysis of Consultation Responses

The Scottish Government

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CONSULTATION ON AFFORDABLE RENTED HOUSING

ANALYSIS OF CONSULTATION RESPONSES

A Report by ekosgen for the Scottish Government Communities Analytical Services

Scottish Government Social Research
2012

The views expressed in this report are those of the researcher and do not necessarily represent those of the Scottish Government or Scottish Ministers.

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1   INTRODUCTION AND APPROACH

Introduction

1.1   This report provides an analysis of responses to a Scottish Government consultation on affordable housing. The consultation is set out in a document published by the Scottish Government in February 2012: *"Affordable Rented Housing: Creating flexibility for landlords and better outcomes for communities".* The consultation is based around the following ten proposals:

1. To create more flexibility for social landlords to decide who should get priority for their housing.

2. To create the flexibility for social landlords to consider an applicant's income when deciding their priority for housing.

3. To create the flexibility for social landlords to consider whether an applicant owns property when deciding their priority for housing.

4. To change the law to stop living rooms being considered as rooms available for sleeping in.

5. To create a qualifying period before anyone can succeed to the tenancy.

6. To create the flexibility for social landlords to consider previous antisocial behaviour when deciding an applicant's priority for housing.

7. To create the flexibility to allow Short SSTs to be granted in more cases of antisocial behaviour.

8. To simplify the eviction process where another court has already considered antisocial behaviour by a tenant or their household.

9. To create an initial tenancy for all new affordable rented housing tenants.

10. To allow social landlords to use Short SSTs to let intermediate rented housing.

1.2   The consultation document [1] sets out 54 questions based around these ten proposals, including a mixture of qualitative and quantitative questions. The analysis of these responses has been undertaken by ekosgen on behalf of the Scottish Government Communities Analytical Services.

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[1] Consultation document: *Affordable Rented Housing: Creating flexibility for landlords and better outcomes for communities, 2012, Scottish Government:* http://www.scotland.gov.uk/Publications/2012/02/9972/downloads

The Consultation Process

1.3   The consultation document went live on 6th February 2012, with the closing date for responses 30th April 2012. In addition to written responses submitted electronically or in hard copy, a facebook page allowed people to respond to question polls and leave comments and seven regional events were held which were based around obtaining feedback on the questions to the ten proposals. This analysis report incorporates all of these feedback mechanisms.

1.4   The following responses to the consultation were obtained:

- Completed questionnaires from 219 individuals or organisations;

- Written responses obtained from 18 organisations, based around all or some of the proposals but not in the questionnaire format;

- Responses from 20 individuals via Facebook;

- Responses to the consultation questions obtained from seven regional workshops which were delivered as part of the consultation exercise.

1.5   A list of the regional events and written responses are provided in an annex. The table below provides a breakdown of the respondents who completed the 219 questionnaires and 18 written responses.

	Responses	
Respondent Type	**Number**	**%**
Individuals, comprising responses from individuals.	34	14.3
Landlord Representative Groups, comprising organisational responses from landlord forums and associations. These responses reflected the views of more than one landlord.	5	2.1
Landlords, comprising organisational responses from local authorities with housing stock and social landlords registered with the Scottish Housing Regulator	86	36.3
Other Groups, comprising all other organisational responses, including those from local authorities without housing stock as well as housing rights groups, community groups and others; and	43	18.1
Tenant Groups, comprising organisational responses from tenant forums, associations and networks;	69	29.1
Total	**237**	**100.0**

Analysis Methodology

1.7   The data from the completed questionnaires was inputted into an Excel database of responses and the quantitative questions were reviewed to understand the scale of support for each of the proposals. This was also undertaken by respondent type to understand any differences in views across

the different groups. The next stage involved analysing the responses to the qualitative questions. These were reviewed and for each proposal a thematic framework was developed to code the responses to the qualitative questions according to key themes emerging. All of the responses however were reviewed to ensure that none were overlooked. The key messages under each of the ten proposals were then presented in this report.

1.8 There are a few methodological issues which should be considered in the use of these findings. These are as follows:

- The level of weighting applied to the themes emerging from the qualitative questions is provided for indication purposes only.

- It has only been possible to review the responses to the quantitative questions for those individuals who responded via the questionnaire (219 responses).

- A number of individuals and organisations may have responded to both the questionnaire and provided views at the regional workshops and online via Facebook. Therefore, there are likely to be some views which have been counted twice.

- Not all of the written responses were structured around the 54 questions and ten themes. Where this was the case, these were reviewed and the key messages were apportioned to each of the proposals as appropriate. In addition, the qualitative comments provided at the regional events and via facebook have also been considered in the report.

- The responses to the quantitative questions may vary between those attending the events and those responding via the written questionnaire. There are a few reasons for this. Firstly, the mix of attendees at the regional events was heavily weighted towards landlords and tenants representatives (around 90%). Secondly, the regional events were the first time that many people had viewed and considered the proposals which means that the 'don't know responses' are likely to be higher than from the written responses where there has been time to develop a full, considered response.

1.9 These limitations were discussed with the Social Housing Access and Management Team in the Scottish Government.

1.10 The report has attempted to provide a balance between summarising the key recurring themes from the consultation responses, as well as highlighting the range of views expressed. No weighting has been given to the views of particular groups or organisation however. Therefore, when formulating policy in response to these findings, full written responses should also be considered as appropriate in addition to this report. This is particularly important where bodies represent a large number of individuals or groups, for example the Scottish Federation of Housing Associations, COSLA and the Chartered Institute of Housing.

1.11   The percentages used in all tables in the document are rounded up to the nearest percentage, therefore not all figures may add up to 100% due to rounding. Where percentages are quoted within text referring to the quantitative questions (the yes/no questions), these refer to the percentage of respondents to that question (those who did not respond were excluded). Where percentages are quoted in relation to the qualitative questions (e.g. the benefits, problems and actions), these refer to the percentage of all written responses, including those who did not respond.

Report Structure

1.12   This report is structured around the analysis of responses to each of the ten questions, as follows:

- Chapters 2-11 provide an analysis of both the quantitative and qualitative responses to each of the ten proposals.

- Chapter 12 provides an assessment of the responses to the equalities and business regulatory impact questions.

- Chapter 13 provides a summary of the consultation analysis.

1.13   The consultation questionnaire is provided as an annex.

2 PROPOSAL 1: CREATING MORE FLEXIBILITY FOR SOCIAL LANDLORDS

Proposal 1: Create more flexibility for social landlords to decide who should get priority for their housing

2.1 Currently, the law sets out which priority groups social landlords must give 'reasonable preference' to when selecting tenants for their houses. These groups have remained much the same for about 45 years. It is felt by some people that they need updating, because a few of the groups do not reflect current housing needs. Whilst social landlords can give some priority to other people, these have to take secondary priority behind the legally specified groups. Some landlords have therefore asked for greater flexibility to decide who gets priority for their housing. In response to this, the Scottish Government have drawn up proposals to create more flexibility for social landlords to decide who should get priority for their housing. The proposals are set out below:

THE SCOTTISH GOVERNMENT'S PROPOSALS – PROPOSAL 1
(Source: Consultation Document Page 11)

- *Remove the current 'reasonable preference' groups.*
- *Replace them with a requirement on all social landlords to give reasonable preference to people whose needs are not met by the private housing market, or to other applicants where this would release housing for such people.*
- *Within this constraint, give social landlords the responsibility to decide, in discussion with their communities, who should get priority for housing.*
- *Social landlords would decide the relative priority between groups in their allocation policy.*

However, we still want to make sure every landlord gives priority to certain groups. So we are also proposing:

- *That Scottish Ministers have the power to determine priority groups that every landlord must include in their allocation policy.*

This would allow the groups to change from time to time to reflect changing demands. We will consult in more detail on which groups to include initially, and on any future amendments. We would expect to determine a few groups for people in greatest need of housing, including those who are homeless or threatened with homelessness.

2.2   An analysis of the responses provided to Proposal 1 is set out below.

Views on the Proposal (Q1)

2.3   Overall 57% of respondents who answered this question were in agreement with the proposal to provide increased flexibility to social landlords in the housing allocations process. In addition, 16% of respondents disagreed with these proposals and the remaining 27% were unsure. The proportion that were unsure was significantly higher at the regional events.

Proposal 1 – Do you think social landlords should have the flexibility to decide who gets priority for their housing?						
Respondent Source	Yes		No		Not sure	
	Number	%	Number	%	Number	%
Written (n=207)	162	78	25	12	20	10
Events/Facebook (n=158)	46	29	34	22	78	49
Total (n=365)	**208**	**57**	**59**	**16**	**98**	**27**

2.4   The table below breaks down the 207 responses to this question via written questionnaires by respondent type.

Proposal 1 – Do you think social landlords should have the flexibility to decide who gets priority for their housing?						
Respondent Source	Yes		No		Not sure	
	Number	%	Number	%	Number	%
Individuals (n=32)	21	66	6	19	5	16
Landlord Representative Groups (n=4)	4	100	0	0	0	0
Landlords (n=79)	72	91	3	4	4	5
Other Groups (n=26)	14	54	6	23	6	23
Tenants Groups (n=66)	51	77	10	15	5	8
Total (n=207)	**162**	**78**	**25**	**12**	**20**	**10**
*Note one landlord response was submitted from a landlord but also includes the views of the tenant group. It is classed here, and throughout the report, as a landlord response.						

2.5   A large proportion of landlords (91%) and landlord representative groups (100%) were in agreement with the proposals, whilst tenant groups and individuals were less likely to support the proposals – although for both of these groups support was still 66% or above. There was less support amongst other groups where just over 50% of respondents agreed with the proposals, reflecting some of the negative views expressed by some bodies representing specific interest groups. These related to the potential negative impacts on certain groups by providing more flexibility to landlords (see section 12).

Benefits (Q2)

2.6   The consultation asked respondents to consider the proposed benefits of creating more flexibility for social landlords. A range of responses were put forward by respondents to this question, which centred primarily around four themes. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- Helps meet the needs of local communities (suggested by around 43% of respondents);

- Improved and more efficient use of the available housing stock and its administration, for example it may reduce the scale and time of waiting lists and maximise the use of properties (about 24% of respondents);

- It helps housing allocations to better meet the needs of individuals (about 20% of respondents);

- Benefits the social landlords via greater confidence, power and/or knowledge which the flexibility provided by the proposals would enable (about 15% of respondents).

2.7　Some respondents (11%) suggested other benefits of creating more flexibility for social landlords, which do not directly relate to the key themes above. These include enabling priority to be given to those tenants who currently under-occupy their accommodation and helping to improve environments as landlords can choose to house – and remove – 'problem' tenants. Approximately 12% of respondents did not respond to this question and about 5% felt that there were no benefits.

Problems (Q3)

2.8　The consultation asked what the problems are with these proposals. A number of problems were considered by respondents. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- Confusion over who should have the priority to housing (suggested by about 25% of respondents);

- The lack of transparency and clarity associated with the proposals and the potential for inconsistent approaches to housing allocation in different areas which could be confusing for tenants (about 21% of respondents);

- The potential marginalisation of different social groups and specific members of society. A wide range of groups were referenced including the elderly, 'problem families', the economically active and the homeless, as well as the potential to segregate lower income families from higher earning families (about 17% of respondents);

- The proposals do not address the shortage of housing supply to meet the demand, needs and aspirations of tenants and applicants (about 12% of respondents);

- The potential to increase the number of people being classed by landlords as "problem tenants" as landlords bypass vulnerable or problem tenants and applicants. This will in turn lead to difficulties in terms of where to house these people (about 5% of respondents).

2.9　A series of other problems were identified by 17% of respondents, including the challenges associated with creating a Common Housing Register - respondents raised concerns that it will not meet local needs and swapping

criteria may only have a brief impact on the allocation of properties. There were some issues with regards to the definitions used in the proposal, including concern with the wording used with regards to the private housing market potentially implying that social housing is the tenure of last resort and the fact that consideration of an applicant's income was required, meaning that the proposals were not wholly flexible.

2.10   There was concern that in some areas this would conflict with other legislation, for example homelessness legislation which has resulted in greater priority being given to homeless applicants over other preference groups and equalities legislation. These could conflict with greater flexibility being given to landlords. Some representative bodies for particular groups (e.g. older people and victims of crime) in particular suggested that the reasonable preference framework should be maintained and that under these proposals too much power would be handed over to individual landlords. Around 7% of respondents stated that there were no problems, whilst 12% did not respond and approximately 2% did not know.

Actions to overcome problems (Q4)

2.11   The consultation gave respondents the opportunity to suggest actions to alleviate any problems emerging from the proposal. Respondents suggested a number of key actions. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- There should be clear and more consistent legislation, guidelines and monitoring / inspection of social landlords under these arrangements (about 35% of respondents);

- Housing should be allocated by taking greater account of specific individual and local community needs in the landlord's area of operation (around 20% of respondents);

- The need to work closely with local communities – for example to jointly develop a locally based approach to prioritising need to ensure that communities are sustainable (about 13% of respondents);

- The construction of more new housing which would help to overcome some of the issues raised previously (about 7% of respondents);

- Adopting an approach which gives tenants/locals more rights, responsibilities and/or power (about 6% of respondents).

2.12   Whilst these were the key actions suggested in the consultation responses, 12% of respondents suggested a variety of other actions. These included providing even greater flexibility for tenants, greater education and training for staff of social landlords, as well as a responsibility to act to raise awareness amongst community groups of any problems. Furthermore, some stated that the proposal requires greater clarity and that the reasonable preference groups could be more clearly and widely drawn to meet local circumstances. Just less than 21% of respondents did not respond to this question.

Housing needs to be protected nationally (Q5)

2.13 Respondents were also asked to consider the housing needs which should be protected at a national level. A series of housing needs were suggested in the responses to the consultation. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- The needs of the homeless (suggested by about 39% of respondents);

- Sub-standard housing (about 17% of respondents);

- Vulnerable individuals and/or groups in society, in particular disabled people who require adapted housing (about 14% of respondents);

- Housing for older people e.g. sheltered/amenity housing (about 10% of respondents);

- Social housing generally, for example in terms of keeping it available for social rent and not for sale, and other forms of affordable housing e.g. affordable rent and affordable houses for sale (about 10% of respondents).

2.14 Other housing needs were also suggested by some respondents. These housing needs include: local people including neighbours; tenants affected by crisis; those in the armed forces; and tenants, particularly pensioners, who have been subject to abuse from "problem tenants". Some respondents suggested that everyone's housing needs should be protected, regardless of individual circumstances. About 22% of respondents did not provide a response, whilst 2% felt that there were no housing needs to be protected nationally.

3 PROPOSAL 2: INCOME CONSIDERATION

Proposal 2: Create the flexibility for social landlords to consider an applicant's income when deciding their priority for housing

3.1 At present, the law does not permit social landlords to take an applicant's income into account when considering their priority for housing. Scotland is one of the very few European countries with no restriction on eligibility for social housing based on income. The Scottish Government believes that this is a barrier for social landlords who want to develop intermediate rented housing, and that it does not conform with the European Commission's definition of social housing. For those reasons the Scottish Government proposes changes to the law to enable income to be one of the many things that social landlords could use when assessing an applicant's need for housing. The proposal is as follows:

THE SCOTTISH GOVERNMENT'S PROPOSALS – PROPOSAL 2
(Source: Consultation Document Page 13)

- *Remove the current ban on social landlords taking into account the income of the applicant and their family and allow social landlords to take into account the financial resources available to an applicant and their family to meet their housing costs.*

3.2 An analysis of the responses provided to Proposal 2 is set out below.

Views on the Proposal (Q6)

3.3 A large number of respondents who answered this question (44%) disagreed with the proposal, 36% of respondents were in agreement whilst 20% were unsure. The proportion who agreed with the proposals was significantly higher through the written questionnaires than at the regional events or via Facebook.

