Introduction
1. The Highland Council wholeheartedly supports the main objectives for the Housing (Scotland) Bill which are “to improve the value that social housing delivers for tenants and taxpayers, to safeguard the supply of that housing for the benefits of future generations of tenants, and to improve conditions in private housing”.

2. However we believe that there are some areas where these policy objectives would be better met by different approaches than those proposed. These are covered under the main policy headings in the Bill.

Modernising the regime for regulating social landlords (local authority landlords and registered social landlords)
3. The Highland Council has welcomed the commitment from the Scottish Government to reducing the burden of scrutiny and to the recommendations of the Crerar Review.

4. We believe that the role of the Scottish Housing Regulator as outlined in the draft Bill does not eliminate the potential for duplication of roles and responsibilities between the Accounts Commission and Scottish Housing Regulator.

5. We believe that the principal agency for scrutinising Local Authority services should be the Accounts Commission and that the SHR should be empowered only to follow up on any specific issues notified to it by the Accounts Commission following inspection.

6. Data collection and analysis should be consistent as far as possible across all Social Landlords and it would be extremely useful to see a commitment to a single dataset for all performance reporting. For example the Accounts Commission currently collect information on Statutory Performance Indicators for Housing and Councils also supply data in various statistical returns to the Scottish Government. It would be unfortunate if these continued to be collected separately and in addition to any new performance data that the SHR decides to collect.

7. We support the development of a Social Housing Charter to replace existing SHR Performance Standards, although we have concerns that this will not necessarily deliver streamlined regulation.

8. We are also concerned about how the SHR will make comparative judgements about the “value” of council housing services, weighted against the rents charged. The current housing finance system in Scotland means that rent levels are often a function of housing debt and investment levels, rather than the cost of delivering services.

Reforming the Right to Buy social housing
9. We believe that the best way to safeguard rented housing for future generations of tenants whilst not removing existing entitlements would be to end the RTB for all new tenants, including tenants transferring within the sector. This would be
consistent with the approach taken in implementing the Modernised Right to Buy in 2002.

10. In terms of Highland Council this would bring around 270 extra properties a year out-with Right to Buy.

11. One driver for Right to Buy Reform is to encourage Councils to build more Council Houses. Whilst the reforms of Right to Buy will be important in ensuring that new build housing is not subject to RTB at discount in future we believe that significant new council house building will require changes to the arrangements for Scottish Government subsidy and a level playing field in terms of development funding between Councils and Housing Associations.

12. We welcome the proposal to allow greater local discretion in applying Pressured Area Status to further restrict the operation of Right to Buy. We believe that over time the application of Pressured Area Status has had a positive effect in safeguarding pressured areas in the Highlands.

13. We believe that Councils should be able to set out the evidence and justify proposals for local application of Pressured Area Status, or indeed propose areas where sales could be encouraged to address local housing supply issues.

14. The best way to implement devolved decision making in practice would be through additional guidance in relation to Local Housing Strategies. Decisions on the application of pressured area status should form part of the overall strategic response to the Local Housing Needs and Demand Assessment contained within Local Housing Strategies.

**Amending the law on registering private landlords, licensing homes in multiple occupation and dealing with disrepair in private housing.**

15. We agree with the proposals for maintenance powers included in relation to the amendments to the Housing (Scotland) Act 2006.

16. However we remain concerned that overall provisions on private sector improvements may lead to expectations which cannot be met within anticipated budgets for private housing repair and improvement.

17. We are also concerned that there has been limited progress in developing proposals for the National Lending Unit to assist owners to fund repairs themselves.

18. We recognise the difficulties involved in developing legislation in relation to Houses in Multiple Occupation (HMOs). We welcome the proposed order-making powers in relation to licensing of houses in multiple occupation and hope that this will be used speedily to avoid situations where migrant workers are housed in unsuitable and unsafe accommodation which is outwith the scope of current licensing.

19. We support the proposal that empowers local authorities to refuse to consider an application for an HMO if it appears that required planning consent has not been obtained.
Miscellaneous Amendments

Protection of Unauthorised Tenants
20. The Council responded to consultation on proposed amendments to the Home Owner and Debtor Protection Bill. We welcomed proposals to provide greater protection to tenants affected by repossession action against their landlord. We believe the issue of protection from repossession is a significant issue in relation to the Scottish Government policy and 2012 homelessness target. A review of our own experience suggests that significant numbers of "Section 11" referrals arise from actions by creditors and not lenders. We also believe that reviewing the security of tenure of private sector tenants is an important element in ensuring the sector is able to make a positive contribution to homelessness. We would welcome greater consideration to whether further changes to legislation are required in these areas.

Local Connection
21. Whilst supporting the approach to ex-service personnel contained in the draft bill we believe that there are wider issues relating to definitions of local connections and normal residence which at present exacerbate problems in balancing the needs of homeless and other reasonable preference groups within housing allocation policies. We believe that there should be a review of these definitions.

David Goldie
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The Highland Council

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