

WORKING GROUP ON HOUSING (SCOTLAND) ACT IMPLEMENTATION: SUB-GROUP ON TENANT PARTICIPATION

**NOTE OF FIRST MEETING: TUESDAY 9TH OCTOBER 2001, CONFERENCE
ROOM 8, VICTORIA QUAY, EDINBURGH**

Present:

Scottish Executive

Archie Stoddart
Pat Tracey
Dawn Abell

Ilene Campbell, TIS
Karen Robertson, Scottish Homes
Bill Gillespie, Scottish Homes
David Wood, STO
Lennie Lawrence, STO
Lesley Baird, TPAS
Jean Mackay, TIGHRA
David Bookbinder, SFHA
Alan McKeown, COSLA

INTRODUCTION AND APOLOGIES

1. **Archie Stoddart** welcomed everyone to the meeting.

REMIT AND TIMEFRAME OF GROUP AND PROCESS

2. **Archie Stoddart** explained that the main objective of the Group was to draw up guidance on tenant participation in relation to sections 53 and 54 of the Housing (Scotland) Act 2001. This would assist landlords to implement the provisions within the Housing (Scotland) Act 2001. Other areas of work, resource allocation for tenant participation and development officers (agenda item 8 and 9) had also been remitted to the sub-group from the main working group and this was to be viewed as secondary work. The guidance would be issued for consultation in early January 2002. The Group's remit would be to provide a steer to the main working group, with their views reported to Ministers.

IMPLEMENTATION GUIDANCE

3. **Archie Stoddart** began by explaining that he viewed the guidance on tenant participation as being closely linked to the legislation with some cross reference to good practice and examples. He invited the Group to comment on how they had perceived it.
4. **Lesley Baird** said that there was a lot of good practice guidance on tenant participation available which needed to be pulled together and be used in conjunction with the new guidance. She suggested reissuing the Codes of Practice, produced by Tenant Participation Working Group, as a pack. **Pat Tracey** agreed to do this. There was some

discussion over what the guidance would consist of. **Archie Stoddart** reiterated that the purpose of the guidance is not to produce a handbook or good practice note on tenant participation but to explain the new legislation and what it means for landlords. He added that any good practice referred to in the guidance would be easily accessible.

5. **Ilene Campbell** took the Group through a framework for tenant participation guidance that was produced by TIS, TPAS, STO and TIGHRA. She explained that all the headings were inter-related and formed part of an overall tenant participation strategy. **Lesley Baird** expressed concern that there would possibly be cases whereby small tenants groups, for example on an island or those in sheltered housing, would not be registered groups under the new legislation and therefore would not be consulted. However, these groups were being consulted at the moment. She suggested that some reference be made to these groups in the guidance, for example if landlords were consulting non-registered groups now they would be encouraged to continue to do so in the future even if it was not a statutory requirement. **Pat Tracey** explained that legislation requires landlords to consult all tenants and registered groups. Therefore if a group was not registered they would nevertheless be consulted as individual tenants.

6. **Archie Stoddart** suggested that the writing of the guidance should be split up into what would be the responsibility of the Executive and what would fall to the Group. It was agreed that the Executive would expand on the draft framework and distribute it to the Group for comment. The Executive would take the lead in most areas and liaise with experts within in the Group where appropriate.

TENANT PARTICIPATION HEALTH CHECK

7. **Ilene Campbell** explained that the Health Check was linked to the National Strategy for Tenant Participation. It was a tool whereby tenants and landlords would assess where they were in the tenant participation process and therefore be able to identify the areas with effective tenant participation and those with none. The Group consensus was that the Health Check was good but questions were raised over whether it should be launched as:

- a. part of the guidance; or
- b. separately/stand alone; or
- c. the regulator to distribute it; or
- d. the regulator to draw attention to it.

8. **David Bookbinder** expressed concern that if it was distributed by the Regulator it would be viewed as mandatory when this was not the case.

9. **Archie Stoddart** said the Group needed to decide what the Health Check would be part of and welcomed comments from the Group, especially Scottish Homes. **Pat Tracey** suggested that it could be distributed in advance of the guidance together with the resource allocation letter to landlords. It was agreed that the Scottish Executive would do this.

LEAFLET FOR TENANTS

10. **Archie Stoddart** explained that, as part of the Housing Voluntary Grants Programme, TIS was producing a leaflet for tenants on tenant participation. **Ilene Campbell** said the leaflet would explain the Act, provide a checklist of issues and give practical guidance on implementation. **Pat Tracey** said that although it was originally aimed at landlords and tenants she now understood it to be for tenants only. It was agreed this leaflet would need to be in line with the main guidance and that a first draft would be produced by the end of November (NB: a meeting of the Group has been arranged for 4 December and it would be helpful if a first draft was available by then).

TENANT PARTICIPATION - RESOURCE ALLOCATION

11. **Archie Stoddart** explained that the mechanism for distributing the resources for tenant participation were based on the same principle as the distribution of £10m, agreed at an earlier meeting of the Housing Act Implementation Working Group(WGHAI). There was a combination of a flat rate and per capita rate. It would be distributed in two tranches over two years and it was Ministers intention that it would be distributed directly to landlords. He advised that the figures tabled were indicative figures and that our statistics department would be providing the final figures. He also advised that the use of the resources would be related to outcomes/objectives.

12. **Jean Mckay** expressed concern that landlords with dispersed stock would incur extra costs in implementing the tenant participation provisions in the Housing (Scotland) Act 2001. She suggested an extra 'distance' payment. **Ilene Campbell** also expressed concern that smaller landlords would maybe find it financially difficult to implement the provisions, even with the resources provided by the Executive. **Archie Stoddart** explained that the resources provided by the Executive would be to assist with implementing tenant participation provisions in the Act, not to cover all costs. **Pat Tracey** suggested sharing of resources and advised that some local authorities were considering providing services for RSLs in their area.

13. The Group agreed that they were content with the formula for distributing resources. **Alan McKeown** asked how it would be distributed. **Pat Tracey** advised that the Executive would administer it, in two amounts over two years. The division of this (ie 50/50 or 60/40) had not been decided and this would fall to the WGHAI.

DEVELOPMENT OFFICERS

14. There was discussion about the potential for funding development officers to help landlords implement the tenant participation elements of the Act, and what the nature of their role could be.

15. **David Bookbinder** advised that SFHA Policy Committee had discussed the issue of Development Officers and overall were opposed to them. It was felt that the resources should be distributed directly to landlords who would decide themselves what to spend it, on subject to the requirements of the funders. SFHA doubted that the appointment of Development Officers would increase the amount of tenant participation expertise available. SFHA also raised concerns over practical issues, for example how would you prioritise access and the issue of those who were paying for tenant participation expertise. After discussion the

remainder of the group felt that there was merit in discussing the potential for development officers further.

16. It was agreed that a fuller discussion on Development Officers was necessary to tease out main issues. Another meeting was arranged for 6th November at 12.30.

DATE OF NEXT MEETING

17. A subsequent meeting on 4th December was agreed.