Proposal 2 – Do you think income should be taken into account?						
Respondent Source	**Yes**		**No**		**Not sure**	
	Number	**%**	**Number**	**%**	**Number**	**%**
Written (n=206)	85	41	87	42	34	17
Events/Facebook (n=147)	43	29	68	46	36	25
Total (n=353)	**128**	**36**	**155**	**44**	**70**	**20**

3.4 The table below breaks down the 206 responses to this question via written questionnaires by respondent type.

Proposal 2 – Do you think income should be taken into account?						
Respondent Source	Yes		No		Not sure	
	Number	%	Number	%	Number	%
Individuals (n=32)	13	41	14	44	5	16
Landlord Representative Groups (n=4)	3	75	0	0	1	25
Landlords (n=79)	41	52	24	30	14	18
Other Groups (n=26)	12	46	8	31	6	23
Tenants Groups (n=65)	16	25	41	63	8	12
Total (n=206)	**85**	**41**	**87**	**42**	**34**	**17**

3.5 The greatest support for the proposals of those who answered this question came from landlord representative groups where 75% were in agreement with the proposals. Just over 50% of the landlords who responded were also in favour of the proposals. Less than 50% of other groups and just over 40% of individuals agreed with the proposals. Only 25% of tenant groups supported the proposals, with the majority (over 60%) disagreeing that income should be taken into account.

Benefits (Q7)

3.6 The consultation asked respondents to consider the proposed benefits of considering income. A range of responses were put forward, centred primarily around four themes. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- It helps to identify those most in need of housing (about 20% of respondents);

- It creates balanced and long-term sustainable communities (about 18% of respondents);

- It may assist in the establishment of more mid-market rental properties. (about 12% of respondents);

- It helps to identify the perceived sustainability of tenants i.e. if they have a higher income and financial security, they are more likely to be able to afford the rent, comply with regulations and potentially stay longer (about 10% of respondents).

3.7 Landlords in particular noted the benefits in terms of creating sustainable communities, helping those in most need of housing and the impact in terms of more mid market rental. Some respondents suggested other benefits of bringing income into consideration. These include benefits to lower income groups by not subjecting them to social or economic marginalization, the varied choice which it could provide in terms of freeing up properties and providing lower income groups with greater access to social housing and stimulating greater movement in the housing market. A considerable number of respondents (about 20% of respondents) felt that there were no benefits of taking income into consideration in the allocation of housing – this was

particularly the case amongst tenants groups and individuals. About 20% did not provide a response, and about 3% did not know.

Problems (Q8)

3.8   Respondents were asked to consider the potential problems of creating the flexibility for social landlords to consider an applicant's income. A range of responses were suggested which primarily focused around six key themes. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- Considering income can stigmatise less fortunate groups (about 37% of respondents);

- Income is a merely subjective measurement; it is subject to fluctuation via job insecurity and the broader macroeconomic environment and can provide a false indication of wealth (about 22% of respondents);

- It may lead to communities having people solely from similar income bands rather than mixed or sustainable communities (about 18% of respondents);

- Income consideration does not equate to housing need (about 13% of respondents).

- It may victimise those more fortunate individuals/social groups with slightly higher incomes e.g. it may expose them to having to pay higher rental premiums, move them away from their area or community of choice or prevent them from living in certain areas (about 9% of respondents);

- It could create greater tensions/social instability between different income groups (about 7% of respondents).

3.9   A large proportion of individuals in particular recognised the tensions between different groups which it may create. A large proportion of landlords made reference to income being a subjective measurement, reflecting some of the difficulties which they may have in assessing and tracking income levels. Tenants were the most concerned that it may lead to unbalanced and unsustainable communities.

3.10   Some respondents suggested other problems including the need for more clarity about the definition of 'family'. Also there would need to be clarity in the legislation about what income is to be taken into account e.g. income only, or assets and savings too. Other problems suggested included the problem of getting tenants to vacate their homes and that the proposal does not consider location, as income and rental prices will vary geographically. Few respondents suggested no problems (approximately 2%), whereas about 15% provided no response and 4% felt that they did not know what the problems were.

Actions to overcome problems (Q9)

3.11   The consultation asked respondents to consider the actions necessary to overcome the potential problems emerging from bringing income into consideration. The majority of responses were based around four themes. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- Greater clarity and guidance is required regarding the implementation of this proposal (about 26% of respondents);

- Other factors, and not merely income, should be fully considered, for example their employment status, previous behaviour and disposable income (taking account of outgoings) as well as salary (about 12% of respondents);

- More support should be given to support the development of the housing market (e.g. via building new homes, providing finance to social landlords) (about 9% of respondents);

- All people should be treated equally, regardless of income (about 8% of respondents).

3.12   Individuals were the most likely respondent type to suggest that all people should be treated equally, whilst a large proportion of landlords felt that greater clarity would be required to assist them in implementing this proposal and that other factors than just income should be taken into account.

3.13   Other actions were also expressed including making it easier to verify income levels; the restriction of the income assessment to particular types of letting initiatives such as mid-market rents; allocating social housing only to those on lower income; and charging market rents to those able to afford it. About 25% of respondents did not provide an answer, 5% did not know what actions could be taken to alleviate the problems arising from this proposal, whilst 8% felt that there were no actions.

4   PROPOSAL 3: PROPERTY OWNERSHIP

Proposal 3: Create the flexibility for social landlords to consider whether an applicant owns property when deciding their priority for housing

4.1   Current housing legislation does not allow social landlords to consider whether an applicant or their immediate family own property when considering the applicant's need for housing. Consequently, this generates public concern about the fairness of allocating housing to people with access to alternative accommodation. The Scottish Government has therefore proposed changes to the current law, which are set out below:

THE SCOTTISH GOVERNMENT'S PROPOSALS – PROPOSAL 3

(Source: Consultation Document Page 14)

Remove the current ban on social landlords taking into account whether, or to what value, the applicant or any of their family owns or has owned property in the United Kingdom.

And instead:

Allow social landlords to take into account whether, or to what value, the applicant or any of their family owns property in the United Kingdom, unless it would not be reasonable for them to occupy it. That is, if they own property but:

- *cannot secure entry to it (except where it has been rented out);*

- *occupying it is likely to lead to abuse;*

- *it is a moveable structure, vehicle or vessel and there is no place where the owner is entitled or permitted to place it and live in it;*

- *it is overcrowded and may endanger the occupants' health.*

This is based on the definition of homelessness where people have accommodation, as set out in section 24(3) of the Housing (Scotland) Act 1987.

4.2   An analysis of the responses provided to proposal 3 is set out below.

Views on the Proposal (Q10)

4.3   The majority of respondents who answered this question, 66%, were in agreement with the proposal, whilst 12% disagreed with these proposals and 21% were unsure. The proportion who were unsure was higher at the regional events, and subsequently the proportion who agreed with the proposals were lower at the events.

Proposal 3 – Do you think social landlords should have the flexibility to consider whether an applicant or their family owns property when deciding their priority for affordable rented housing?						
Respondent Source	Yes		No		Not sure	
	Number	%	Number	%	Number	%
Written (n=207)	156	75	24	12	27	13
Events/Facebook (n=143)	76	53	19	13	48	34
Total (n=350)	**232**	**66**	**43**	**12**	**75**	**21**

4.4   The table below breaks down the 207 responses to this question via written questionnaires by respondent type.

Proposal 3 – Do you think social landlords should have the flexibility to consider whether an applicant or their family owns property when deciding their priority for affordable rented housing?						
Respondent Source	Yes		No		Not sure	
	Number	%	Number	%	Number	%
Individuals (n=31)	17	55	7	23	7	23
Landlord Representative Groups (n=4)	4	100	0	0	0	0
Landlords (n=80)	68	85	6	8	6	8
Other Groups (n=26)	19	73	2	8	5	19
Tenants Groups (n=66)	48	73	9	14	9	14
Total (n=207)	**156**	**75**	**24**	**12**	**27**	**13**

4.5   For all respondent types, the majority of respondents who answered this question were in agreement with the proposals. Support was however greatest for landlords and landlord representative groups, whilst 14% of tenants groups and 23% of individuals disagreed with the proposals.

Other situations (Q11)

4.6   The consultation document sets out a number of examples where it may be inappropriate for a social landlord to take into account whether the applicant or any of their family owns a property in the United Kingdom. The consultation asked whether there are any other situations where an applicant owns property but is genuinely unable to access it. A series of situations were referenced by respondents based largely around four themes. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- Where the other property is unsuitable for the applicant due to health or disability reasons (suggested by about 35% of respondents);

- Where there are cases of abuse, violence or mistreatment at the owner's other property (about 27% of respondents). This is similar to one of the situations set out in the proposal document;

- Where there are relationship or family issues or break-ups resulting in one or more member of the family needing to access another home (about 19% of respondents);

- Where there are financial reasons, for instance the owner did not have the finance to update the property to an acceptable standard (about 18% of respondents).

4.7　A series of other reasons were also given by a much smaller number of respondents. These include: where people need to move for employment reasons; where there are unmovable tenants or squatters at the applicant's property; where the additional property is owned overseas; where they have experienced a trauma (e.g. crime or bereavement) in the previous house; or where there may be negative impacts on the community. Approximately 21% of respondents did not provide an answer, 7% did not know and 3% felt that there were no other situations.

Benefits (Q12)

4.8　The consultation asked what the benefits are to these proposals. A series of benefits were given, mainly by those in support of this proposal, although some of those not in support also gave some benefits. These were based largely around four themes. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- This proposal would provide housing for those with genuinely no other options as a result of financial or other reasons. It would make available the limited stock of affordable housing for those who were unable to afford to purchase a property or rent from the private sector (suggested by about 19% of respondents);

- It would stop the system being abused, for instance by preventing individuals from making a profit from renting their own home for profit which they could access whilst living in affordable housing (about 16% of respondents);

- It would reduce the unfairness or perceptions of unfairness held by the general public in relation to current allocations policy, particularly by those individuals who have been on a waiting list for a long period of time (about 12% of respondents);

- It would make better use of the existing housing stock in terms of freeing up scarce social housing for those most in need or increase the number of homes for sale (about 10% of respondents).

4.9　A series of other responses were also given. These included the potential benefits in terms of enabling social landlords to consider housing someone in this situation who could provide benefits to the local economy or community or who needs to move for employment reasons. It could also enable social landlords to have the flexibility to take account of all factors in their allocation decision. These include taking account of an individual's access to a home they own in deciding their priority for housing, whilst safeguarding those unable to access their property for reasons such as abuse, having a sitting tenant or for financial reasons.

4.10 About 20% of respondents did not provide an answer, 2% did not know what the benefits were, whilst approximately 5% of respondents felt that there were no benefits. In response to both question 13 and 14, a number of respondents stated that it was rare for individuals who own housing that they can reasonably live in to rent this out for financial gain whilst living in affordable housing.

Problems (Q13)

4.11 The consultation asked about the problems with this proposal. A series of potential problems were raised. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- Elements of the proposal needed clarifying, in particular:

    o Clarity on the definition of 'family' e.g. whether the proposal includes considering if all, or just some, of the family members own a property and whether 'household' is a better definition;

    o How landlords will apply this flexibility and whether individuals will have a right to challenge a landlord's decision;

    o Whether it would consider homes owned abroad e.g. for holiday purposes (it is suggested that the definition be consistent with homelessness legislation by referring to 'in the UK and elsewhere'; and

    o Whether it would consider caravan or boat owners.

- This proposal may lead to a situation whereby some social landlords do not take individual circumstances and needs into account. This could result in genuine cases where homeowners who cannot access their home are prevented from accessing social housing (about 26% of respondents);

- The proposal may lead to time and resource constraints for social landlords. It may be difficult, time consuming and/or expensive to keep track of money and ownership issues not only at the application stage but on an ongoing basis (about 19% of respondents);

- The proposal may impact on the wider housing market, for instance limiting choice, limiting the potential for mixed communities and giving the social rented sector the reputation as being the sector of last resort (about 5% of respondents).

4.12 Other responses included the current financial situation which is making it increasingly difficult for homeowners to sell their property; enforcing this policy on an ongoing basis may require legislation with regards to terminating tenancies once it is discovered that someone owns a property; and people may abuse the system by buying a council house, sell at a profit and then return to social rented housing.

4.13 Approximately 21% of respondents did not provide an answer, 2% did not know what problems this would cause, whilst about 9% stated that it would not cause any problems.

Actions to overcome problems (Q14)

4.14 The consultation asked about what can be done to overcome these problems. A series of actions were suggested. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- There is a need to provide tighter guidelines and clarification in relation to issues such as geographical location of the home and the definition of family as detailed in question 13 of the consultation questionnaire (about 15% of respondents);

- Ensuring landlords have the flexibility and apply it to take individual circumstances into account when determining tenancies (about 14% of respondents);

- Provide detailed guidance to homeowners and landlords to help them understand the criteria and give clarity on what would be expected of a prospective tenant in terms of disposing of their existing property. This is particularly important for those tenants that are 'asset rich but cash poor' and those that have particular difficult circumstances at their owned property (about 8% of respondents);

- Have various safeguards in place including checking people carefully; forcing tenants of social housing who do own homes to make these available at a reasonable and affordable rent; ensuring that right to buy is not provided to those tenants of social housing who own other property; providing tenants who do own a home and want to sell with a Short SST whilst waiting for the sale to go through; and ensuring strong legal recourse in areas where the system is exploited (about 8% of respondents);

- There is a need for rigorous and regular reviews of individual circumstances regarding home ownership to overcome the issue of needing to track home ownership (about 4% of respondents).

4.15 Other responses included providing lower points in the allocation system for those owning homes; work with other agencies to discover information about tenants; have a clear policy for what to do if an applicant does not provide the necessary information at the time of application; greater communication between landlords and tenants; require tenants to prove that they are unable to dispose of their property; and increase good quality housing options for older people across the housing market.

4.16 A large proportion of respondents (35%) did not provide an answer, 5% were unsure about the actions required to overcome these problems, whilst 3% stated that there were no ways to overcome the problems.

5   PROPOSAL 4: LIVING ROOMS / OVERCROWDING

Proposal 4: Change the law to stop living rooms being considered as rooms available for sleeping in

5.1   The law currently states that a house is overcrowded if it fails either of two tests – the room standard and the space standard. A room is considered to be available as sleeping accommodation if it is normally used either as a bedroom or as a living room. The Scottish Government does not believe it is acceptable to consider living rooms suitable for use as bedrooms, but is also concerned about how changing the law might affect future demand for housing. Housing professionals from the social rented sector have told the Scottish Government that they would not allocate a house if they knew the living room would be used as sleeping accommodation. The proposed changes may therefore have only limited effect on social housing, but may be more significant for the private rented sector. Therefore, the Scottish Government has sought to gather views on:

> **THE SCOTTISH GOVERNMENT'S PROPOSALS – PROPOSAL 4**
> **(Source: Consultation Document Page 16)**
>
> - *changing the legal definition of overcrowding to stop living rooms being counted as sleeping accommodation*

5.2   An analysis of the responses provided to proposal 4 is set out below.

Views on the Proposal (Q15)

5.3   The vast majority of respondents who answered this question – over 80% - agreed with proposal number 4 that living rooms should not be counted as available for sleeping in. Just over 10% felt that they should be counted as being available for sleeping in. This issue was not explored during the regional events, although the majority of respondents via Facebook also felt that living rooms should not be counted as available for sleeping in.

