1. The City of Edinburgh Council welcomes the opportunity to submit written evidence to the Local Government and Communities Committee in relation to the Housing (Scotland) Bill 2010.

2. Much of the Bill is in line with the Council’s response to the earlier consultation in August 2009. The Council welcomes the proposed legislation on modernising social housing regulation and reform of the Right to Buy, as well as amendments to the Housing (Scotland) Act 2006 and protection to “unauthorised” private rented tenants.

3. There are, however, some areas where the Council believes that further consideration is required.

**Part 11 – Right to Buy**

4. The Council welcomes the limitations on Right to Buy placed on new tenants and tenants of new supply. The Council believes, however, that limitations on the Right to Buy should extend to all tenants of new supply social housing where the properties were first available to let after 25 June 2008, and not just for tenants who move into the new supply after section 131 of the Bill is enacted/implemented. Existing tenants should, however, be allowed to carry their entitlement if they move to another house which is not defined as new supply social housing.

5. The Council welcomes the greater flexibility given to local authorities to designate areas and types of property as pressured, thereby exempting them from Right to Buy for up to ten years.

**Part 12 – Registration of Private Landlords**

*Access to Register: Additional Information*

6. The amendments of legislation in relation to landlord registration are generally welcomed. However the Council still has concerns over the practicalities of making information on refused and removed registrations available on the public register. Whilst we agree with the principle behind this, in practice it will be extremely difficult to ensure that the enquirers have identified the correct person given the limited information they are likely to have. Given the volume of landlords on the register, an enquiry by only the name of a landlord would be insufficient for the enquirer to correctly identify the landlord concerned. It is our view that information on refused and removed registrations should be made available through enquirer contacting the local authority. This will allow the enquirer to access accurate and the most up-to-date information through dialogue with the local authority. In addition, enquiries are currently made through property address; it is not considered appropriate to continue linking a landlord with a property address if he/she is no longer letting that property.

**Part 13 – Amendment of Housing (Scotland) Act 2006**

*Amendment of HMO Licensing Regime*

7. The Council has noted that the Bill does not introduce a change in definition of an HMO which would bring "short term lets" into the licensing
regime, but does provide Scottish Ministers with the power to introduce a new category by order. The Council continues to be concerned about the loophole that exists which allows short term lets to be exempt from HMO licensing and, if it is not to be incorporated into the Bill at this time, would welcome further consultation on this in the near future.

8. The Council welcomes the proposal of a statutory provision which introduces adoptive / discretionary powers to take account of planning status when considering HMO licence applications. We are, however, concerned about the introduction of an additional ‘decline to consider’ decision making process which could be subject to challenge. This would be a significant burden to local authorities, making the process more complicated.

9. The City of Edinburgh Council proposes an alternative - the adoption of a process similar to that currently provided for liquor licensing. In Edinburgh, a planning application is only required where homes are for 6 or more unrelated persons as this is seen as change of use from simply residential. HMO applications for these homes could be required (by Council resolution) to submit a ‘planning certificate’ with their application. An application without the required certificate would simply be considered as invalid, with no additional decision-making process.

The City of Edinburgh Council

11 March 2010