

# Housing (Scotland) Act 2006: Consultation on Draft Guidance and Regulations

## CONSULTATION RESPONSE FORMS

### FORM 1 RESPONDENT INFORMATION FORM

Please complete the details below and return it with your response. This will help ensure we handle your response appropriately. Thank you for your help.

Name:

Postal Address:

Email address:

1. Are you responding: (please tick one box)

- (a) as an individual  go to Q2a/b and then Q4  
(b) **on behalf of** a group/organisation  go to Q3 and then Q4

#### INDIVIDUALS

2a. Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government website)?

- Yes (go to 2b below)   
No, not at all  We will treat your response as confidential

**2b. Where confidentiality is not requested**, we will make your response available to the public on the following basis (**please tick one** of the following boxes)

- Yes, make my response, name and address all available   
Yes, make my response available, but not my name or address   
Yes, make my response and name available, but not my address

#### ON BEHALF OF GROUPS OR ORGANISATIONS:

3. The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government website). Are you also content for your **response** to be made available?

- Yes   
No  We will treat your response as confidential

#### SHARING RESPONSES/FUTURE ENGAGEMENT

4. We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Government to contact you again in the future in relation to this consultation response?

- Yes   
No

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## FORM 2 EQUAL OPPORTUNITIES MONITORING FORM

It is important that we engage with all sections of the community as part of our consultation process, as our proposals may affect different groups in different ways. Monitoring responses will allow us to identify any gaps in engagement which we can then address. Completion of this form is voluntary, but your assistance will help us improve our consultation. Information on individuals will remain anonymous.

If you are responding on behalf of an **organisation** please complete **Part A**.  
If you are responding as an **individual** please go to **Part B**.

### PART A – FOR ORGANISATIONS ONLY

Which category best describes your organisation? (please tick)

Local Authority	<input type="checkbox"/>	Voluntary Sector	<input type="checkbox"/>
Other Public Body	<input type="checkbox"/>	Equality Group	<input type="checkbox"/>
Private Sector	<input type="checkbox"/>	Other	<input type="checkbox"/>

If you ticked Equality Group please indicate which equality group/s you work with or for.

Asylum Seekers/Refugees	<input type="checkbox"/>	Older People	<input type="checkbox"/>
Disabled People	<input type="checkbox"/>	Religion/Belief Groups	<input type="checkbox"/>
Gypsies/Travellers	<input type="checkbox"/>	Women	<input type="checkbox"/>
LGBT Communities	<input type="checkbox"/>	Young People	<input type="checkbox"/>
Men	<input type="checkbox"/>	Other	<input type="checkbox"/>
Minority Ethnic Communities	<input type="checkbox"/>	(please indicate)-----	

### PART B – FOR INDIVIDUAL RESPONDENTS ONLY

Please tick one box in each section. You may fill in as many or as few sections as you feel comfortable with. But your co-operation would be appreciated.

#### Section 1: Age – are you:

Up to 24  25-39  40-49  50-64  65 Upwards

#### Section 2: Disability – do you have:

No disability or impairment	<input type="checkbox"/>	A sensory impairment	<input type="checkbox"/>	A learning disability	<input type="checkbox"/>
A physical impairment	<input type="checkbox"/>	A mental health condition	<input type="checkbox"/>	Any other disability or impairment	<input type="checkbox"/>

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### Section 3: Ethnic Group - are you? (census 2001 categories)

A - White		B - Mixed/Other Ethnic Background		C - Asian, Asian Scottish or Asian British		D - Black, Black Scottish or Black British	
Scottish	<input type="checkbox"/>	Any mixed background	<input type="checkbox"/>	Indian	<input type="checkbox"/>	Caribbean	<input type="checkbox"/>
Other British	<input type="checkbox"/>	Any other background	<input type="checkbox"/>	Pakistani	<input type="checkbox"/>	African	<input type="checkbox"/>
Irish	<input type="checkbox"/>			Bangladeshi	<input type="checkbox"/>	Any other Black background	<input type="checkbox"/>
Any other white background	<input type="checkbox"/>			Chinese	<input type="checkbox"/>		
				Any other Asian background	<input type="checkbox"/>		

