



## **Association of Local Authority Chief Housing officers (ALACHO) Response to the consultation on Community Empowerment and Renewal Bill**

### **Introduction**

1. As the representative body for Scotland's Chief Housing Officers, ALACHO welcomes the opportunity to comment on the consultation. Scotland's local housing authorities have been at the forefront of encouraging tenant and resident participation and we welcome the debate encouraged by the consultation paper. As not all questions are relevant to us, we have chosen not to respond to each question individually but to confine our comments broadly to housing related matters, whilst grouping our observations under the three broad themes identified within the paper, namely

- Strengthening Participation
- Unlocking Enterprising Community Development
- Renewing Our Communities

### **Strengthening Participation**

2. ALACHO believes that the existing community planning structures have not been particularly successful in generating public awareness of the proposed purpose and outcomes of community planning. Perhaps because the process and practice of community planning has hitherto not been well designed or operationalized, we suspect most residents would find the process largely irrelevant to their lives. Similarly, in our experience *the great majority* of local residents have no great desire to become involved in the detail of delivering local authority housing services. Only a small minority frequently get involved in participatory opportunities and we believe this applies to community councils also. That is not to say that tenants should not have clear and

legitimate expectations of the quality of service to which they are entitled, and a range of means by which they can hold their landlords to account over these service standards( nor is to deny that tenants and residents do participate in some numbers in issues which directly affect them and their families, such as local housing improvement programmes). The best landlords can clearly demonstrate their performance in this area, and the imperatives of the Scottish Social Housing Charter will ensure that all others are motivated to achieve similar levels of achievement in service delivery and performance monitoring, including of course the extent to which tenants and other customers are involved in service design and delivery.

**3.** Regarding tenants right to manage ALACHO believes that most responsible landlords already “offer their tenants opportunities to participate in ways which suit them” (para 52.) We believe that this will be confirmed as the outcomes of the Social Housing Charter are monitored from 2013 onwards. We also believe that most if not all councils would be happy to engage with their tenants on the level of involvement desired in managing local housing services, including if appropriate the right to manage. The fact that there have been no instances of the right to manage being taken up is undoubtedly significant, and most councils and tenants would probably concur that effort is better directed to ensuring that services are high quality and value for money rather than expending significant resources on something which is not sought by many tenants in the first place.

### **Unlocking enterprising Community Development**

**4.** ALACHO would broadly support a community right to buy for urban communities, so long as clear business plans offered a firm degree of confidence that clear **and sustainable** community benefits would be delivered. Expending considerable resources on such initiatives, only to see them taken back into public ownership at some point , or requiring considerable public subsidy for their continued existence is clearly in no-one’s interest. Robust business plans from prospective community buy outs ( assisted by local authorities where appropriate), and robust due diligence form public sector bodies are the minimum which should be expected if community buy outs are to be both successful and sustainable. Account would also have to be taken of the requirement placed on local authorities to secure best value when

disposing of assets. This would be particularly relevant in the case of assets held on the Housing Revenue Account which deals with income and expenditure associated with council housing and housing related assets, such as land, lock up garages, or even local shops on council estates. Being a statutorily ring fenced account this is subject to different conditions on asset transfer from assets held on the general fund and this difference would need to be acknowledged .

5. We would see no problem regarding registers of publicly funded assets being available to the public, subject to any normal conditions of business or commercial confidentiality, but no doubt local authority asset management officers and legal services staff will have more to say on this issue.

### **Renewing our Communities**

6. ALACHO firmly believes in the principle of ensuring that empty properties of all kinds should wherever possible be brought back into productive use. We are keen supporters of the Scottish Empty Homes Partnership which seeks to bring some 23,000 empty homes back into use, and we warmly welcomed the government's recent announcement of a £4million challenge fund for this purpose. Subject to the same caveats regarding careful thought to purpose use of , and demand for the facility being demonstrated and due diligence mentioned in relation to other community acquisitions, particularly regarding financial commitments and potential liabilities, we see no problem with communities being able to use and/ or manage unused and underused buildings.

7. Regarding dangerous and defective buildings, we firmly support strengthening the powers of local authorities to recover costs incurred in undertaking works to demolish or make safe such buildings. However, only if cost recovery could be guaranteed, and not become a burden on local tax payers, would we support a community right to request that the local authority take such action.

8. ALACHO would not oppose the right of communities to request the use of compulsory purchase power by local authorities, although clearly local councils would be best placed to weigh up the cost and benefits of such action, albeit this should be undertaken in partnership with the community group involved.

**9.** We can see significant difficulties in enforcing a power to sell or lease long term – empty homes, particularly in the current economic climate when the home may be empty because of a stagnant property market! Similar issues are being considered by a Scottish government working group looking at increasing council tax levies on long term empty homes, in which ALACHO participates, and some cross cutting thinking may be useful here.

**10.** Regarding equality impacts, as mentioned above if assets were to be transferred from the Council's HRA at less than market value , leaving a net debt burden for remaining tenants, thereby requiring rents to go up by way of meeting the deficit, those tenants may feel unfairly impacted upon. Such considerations would need careful consideration at the point of any such transfer, including detailed consultation with any council tenants so affected.

**Jim Hayton**

**ALACHO Policy Manger**

**07795 090211**

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