

**REPORT TO: COMMUNITIES COMMITTEE ON 10 JUNE 2008**

**SUBJECT: HOUSING (SCOTLAND) ACT 2006: CONSULTATION ON DRAFT GUIDANCE AND REGULATIONS**

**BY: DIRECTOR OF COMMUNITY SERVICES**

**1. REASON FOR REPORT**

- 1.1 This report is to advise Members of the consultation on the draft Guidance and Regulations for the Housing (Scotland) Act 2006. It sets out the proposed process for preparation and agreement of a Council response.
- 1.2 This report is submitted to Committee in terms of the Council's Administrative Scheme relating to the Council's housing functions.

**2. RECOMMENDATION**

**2.1 It is recommended that the Communities Committee:-**

- (i) **agrees that the Council considers its response at its meeting on 2 July 2008; and**
- (ii) **agrees that any comments on the Consultation be passed to the Chief Housing Officer by 20 June 2008.**

**3. BACKGROUND**

- 3.1 This consultation seeks views on the Guidance and Regulations that the Scottish Government should give to local authorities on how they should implement the powers and carry out the duties of the Housing (Scotland) Act 2006. The Act introduced new methods of local authorities assisting and, where necessary, compelling private owners to take action to improve the condition of their houses, with a new emphasis on loans to owners for improvements and extended duties to provide advice and assistance to private owners. It also opens the way to a new approach to helping owners adapt their houses to suit disabled applicants. A previous report outlining the main provisions of the Act was presented to Policy Committee on 29 August 2007 (paragraph 35 of the minute refers). The main provisions are presented in **APPENDIX I**.
- 3.2 The Guidance is in 6 parts:-

**Volume 1: Preparing and Delivering.** This volume is particularly relevant for Councillors. It sets out the overall approach to dealing with the quality of private sector houses and the policy implications. It also looks at the Guidance overall, the transitional arrangements and factors to be considered in the development of a strategic approach.

**Volume 2: Housing Renewal Areas and Repair, Improvement and Demolition.** This volume considers the revised powers to deal with

substandard houses, and identifies issues local authorities will need to consider when implementing these powers. It also provides good practice examples.

**Volume 3: Maintenance.** This volume considers the new powers to issue maintenance orders and issues associated with their use.

**Volume 4: Tolerable Standard.** This volume introduces the updated standard and guidance for the assessment of properties.

**Volume 5: Scheme of Assistance.** This considers the framework that local authorities can use to decide on their priorities for financial assistance to owners and sets out a framework for a local authority's Scheme of Assistance Statement. It also deals with issues in relation to advice, information and practical assistance

**Volume 6: Proposals for a National Trusted Trader Framework.** This volume considers proposals for the development of a national scheme.

In addition, consultation is also being carried out on draft regulations. The total volume of the consultation documents is 497 pages.

3.4 There are certain core considerations that the Government hopes local authorities will bear in mind when reading the draft guidance and when commenting on it. These are:

- the policy objectives (see volume 1 page 6);
- the roles of central and local government in achieving the objectives;
- the impact on the individual and the community;
- effective and cost-efficient delivery.

3.5 The Scottish Government has issued a consultation proforma with specific questions for response. The deadline for the response is 1 July.

3.6 A copy of all the consultation documents has been placed in the Member's library.

#### **4. PROCESS FOR RESPONSE**

4.1 A draft response cannot be submitted to the Council prior to 2 July 2008, given the volume of work involved. The Scottish Government has indicated that a draft response can be submitted by 1 July 2008, with any alterations/amendments being notified to the Government following the Council meeting on 2 July 2008.

4.2 Officers from Housing, Environmental Health and Trading Standards attended a consultation event in Inverness on 15 May 2008 when key points of the consultation were highlighted. It is clear that the Council's response to the Consultation will involve a wide range of Services.

- 4.3 Should Members wish to comment on the Draft Guidance, it is suggested that comments are passed to the Chief Housing Officer by 20 June 2008.

## 5. **SUMMARY OF IMPLICATIONS**

### **(a) Corporate Development Plan/Community Plan/Service Improvement Plan**

The improvement of housing quality and maintaining individuals with disabilities within their communities are key parts of the Community Plan, Corporate and Service plans.

### **(b) Policy and Legal**

This guidance contains key policy and legal implications which will be fully considered in the consultation response.

### **(c) Resources (Financial, Risks, Staffing and Property)**

The resource implications for The Moray Council will be considered as part of consultation response.

### **(d) Consultations**

Consultation has taken place with the Director of Community Services, the Chief Housing Officer, the Head of Community Care, the Head of Financial Services, the Director of Environmental Services, and the Chief Legal Officer.

## 6. **CONCLUSION**

- 6.1 **The draft Guidance is complex and requires detailed consideration to be undertaken by Officers as it will shape the way that the Council will provide future services to owner occupiers and people with disabilities that require adaptations to their homes. This report has set out the process and timetable for the Council to consider its response to the Draft Guidance.**

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Background Papers: with author  
Ref: CC/IT/TA – Housing(Scotland) Act 2006 – 10 June 2008