Proposal 4 – Do you think living rooms should be counted as being available for sleeping in?						
Respondent Source	Yes		No		Not sure	
	Number	%	Number	%	Number	%
Written (n=193)	24	12	157	81	12	6
Facebook (n=15)	1	7	14	93	0	0
Total (n=208)	**25**	**12**	**171**	**82**	**12**	**6**

5.4   The table below breaks down the 193 responses to this question via written questionnaires by respondent type.

Proposal 4 – Do you think living rooms should be counted as being available for sleeping in?						
Respondent Source	Yes		No		Not sure	
	Number	%	Number	%	Number	%
Individuals (n=26)	5	19	18	69	3	12
Landlord Representative Groups (n=4)	1	25	3	75	0	0
Landlords (n=78)	6	8	68	87	4	5
Other Groups (n=23)	5	22	14	61	4	17
Tenants Groups (n=62)	7	11	54	87	1	2
Total (n=193)	24	12	157	81	12	6

5.5 Of those who answered the question, the proportion of other groups, individuals and landlord representative groups who felt that living rooms should be counted was higher than landlords and tenant groups. However, the vast majority of all respondent types felt that living rooms should not be counted as being available for sleeping in, thereby agreeing with the proposal.

Benefits (Q16)

5.6 The consultation asked respondents to consider the potential benefits of implementing the above proposal. Responses were primarily split between two themes. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- A significant proportion of respondents felt that this proposal would go some way to alleviating the issue of overcrowding (and subsequent issues related to social wellbeing, privacy, and health and safety), (about 38% of respondents);

- Some respondents felt that the proposal would bring the statutory provision into line with common practice amongst social landlords and will help to modernise and simplify the definition of overcrowding (about 12% of respondents).

5.7 Just fewer than 10% of respondents suggested other benefits. This included: better management of housing stock for landlords; quicker re-housing for those currently living in overcrowded accommodation; and more sustainable tenancies. Around 26% of respondents did not provide an answer, 4% did not know and 6% felt that the implementation of this proposal would provide no benefits.

Problems (Q17)

5.8 Potential problems relating to this proposal are based around three themes. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- The strain on the housing stock/increased waiting lists (about 20% of respondents). Many people's living conditions will be classed as "over-crowded" and they will be subsequently forced to seek suitable accommodation. This will undoubtedly create an increased demand for larger housing; in many areas, there simply isn't enough;

- Impacts on other housing sectors (about 18% of respondents). Respondents noted that the proposal could be detrimental to the private rented sector in particular, given the historical practice of landlords. If rental income streams are reduced, it may discourage landlords from letting and could potentially impact on overall supply of housing stock;

- A lack of clarity (about 4% of respondents). Respondents noted that there has been no clarification in certain areas, for instance regarding the status of bedsits and studio flats.

5.9 Around 19% of respondents suggested other issues, including some who questioned whether the proposal would actually have any effect (given that the proposal is attempting to introduce something that is already common practice amongst social landlords). Others have suggested resource implications for landlords in re-assessing (and subsequently re-housing) those that are deemed to be living in over-crowded housing.

5.10 Around 27% of respondents did not provide an answer and around 11% felt that there were no problems with the proposal.

Actions to overcome problems (Q18)

5.11 Respondents were asked to suggest actions which could be taken in order to alleviate the above problems. The suggestions are as follows, with the percentages referring to the proportion of the 237 written responses:

- Increase housing stock (about 16% of respondents). Some respondents suggested increasing resources from the Government to enable social landlords to provide more affordable housing to meet demand; and

- Further consultation (about 4% of respondents). Some respondents felt the most appropriate course of action would be to consult with tenants in order to gauge the potential impacts. Similarly, respondents suggested that if the proposal is to be implemented without consultation, then it should at least be done so on a trial basis.

5.12 A variety of other actions were cited which could be taken to alleviate any potential issues with the proposal. Other responses suggested included: implementing "housing exchange" schemes for those willing to downsize; restricting the scope of the proposal to social rented landlords only; discounting bedsits and studio flats within the scope of the proposal; and allowing a certain level of flexibility with regards to the overall implementation of the proposal.

5.13 Around 41% of respondents did not provide an answer, whilst 9% were unsure and 2% felt that no actions could or should be taken.

Private Rented Sector

5.14   In addition to the responses highlighted above, a number of respondents felt that this proposal would be a greater issue for the private rented sector. The majority of these did not expand on the implications of this for the private rented sector, although a number stated that it was difficult to assess the extent of the implications for the private rented sector and that it may be hard to enforce. Some implications suggested included the potential improvements that it would bring to the sector and how it may lead to a reduction in the prices charged by landlords who currently advertise a living room as a bedroom. Some suggested that it may be beneficial to consult further with private sector landlords on this issue.

6 PROPOSAL 5: QUALIFYING PERIOD

Proposal 5: Create a qualifying period before anyone can succeed to the tenancy

6.1 Currently, the law requires only a partner to have been living in the property for at least six months before they have the right to succeed to the tenancy. For all other qualifying persons (including husband, wife, or civil partner) there is no qualifying period. The Scottish Government's early phase of consultation indicated that in some cases, people have succeeded to the tenancy after staying at the property for just a few days or weeks before the tenant's death. Therefore, housing professionals have asked the Scottish Government to look at this issue and the following proposal has been developed:

> **THE SCOTTISH GOVERNMENT'S PROPOSALS – PROPOSAL 5**
>
> **(Source: Consultation Document Page 18)**
>
> *The Scottish Government invites views on:*
>
> - *whether we should introduce a length of time that any qualifying person must have lived at the property before they have the right to succeed*

6.2 An analysis of the responses provided to proposal 5 is set out below.

Views on the Proposal (Q19)

6.3 The majority of respondents who answered this question (63%) felt that there should be a qualifying period before succession to a tenancy, whilst 17% of respondents were against the proposals and 20% were unsure.

Proposal 5 – Do you think there should be a qualifying period before succession to a tenancy?						
Respondent Source	**Yes**		**No**		**Not sure**	
	Number	**%**	**Number**	**%**	**Number**	**%**
Written (n=203)	148	73	26	13	29	14
Events/Facebook (n=141)	69	49	32	23	40	28
Total (n=344)	**217**	**63**	**58**	**17**	**69**	**20**

6.4 The table below breaks down the 203 responses to this question via written questionnaires by respondent type.

Proposal 5 – Do you think there should be a qualifying period before succession to a tenancy?						
Respondent Source	Yes		No		Not sure	
	Number	%	Number	%	Number	%
Individuals (n=31)	20	65	5	16	6	19
Landlord Representative Groups (n=4)	4	100	0	0	0	0
Landlords (n=80)	71	89	5	6	4	5
Other Groups (n=25)	16	64	7	28	2	8
Tenants Groups (n=63)	37	59	9	14	17	27
Total (n=203)	**148**	**73**	**26**	**13**	**29**	**14**

6.5   The vast majority of landlords and landlord representative groups who answered this question were in favour of having a qualifying period before succession to a tenancy. The proportion of tenants, other groups and individuals who felt that there should be a qualifying period was significantly lower than for landlords and landlord representative groups, although the majority were still in favour from all three of these groups.

Quantitative Response – who the qualifying period should apply to (Q20)

6.6   Respondents were asked about which groups they think the qualifying period should apply to as set out in the table below.

Question 20 – Who do you think that the qualifying period should apply to?				
Category	Yes		No	
	Number	%	Number	%
Husband, wife, civil partner or joint tenant (n=140)	60	43	80	57
Partner (n=139)	105	76	34	24
Family member 16 or over living at the property (n=141)	124	88	17	12
A carer who lives in the property (n=143)	116	81	27	19
All of the above (n=144)	83	58	61	42

6.7   There is widespread support for the implementation of a qualifying period and 58% of respondents felt that it should apply to all categories listed in the table below. There was least support for applying the proposals to a husband, wife, civil partner or joint tenant given that other legal precedents and protections would apply in these circumstances.

Length of Period (Q21)

6.8   The consultation asked how long respondents felt that this qualifying period should be. The responses were as follows, with the percentages referring to the proportion of the 219 completed questionnaires:

- 6 months (about 36% of respondents);

- Between 6-12 months (about 27% of respondents);

- Dependent on individual circumstances (about 15% of respondents). Many respondents suggested that the qualifying period should vary in accordance with an individual's living situation and should be assessed

on a case-by-case basis. This appears to be particularly prominent with regards to young people with many suggesting that a longer qualifying period may be needed in order to ensure that they are able to live independently;

- At the discretion of the landlord (around 6% of respondents). Similar to the above response, many felt that the length of a given qualifying period should depend on the circumstances of the individual, but crucially, should be at the discretion of the landlord.

- Over a year (around 5% of respondents);

- Less than 6 months (around 4% of respondents).

6.9   Around 12% of respondents did not provide an answer, 4% did not know, and 6% felt that there should not be a qualifying period, particularly where an occupant had been registered as living there previously.

Benefits (Q22)

6.10   The consultation asked what the subsequent benefits of the proposal are. A number of advantages were suggested, largely based around three themes. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- Prevention of abuse of the system (about 46% of respondents). Many respondents mentioned the issue of "queue-jumping" – i.e. the practice of family members moving into a tenant's home shortly before the death of the family member and claiming it as their principle residence. This proposal is seen as a way of preventing this issue and would stop the abuse of succession rights;

- Security for carers/family members (about 9% of the respondents). Respondents suggested that for those family members and carers who are responsible for an ill/elderly family member (who passes away), the actions in the proposal could provide security of tenure – lessening the risk of losing their home at what is likely to be an extremely stressful time;

- Ability to highlight tenant suitability (about 6% of respondents). A qualifying period would provide an opportunity for tenants to demonstrate that they are capable of undertaking a tenancy (paying bills etc) and would also "flag-up" any potential problem tenants before they commit to a full tenancy agreement.

6.11   One other benefit was suggested by a much smaller number of respondents. This involved providing clear guidelines regarding qualification periods, helping to ensure consistency across the sector and better management of housing stock (i.e. landlords would have a period of time to assess the true needs of a tenant). About 24% of respondents did not provide an answer, 5% did not know and around 5% felt that there were no obvious benefits.

Problems (Q23)

6.12   A series of potential problems were highlighted, based largely around four concerns. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- Fails to take individual circumstances into account (suggested by about 21% of the respondents). A significant proportion of respondents felt that there was a distinct lack of flexibility, and that individual circumstances do not appear to be taken into consideration; for example, concerns about what would happen to a full-time, live-in carer after the death of their patient;

- Does not suggest how proof of residency can be confirmed (about 11% of respondents). Respondents were concerned with the proposal's lack of clarity as to how tenants' time at a given residence can be proven. Two distinct issues arise from this concern – primarily, that the system could be open to abuse, and conversely, that so-called "good" tenants may actually have problems proving their residency;

- Could lead to poor management of housing stock (about 11% of respondents). Some respondents felt that the proposal actually does little to tackle the issues of housing stock-mismanagement and under-occupancy. Some felt that it may exacerbate the problem as tenants would be able to qualify for a property (after the qualifying period) irrespective of whether the size/type of property was appropriate to their needs;

- Leads to social insecurity for tenants/potential homelessness (about 11% of respondents). Many respondents felt that this proposal has the potential to create a situation of homelessness immediately following the death of a tenant.

6.13   One of the predominant "other" responses suggested was the lack of clarity relating to the proposal, particularly with regards to the definition of key terms (such as "principle home"), and how the proposal might relate to joint tenancies. Other concerns suggested were the proposal's consistency with tenants' legal rights.

6.14   About 25% of respondents did not provide an answer, 8% did not know of potential problems and about 13% did not feel that it would cause any problems.

Actions to overcome problems (Q24)

6.15   The consultation asked about what could be done to overcome the aforementioned problems. Three key actions were suggested. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- Grant greater flexibility/discretion for landlords (about 17% of the respondents). It was felt, in particular by landlords themselves, that landlords should have the flexibility and discretion to take individual circumstances into account when considering issues of succession;

- Provide greater clarity for both landlords and tenants (about 15% of the respondents). Respondents felt that there should be clear guidance to ensure that both landlords and tenants (and successors) have a clear understanding of the timescales and evidential requirements;

- Improved/stricter checks (about 8% of respondents). A number of respondents felt that greater checks should be in place both during the application process for the tenancy, as well as during the qualifying period. This included visitation checks from housing officers.

6.16 Other responses included expanding available funding through housing hubs to enable a wider approach to housing options; rejecting the proposal and reconsidering the requirements of succession; and encouraging joint tenancies where appropriate. Approximately 37% of respondents did not provide an answer, 10% were unsure as to what actions should be taken and 2% felt that there were no actions.

7 PROPOSAL 6: CONSIDERING PREVIOUS ANTISOCIAL BEHAVIOUR

Proposal 6: Create the flexibility for social landlords to consider previous antisocial behaviour when deciding an applicant's priority for housing

7.1   The law on how social rented housing is allocated does not say anything about the behaviour of applicants, or whether landlords should or should not take it into account. Some landlords suspend applicants from receiving offers of housing for a time if the applicant has an antisocial behaviour order or has recently been evicted for antisocial behaviour. The Scottish Government think there may be a case for making it clearer that antisocial behaviour affects your chances of being housed, and have outlined a proposed change identified in the table below:

> **THE SCOTTISH GOVERNMENT'S PROPOSALS – PROPOSAL 6**
>
> **(Source: Consultation Document Page 20)**
>
> - *allowing social landlords to take into account whether an applicant or a member of their household has acted antisocially, when deciding on priority for housing*

7.2   An analysis of the responses provided to proposal 6 is set out below.

Views on the Proposal (Q25)

7.3   The vast majority of respondents who answered this question – 76% - feel that social landlords should have the flexibility to consider previous antisocial behaviour by an applicant or their household when deciding their priority for affordable rented housing. A very small proportion, less than 5%, felt that this should not be a consideration, whilst around 20% were unsure. Responses were more positive towards this proposal via the written questionnaires as apposed to the regional events or Facebook.

Proposal 6 – Do you think social landlords should have the flexibility to consider previous antisocial behaviour by an applicant or their household when deciding their priority for affordable rented housing?						
Respondent Source	Yes		No		Not sure	
	Number	%	Number	%	Number	%
Written (n=209)	183	88	11	5	15	7
Events/Facebook (n=143)	83	58	3	2	57	40
Total (n=352)	**266**	**76**	**14**	**4**	**72**	**20**

7.4   The table below breaks down the 209 responses to this question via written questionnaires by respondent type.

Proposal 6 – Do you think social landlords should have the flexibility to consider previous antisocial behaviour by an applicant or their household when deciding their priority for affordable rented housing?						
Respondent Source	Yes		No		Not sure	
	Number	%	Number	%	Number	%
Individuals (n=30)	25	83	2	7	3	10
Landlord Representative Groups (n=4)	3	75	0	0	1	25
Landlords (n=80)	73	91	4	5	3	4
Other Groups (n=28)	19	68	4	14	5	18
Tenants Groups (n=67)	63	94	1	1	3	4
Total (n=209)	**183**	**88**	**11**	**5**	**15**	**7**

7.5   Across all of the groups who answered this question, the vast majority of respondents felt that social landlords should have the flexibility to consider previous antisocial behaviour. The proportion of respondents disagreeing with the proposals was however greatest amongst other groups at 14%.

