

**WORKING GROUP ON HOUSING (SCOTLAND) ACT IMPLEMENTATION  
NOTE OF THIRD MEETING: WEDNESDAY 19 SEPTEMBER 2001  
VICTORIA QUAY, EDINBURGH**

**Present:**

<b>Richard Grant (Chair)</b>	<b>Scottish Executive</b>
<b>Archie Stoddart</b>	" "
<b>Malcolm Clark</b>	" "
<b>Dawn Abell</b>	" "
<b>Alan McKeown</b>	<b>CoSLA</b>
<b>Elaine Zwirlein</b>	"
<b>Linda Ewart</b>	<b>SFHA</b>
<b>Karen Watt</b>	<b>Scottish Homes</b>
<b>Michael Thain</b>	<b>CIH</b>
<b>Marion Gibbs</b>	<b>Shelter</b>
<b>Lesley Baird</b>	<b>TPAS</b>
<b>Isobel Wilson</b>	<b>TIS</b>

**WELCOME AND APOLOGIES**

1. **Richard Grant** welcomed members to the third meeting of the Working Group. Apologies were received from David Bookbinder (SFHA) and Karen Robertson (Scottish Homes).

**MINUTES OF SECOND MEETING**

2. These were agreed as an accurate record.

**MATTERS ARISING**

3. There were a number of issues arising from the previous meeting:

*Report back on short assured tenancies* – **Richard Grant** said that David Bookbinder had written to him, with a paper indicating that ending Short Assured Tenancies should not pose a particular problem. It was agreed that either the Scottish Executive or the SFHA would need to issue further information on short tenancies and this would be a matter for further discussion on the sub-group. **Linda Ewart** agreed to advise on whether the paper should be circulated to all members.

**Action: Scottish Executive/SFHA**

*Protection of RTB on existing terms* – a paper had been circulated which indicated some of the circumstances under which RTB rights would be protected. A related paper had been sent by David Orr of the Scottish Executive, to local authorities and housing associations involved in stock transfers. It was agreed that the paper could also be sent to those involved in Scottish Homes stock transfers. A particular issue was the preservation of the Right to Buy,

where tenants were compulsorily moved by their landlord e.g. demolition. **Elaine Zwirlein** pointed out that many tenancies are surrendered prior to a demolition, rather than requiring a court order. **Richard Grant** suggested that the order should, therefore, ensure that those voluntarily surrendering their tenancies in such circumstances would retain their existing rights, although the cost floor rules may apply for the new accommodation. In response to other questions, he also confirmed that successors not specifically mentioned in the paper would succeed to the modernised right and that those voluntarily moving house following a transfer to a charitable HA would effectively lose the RTB.

*Implementation workplan* – an updated version of the Gantt chart was circulated and attendees were asked to send any comments to Archie Stoddart or Malcolm Clark.

*Sub-groups* – **Richard Grant** reported that the first sub-group meeting (SST) had taken place the previous week and meetings of the other two (RTB and tenant participation) would commence shortly. He also confirmed that Ministers had confirmed the September 2002 date for the implementation of the main SST/RTB provisions.

*Lenders* – **Richard Grant** informed the meeting that he had written to the CML regarding the need to continue to protect the existing rights of lenders under assured tenancies to re-possess with vacant possession if the RSL fails to meet its repayment. CML had confirmed that they were content for this to fall when the SST was introduced

*Joint tenants* – a note was circulated regarding tenancies as principal residences, where a joint tenant may not meet the new requirement to have the house as their sole or principal home. **Marion Gibbs** thought that there would be relatively few instances where this would be an issue, but the circumstances would have to be explained. It was agreed that the position would not be protected, subject to **Alan McKeown** checking with some members by 28 September. On a related point, **Elaine Zwirlein** explained that in cases where joint tenancies were transferred to a single tenant, both the original tenants would remain jointly and severally liable.

**Action: CoSLA**

*Papers on the Internet* – **Malcolm Clark** reported that all WGHA I and sub-group papers would shortly be posted at a single Scottish Executive site on the Internet and that representatives would be informed of the address when it became live.

## **ALLOCATIONS GUIDANCE**

4. **Richard Grant** asked for advice on the content and timing of a circulated paper (WGHA I:9) on housing lists and allocations. He noted that there were not the time or resources available for full guidance to be issued on allocations policy, but he was happy for the introduction to be expanded and points identified for further advice. However, he did not want to stray into wider issues not covered by the new legislation. He would also welcome suggestions on good practice guidance – something the Regulator could advise on. He further recognised that there may be a need to develop some issues further, with choice-based lettings, local lettings and local connections being areas for possible further clarification.

