

**MINUTES OF THE SECOND MEETING OF THE WORKING GROUP ON
HOUSING ACT IMPLEMENTATION – RIGHT TO BUY SUB GROUP
1 NOVEMBER 2001, CONFERENCE ROOM 4, VICTORIA QUAY, EDINBURGH**

Attendees

Mr Richard Grant, Scottish Executive (Chairperson)
Mr Archie Stoddart, Scottish Executive
Mr Malcolm Clark, Scottish Executive
Ms Carolyn Stewart, Scottish Executive
Mr Dave Alexander, Scottish Federation of Housing Associations
Mr Alan McKeown, Convention of Scottish Local Authorities
Mr David Watkins, Communities Scotland
Ms Lindsey Robertson, Communities Scotland
Mr Jamie Ballantine, Tenants Participation Advisory Service

Welcome

Mr Grant welcomed members to the second meeting of the sub group. He said that following the last meeting the Executive had drafted parts 3 and 4 of the guidance as agreed and that he intended discussing each part in turn if members were agreeable.

Apologies

Apologies were received from Mr Gavin Corbett and Mr Michael Thain.

Minutes of the meeting held on 25 September

The minutes were agreed.

Matters arising

Mr Grant spoke to paper 4 and said that the draft framework which had been agreed at the last meeting was to set out the right to buy and the modernised right to buy in separate chapters cross referring as necessary. However on drafting these chapters it became apparent that this perhaps was not the best way in which to continue and that maybe the two chapters should be amalgamated. He asked members for their views.

Members agreed with Mr Grant and it was decided that the chapter should be re-written as the modernised right to buy as it will exist and where relevant explain the 'old discounts and qualifying periods'. The introduction should explain the origin of the right to buy, i.e the 1987 Act and what the current position is as set out in the 2001 Act.

Mr Grant also explained that it was not his intention to discuss paper 5 on the existing Right to Buy at this meeting as this was just an initial draft to give members a flavour of what the guidance might look like. However members were welcome to send any views they had on this paper to the Executive. He then proceeded to discuss papers 6 and 7.

Action: Chapters 2 and 3 to be merged. Include introduction, description, main content and further material on transitional arrangements.

Draft Guidance

Paper 6 The modernised right to buy

From discussion the following amendments were proposed:-

- Paragraph 1: A more general introduction required;
- Paragraph 3: Difficult to give more guidance on exceptional circumstances as the legislation is vague in this area;
- Paragraph 4: Re-write in merge;
- Paragraph 8: Further explain capital costs in merged document. Guidance will be drafted on existing cost floor rules and can be amended at a later date if necessary;
- Paragraph 11: Expand;
- Paragraph 13: Explain housing legislation in this context and that charitable status is a matter for RSL's and the Inland Revenue; following receipts of advice, mention contractual RTB to ensure advice comprehensive;
- Paragraph 14: Expand with more from existing position;
- Paragraph 25: communities Scotland to consider and respond;
- Paragraph 33: To consider if final bullet point should also refer to assignments;
- Paragraph 50: Delete 'respond to' and insert 'come to a decision on';
- Paragraph 58: Position on arrears to be clarified;
- Paragraph 66: Timescales to be sharpened up after consultation but the normal is 28 days;
- Paragraph 67: To be made clearer;
- Paragraphs 69 to 76: Point out that CIS is not an entitlement to a tenant whose RTB has been suspended but that it is a strategic tool for Local authorities to apply across the board;

Action: Mr Watkins to ask the views of the regulator regarding its position on charitable status and also ensure that the CIS part of paper 6 is circulated within Communities Scotland asking for views or issues which might arise.
COSLA/SFHA wish to seek clarification/contentment from the Tripartite Working Group on this matter.

Paper 7 – The transition to the modernised right to buy

It is hoped that this paper will be circulated with the relevant order and Mr Grant will check over the timetable.

- Paragraph 9: Perhaps make clearer that compulsory transfers retain 'old' conditions
- Paragraph 17: Reference to 'new house' ambiguous change to 'different house' or 'moving within RSL housing stock';

Mr Thain from the CIH had raised an issue with Mr Clark prior to the meeting regarding the landlords likely obligations in providing prospective RTB purchasers with information on future maintenance of the property. He thought that there may be an issue where certain information had not been disclosed by the landlord or indeed could a landlord be held responsible if it had not predicted a future problem. It was felt that a balance should be struck as to making tenants aware of their responsibilities as an owner whilst advising them

of any planned work the authority intended to carry out within perhaps the next year. It was agreed that the RTB guidance make reference to the kind of information landlords are likely to provide to prospective RTB purchasers.

It was agreed that the treatment of receipts would simply be noted in passing in the guidance (possibly in the introduction). The guidance might simply make reference to the Communities Scotland manual which would explain the position in further detail for housing associations. (Mr Alexander said that the SFHA would be happy to provide assistance in updating the manual. Communities Scotland to consider this offer) and equivalent advice issued to local authorities.

Follow up

Mr Grant said that papers 6 and 7 would be revised in light of the groups comments and would be circulated to the main Working Group for its next meeting on 14 November. This group should meet again for the last time at the end of November to discuss the revised papers following the new agreed structure, and thereafter the Executive would correspond with members to finalise the guidance prior to issuing it for consultation.

Date of next meeting

The date of the next meeting was arranged for Wednesday 28 November at 3pm in Rooms 1F 54/55 Victoria Quay.

Mr Grant closed the meeting and thanked everyone for attending.

The Scottish Executive
November 2001