Benefits (Q26)

7.6   The consultation asked about the potential benefits of this proposal. A series of benefits were suggested, primarily by those in support of the proposal. However, some of those not in support or unsure also provided feedback. The potential benefits were based largely around four themes. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- Sends a clear message regarding ASB (suggested by about 38% of respondents). Respondents felt that if applicants who are antisocial are aware that any incidents would subsequently be considered by a landlord in deciding priority for social housing it may go some way in discouraging further incidents. It will send a clear message that acting in an antisocial manner will have consequences, possibly leading to the offer of housing being suspended;

- Wider community benefits (about 37% of respondents). Many respondents considered this proposal as recognition of the "real impact" that ASB can have on both individual tenants as well as communities at large. It was felt that the proposal would first and foremost protect the rights (and safety) of other tenants. It could also assist landlords in preventing management issues arising, achieve a balanced housing mix, and help build strong and stable communities;

- Provides clarity/clearer guidance for landlords (about 12% of respondents). Landlords who responded to the proposal noted that while many do currently take previous behaviour into consideration, greater legislative clarity would provide the confidence for landlords to act, as well as potentially developing policies appropriate to their circumstances in this regard;

- Stops the "movement" of ASB (about 8% of respondents). A number of respondents noted that at present, it is far too easy for antisocial tenants to simply move to a new area, or even local authority, after having been convicted of antisocial behaviour. This proposal could go some way in stopping such tenants from simply continuing their behaviour in a different area.

7.7 Other responses included that the proposal offered a greater degree of flexibility for landlords in placing potentially problematic tenants. Around 14% of the total respondents did not provide an answer, 6% were unsure regarding potential benefits and around 2% felt that there were none.

Problems (Q27)

7.8 The consultation asked about potential problems relating to the introduction of this proposal. Through analysis of the responses, five over-arching issues became clear. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- Potential for discrimination/lack of flexibility (suggested by about 30% of respondents). Many respondents felt that the superficial attractiveness of this proposal should be balanced against what should be considered as a major weakness – the presumption that past behaviour will automatically be repeated and that some people are inherently "antisocial". Where antisocial behaviour has been an issue, many felt that the individual in question should be given a chance to "redeem" themselves;

- Issues with evidence of ASB (about 20% of respondents). Respondents suggested that in some cases, it may be extremely difficult to prove the existence (or lack of) of antisocial behaviour in a tenant's history;

- Lack of clarity (about 17% of respondents). Respondents felt that greater clarity is needed regarding this proposal, particularly in defining key terms such as "antisocial behaviour" and "deciding on priority for housing". This could lead to potential discrimination through the inconsistent application of the legislation by landlords;

- Could lead to "problem areas" (about 5% of respondents). A number of respondents felt that "low demand" areas had the potential to become problem areas or ghettoes as problematic tenants are concentrated in one particular area;

- Potential rise in homelessness (about 3% of respondents). Even those that gave positive aspects of the proposal noted that there was the potential to create a visible element of homeless, disenfranchised people who are regarded as antisocial. Those in question could possibly become more marginalised and their problems simply further complicated by a lack of security and access to suitable housing.

7.9   Other responses suggested several other potential issues with the proposal. For example, if the proposal were to be introduced, a number of respondents inquired as to whether housing application forms (as well as allocation policies) would need to be changed, thereby increasing the workload of landlords. Similarly, several respondents highlighted the fact that there is, at present, no central database detailing cases of antisocial behaviour – the cost and time taken to set up such a resource would be significant. Some other respondents highlighted the potential unfairness which could arise from adopting a blanket approach to classifying antisocial behaviour, for instance by taking into account antisocial behaviour caused by people suffering from a mental illness but who are now receiving treatment and by individuals being affected by the antisocial behaviour of another family member.

7.10   About 14% of respondents did not provide an answer, 9% were unsure and 8% considered there to be no problems with the proposal.

Actions to overcome problems (Q28)

7.11   Respondents were asked to suggest actions to overcome the potential problems highlighted in question 27. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- Provide clearer guidance/definitions (suggested by around 28% of respondents). As mentioned in 7.7, respondents felt that there was a lack of clarity; particularly in defining key terms such as "antisocial behaviour" and "deciding on priority for housing". Almost 33% of those consulted suggested this action;

- Take a much harsher stance towards ASB (about 8% of respondents). A number of respondents felt that more should be done in order to "stamp out" antisocial behaviour within communities; largely through stricter penalties and the enforcement of far more extensive checks;

- Use of conditional leases/probationary tenancies (about 3% of respondents). A number of respondents suggested that landlords should have the ability to grant Short SSTs to applicants with previous "history" and should perhaps, in addition, be granted the ability to convert an SST at any time to a Short SST.

7.12   A variety of other actions were suggested by respondents. These included ensuring that a blanket approach is not adopted, for instance problems from antisocial behaviour arising from mental illness or relating to a person's disability are not taken into account and handled with greater sensitivity. Other comments included ensuring that landlords have the flexibility and discretion to examine the context for the antisocial behaviour; increasing inter-agency co-operation and community engagement in order to tackle antisocial behaviour at its root and encourage a long term change in behaviour; providing more support in order to empower social landlords in dealing with antisocial tenants and rejecting the proposal outright. Around 25% of the total respondents did not provide an answer and 12% were unsure.

8   PROPOSAL 7: SHORT SCOTTISH SECURE TENANCY

Proposal 7: Create the flexibility to allow a Short Scottish Secure Tenancy to be granted in more cases of antisocial behaviour

8.1   Landlords can only grant Short SSTs instead of a Scottish Secure Tenancy in a minority of cases and only after some form of court action has taken place. Court action can take time, during which communities may continue to experience antisocial behaviour. The Scottish Government is of the view that tenants should be very aware of their responsibilities and the possible consequences of their behaviour and that one of those consequences should be the loss of some of their tenancy rights. The Scottish Government is of the view that converting a Scottish Secure Tenancy to a Short SST can be effective in tackling antisocial behaviour and therefore proposes the following:

> **THE SCOTTISH GOVERNMENT'S PROPOSALS – PROPOSAL 7**
>
> **(Source: Consultation Document Page 23)**
>
> **OUR PROPOSALS:**
>
> - *Allow social landlords to grant new tenants a Short SST when they consider it reasonable to do so following information on previous antisocial behaviour by the applicant or a member of their household.*
>
> - *Allow social landlords to convert an existing Scottish Secure Tenancy to a Short SST, when they consider it reasonable to do so, following a course of antisocial behaviour by the tenant, a member of their household or visitors to the household in or near the house they occupy.*
>
> - *In the case of existing tenants with a Scottish Secure Tenancy, the social landlord would have to first give the tenant at least one official warning about their behaviour and the consequences of continuing it.*
>
> *But we would reserve a power for Scottish Ministers to set out what social landlords must or must not take into account when considering whether or not it would be reasonable to grant or convert a Scottish Secure Tenancy to a Short SST.*
>
> *As is already the case with granting or converting tenancies to Short SSTs on the grounds of antisocial behaviour:*
>
> - *the landlord will have to serve a notice on the tenant that the tenancy is to be a Short SST;*
>
> - *the tenant whose Scottish Secure Tenancy was going to be converted to a Short SST would be able to raise proceedings in court if they*

> *disagreed with the landlord's decision;*
>
> - *the landlord would have to provide, or make sure someone else provided, the housing support services that the landlord considered appropriate; and*
>
> - *the Short SST would automatically convert to a Scottish Secure Tenancy after 12 months if the landlord had not by then taken steps to repossess the house.*

8.2 An analysis of the responses provided to proposal 7 is set out below.

Views on the Proposal (Q29)

8.3 The vast majority of respondents who answered this question (84%) were in favour of Short SSTs being an option for social landlords in tackling antisocial behaviour, with less than 4% disagreeing with the proposal.

Proposal 7 – Do you think Short SSTs should be an option for social landlords in tackling antisocial behaviour?						
Respondent Source	Yes		No		Not sure	
	Number	%	Number	%	Number	%
Written (n=209)	188	90	13	6	8	4
Events/Facebook (n=136)	103	76	0	0	33	24
Total (n=345)	**291**	**84**	**13**	**4**	**41**	**12**

8.4 The table below breaks down the 209 responses to this question via written questionnaires by respondent type.

Proposal 7 – Do you think Short SSTs should be an option for social landlords in tackling antisocial behaviour?						
Respondent Source	Yes		No		Not sure	
	Number	%	Number	%	Number	%
Individuals (n=31)	25	81	5	16	1	3
Landlord Representative Groups (n=4)	4	100	0	0	0	0
Landlords (n=80)	76	95	2	3	2	3
Other Groups (n=27)	21	78	4	15	2	7
Tenants Groups (n=67)	62	93	2	3	3	4
Total (n=209)	**188**	**90**	**13**	**6**	**8**	**4**

8.5 Support for the increased use of Short SSTs as a means of alleviating antisocial behaviour from those who answered this question is strongest amongst landlords, landlord representative groups and tenant groups. Support for this proposal was slightly less amongst individuals or other groups but still in excess of three quarters of respondents.

Views on focus of housing law on antisocial behaviour (Q30)

8.6   The consultation asked whether housing law should continue to focus only on antisocial behaviour which occurs in and around a tenant's property. Just over half of the respondents (51%) felt that it should not continue to do this, whilst 36% felt that it should.

Question 30 - Do you think housing law should continue to focus only on antisocial behaviour which occurs in and around a tenant's property?						
Respondent Source	**Yes**		**No**		**Not sure**	
	Number	**%**	**Number**	**%**	**Number**	**%**
Written (n=205)	73	36	104	51	28	14

8.7   The table below provides the breakdown of responses to this question by respondent type.

Question 30 - Do you think housing law should continue to focus only on antisocial behaviour which occurs in and around a tenant's property?						
Respondent Source	**Yes**		**No**		**Not sure**	
	Number	**%**	**Number**	**%**	**Number**	**%**
Individuals (n=30)	11	37	15	50	4	13
Landlord Representative Groups (n=4)	2	50	2	50	0	0
Landlords (n=78)	37	47	28	36	13	17
Other Groups (n=27)	9	33	16	59	2	7
Tenants Groups (n=66)	14	21	43	65	9	14
Total (n=205)	**73**	**36**	**104**	**51**	**28**	**14**

8.8   Landlords and landlord groups were more likely to state that the law should continue when compared with tenant groups, individuals or other groups.

8.9   Whilst respondents were asked about the benefits and problems with this proposal (see below), more work would need to be done to understand why respondents answered this question as they did.

Benefits (Q31)

8.10   The consultation asked respondents to consider the proposed benefits of the Scottish Short Secure Tenancy (Short SST) proposal. A range of responses were suggested by respondents, based primarily around four themes. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- It may lead to improvements in the behaviour of the individual (about 38% of respondents);

- It may create an improved environment for all i.e. neighbours, tenants, landlords and their communities (about 25% of respondents);

- Legal issues such as the eviction of problematic tenants are made easier and take less time to resolve (about 20% of respondents);

- Landlords will have greater jurisdiction and power over their tenants (about 17% of respondents).

8.11 A smaller proportion of respondents suggested other benefits, including that it may act as a final deterrent for people prior to eviction. Approximately 15% of all consultation respondents did not know what the proposed benefits from this proposal may be, 10% did not respond and 3% saw no benefits.

Problems (Q32)

8.12 The consultation asked about the problems of implementing this proposal. A range of recurring themes were identified. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- Issues relating to the evidence required to support decisions and the potential to apply the proposals inconsistently. Many felt that the proposals were not clear on issues such as what landlords can and cannot take into account, whether there is a need for a limit on the number of times conversion to a Short SST can take place; and what is meant by an "official warning". More information needs to be provided to clarify to landlords what conduct needs to be taken into account. (suggested by about 25% of respondents);

- The issue of time and resources e.g. the policing required and the support which needs to be provided in cases of Short SSTs (about 20% of all consultation respondents);

- Potential legal challenges and the lack of clarity regarding the appeals process (about 15% of respondents);

- It does not alleviate the underlying challenges and may lead to new social challenges as people are moved around or are unsure where to go when evicted (about 10% of respondents);

- The proposal could be perceived as a violation of one's basic human rights i.e. potentially stigmatic and/or discriminatory (about 8% of respondents).

8.13 Other responses to this included that the proposals themselves are too narrow; that the rolling period is too short and will not deter antisocial behaviour as people can radically change once the tenancy has been confirmed; and that an increase in short SSTs may result in an increase in demand for support services that may not be able to be met. Around 18% of respondents did not provide an answer, 5% did not know and about 10% did not foresee any problems with this proposal.

Actions to overcome problems (Q33)

8.14   Respondents were also given the opportunity to suggest actions on how any aforementioned problems with the Short SST proposal could be alleviated. A range of responses were provided, focussing primarily on three key themes. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- Clear and established guidance must be provided (about 27% of respondents);

- Landlords should be stricter and enforce tenancy agreements where tenancies are breached (about 14% of respondents);

- Increased support for example via training, education, increased supply of housing and increased financing to the housing market (about 10% of respondents).

8.15   Other actions suggested included putting a limit on the landlord's responsibility to the area around the tenant's property; encouraging multi-agency working; starting all new tenants on a Short SST (as per proposal 9 of the consultation document) and tackling all the issues. About 33% of all respondents did not provide an answer, 9% did not know and about 1% did not think that there were any actions required to overcome any proposals associated with this proposal.

Issues to take into account (Q34)

8.16   The consultation asked respondents to consider what social landlords should take into account regarding this proposal. Four key issues were identified. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- Behavioural attitudes towards others and their tenancy (e.g. antisocial behaviour; respect for condition of the property and their neighbours) (about 60% of all respondents);

- Previous tenancy history (about 12% of respondents);

- Financial issues, such as debt and council tax arrears (about 9% of respondents);

- Conditions of tenancy e.g. length, breach of tenancy (about 9% of respondents).

8.17   Other issues suggested by the consultation respondents included: landlords must consider all individual problems on an individual basis; appropriate support should be offered where necessary (e.g. mediation and support workers in place); as well as accounting for legal issues such as reporting incidents to police and backed up with supporting evidence. About 20% of all

respondents did not provide an answer, 6% did not know and 1% did not foresee any issues to take into consideration with regards to this proposal.

What more could be done (Q35)

8.18 The final question relating to proposal 7 asked what more could be done in order to help social landlords tackle antisocial behaviour. Four key themes have been identified through the analysis. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- The introduction of a "fast-track" method of securing eviction, for example, through the use of specialised housing courts or tribunals (about 30% of respondents);

- The provision of more resources, particularly with regards to housing support services, in order to help create healthy, sustainable tenancies (about 13% of respondents);

- Greater/stricter enforcement of current legislation (about 11% of respondents);

- Granting greater flexibility to landlords in dealing with antisocial tenants (about 6% of respondents).

8.20 A series of other suggestions were made. These included: the creation of a central database or index of offenders (which would be easily accessible to landlords); the introduction of "monitoring" schemes (for example; allowing tenants "three strikes" before action is taken); and greater engagement with the community at large in order to foster a sense of joint responsibility in dealing with such issues. About 22% of respondents did not provide an answer and 3% did not know.