### Section 4: Gender – are you:

Female       Male       Transgender

### Section 5: Religion – what religion/ denomination do you belong to:

None	<input type="checkbox"/>	Buddhist	<input type="checkbox"/>	Pagan	<input type="checkbox"/>
Church of Scotland	<input type="checkbox"/>	Hindu	<input type="checkbox"/>	Sikh	<input type="checkbox"/>
Roman Catholic	<input type="checkbox"/>	Jewish	<input type="checkbox"/>	Any other religion	<input type="checkbox"/>
Other Christian	<input type="checkbox"/>	Muslim	<input type="checkbox"/>		

### Section 6: Sexual Orientation – which box best describes your sexuality?

Heterosexual       Lesbian       Gay       Bisexual

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### FORM 3 CONSULTATION QUESTIONNAIRE

Please use this form to respond to the consultation questions. This will help us to understand clearly which part of the consultation your comments relate to.

We have listed below each question asked in the consultation in order starting at Volume 1 and provided space for your comments. Some of the questions are general and refer to the whole volume. Where questions are specific to a particular part of the volume, we indicate the page number for your ease of reference. We have provided additional space at the end for you to make general comments about the guidance as a whole if you wish.

You may respond in writing using this form, or if you require more space for your answers, you can access an electronic version of the form at [www.scotland.gov.uk/consultations/current](http://www.scotland.gov.uk/consultations/current). For organisations: it would assist us greatly in analysing the responses if you could send a single, consolidated response which takes account of all relevant interests in your organisation.

<b>VOLUME 1</b>			
<b>PAGE</b>	<b>QUESTION</b>	<b>YOUR COMMENTS</b>	<b>Our ref.</b>
11	Do you agree that the publication of the section 72 statement is the best point of transition?		A1
11	Is a transition period of 6 months appropriate?		A2

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<b>VOLUME 1</b>			
<b>PAGE</b>	<b>QUESTION</b>	<b>YOUR COMMENTS</b>	<b>Our ref.</b>
15	After considering the statutory and advisory parts of this suite of guidance, do you agree with the way the guidance balances national consistency and local flexibility?		A3
26	What exceptions are there to the general rule that assistance is preferable to enforcement and how would you propose to handle them?		A4
28	Do you agree with the position taken on the SHQS?		A5
31	Have we suggested the most appropriate areas for the collection of statistics in the future?		A6

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<b>VOLUME 1</b>			
<b>PAGE</b>	<b>QUESTION</b>	<b>YOUR COMMENTS</b>	<b>Our ref.</b>
34	Do you think it would be helpful to use maintenance order powers before other aspects of the new powers are ready to be introduced locally?		A7
34	Do you foresee any problems if we repeal conflicting duties in the 1987 Act at the start of the transition period?		A8
36	Should non-local authority interests be involved in training and if so, how?		A9
36	Would you be in favour of the development of a recognised qualification focusing on private sector housing issues?		A10

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<b>VOLUME 1</b>			
<b>PAGE</b>	<b>QUESTION</b>	<b>YOUR COMMENTS</b>	<b>Our ref.</b>
36	Are there examples of processes for identifying, validating and disseminating good practice that you think would be useful?		A11

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<b>VOLUME 2</b>			
<b>PAGE</b>	<b>QUESTION</b>	<b>YOUR COMMENTS</b>	<b>Our ref.</b>
ii	Will this guidance help you to implement the new powers? Ultimately you will be responsible for interpreting the legislation, but are there any areas which you would appreciate more information on?		B1
ii	Will the information in Annexes A-D help you to produce the appropriate documents?		B2
ii	We are proposing to include a Q&A annex of frequently asked questions. This will be developed for the final document, and we propose to update this, as necessary, on the website version of the document. Do you think this would be useful? Are there any questions in particular you would like this to include?		B3



