

MINUTES OF THE THIRD MEETING OF THE GROUP ON HOUSING ACT IMPLEMENTATION – RIGHT TO BUY SUB GROUP 28 NOVEMBER 2001, ROOMS 1F54/55, VICTORIA QUAY, EDINBURGH

Attendees

Mr Richard Grant, Scottish Executive (Chairperson)
Mr Malcolm Clark, Scottish Executive
Ms Catriona Hardman, 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
Mr Jamie Ballantine, Tenant Participation Advisory Service

Welcome

Mr Grant welcomed members to the third meeting of the sub group. He started by saying that he hoped the draft guidance circulated to members would meet landlords' needs. He continued that the guidance contained a lot of cross referencing and that the procedural operations of the scheme(s) were contained in an Annex which was largely based on an existing Scottish Homes document. If members agreed, he intended discussing the guidance and draft orders in turn and would accept general comments. Detailed comments would also be accepted, preferably in writing, by 30 November.

Apologies

Apologies were received from Mr Archie Stoddart and Ms Lindsey Robertson.

Minutes of the meeting held on 1 November

The minutes were agreed.

Matters arising

The general opinion from members was that the guidance was clear and achieved its aim. However a short discussion followed as to whether or not further guidance would issue from the Executive on the procedural operation of the scheme(s) and whether mention should be made to HAG abatement and receipts. Mr Grant said that it was not the Executive's intention to issue further guidance on the procedural operation but agreed that the Executive would make brief mention of receipts and where to go for further advice.

Draft Guidance

The group was content with the layout of the guidance including the annex and agreed to proceed through the guidance page by page. From discussion the following amendments were proposed:-

Part 1: Introduction

Paragraph 2: make clear that the term modernised right to buy is used to refer to the right to buy following the implementation of the 2001 Act.

Part 2: The Modernised Right to Buy

Paragraph 6: amend 'follow' to 'following';

Paragraph 7: expand 'as described below' to say which paragraphs, sections, etc info can be found;

Paragraph 11: Raised the 'intentionally homeless' question where a joint tenant does not exercise their RTB and needs re-housed – sentence to be added;

Paragraph 15: 'part III' in Roman numerals and therefore not consistent with references to other 'part references'; ensure consistency throughout document; delete extra fullstop;

Paragraph 19: Short explanation/scene setting paragraph required prior to paragraph 19;

Page 8: Missing paragraph number which has a knock on effect for subsequent paragraph sequence;

Paragraph 24: after 'restrictions' insert 'subject to Order No and Date and also make reference to the 1987 Act';

Paragraph 30; Bullet point 1 should read Section 83 of the 1987 Act; bullet point 2 make reference to Section 3b of the 2001 Act;

Paragraph 52: clarify geographic area as opposed to property type;

Paragraph 53: bullet point 1 clarify – insert 'whether under a secure tenancy or an assured tenancy'

Paragraph 65: Expand last sentence to say that the Local Housing Strategy seeks to address pressured area status

Paragraph 87: delete 'qualifying' and after private sector insert 'who are eligible under the terms of the qualifying scheme';

Paragraph 91: bullet point 1- £10,000 figure to be re-considered; bullet point 3 delete 'sale' and insert 'land';

Paragraph 94: delete 'should' and insert 'may';

Paragraph 98: Guidance may change after further discussions as Executive currently reviewing it's position on the PRTB.

Part 3: The Transition to the Modernised Right to Buy

Paragraph 101: Review as paragraph should be tied to tenants;

Paragraph 102: Bullet point 4 amend to read 'rent to mortgage';

Paragraph 112: Insert date the 2001 Act received Royal Assent;

Paragraph 116: insert 'statutory' after 'a' and before 'right to buy'.

ACTION: The Scottish Executive to make necessary changes and pay particular attention to detail regarding references and paragraph numbers;

Mr Watkins and Mr McKeown to refer paragraph 94 to Maud Marshall and the next meeting of the Local Housing Strategy Group respectively.

Annex A

Any comments to be sent to the Executive as soon as possible.

Annex C

Agreed

Draft Orders

Mr Grant briefly explained the draft orders and asked the group to offer any comments. He then invited Ms Hardman to briefly outline the purpose and intention behind them. She said that there was a need to look at the PRTB regarding a few thousand Scottish Homes tenants to ensure their rights would continue should they further transfer and also to safeguard the rights of tenants who transfer to a charitable housing association. The remaining Order was to allow those authorities completing stock transfers prior to September 2002 to give their tenants the new SST at date of transfer. Following a brief discussion, Mr Grant said that he would speak to the Solicitors further on these matters.

Conclusion

Mr Grant re-iterated that any further comments on the draft papers be sent to the Executive by 30 November. He then asked members if they wished to see a copy of the revised guidance prior to its issue. All agreed that this would not be necessary as it was more important to proceed to consultation as soon as possible. It was hoped that the guidance would be ready for issue by mid December with a 12 week consultation period. COSLA and the SFHA are to prime their members in order that the Executive can receive a consolidated response from both organisations. The group would meet again following the consultation exercise to consider responses.

Mr Grant closed the meeting and thanked everyone for attending.

The Scottish Executive
December 2001