5. **Elaine Zwirlein** said that this would probably be a matter for consideration with colleagues before a CoSLA response. **Karen Watt** said that local lettings was mainly about

protecting the position in more rural areas and that the document should reflect this. **Richard Grant** said that he got the impression that those present would like the guidance to go a little further and he would welcome further comments. However, he added that he would not want the advice to replicate that produced by the CIH on suspensions. On this latter point, **Michael Thain** said he would circulate the CIH's draft guidance round the Group for information. He added that they hoped to publish it at the end of the year. **Richard Grant** said that a further copy would be circulated incorporating points raised at the meeting, with the deadline for final comments being set for 5 October.

**Action: Scottish Executive, CIH and All**

6. **Richard Grant** then raised the timing of the publication of guidance and the implementation of the relevant legislation, bearing in mind that it was not dependent on other provisions. The Executive had originally been thinking that these provisions might be commenced later in the autumn or from 1 January, but Linda Ewart and Alan McKeown suggested that both RSLs and local authorities would require more time to prepare after the guidance was issued. Following discussion, it was agreed a 1 April 2002 date for the implementation should provide adequate time, with the guidance being issued for consultation at the end of October 2001. **Richard Grant** said he would advise Ministers of the Working Group's view.

#### **ALLOCATION OF RESOURCES**

7. An updated and more specific paper on the allocation of resources to support the introduction of the SST had been circulated (WGHA1-6a). **Malcolm Clark** gave an outline of the workings, together with mentioning a slight error in the calculations related to there being 61 smaller landlords, not 51 as specified. **Richard Grant** asked for views on the two options concerning whether the smaller landlords received a per capita payment in addition to the flat rate. He noted that the SFHA had not indicated a preference. Representatives from the two organisations with the greatest interest – CoSLA and SFHA – were comfortable with either option. Subsequently, it was agreed that a flat rate and per unit allocation to all providers would be adopted.

**Action: Scottish Executive**

8. **Alan McKeown** suggested that a cut-off date be set for determining the awards to each landlord. **Elaine Zvirlein** added that planning for SST implementation would be starting soon, so landlords had to be made aware of the size of payments they could expect. **Richard Grant** said that he wanted to ensure that the payments went to those landlords who would be faced with the costs which, in some cases, might include landlords not yet in existence. He wanted to make sure that the monies were spent appropriately, with landlords able to give a clear account of how the resources were used. He added that the allocation would be divided equally between the two years and that he expected to indicate provisional allocations to landlords at some point in the current calendar year. However, exact details would be determined by Ministers.

#### **TENANT PARTICIPATION – CAPACITY FOR CHANGE INITIATIVE**

9. **Richard Grant** noted that a paper (WGHA1-10) had been circulated summarising the current position. After consideration, it was decided that an audit had not been seen as

practical, particularly as no up-to-date model had been available. Landlords could still conduct audits if they wanted, but this would not be a pre-condition to being allocated resources. He went on to mention that development officers could be appointed to help develop the initiative. If such a move could be agreed by the Group, then the relevant sub-group could consider the detail of such appointments.

10. In the discussion, all were content with the proposal that independent tenant participation audits should not be a requirement. On the appointment of development officers, the CoSLA representatives thought this would be a good resource, but steps should be taken to ensure that their role was clear and their efforts were not duplicated elsewhere. On this latter point, **Richard Grant** thought the development officers would carry out a national facilitating role, not deal with every housing provider, while others suggested that representative groups would have a role of advising individual landlords.

11. **Archie Stoddart** said that the Scottish Executive would not be keen to house and directly employ development officers. **Michael Thain** added that some form of advisory group could be formed to oversee their appointment and work. **Lesley Baird** was of the view that the positions should rest with one organisation. **Richard Grant** suggested that further details should be considered by the TP sub-group.

12. On the issue of resource allocation between landlords, **Richard Grant** confirmed that there was £4.5 million to be dispersed in the next two financial years, with only a small part of that possibly being top-sliced to cover the appointment of development officers. He went on to ask for views on the allocation.

13. The general view was that a formula similar to that agreed for the SST implementation should be adopted, with the Scottish Executive to provide draft figures and the payments to be made via Communities Scotland.

**Action: Scottish Executive**

#### **ANY OTHER BUSINESS**

14. There was no other business.

#### **DATE OF NEXT MEETING**

15. It was agreed that the next meeting of the Working Group would be arranged for a Wednesday near the start of November.

Scottish Executive Development Department  
9 October 2001