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<b>VOLUME 2</b>			
<b>PAGE</b>	<b>QUESTION</b>	<b>YOUR COMMENTS</b>	<b>Our ref.</b>
ii	We are also looking at the possibility of an annex which will set out the various pieces of legislation which a local authority can use to deal with issues of poor quality in private sector housing. Would you support this?		B4
ii	Any other comments on Volume 2?		B5

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<b>VOLUME 3</b>			
<b>PAGE</b>	<b>QUESTION</b>	<b>YOUR COMMENTS</b>	<b>Our ref.</b>
ii	Will this guidance help you to implement the new powers? Ultimately you will be responsible for interpreting the legislation, but are there any areas which you would appreciate more information on?		C1
ii	Will the information in Annexes A and B help you to produce the appropriate documents?		C2
ii	Any other comments on Volume 3?		C3

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<b>VOLUME 4</b>			
<b>PAGE</b>	<b>QUESTION</b>	<b>YOUR COMMENTS</b>	<b>Our ref.</b>
ii	We have developed the draft guidance in a way that encourages consistency but retains the scope for flexibility and professional judgement. Do you agree that the balance is right?		D1
ii	The chapters on <u>electrical installations</u> and <u>thermal insulation</u> reflect new provisions and as such there is no body of experience in working with them. Do you think that the approach we have set out is useful? If not, what parts should we change and what would you suggest?		D2
ii	Assessing the severity of rising and penetrating damp can be difficult. Do you agree with our proposed approach for assessing houses against the rising and penetrating damp element? If not, what would be a more useful framework?		D3

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<b>VOLUME 4</b>			
<b>PAGE</b>	<b>QUESTION</b>	<b>YOUR COMMENTS</b>	<b>Our ref.</b>
ii	Do you think the level of detail we give in the draft guidance is appropriate? Are there areas that you would find more detail helpful?		D4
ii	Is the pitch and tone of the draft guidance appropriate for the audience we are aiming at? If not, how could we improve this?		D5

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<b>VOLUME 5</b>			
<b>PAGE</b>	<b>QUESTION</b>	<b>YOUR COMMENTS</b>	<b>Our ref.</b>
20	How useful would a public information website be?		E1
22	Do you support this overall approach to information provision? Are there additional areas on which you would welcome guidance?		E2
29	Do you support this overall approach to advice provision? Are there additional areas on which you would welcome guidance?		E3
32	Are there any specific aspects of practical assistance on which you would welcome guidance?		E4

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<b>VOLUME 5</b>			
<b>PAGE</b>	<b>QUESTION</b>	<b>YOUR COMMENTS</b>	<b>Our ref.</b>
47	Are there any other categories of borrowers who require consideration in developing lending options?		E5
51	Should any changes be made to the key features of these lending products?		E6
51	Are the proposed products suitable for these types of borrower?		E7
51	Are there any other products that should be considered?		E8

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<b>PAGE</b>	<b>QUESTION</b>	<b>YOUR COMMENTS</b>	<b>Our ref.</b>
52	Should a minimum amount of an owner's wealth be disregarded when assessing affordability of works? If so, on what basis?		E9
52	What is the realistic possibility of the commercial market developing a Home Appreciation Loan as outlined above?		E10
33	Which method of allocation of funds for the National Lending Unit should be used?		E11
34	Is there a better way to allow local authorities to access capital within the fund?		E12

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<b>VOLUME 5</b>			
<b>PAGE</b>	<b>QUESTION</b>	<b>YOUR COMMENTS</b>	<b>Our ref.</b>
70	Do you support the creation of a National Lending Unit to supply products to people generally not served by the financial markets? If not, what alternatives would you suggest?		E13
70	How do you think a National Lending Unit should be delivered?		E14
79	Do you support this overall approach to the assessment of financial assistance?		E15
79	Is the proposed model framework helpful?		E16



