

## CONSULTATION QUESTIONS

### **Proposal 1: Create more flexibility for social landlords to decide who should get priority for their housing**

1. Do you think social landlords should have the flexibility to decide who gets priority for their housing?

Yes  No  Not Sure

2. What do you see as the benefits of this proposal?

It is hard to imagine that there are any practical benefits in the implementation of this proposal for people affected by problem drug use. Even looking at the wider community, a shortage of housing means that there will be people who are homeless. This 'flexibility' merely gives landlords the power to decide who will be homeless. It is hard to imagine that such powers will not be exercised in a way which reflects the prejudices of those landlords or the communities in which they work. Although some groups will be protected under equalities legislation, those who are members of groups not protected by legislation will find themselves more vulnerable to homelessness. It is hard to see any societal benefit in this. Stigmatised groups simply become more marginalised and their problems are simply further complicated by homelessness.

3. What do you see as the problems with this proposal?

As stated in the previous question, there are significant problems in the implementation of this proposal for people affected by problem drug use. Even looking at the wider community, a shortage of housing means that there will be people who are homeless. This 'flexibility' merely gives landlords the power to decide who will be homeless. It is hard to imagine that such powers will not be exercised in a way which reflects the prejudices of those landlords or the communities in which they work. Although some groups will be protected under equalities legislation, those who are members of groups not protected by legislation will find themselves more vulnerable to homelessness. It is hard to see any societal benefit in this.

Another issue is that there must be doubt whether social landlords are best qualified and resourced to understand the real needs of the wider community even in terms of housing demand. Also how would they be accountable to the wider community rather than just the community of their tenants in terms of the consequences of their decisions including the homelessness of stigmatised groups.?

4. What can we do to overcome these problems?

There is no apparent practicable way of improving this proposal. However, there are models in supported accommodation and in accommodation with support that would allow tenants to be supported in ways which would allow landlords to respond to need in their area. These could be explored and extended. For example housing support could be provided by a drug service in supporting tenants.

5. What housing needs do you think should be protected nationally?

From the point of view of stigmatised marginalised groups, there is unlikely to be 'national protection'. However, the Government should bear in mind the research commissioned through the Advisory Group on Homelessness and Substance Misuse *Effective Services for Substance Misuse and Homelessness in Scotland: Evidence from an International Review*

<http://www.scotland.gov.uk/Resource/Doc/233172/0063910.pdf>

And the recommendations of this group *Effective Services for Substance Misuse & Homelessness in Scotland: The recommendations of the Advisory Group on Homelessness and Substance Misuse* The evidence shows the importance of severing the link between substance use, treatment and the provision of housing and ensuring that housing is provided to all people affected by problem drug use. This Housing First model is the best means of ensuring that problem drug users can participate in harm reduction, treatment and recovery.

The Government should also consider the compatibility of delivering The Road To Recovery national drugs strategy and allowing landlords flexibility. In this regard it is important to understand that the provision of appropriate good quality housing can prevent problem drug use, reduce the harm of problem drug use and support recovery from problem drug use and that homelessness, inadequate or inappropriate housing or insecure tenancies can have a negative impact on prevention, harm reduction and recovery.

**Proposal 2: Create the flexibility for social landlords to consider an applicant's income when deciding their priority for housing**

6. Do you think income should be taken into account?

Yes  No  Not Sure

7. What do you see as the benefits of this proposal?

8. What do you see as the problems with this proposal?

9. What can we do to overcome these problems?

**Proposal 3: Create the flexibility for social landlords to consider whether an applicant owns property when deciding their priority for housing**

10. Do you think social landlords should have the flexibility to consider whether an applicant or their family owns property when deciding their priority for affordable rented housing?