9 PROPOSAL 8: SIMPLIFYING THE EVICTION PROCESS

Proposal 8: Simplifying the eviction process where another court has already considered antisocial behaviour by a tenant or their household

9.1 At present, social landlords can recover possession of a house on certain grounds relating to antisocial or criminal behaviour. The UK Government has recently sought views on introducing a quicker procedure under English law for possession in cases of serious, housing-related antisocial behaviour. This would mean that social landlords in England would be able to apply for possession when antisocial behaviour or criminal behaviour has already been proven to another court. The landlord seeking possession would still have to go to court to evict the tenant, but they would only have to demonstrate to the court that the criteria for possession had been met, rather than prove that antisocial behaviour had occurred. The UK Government has still to set out what sort of triggers could prompt a landlord to seek possession. Therefore, the Scottish Government welcomes views on:

> **THE SCOTTISH GOVERNMENT'S PROPOSALS – PROPOSAL 8**
> **(Source: Consultation Document Page 25)**
>
> - *Whether we should similarly examine ways of making evictions simpler if another court has already considered serious antisocial or criminal behaviour committed in or near the house occupied by the tenant.*

9.2 An analysis of the responses provided to proposal 8 is set out below.

Views on the Proposal (Q36)

9.3 In total, 80% of respondents who answered this question were in favour of examining ways of making evictions simpler where serious antisocial behaviour or criminal behaviour has been committed. Just 6% of respondents were against these proposals.

Proposal 8 – Do you think we should examine ways of making evictions simpler where another court has already considered serious antisocial or criminal behaviour committed in the tenant's home or its locality?						
Respondent Source	**Yes**		**No**		**Not sure**	
	Number	**%**	**Number**	**%**	**Number**	**%**
Written (n=204)	177	87	12	6	15	7
Events/Facebook (n=146)	104	71	8	5	34	23
Total (n=350)	**281**	**80**	**20**	**6**	**49**	**14**

9.4 The table below breaks down the 204 responses to this question via written questionnaires by respondent type.

Proposal 8 – Do you think we should examine ways of making evictions simpler where another court has already considered serious antisocial or criminal behaviour committed in the tenant's home or its locality?						
Respondent Source	Yes		No		Not sure	
	Number	%	Number	%	Number	%
Individuals (n=28)	23	82	3	11	2	7
Landlord Representative Groups (n=4)	4	100	0	0	0	0
Landlords (n=80)	74	93	1	1	5	6
Other Groups (n=26)	19	73	5	19	2	8
Tenants Groups (n=66)	57	86	3	5	6	9
Total (n=204)	**177**	**87**	**12**	**6**	**15**	**7**

9.5   Support for the proposal from those who answered this question was high amongst all groups, but particularly amongst landlords (93%) and their representative groups (100%).

Appropriate Changes (Q37)

9.6   The consultation asked respondents what changes they might consider to be appropriate if the evictions process was to be simplified. A range of responses were provided by those consulted, which centred primarily on two themes. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- Faster legal processes (about 24% of respondents). It was felt that the Scottish Government should look into implementing ways of "fast-tracking" eviction cases through law courts. Respondents highlighted the often lengthy (and costly) process of eviction, with many suggesting that the creation of specialised housing courts or tribunals may be a solution; and

- The use of previous antisocial behaviour convictions as grounds for eviction (about 14% of respondents). A significant proportion of those who provided a response felt that a previous conviction (primarily relating to antisocial behaviour) should be grounds enough to secure an eviction.

9.7   A variety of additional actions were suggested, including the need to address human rights and other legal issues which may hamper the eviction process; consider attaching eviction orders as part of the punishment as a result of a criminal conviction; increase inter-agency cooperation, and; introduce more effective information-sharing protocols. Around 35% of all respondents did not provide an answer.

Benefits (Q38)

9.8   The consultation asked respondents to consider the potential benefits to be derived from this proposal. Responses were based largely around five key themes. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- Faster/more efficient eviction process (suggested by about 23% of the total respondents). Respondents also noted that due to the current system (and the often lengthy court/legal processes) antisocial tenants could continue to behave in such a manner until action is actually taken against them. Landlords also noted the advantage of reduced legal costs due to shorter legal processes;

- Safer/happier communities (about 18% of the total respondents). Any measures taken to alleviate antisocial behaviour within communities were considered as significant benefits;

- Sends a clear message regarding ASB (about 9% of the total respondents). Many respondents felt that the introduction of this proposal would send a clear message, and would go some way in confirming a "zero tolerance" stance towards antisocial behaviour;

- Minimises stress for residents required to give evidence (about 9% of the total respondents). Respondents suggested that shorter eviction processes would significantly decrease the stress related to giving evidence against a tenant accused of antisocial behaviour. Residents are often reluctant to take part in long, drawn-out legal battles;

- Reduced costs/strain on resources (about 9% of the total respondents). Landlords in particular noted the advantage of reduced legal costs due to shorter legal processes.

9.9 About 27% of respondents did not provide an answer, 12% were unsure about the benefits and around 3% of respondents felt that the proposal had no obvious benefits.

Problems (Q39)

9.10 Potential problems relating to this proposal are largely based around three themes. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- Lack of clarity (about 14% of respondents). Respondents felt that there was a lack of clarity regarding key terms related to the proposal – specifically "simplifying the eviction process" – and the length of time that a case of antisocial behaviour can be considered. Similarly, some respondents noted that the proposal fails to specify the nature and extent of antisocial behaviour;

- Human rights issues (about 8% of respondents). Respondents suggested that the defendants could challenge the proposal (primarily mandatory repossession actions) on the basis of human rights legislation;

- Fails to take individual circumstances into account (about 5% of respondents). Some noted a lack of flexibility, and that individual circumstances don't appear to be taken into consideration.

9.11   A number of other issues were suggested which do not conform to the above themes. These include: the potential homelessness of tenants who are evicted; the potential for inconsistent use (and even abuse) on the part of the landlord; and a strain on administrative resources (one respondent noted how not all landlords shared efficient information-protocols with the police and local authorities).

9.12   About 32% of the total number of respondents did not provide an answer, 11% did not know and around 12% felt that there were no issues with the implementation of this proposal.

Actions to overcome problems (Q40)

9.13   The consultation then provided an opportunity for respondents to suggest actions which could be taken in order to alleviate the above problems. The three main suggestions are as follows, with the percentages referring to the proportion of the 237 written responses:

- Provide clarity (about 15% of respondents). In order to alleviate the issue of ambiguity relating to key terms within the proposal, respondents stated that clarification and guidance from the Scottish Government would be welcomed;

- Provide more support (about 10% of respondents). Respondents felt that engagement with tenants was extremely important, and that an inter-agency approach should be adopted to ensure that all those affected are protected during this process;

- Create a clearly structured set of protocols (about 5% of respondents). Respondents suggested implementing a clearly structured set of protocols which landlords would have to adhere to – this would ensure some level of consistency in the application of the proposal.

9.14   Other responses suggested included: the creation of better information-sharing protocols (for example, a central database of tenants with previous convictions of antisocial behaviour); and the use of criminal Antisocial Behaviour Orders and exclusion orders along with evictions.

9.15   Around 49% of respondents did not provide an answer, 12% did not know and 2% felt that they did not know what actions could be taken.

10   PROPOSAL 9: AN INITIAL TENANCY

Proposal 9: Creating an initial tenancy for all new affordable rented housing tenants

10.1   Assessing the needs of applicants and matching them to a property is only the first step in successful letting. Landlords will help new tenants understand their responsibilities as well as their rights. In many cases, the allocation of housing will result in a successful and sustainable let. However, some people have called for the creation of an initial or probationary tenancy to help promote positive and responsible behaviour by new tenants. Given the long-term security that the Scottish Secure Tenancy brings, the Scottish Government would agree there should be an initial or probationary tenancy. The full proposal as set out by the Scottish Government is outlined in the table below:

THE SCOTTISH GOVERNMENT'S PROPOSALS – PROPOSAL 9
(Source: Consultation Document Page 26)

- *Require social landlords to grant a Short SST to all new tenants of social housing (those who don't already have a Scottish Secure Tenancy).*

The initial tenancy will automatically convert to a Scottish Secure Tenancy after 12 months if the landlord has not taken steps to repossess the house.

10.2   An analysis of the responses provided to proposal 9 is set out below.

Views on the Proposal (Q41)

10.3   The majority of respondents who answered this question (62%) were in agreement with the proposal, whilst 16% disagreed and 22% were unsure. The results were similar with regards to written responses and responses via Facebook and at the regional events.

Proposal 9 – Do you think all new affordable rented housing tenants should be allocated housing using an initial tenancy?						
Respondent Source	Yes		No		Not sure	
	Number	%	Number	%	Number	%
Written (n=204)	131	64	31	15	42	21
Events/Facebook (n=142)	83	58	24	17	35	25
Total (n=346)	**214**	**62**	**55**	**16**	**77**	**22**

10.4   The table below breaks down the 204 written responses to this question by respondent type.

Proposal 9 – Do you think all new affordable rented housing tenants should be allocated housing using an initial tenancy?						
Respondent Source	Yes		No		Not sure	
	Number	%	Number	%	Number	%
Individuals (n=29)	20	69	4	14	5	17
Landlord Representative Groups (n=4)	2	50	1	25	1	25
Landlords (n=80)	48	60	15	19	17	21
Other Groups (n=27)	15	56	7	26	5	19
Tenants Groups (n=64)	46	72	4	6	14	22
Total (n=204)	131	64	31	15	42	21

10.5　In total, 64% of respondents who answered this question were in agreement with this proposal. Support for the implementation of this proposal is greatest amongst tenant groups (72%) and individuals (69%).

Benefits (Q42)

10.6　Respondents were asked about what they saw as the benefits of the proposal. Of those that responded, three main benefits were highlighted. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- The proposals would enable an assessment period (about 35% of respondents). This would provide both the tenants with an opportunity to demonstrate that they can be a 'good tenant' and meet tenant obligations, and provide landlords with a period to review the tenancy and deal with any issues arising;

- The proposals would enforce the value and importance of housing to tenants (about 28% of respondents). This would encourage them to consider their tenancy to be a valuable resource and to abide by tenancy conditions;

- The proposals would provide some security and benefits for tenants (about 6% of respondents). It may encourage landlords to develop an effective relationship with tenants, provide them with a trial period to consider whether the house, neighbourhood and community is suitable to meet their needs and enable people re-entering a new tenancy, or one for the first time, to understand the rights and responsibilities entailed with a social housing tenancy.

10.7　A large proportion of landlords in particular highlighted that the proposals would enable an assessment period and enforce the value and importance of housing. A large number of tenants also felt that the proposal would enable a beneficial assessment period.

10.8　A small number of respondents highlighted other benefits, which included treating applicants in the same way with no discrimination and making it quicker and easier to deal with any tenancy breaches. About 21% of

respondents did not know of the benefits, 14% of respondents did not provide an answer and 6% of respondents felt that there were no benefits.

Problems (Q43)

10.9 Respondents were asked about what they saw as the problems with this proposal. Of those that responded, five main problems were identified. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- The proposals start from the premise that everyone is a potential problem tenant – this could result in good tenants being unfairly targeted, their rights reduced and the stigmatising of the sector as a whole and those people who are renting within it (about 21% of respondents);

- The proposals would result in increased time and resource pressures for landlords in terms of administrating an initial tenancy (about 17% of respondents);

- The proposals could result in insecurities for tenants and lead to greater social instability (about 10% of respondents);

- There would be a lack of clarity for both landlord and tenant, for example with regards to what constitutes reasonable grounds not to award a full Scottish Secure Tenancy at the end of the probationary period, and the rights of probationary tenants to challenge that (about 7% of respondents);

- The system would be open to abuse (about 5% of respondents).

10.10 Unsurprisingly, landlords in particular felt that the proposals would lead to resource implications for landlords.

10.11 A variety of other problems were suggested by around 9% of respondents. These included that the proposals would not make a difference, that the system would still be open to abuse and that some people will resent being monitored. Others suggested the impacts on properties both in terms of new properties being damaged during the trial period and encouraging landlords not to invest in homes where there may be a short term tenancy. Some respondents also mentioned that there could be an increase in rent arrears and the number of people not managing to sustain their tenancy beyond 12 months would increase (and provide negative consequences in terms of developing sustainable communities).

10.12 Around 27% of respondents provided no response, 11% felt that there were no problems with the proposals and 8% did not know.

Actions to overcome problems (Q44)

10.13 Respondents were asked about what actions could be done to overcome these problems. Of those that provided a response, two actions were the most commonly suggested. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- There should be clearer guidance and greater consistency across the board (just less than 19% of respondents);

- The procedures should be streamlined to prevent resource issues and make it easier for tenants to move from Short SST to SST (about 6% of respondents).

10.14 A high proportion of landlords felt that there should be greater consistency and clearer guidance for these proposals.

10.15 Some other responses were provided including giving greater flexibility for landlords, having increased background checks and provide regular checks on tenants. Others also suggested that:

- Good practice in allocating short term tenancies should be examined from elsewhere in the UK;

- Landlords could work closely with local communities on implementing the proposals:

- Greater reassurance could be provided to tenants;

- The naming of the tenancy could be more appropriate – for instance rather than a "probationary tenancy" it could be called an "introductory" or "initial" tenancy. Indeed the phrases introductory and initial were used extensively in the responses. The consultation proposal was to introduce an "initial tenancy";

- The proposal could be piloted first to see how successful it is in reducing antisocial behaviour;

- The probationary tenancy should be promoted positively not as a threat to tenants;

- Probationary tenancies should be applied only to certain circumstances where the potential for issues has been identified rather than for all tenancies.

10.16 Around 39% of respondents did not provide an answer, 5% did not know and 4% felt that there were no actions.

11 PROPOSAL 10: SHORT SSTS TO LET INTERMEDIATE RENTED HOUSING

Proposal 10 – Allow social landlords to use Short SSTs to let intermediate rented housing.

11.1 The Scottish Government's housing strategy sees a growing role for intermediate rented housing in the coming decade. Currently, most of this is developed and managed by private-sector landlords who are subsidiaries or partner organisations of social landlords. Some social landlords have asked for more flexibility to develop and manage this themselves, rather than through a subsidiary or partner organisation. Committed to retaining secure tenancies, the Scottish Government are exploring whether social landlords could be given greater flexibility to let intermediate rented housing using a Short SST rather than a Scottish Secure Tenancy. Therefore, the Scottish Government has developed the following proposal:

THE SCOTTISH GOVERNMENT'S PROPOSALS – PROPOSAL 10

(Source: Consultation Document Page 29)

The Scottish Government invites views on:

- *whether we should allow social landlords to let houses using Short SSTs for intermediate rented housing*

11.2 An analysis of the responses provided to proposal 10 is set out below.

Views on the Proposal (Q45)

11.3 Nearly 40% of respondents who answered this question were in agreement with the proposal, with just 17% against the proposal. However a large proportion of respondents (44%) were unsure. These are reflected in the qualitative responses to the questions under this proposal which provided less content than some of the other proposals. In addition, these proposals were not discussed at the regional events.

Proposal 10 – Do you think the law should be changed to allow social landlords to grant Short SSTs for intermediate rented housing?						
Respondent Source	Yes		No		Not sure	
	Number	%	Number	%	Number	%
Written (n=185)	73	39	31	17	81	44
Facebook (n =5)	3	60	1	20	1	20
Total (n=190)	76	40	32	17	82	43

11.4 The table overleaf breaks down the 185 responses to this question via written questionnaires by respondent type. The responses to this question vary quite significantly across the different respondent groups who answered this question.

