

**REPORT TO: THE MORAY COUNCIL ON 2 JULY 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**SUBJECT: HOUSING (SCOTLAND) ACT 2006: CONSULTATION ON DRAFT GUIDANCE AND REGULATIONS**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- 1.1 This report is to ask the Council to approve The Moray Council's response to the consultation on the draft Guidance and Regulations for the Housing (Scotland) Act 2006.
- 1.2 This report is submitted to Committee in terms of the Council's Administrative Scheme relating to housing.

**2. RECOMMENDATION**

- 2.1 It is recommended that the Council agrees the attached draft response.**

**3. BACKGROUND**

- 3.1 The consultation seeks views on the Guidance and Regulations that the Scottish Government should provide 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. It also opens the way to a new approach to helping owners adapt their houses to suit disabled applicants. The Scottish Government state it is the biggest change in national policy in these areas for thirty years. 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).
- 3.2 Key changes that effect the Council are a new emphasis on loans to owners for improvements and extended duties to provide advice and assistance to private owners.
- 3.3 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 and the transitional arrangements.

**Volume 2: Housing Renewal Areas and Repair, Improvement and Demolition.** This volume considers the revised powers for dealing 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 the 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.

#### **4. RESPONDING TO THE CONSULTATION**

- 4.1 The Scottish Government issued a consultation proforma with specific questions for response, with a deadline for the response of 1 July. The amount of work to prepare a response meant that approval for the response could not practicably be taken to any Committee prior to the full Council meeting on 2 July 2008. Officers discussed this with the Scottish Government who asked that the Council submit a draft response by 1 July and a final response after the full Council on 2 July. A report was presented to Communities Committee on 10 June 2008. The Committee agreed to this course of action.
- 4.2 Officers from Environmental Services and Community Services have input into the draft response. Although some specific questions are raised in the response, the clarity and comprehensive nature of the draft guidance are to be welcomed.
- 4.3 A copy of all the consultation documents has been placed in the Member's library.

## 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, the draft Single Outcome Agreement and Service plans.

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

This guidance contains key policy and legal implications which have been considered whilst the response was drafted.

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

The resource implications for the Council can be met from the Private Sector Housing Grant budget.

### **(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 This new Guidance is complex and detailed. Although the draft response does raise some specific questions, the draft guidance is generally welcomed. It is comprehensive and will shape the way that the Council will provide future services to owner occupiers and people with disabilities that require adaptations to their homes.**

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Background Papers: with author

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