

**WORKING GROUP ON HOUSING ACT IMPLEMENTATION:  
SUB-GROUP ON SCOTTISH SECURE TENANCY:  
FIRST MEETING 11 SEPTEMBER 2001, VICTORIA QUAY**

**Present:**

**Archie Stoddart, Scottish Executive (Chair)**  
**Pat Tracey, Scottish Executive**

**Geralyn Lewis, SFHA**  
**Ian Kerr, Scottish Homes**  
**Marion Gibbs, Shelter**  
**Gordon Birrell, TPAS**  
**Isabel Wilson, TIS**

**Welcome and Introduction**

1. **Archie Stoddart** welcomed members to the meeting and introductions were made. **Geralyn Lewis** explained that she was attending in place of Dave Alexander. **Ian Kerr** was replacing Jim Harvey. Apologies were received from **Alan McKeown, COSLA**.

2. **Archie Stoddart** explained that the remit of the sub-group was to look at to look at detailed aspects of the Scottish Secure Tenancy consider and advise upon the detailed guidance for the implementation of the new Scottish Secure and short Scottish Secure Tenancy arrangements. He said that this meeting would consider the structure of the proposed guidance and that it was likely that a further two meetings of the Group would be required; one around the end of October to look at a draft of the proposed guidance and one around the middle of November, to finalise the draft. The final draft would then be put out to consultation in December , including to the Social Justice Committee, and the final guidance would issue around 30 April 2002.

3. **Pat Tracey** said that the glossy version of the SST Information Leaflet produced by the main WGHA I Group in August had now been received and would be circulated in bulk to landlords, tenants groups and housing professional interests. **Archie Stoddart** said the guidance to be prepared by this sub-group would flesh out the detail of the provisions in the Act and give landlords advice on what they needed to do to implement the provisions.

4. **Pat Tracey** advised that the model Scottish Secure Tenancy Agreement was now at print and would be available by the beginning of October. A first draft of the short Scottish Secure Tenancy Model would be available in October and this Group would be asked for its views on that document at its next meeting.

**Paper WGHA I:SST-1: Structure of SST and short SST Guidance**

5. The Group went on to consider the proposed structure for the SST and short SST guidance set out in WGHA I:SST-1. A useful discussion followed with helpful input from members. The following points were agreed- these are shown under the heading used in the Structure:

## **Legislative Framework**

- include reference to model tenancy agreements and to common law.
- include an Annex with the provisions of the 2001 Act for ease of reference (cf Homelessness Code of Guidance)

## **Scottish Secure Tenancy**

- explain the position of Scottish Homes (Communities Scotland) tenants;
- make links throughout with provisions of Act;
- include definition of 'separate dwelling'
- consider including glossary of terms

## **Tenancies which are not Scottish Secure Tenancies**

Accommodation for homeless persons - stress that this is only where let is for less than 6 months and that lets for 6 months or more would be short SSTs.

**How SST end?** - spell out new provision of ending SST by conversion to short SST

**Termination of joint tenant's interest in tenancy** - this is new and should be spelled out

**Proceedings for recovery of possession** - need to cross refer to qualifying persons, and to clarify for RSLs that Notice of Proceedings mechanism and Notice to Quit not required.

**Rights of Qualifying Occupiers** - New. Concerns about how landlord to know who they are. Tenant's obligation to make landlord aware and landlord to make tenant aware that this is required. Audit trail of notice to qualifying occupier necessary.

**Powers of Court** - need to make clear what is meant by 'conduct' of others - e.g. would this cover Housing Benefit fraud?

**Succession to SST** - need to clarify hierarchical order where e.g. claims by joint tenant and spouse or co-habitee to succeed. This is particularly important in the context of the RTB. Under "co-ops" need to make clear throughout the guidance that not only must all tenants of a fully mutual co-op be members; all members must also be tenants.

**Tenancy agreement and information** - Guidance should spell out the need for information on request to be as accessible as possible and for landlords to be open and accountable.

**Variation** - Need to spell out the relevant terms of the Requirements of Writings (Scotland) Act 1995.

**Increases in rent or charges** - Stress need for landlords to involve tenants from the beginning when setting rent policy, perhaps through annual rent setting conferences. In taking account of tenants' views, important to let tenants know, perhaps in 4 week rental increase notice, why decisions taken.

**Assignment, subletting and exchanges** - explain fully mutual co-op member/tenant rule.

**Types of short Scottish Secure Tenancies** - Important to refer up front to support to enable conversion to full SST. Need to define "housing support services which are appropriate," and resource implications. Need to spell out what landlords can do if tenant refuses support. Under accommodation for homeless persons need to cross-refer to homelessness provisions and to clarify status of lets under 6 months.

**Support for 'probationary' short SSTs** - make clear that support to enable conversion should be linked to landlord's stated expectations, and give examples

**Conversion to short SST due to ASBO** - It was agreed that further consideration needed to be given to the difficulties of checking whether ASBO in place.

**Appeals** - The guidance should spell out the need for landlords to let tenants know about their rights of appeal and about the rights of qualifying tenants.

6. **Archie Stoddart** brought the meeting to a close by thanking members for their helpful input and advising that a draft would now be prepared for circulation in advance of the next meeting. The Executive would contact members to arrange suitable dates for two more meetings around end October and mid -November.

Scottish Executive Development Department  
Housing 2-3  
September 2001