11.5   Just less than 50% of landlords and 75% of landlord representative groups were in favour of this proposal, whereas just 31% of individuals and about 31% of tenant groups and 41% of other groups were in favour of allowing social landlords to grant Short SSTs for intermediate rented housing.

Proposal 10 – Do you think the law should be changed to allow social landlords to grant Short SSTs for intermediate rented housing?						
Respondent Source	Yes		No		Not sure	
	Number	%	Number	%	Number	%
Individuals (n=26)	8	31	6	23	12	46
Landlord Representative Groups (n=4)	3	75	0	0	1	25
Landlords (n=74)	35	47	11	15	28	38
Other Groups (n=22)	9	41	5	23	8	36
Tenants Groups (n=59)	18	31	9	15	32	54
Total (n=185)	**73**	**39**	**31**	**17**	**81**	**44**

How to restrict the flexibility (Q46)

11.6   Consultees were asked how the flexibility could be restricted to only intermediate rented housing. Approximately 60% of respondents did not answer this question, 15% did not know and 3% felt that there were no ways to restrict flexibility.

11.7   Of those that responded, there were three core ways in which flexibility could be restricted. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- Provide greater clarity on the definition of intermediate rented housing and the circumstances in which Short SSTs can be used (about 11% of respondents), for instance in terms of defining the parameters of intermediate rent, creating a different type of tenancy for intermediate rent and clarity on whether it is mid-market rented housing or higher rented social housing;

- This would need to be explicit within changes to legislation or provision of clear guidance (about 6%). In particular the Housing (Scotland) Act 2001 (schedule 6) would have to be amended to include intermediate rented housing as one of the grounds for granting a Short SST and permit a percentage of a landlords housing stock to be designated for intermediate rented housing;

- Through greater consultation with landlords / housing agencies (approximately 2%).

11.8   A small number of other respondents suggested other ways in which flexibility may be restricted to only intermediate rented housing including only applying the law to stock identified as intermediate rent only (by local authorities or RSLs); or through local allocation protocols which ensure that houses are primarily allocated to those on low incomes.

Views of social landlords on using the proposed flexibility (Q47)

11.9 Social landlords were asked whether they would use the proposed flexibility. Out of the 85 social landlords who responded to the consultation, 64 responded to this question as set out below.

Proposal 10 - If you are a social landlord would you use the proposed flexibility?						
Respondent Source	Yes		No		Not sure	
	Number	%	Number	%	Number	%
Written (n=64)	20	31	19	30	25	39

11.10 The responses were evenly split between those who would use the proposed flexibility (31%) and those who would not (30%). The largest proportion (39%) were unsure whether or not they would grant Short SSTs for intermediate rented housing.

Benefits (Q48)

11.11 Respondents were asked about what they saw as the benefits of the proposal. Approximately 60% of respondents did not provide an answer and 9% did not know. Of those that responded, the answers were broad-ranging although there were three main benefits suggested. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- The proposals would provide a greater choice or broader range of housing choice across the sector and meet needs that otherwise would not be met (about 1% of respondents) particularly for younger couples or those on low incomes. This may lead to the delivery of more mixed communities;

- Social landlords would not have to establish a subsidiary to let intermediate housing (about 6% of respondents) which would result in time and cost savings;

- It would give greater flexibility and control to social landlords to develop and manage properties and allow tenancies to be tailored to meet different circumstances (about 6%).

11.12 Some respondents suggested other benefits to granting Short SSTs for intermediate rented housing. These included it being better than having an empty property; it being a better way of meeting the needs of local communities in social and economic terms; giving people a chance to prove they are responsible and highlighting the importance of good behaviour; and making intermediate rented schemes more viable/attractive.

Problems (Q49)

11.13 Respondents were asked about what they saw as the problems with the proposal. A large proportion of respondents (about 62%) did not provide an answer, about 8% did not know and 3% felt that there were no problems. Of those that responded, the answers were broad ranging. Three main problems

were suggested. These are as follows, with the percentages referring to the proportion of the 237 written responses:

- The problems would blur the boundaries across different market tenures and would lead to less focus on social housing (about 8% of respondents);

- The proposals would result in a lack of security and not be conducive to the creation of sustainable communities (about 5% of respondents);

- The proposals would lead to discrimination against certain groups and result in a two tier system (about 4% of respondents).

11.14 A small number of respondents (approximately 11%) suggested other problems with the proposal to granting Short SSTs for intermediate rented housing. These included the mechanism through which council tax would be paid for such a short tenancy; the potential to 'abuse the system' by moving from one SST to another; confusion over the nature of tenancies and the rights of landlords and tenants; and the potential for conflict due to people paying different rents for similar products which highlights the need to keep the different housing products very distinct.

Actions to overcome problems (Q50)

11.15 Respondents were asked about the actions required to overcome the problems with allowing social landlords to grant Short SSTs for intermediate rented housing. About 72% of respondents did not provide an answer and 3% did not know. Of those that responded, answers were broad ranging. Only one theme was referenced by 4% of respondents as follows, with the percentages referring to the proportion of the 237 written responses:

- The better management of housing stock/tenants (about 4% of respondents). This includes communication with tenants, applying decisions fairly, well developed and targeted allocation policies to meet the needs of tenants and having policies that give tenants the rights to appeal decisions.

11.16 Other themes suggested include the increased resources to encourage the creation of social housing; basing the provision of mid market rentals on local housing strategy objectives; reviewing the charitable rules around low cost home ownership; and what constitutes helping people in need which would reduce RSLs' costs in operating a subsidiary.

12 EQUALITIES AND BUSINESS AND REGULATORY IMPACT ASSESSMENT

Equalities Impacts – effects and proposed changes (Q51 & Q52)

12.1 As part of the consultation, respondents were asked about the impact of the proposals on equality groups to help inform the Scottish Government's equality impact assessment of the proposals. The assessment is looking in particular at the impact on men and women, older/younger people, disabled people, those who are lesbian, gay, bisexual or transgender, people from different ethnic groups and those with different religions and beliefs.

12.2 Respondents were asked three questions in relation to equalities impacts as follows:

Question 51 (a) Which equality groups, if any, do you think will be disproportionately affected by each of the proposals in this consultation paper?

Question 51 (b) How do you think they will be affected by each proposal (positively or negatively)?

12.3 Just 37% of respondents provided an answer to these questions. A large proportion of respondents (50%) did not provide a response to the question of which equality groups will be disproportionately affected by each of the proposals, whilst 13% did not think that any groups would be disproportionately affected.

12.4 Of those that responded, the most common groups identified were younger people, disabled people, older people or homeless people. An indication of the level of respondents who answered this question in relation to each group is provided below, with the percentages referring to the proportion of the 237 written responses. When suggesting how each of the groups will be affected by the proposals, nearly all of the respondents provided answers which were general to the overall consultation rather than in response to specific proposals.

- Younger people (about 9% of respondents) for instance as they are more likely to be accessing social housing for the first time, they may be less likely to understand the housing allocations process, they may require additional support and their low incomes may result in them accessing poorer housing;

- Older people (about 7% of respondents) who may have specific needs and requirements and their low income may result in them accessing poorer housing;

- Disabled people (about 7% of respondents) who have specific needs and requirements that may not be addressed through these proposals;

- Homeless people (about 4% of respondents) as the proposals do not lead to an increase in new housing;

- People with mental illnesses (about 4% of respondents) who have specific needs and requirements that may not be identified. This group could be subject to increased evictions due to the increased emphasis on antisocial behaviour and potential for learning difficulties to be considered as antisocial behaviour.

12.5   A number of other equalities groups were suggested by a smaller number of respondents including those with drug or alcohol problems, women who had experienced domestic abuse, those on lower incomes, single people and with drug and alcohol problems.

12.6   Nearly all of the respondents who felt that equality groups would be affected were of the view that they would be negatively affected. Some people however felt that local communities may benefit positively if the proposals lead to a reduction in antisocial behaviour. In addition, there was majority support for most of the proposals within the consultation document which means that a large number of respondents feel that the proposals will have positive impacts.

12.7   A few other respondents also felt that there was a need to ensure that greater flexibility for landlords still leads to the delivery of balanced and mixed communities. A few respondents felt that definitions would need to be clearer before an assessment could be undertaken, whilst a small number made the point that it was up to the Scottish Government to provide an assessment of the equalities impact of any measures they introduce.

12.8   The groups identified above were also referenced at various points within the main consultation. For instance, vulnerable individuals and groups in society such as disabled people who require adapted housing and older people featured prominently in views on the housing needs to be protected nationally (question 5). With regards to proposal 2 (considering income), a large proportion of respondents felt that the consideration of income could stigmatise the less fortunate groups in society, for example those unable to access employment due to illness or disability. For proposal 3 (considering home ownership) one of the main problems identified related to not considering individual circumstances, for instance when homeowners subject to domestic abuse cannot access their home are prevented from accessing social housing.

Question 52 What changes could we make to each of the proposals to address any adverse effect on the equality groups you have identified?

12.9   A limited number of responses were provided to this question by just 23% of respondents. Within these responses, some changes were suggested to address adverse impacts on equality groups. These included:

- A need to have safeguards, limitations, checks and balances to ensure that providing greater flexibility to landlords and communities to

allocate and manage housing does not result in individual prejudices being reflected in the allocation and management of housing;

- Specify what proportion of lets in any area are to groups identified as a priority by 'landlord and community' and proportion to be let according to Government priorities and local housing lists;

- Providing the flexibility to create initial or starter tenancies and clarify the circumstances in which probationary tenancies will not revert to full tenancies;

- Providing greater support to tenants, including making use of multi-agency support networks;

- Use a 'person centred approach' to allocating and managing tenancies;

- Further clarification on the grounds on which the ownership of other properties can be discounted; and

- Improving hostel accommodation and links with social services which would assist groups such as single people without children, including men going through a divorce, and people with mental health, drug and/or alcohol problems.

Business and Regulatory Impacts – effects and proposed changes (Q53)

12.10 As part of the consultation, social landlords were asked about the business and regulatory impacts of the proposals, in particular the benefits and difficulties to organisations as well as any cost and resource implications and potential savings which could be achieved.

12.11 About 20% of respondents provided a response to this question. The main organisational benefits suggested included:

- Being able to chose the tenants to fit in with the local area (develop locally responsive allocations policies) and make a greater contribution towards creating sustainable communities;

- Greater flexibility to manage housing stock and meet the housing needs of customers; and

- Potential cost, time and resource savings in tackling antisocial behaviour.

12.12 A relatively small number of respondents suggested difficulties in implementing the proposal, which related to:

- The potential conflicts between these proposals and other legal duties for example in relation to homelessness, duties to families with children, Short SST legislation and welfare reform;

- The additional time which may be expended on issues such as dealing with appeals/reviews arising from decisions made, the processing of Short SSTs and income investigations; and

- Greater expectation on the landlord that all issues relating to antisocial behaviour can be 'cured' without evictions taking place.

12.13 Some costs and resource implications were suggested in relation to a number of areas already stated above and elsewhere (e.g. advice, legal costs, dealing with appeals, processing Short SSTs and investigating tenant incomes). At various points in the consultation it was felt that there may also be some negative impacts for social landlords in terms of the time and difficulties with obtaining and assessing information relating to issues such as antisocial behaviour, income and property ownership (for example see paragraphs 4.11, 5.9, 7.9, 8.17, 9.11 and 10.10).

12.14 Despite majority support for eight of the ten proposals, few respondents suggested specific savings arising from the proposals in response to question 53d which explored potential organisation savings. Of those that did respond, the savings suggested included voids being easier to fill, maintenance savings resulting from lower turnover and reduced vandalism and reduced costs in dealing with antisocial behaviour.

13   ADDITIONAL COMMENTS (Q54)

13.1   Respondents were asked whether they had any additional comments in relation to the proposals. About 20% of respondents provided additional comments, which were varied and included the following:

- No reference is made to the tenant's right to assign the tenancy, and a review should be undertaken on whether it is still reasonable for it to continue to be for the tenant to decide;

- Consideration be give to allocating 'extra points' to people with strong ties to their local community, particularly in rural areas;

- Building more homes across various tenures to meet demand;

- Encouraging problem or vulnerable tenants to make greater contributions to their local community (e.g. through groups and facilities) which could in turn be taken into account by landlords in the allocations process;

- Providing more adapted housing for the elderly, sick and disabled which better meets their needs and may free up housing which would be more suitable for other groups, e.g. families;

- The need to ensure that landlords are committed to building communities, not just houses;

- The need to have measures in place to safeguard the rights of tenants to challenge decisions (e.g. via legal aid) and to provide them with independent housing options advice if greater flexibility is provided to landlords;

- The suggestion to include persistent non payment of rent and arrears as a justifiable ground for converting an existing tenancy to a short secure tenancy.

14   SUMMARY AND CONCLUSIONS

Key Issues / Implications for Policy

14.1   This report has provided an analysis of the responses to the Scottish Government's consultation on affordable rented housing, based around ten proposals. The table below provides an indication of overall feedback to the consultation, setting out the responses to the quantitative questions relating to each of the ten proposals.

Scottish Government Consultation on Affordable Rented Housing						
	Yes		No		Not sure	
Proposal	**Number**	**%**	**Number**	**%**	**Number**	**%**
Proposal 1 (n=365)	208	57	59	16	98	27
Proposal 2 (n=353)	128	36	155	44	70	20
Proposal 3 (n=350)	232	66	43	12	75	21
Proposal 4 (n=208)	25	12	171	82	12	6
Proposal 5 (n=344)	217	63	58	17	69	20
Proposal 6 (n=352)	266	76	14	4	72	20
Proposal 7 (n=345)	291	84	13	4	41	12
Proposal 8 (n=350)	281	80	20	6	49	14
Proposal 9 (n=346)	214	62	55	16	77	22
Proposal 10 (n=190)	76	40	32	17	82	43
* Note, a negative answer to this question indicates support for the Scottish Government's proposal						

14.2   Feedback was positive across most of the proposals. For instance, more than 50% of respondents supported the implementation of most of the proposals (proposals 1 & 3-9). The exceptions to this were proposal 2 (considering an applicant's income when deciding on priorities for housing) and proposal 10 (allowing the use of Short SSTs to let intermediate rented housing), both of which received 40% support or less.

14.3   For the proposals where there was less support (2 & 10), the level of support varied by respondent group. For instance, for proposal 2 there is a greater level of support amongst landlord and landlord representative groups than for tenants who were concerned about the effect the proposals might have on communities in particular. For proposal 10 there was greater support from landlord representative groups and 31% of landlords who responded said they would use the flexibility, although a large percentage of respondents were unsure about the proposal.

14.4   There are some limitations with regards to the analysis – for instance some respondents could have been counted twice if providing information at the regional events and via the questionnaire. In addition, no weighting was given to responses from groups as apposed to individuals.

14.5   A number of improvements or issues were suggested for each of the proposals which should be taken on board by policymakers in taking forward these proposals. These vary by proposal as set out in this document, although there were some common themes, which include the need for greater clarity in certain instances; some of the difficulties with investigating issues such as

previous antisocial behaviour, income and homes; the potential impact on other areas of legislation; and the need to ensure that a consistent and fair approach is maintained despite granting greater flexibility for landlords.