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<b>VOLUME 5</b>			
<b>PAGE</b>	<b>QUESTION</b>	<b>YOUR COMMENTS</b>	<b>Our ref.</b>
79	How do you view the framework in the context of the new relationship between national and local government that has been signalled?		E17
81	Do you support the creation of a publicly funded financial advice service? If not, what alternatives would you suggest?		E18
81	Do you have any views on whether the service should be delivered by an appointed panel of brokers from the financial services industry, or whether it should be run as part of the National Lending Unit?		E19
94	Do you support the intention to regulate for adaptations to attract mandatory grant? Is our proposed definition of adaptation appropriate?		E20

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<b>PAGE</b>	<b>QUESTION</b>	<b>YOUR COMMENTS</b>	<b>Our ref.</b>
94	Do you agree with our proposed approach of restricting mandatory grant in cases where additional living accommodation is being provided but avoiding a blanket exclusion?		E21
94	Do you support the intention to regulate for 80% minimum grant for grant-aided works related to a disability, increasing to 100% for people in receipt of specified income replacement benefits?		E22
92	Do you see value in a national tendering exercise for permanent adaptations? If so, should it extend to adaptations funded in the social rented sector or be limited to adaptations in owner occupied housing?		E23
94	Do you have any other comments on this approach to financial assistance for works related to disability?		E24

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<b>VOLUME 5</b>			
<b>PAGE</b>	<b>QUESTION</b>	<b>YOUR COMMENTS</b>	<b>Our ref.</b>
98	Do you support this general approach to financial assistance for house condition works?		E25
98	In what, if any, circumstances do you envisage that up-front grant might be a necessary tool in facilitating repair and improvement work to be carried out?		E26
100	Is this a reasonable approach to financial assistance for landlords and tenants?		E27
100	Are there other types of works or categories of owner on which you think guidance on financial assistance would be helpful?		E28

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<b>PAGE</b>	<b>QUESTION</b>	<b>YOUR COMMENTS</b>	<b>Our ref.</b>
102	Do you support the view that a nationally prescribed test of resources for assessing grant eligibility for repair and improvement work will no longer be appropriate under the Scheme of Assistance?		E29
102	If your authority plans to use a local test of resources, are there any aspects of this on which you would find guidance helpful?		E30
104	Do you support this approach to approved expense limits?		E31
104	Are there circumstances where you see a continued role for local approved expense limits?		E32

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<b>VOLUME 5</b>			
<b>PAGE</b>	<b>QUESTION</b>	<b>YOUR COMMENTS</b>	<b>Our ref.</b>
115	Is this a fair summary of the issues likely to influence the identification of priorities within a statement of assistance?		E33
118	Is this model framework helpful? Are there further headings that could be included within this model framework?		E34

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<b>VOLUME 6</b>			
<b>PAGE</b>	<b>QUESTION</b>	<b>YOUR COMMENTS</b>	<b>Our ref.</b>
13	What are your ideas on the potential role of CLE within a trusted trader framework in Scotland?		F1
13	What are your ideas on the potential role of local authority schemes within a trusted trader framework in Scotland?		F2
13	What are your views on CLE and local authorities operating under the one framework in Scotland?		F3
13	What are your views on more than one level of accreditation existing within the one framework?		F4

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<b>VOLUME 6</b>			
<b>PAGE</b>	<b>QUESTION</b>	<b>YOUR COMMENTS</b>	<b>Our ref.</b>
14	What are your views on how the framework should be monitored and evaluated?		F5
14	What are your views on how the framework should be delivered e.g. by local or central government, the construction industry, the private or voluntary sectors or some combination?		F6
14	What functions would you wish to see a framework perform to encourage use by homeowners?		F7
14	Please provide any further comments, stating your views on how a trusted trader framework should be established and operate in Scotland.		F8

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**ALL VOLUMES**

**GENERAL COMMENTS**