SUBMISSION FROM EAST LOTHIAN TENANTS AND RESIDENTS PANEL

Introduction
1. Members of the East Lothian Tenants and Residents Panel (ELTRP) welcome the content of the Housing (Scotland) Bill March 2010. The ELTRP response focuses on the following sections:

   - Introduction of the Scottish Housing Regulator
   - The development of the Scottish Social Housing Charter
   - Ending the Right to Buy on new supply housing and for new tenants
   - Measures to improve the private rented sector and owner occupied properties
   - Other issues we feel need consideration for improvement.

The Scottish Social Housing Regulator
2. ELTRP recognise the need and importance that the Scottish Housing Regulator (SHR) should be an independent Board that will regulate both housing association and local authority landlords.

3. ELTRP strongly request that the SHR powers and how they will work in practice are clearly explained /outlined.

4. ELTRP seek assurances that the SHR will be adequately resourced and funded to promote and safeguard the rights of tenants, prospective tenants, homeless and other service users. We would stress that resources should not be met through tenants rents.

5. ELTRP welcome the Bill contains proposals to give social landlord tenants direct access to the Regulator to report issues relating to poor performance. ELTRP are also of the view that the SHR Board should be accessible and adequately resourced to deal with the needs of all its customers (social landlords, tenants, taxpayers and other stakeholders).

6. It is essential that a tenant / tenants are represented on the Board and that s/he has sufficient knowledge to influence the operations of the Board. The tenant representative on the Board in turn should receive ongoing, independent support and advice to fulfil his her duties accordingly. We feel it is a heavy burden on one individual to represent Scottish tenants.

7. ELTRP feel that the SHR should be provided with performance management information from social landlords over a period of time. Clear details of service standards that landlords should be delivering and appropriate service monitoring information at a local level is also important.

8. It is essential that local tenants and tenants’ representatives have an opportunity to be involved to comment on landlords’ housing services during an inquiry.
9. ELTRP recognise the importance of the role of tenant assessors and feel this role should continue under the new SHR. In addition the procedure of tenant led inspections should be rolled out throughout Scotland as an example of good tenant participation and monitoring practice. Finally, ELTRP also value "spot inspection" as a robust process.

10. ELTRP hold mixed opinion regarding the value of self-assessment. There are worries that there may be too many variables in landlords’ self assessment – ie different perception of quality. Tenant representatives should therefore be involved with their landlord in carrying out, reviewing and monitoring self – assessment information.

11. Tenant participation is integral to all aspects of housing service delivery and as such should be regulated and monitored by the SHR.

12. ELTRP stress that it is essential to involve tenants and tenants’ representatives in the development and monitoring of any social landlord improvement plan.

The Scottish Social Housing Charter
13. The development of a Scottish Social Housing Charter is an opportunity for tenants to meaningfully participate with the Scottish Government to develop outcomes to raise housing standards and services. It is important that the Charter looks to enhance tenant participation arrangements to build on the legal framework for tenant participation as outlined in the 2001 Act.

14. The provision of the Scottish Social Housing Charter needs some careful thought and planning to ensure that it benefits landlords and tenants and the service provided and received. We are optimistic on the impact the Charter presents to the improvement of future social housing.

15. ELTRP see effective tenant participation practice and meaningful involvement as an integral component of the preparation and delivery of the Scottish Social Housing Charter. We recognise it has the opportunity to influence tenant participation at a policy, strategic and national level.

16. It is essential that the Charter focuses on housing service outcomes and performance monitors relating to; allocations, voids management, repairs and maintenance, achieving the Scottish Housing Quality Standard, estate management, homelessness, rent policy, antisocial behaviour management etc.

17. The Charter must set outcomes that are meaningful and measurable at a local and a national level.

18. We believe that in order for the Charter to be meaningful and effective, landlords must be held accountable for poor and below average performance. It is essential landlords are aware of consequences if outcomes are not achieved.
19. In the development and implementation of the Charter there is significant work to be done to ensure that social landlord decision makers are accountable for their action and that value for money / transparent expenditure is achieved.

Right to Buy
20. ELTRP positively welcome the proposals as outlined in the Bill to end the RTB for new supply housing, end the RTB for new tenants entering the social rented sector and the reform of pressured area status (PAS). We would also like to make the following comments:

21. Tenants who purchase a property through the RTB should not be eligible to join the housing list in the future of any social landlord, except in cases of priority need, homelessness, disability etc.

22. ELTRP welcome the local decision making in determining pressured area status. However we also feel that the ten-year extension to RTB is not enough and should be extended further.

23. The range of RTB options must be clearly communicated to tenants.

24. In addition ELTRP feel that specific house types should also be included in PAS across the authority.

25. ELTRP look forward to participating with the local authority in influencing PAS decision- making.

The Private Rented Sector and Owner Occupied Properties
26. ELTRP are please to see the inclusion of measures to address the issues within the private rented sector. Many communities attribute the decline of housing conditions and situations to poor management of private landlords, both in terms of deteriorating property and the surrounding environment and the behaviour of tenants.

27. We feel that even although the present private landlord registration scheme exists its main failing is the lack of enforcement it offered to ensure that landlords provide an acceptable and value service.

28. ELTRP believe that the private landlord should be more responsible for the tenancy as well as ensuring the property is fit for rental.

29. ELTRP have referred to previous controls on private rents and would like to see inspection of properties followed by an appropriate rent setting.

30. Tenants of private landlords are in a vulnerable position as they are the ultimate victim when there is repossession of the property. ELTRP hope that the SHR will go some way to relieving this vulnerability.

31. ELTRP also acknowledge and would like to overcome situations whereby the private landlord has instigated an illegal eviction or forced entry to the property.
Other Issues

32. Value for money and secure investment is essential in order to safeguard the future of Scotland’s Social Housing.

33. ELTRP would like to stress that the Housing Revenue Account of local authorities should be ring fenced for housing service only. We are increasingly frustrated that the income to the HRA from tenants’ rents money is often used to fund other council services. The HRA should benefit existing and future tenants.

34. Value for money should underpin all decisions taken in terms of service delivery and investment programmes. The SHR should treat this as a main priority.

35. ELTRP welcome the work undertaken by social landlords to achieve the SHQS. However we also support the need and necessity for social landlords to increase investment in new build and the improvement of existing homes.

36. We agree service personnel should benefit from establishing a local connection.

37. ELTRP support that local authorities have increased power to ensure owners look after their part of a property and allow for payment recovery in respect of all maintenance costs where homeowners are unwilling to pay their share.

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East Lothian Tenants and Residents Panel

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