14.6   There were some variations in responses by respondent group. Landlords and landlord groups were the most supportive of the proposals reflective of the greater flexibility which it would provide for them. Tenant groups, individuals or other groups tended to be less supportive, in part due to some potential negative impacts for tenants and particular groups. There were exceptions to this however, including:

- Proposal 4 regarding living rooms and overcrowding, where responses were similar across the groups;

- Proposal 6 regarding consideration of antisocial behaviour where the proportion of tenant groups was similar to those of landlords and landlord groups (although the proportion of individuals supportive was lower);

- Proposal 7 regarding short SSTs where the proportion of individuals supportive was lower than landlords and landlord groups but tenant groups were similar;

- Proposal 9 where individuals and tenant groups were more supportive of initial tenancy proposals than landlords or landlord groups.

14.7   Whilst over 50% of these groups were still in favour of most of the proposals in taking forward policy, attention should be given to the full written responses by organisations representing groups, such as older people, those with disabilities, the homeless and victims of crime / domestic violence, who have highlighted some of the potential negative effects on particular groups. These groups include younger people, older people, disabled people, the homeless and people with mental illnesses as discussed in more detail in chapter 12.

14.8   This report provides an analysis and collation of the overall themes and trends emerging from a review of all of the individual responses. It is recommended that these are taken into account when developing the proposals further, and where appropriate more detailed information is sought by reviewing the full responses provided by particular groups or individuals.

ANNEXES

Annex 1 – Consultation document

Affordable Rented Housing: Creating Flexibility For Landlords And Better Outcomes For Communities Consultation

RESPONDENT INFORMATION FORM

<u>Please Note</u> this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name or Organisation

Name or Organisation Name

Title Mr ☐   Ms ☐   Mrs ☐   Miss ☐   Dr ☐   *Please tick as appropriate*

Surname

Forename

2. Postal Address

Postcode	**Phone**	**Email**

3. Permissions - I am responding as an…

Individual   **or**   **Group/Organisation**
☐   *Please tick as appropriate*   ☐

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)? *Please tick as appropriate* ☐ Yes ☐ No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available ☐

or

Yes, make my response available, but not my name and address ☐

or

Yes, make my response and name available, but not my address ☐

(a) The name and address of your organisation *will be* made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your *response* to be made available?

Please tick as appropriate ☐ Yes ☐ No

<u>Now go to section (c)</u>

(c) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate   ☐ **Yes**   ☐ **No**

CONSULTATION QUESTIONS

Proposal 1: Create more flexibility for social landlords to decide who should get priority for their housing

1. Do you think social landlords should have the flexibility to decide who gets priority for their housing?

   Yes ☐ No ☐ Not Sure ☐

2. What do you see as the benefits of this proposal?

3. What do you see as the problems with this proposal?

4. What can we do to overcome these problems?
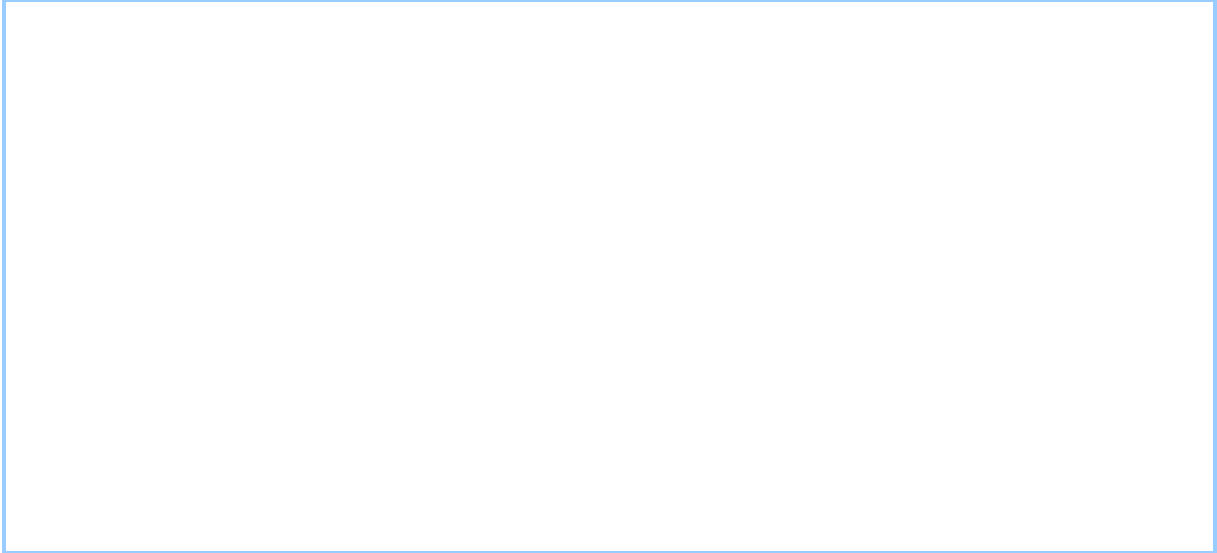
5. What housing needs do you think should be protected nationally?

Proposal 2: Create the flexibility for social landlords to consider an applicant's income when deciding their priority for housing
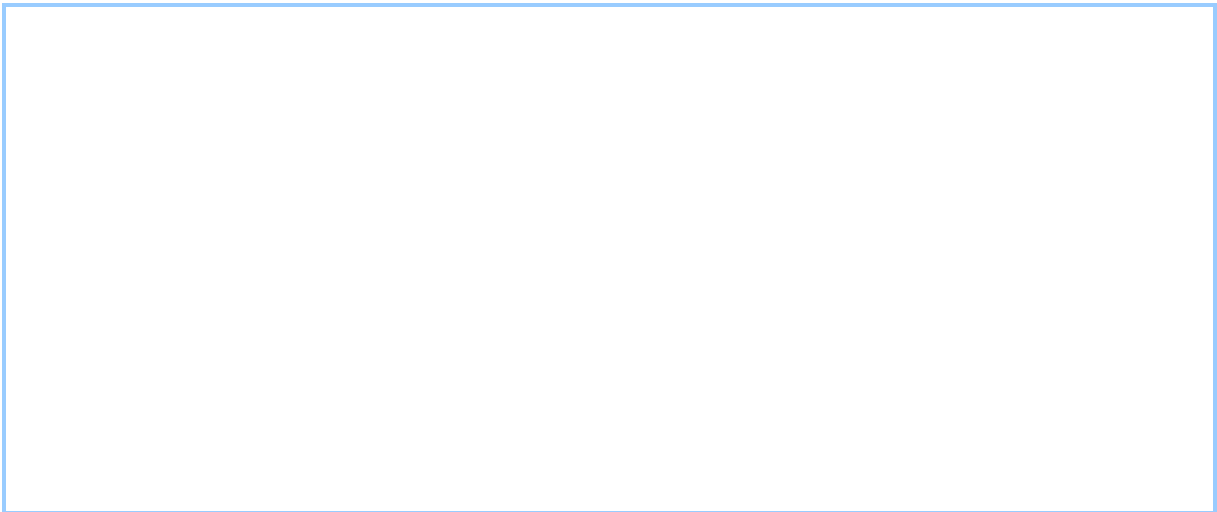
6. Do you think income should be taken into account?

   Yes ☐ No ☐ Not Sure ☐

7. What do you see as the benefits of this proposal?

8. What do you see as the problems with this proposal?

9. What can we do to overcome these problems?

Proposal 3: Create the flexibility for social landlords to consider whether an applicant owns property when deciding their priority for housing

10. Do you think social landlords should have the flexibility to consider whether an applicant or their family owns property when deciding their priority for affordable rented housing?

    Yes ☐ No ☐ Not Sure ☐

11. What other situations are there, if any, when an applicant owns property but is genuinely unable to access it?
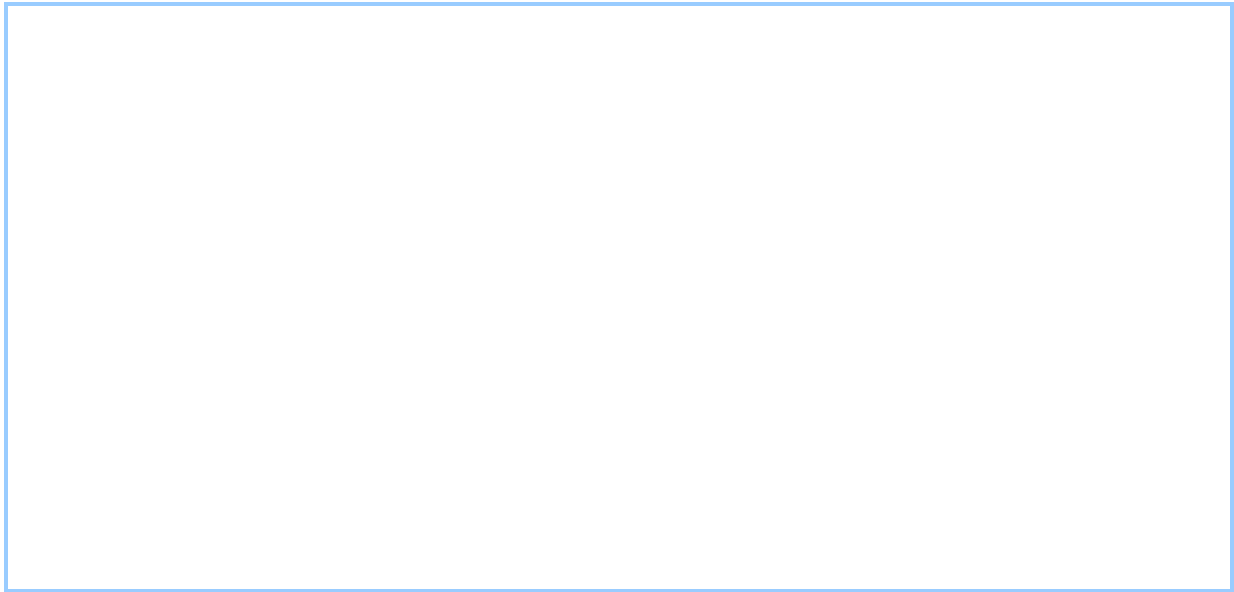
12. What do you see as the benefits of this proposal?

13. What do you see as the problems with this proposal?

14. What can we do to overcome these problems?
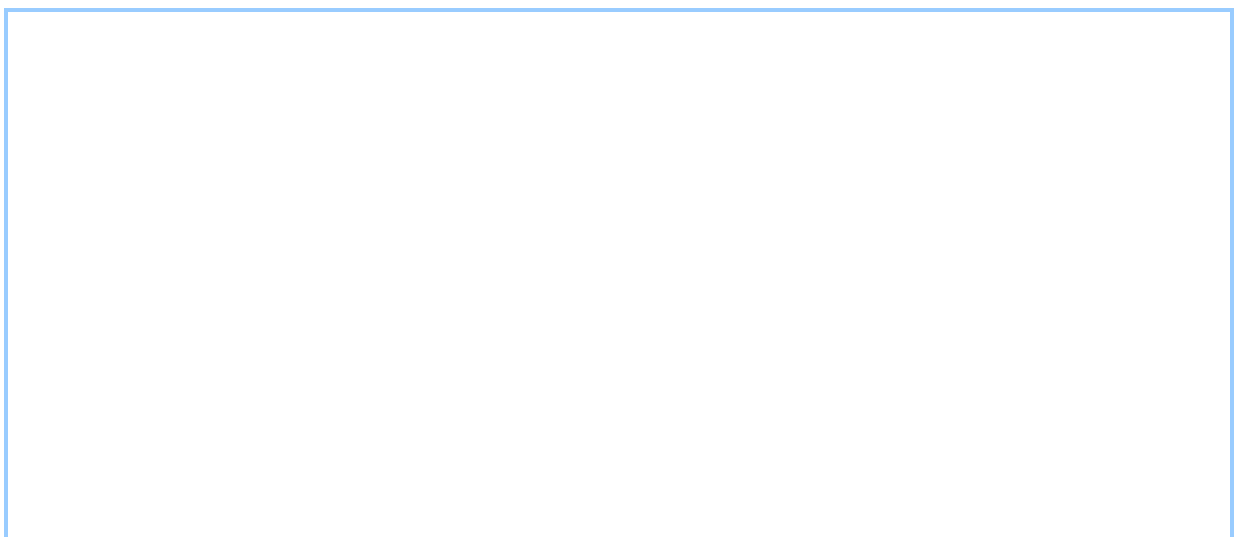
Proposal 4: Change the law to stop living rooms being considered as rooms available for sleeping in

15. Do you think living rooms should be counted as being available for sleeping in?

    Yes ☐   No ☐   Not Sure ☐

16. What do you see as the benefits of this proposal?

17. What do you see as the problems with this proposal?

18. What can we do to overcome these problems?

Proposal 5: Create a qualifying period before anyone can succeed to the tenancy.

19. Do you think there should be a qualifying period before succession to a tenancy?

Yes ☐   No ☐   Not Sure ☐

20. Who do you think that qualify period should apply to? Tick all that apply.

A husband, wife, civil partner or joint tenant   Yes ☐   No ☐

A partner

Yes ☐   No ☐

A family member aged 16 or over living at the property   Yes ☐   No ☐

A carer who lives in the property   Yes ☐ No ☐

All of the above   Yes ☐ No ☐

21. How long do you think this qualifying period should be?

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22. What do you see as the benefits of this proposal?

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23. What do you see as the problems with this proposal?

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24. What can we do to overcome these problems?

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Proposal 6: Create the flexibility for social landlords to consider previous antisocial behaviour when deciding an applicant's priority for housing

25. Do you think social landlords should have the flexibility to consider previous antisocial behaviour by an applicant or their household when deciding their priority for affordable rented housing?

    Yes ☐   No ☐   Not Sure ☐

26. What do you see as the benefits of this proposal?

27.   What do you see as the problems with this proposal?

28.   What can we do to overcome these problems?

Proposal 7: Create the flexibility to allow a Short Scottish Secure Tenancy to be granted in more cases of antisocial behaviour

29. Do you think Short SSTs should be an option for social landlords in tackling antisocial behaviour? Yes ☐ No ☐ Not Sure ☐

30. Do you think housing law should continue to focus only on antisocial behaviour which occurs in and around a tenant's property? Yes ☐ No ☐ Not Sure ☐

31. What do you see as the benefits with this proposal?

32. What do you see as the problems with this proposal?

33. What can we do to overcome these problems?

34. What do you think all social landlords should take into account when considering whether or not it is reasonable for them to grant a Short SST or convert a Scottish Secure Tenancy to a Short SST?

35. What more could we do to help social landlords tackle antisocial behaviour by their tenants?

Proposal 8: Simplify the eviction process where another court has already considered antisocial behaviour by a tenant or their household

36. Do you think we should examine ways of making evictions simpler where another court has already considered serious antisocial or criminal behaviour committed in the tenant's home or its locality?

Yes ☐ No ☐ Not Sure ☐

37. What changes do you consider might be appropriate?

38. What do you see as the benefits of this proposal?

39. What do you see as the problems with this proposal?
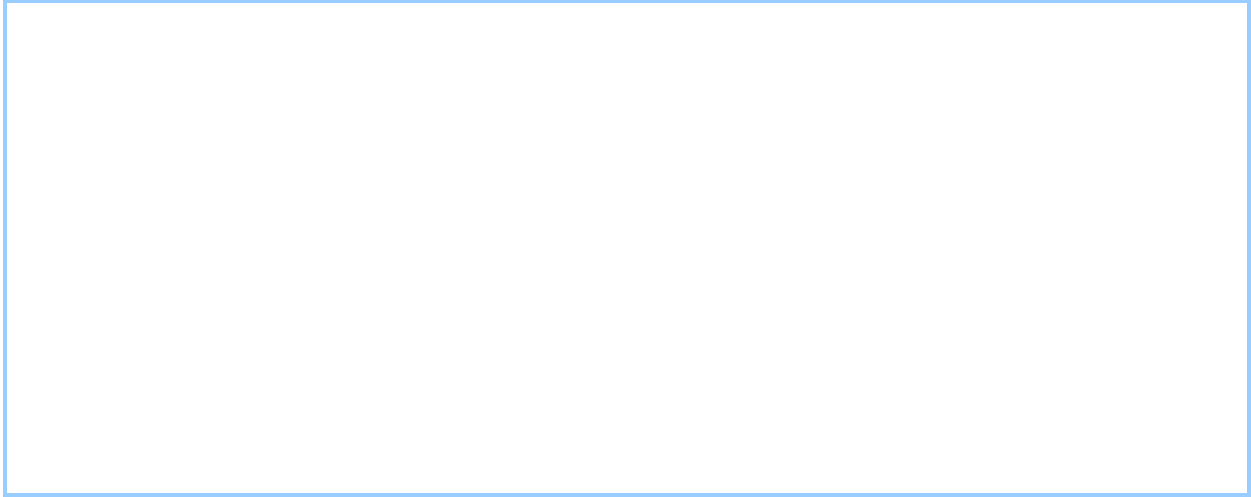
40. What can we do to overcome these problems?

Proposal 9: Create an initial tenancy for all new affordable rented housing tenants
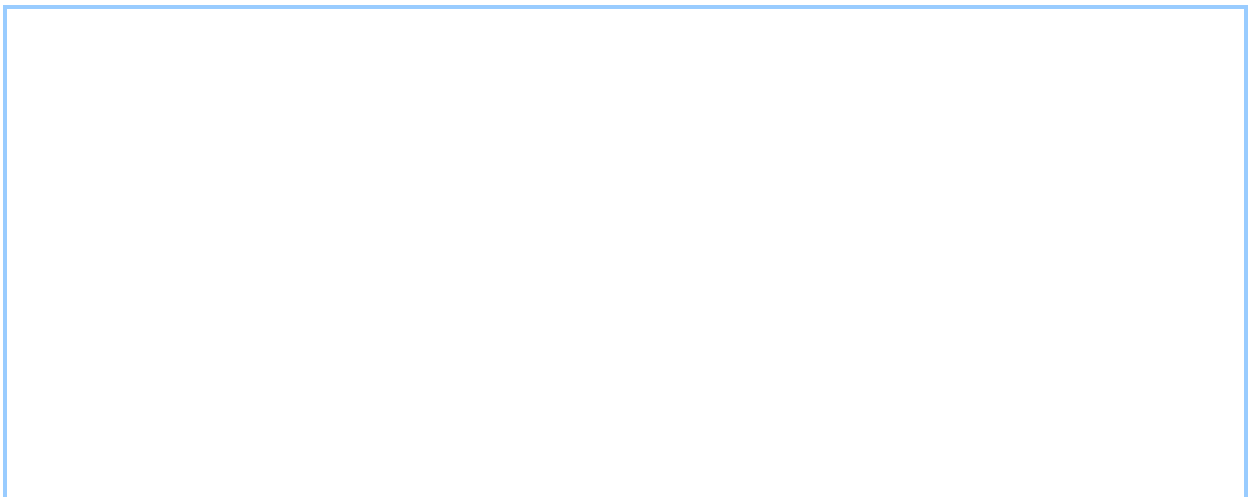
41. Do you think all new affordable rented housing tenants should be allocated housing   using an initial tenancy?

Yes ☐   No ☐   Not Sure ☐

42. What do you see as the benefits of this proposal?
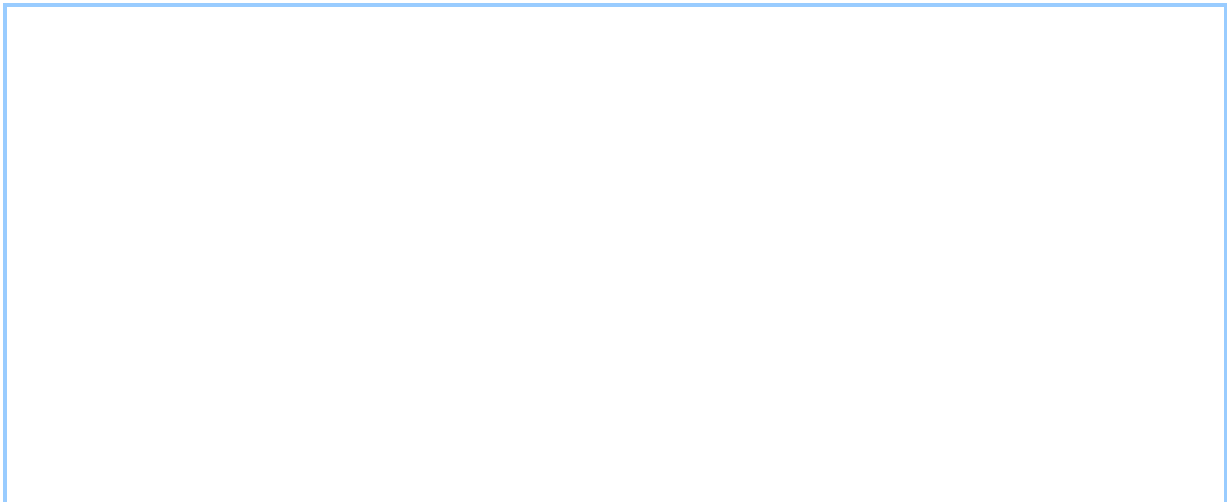
43. What do you see as the problems with this proposal?

44. What can we do to overcome these problems?

Proposal 10: Allow social landlords to use Short SSTs to let intermediate rented housing

45. Do you think the law should be changed to allow social landlords to grant Short SSTs for intermediate rented housing?

Yes ☐ No ☐   Not Sure ☐

46. If yes, how might we restrict the flexibility to only intermediate rented housing?

47. If you are a social landlord would you use the proposed flexibility?

Yes ☐ No ☐   Not Sure ☐

48. What do you see as the benefits of this proposal?
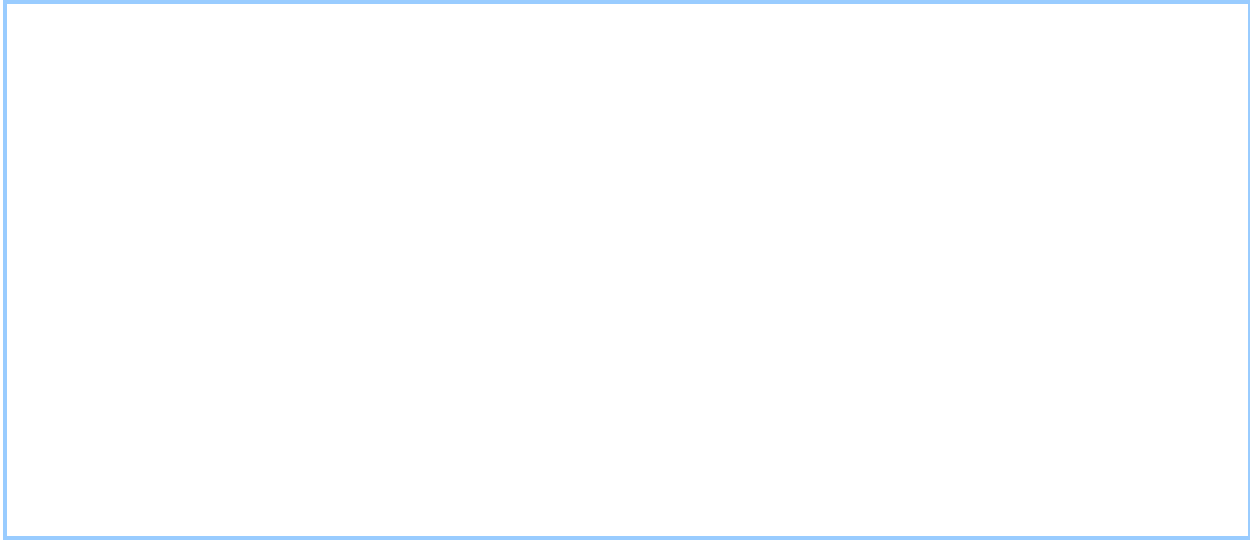
49. What do you see as the problems with this proposal?

50. What can we do to overcome these problems?

Equalities impact assessment

51. (a) Which equality groups, if any, do you think will be disproportionately affected by   each of the proposals in this consultation paper?

(b) How do you think they will be affected by each proposal (positively or negatively)?

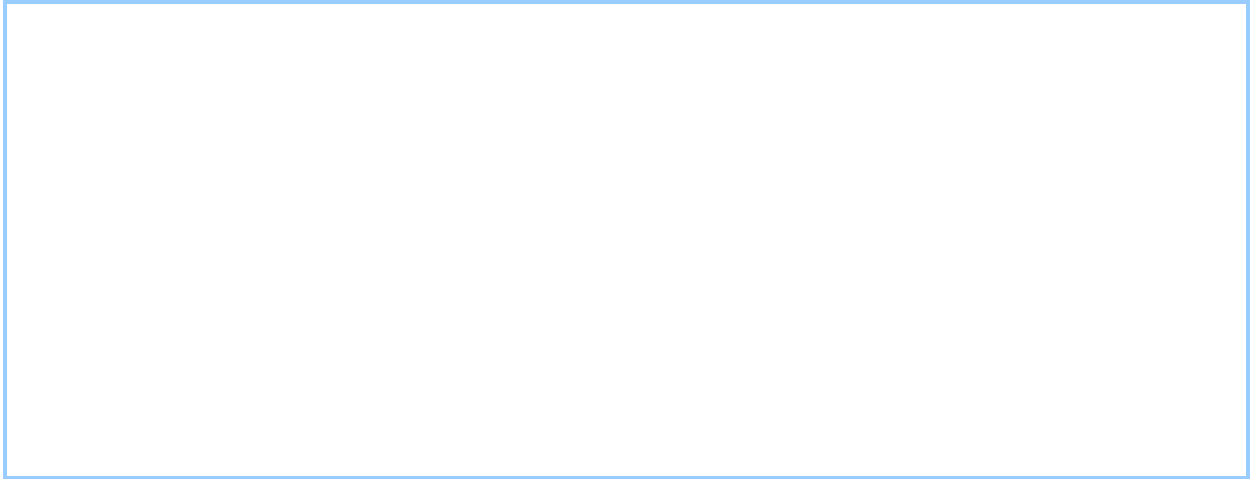52. What changes could we make to each of the proposals to address any adverse effect on the equality groups you have identified?

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Business and regulatory impact assessment – more questions for social landlords

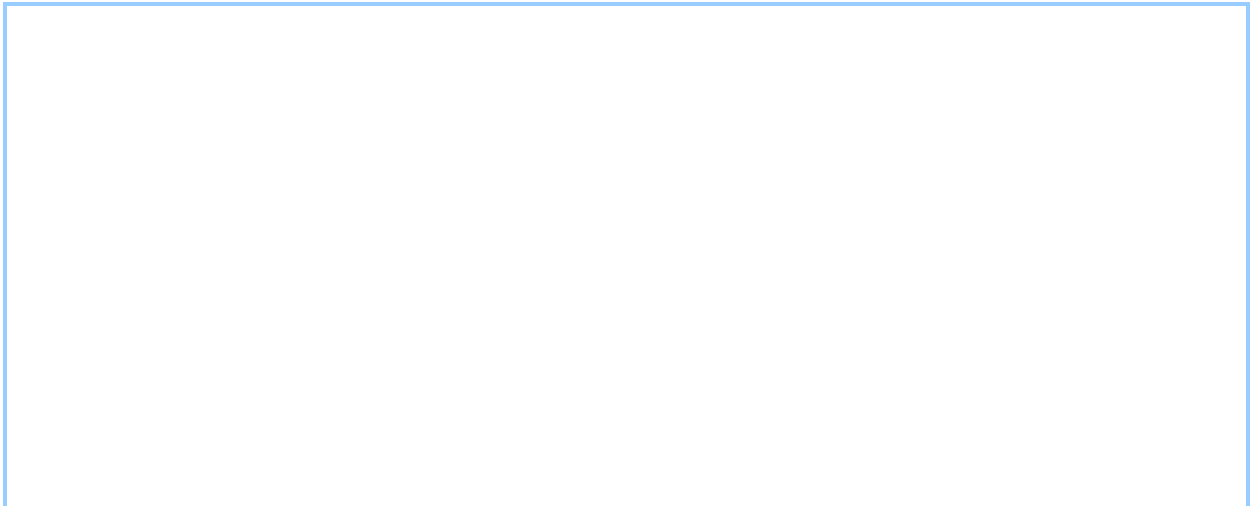53. In relation to each of the proposals we would like to know the following:

   (a) What are the likely benefits for your organisation?

[blank box]

   (b) What difficulties, if any, would implementing the proposal cause for your organisation?
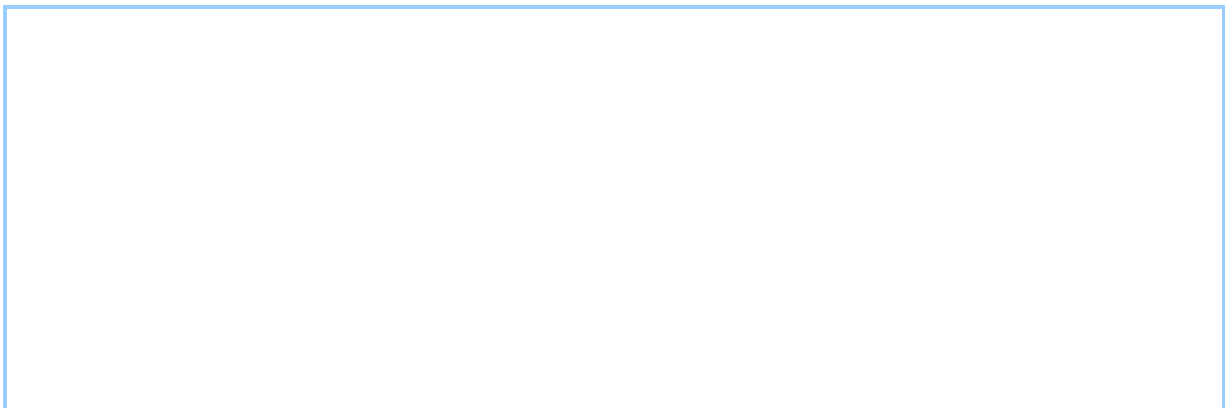
[blank box]

   (c) What are the likely cost and resource implications and can you indicate these costs?

(d) What savings, if any, would the proposal result in for your organisation?

(e) Do you envisage an effect on regulation and enforcement?

Finally

54. Do you wish to add anything that has not already been covered?   Yes ☐ No ☐

Sending us your response

We need to know how you wish us to handle your response and whether you are happy for us to make your response public. **Please make sure you complete the Respondent Information Form (RIF) at the beginning of the consultation questions.** Your comments will still be taken into account if you ask us not to publish your response. Please reply by email to: socialhousing@scotland.gsi.gov.uk.

Or alternatively by post: Social Housing Team

Scottish Government

Area 1-H South

Victoria Quay

Edinburgh

EH6 6QQ

You can also get involved in the consultation through Facebook and Twitter:

http://www.facebook.com/scottishhousingconsultation
http://twitter.com/housingregen

The closing date for responses is **30 April 2012**.

GOVERNMENT SOCIAL RESEARCH

Social Science in Government