Yes  No  Not Sure

11. What other situations are there, if any, when an applicant owns property but is genuinely unable to access it?

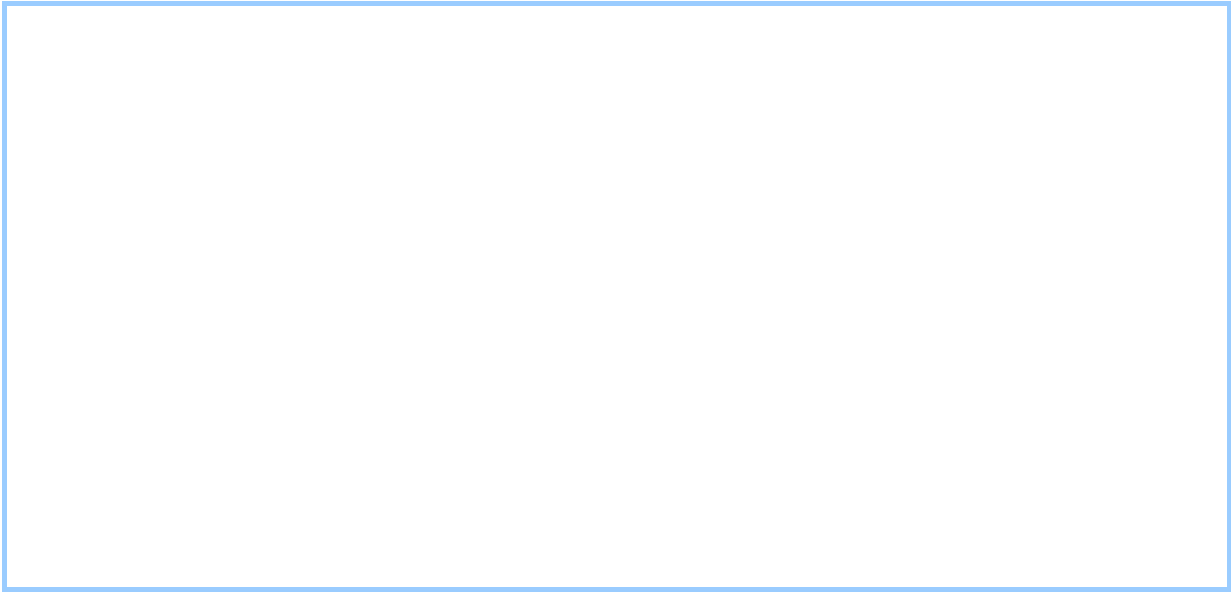
12. What do you see as the benefits of this proposal?

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13. What do you see as the problems with this proposal?

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14. What can we do to overcome these problems?

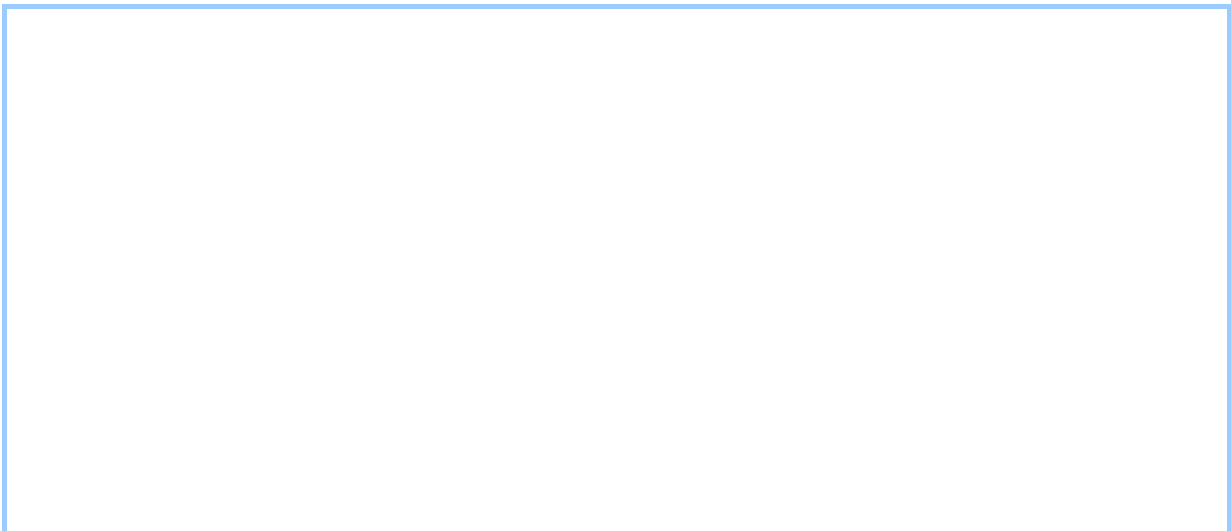


**Proposal 4: Change the law to stop living rooms being considered as rooms available for sleeping in**

15. Do you think living rooms should be counted as being available for sleeping in?

Yes  No  Not Sure

16. What do you see as the benefits of this proposal?



17. What do you see as the problems with this proposal?

18. What can we do to overcome these problems?

**Proposal 5: Create a qualifying period before anyone can succeed to the tenancy.**

19. Do you think there should be a qualifying period before succession to a tenancy?

Yes  No  Not Sure

20. Who do you think that qualify period should apply to? Tick all that apply.

A husband, wife, civil partner or joint tenant    Yes  No

A partner    Yes  No

A family member aged 16 or over living at the property    Yes  No

A carer who lives in the property    Yes  No

All of the above

Yes  No

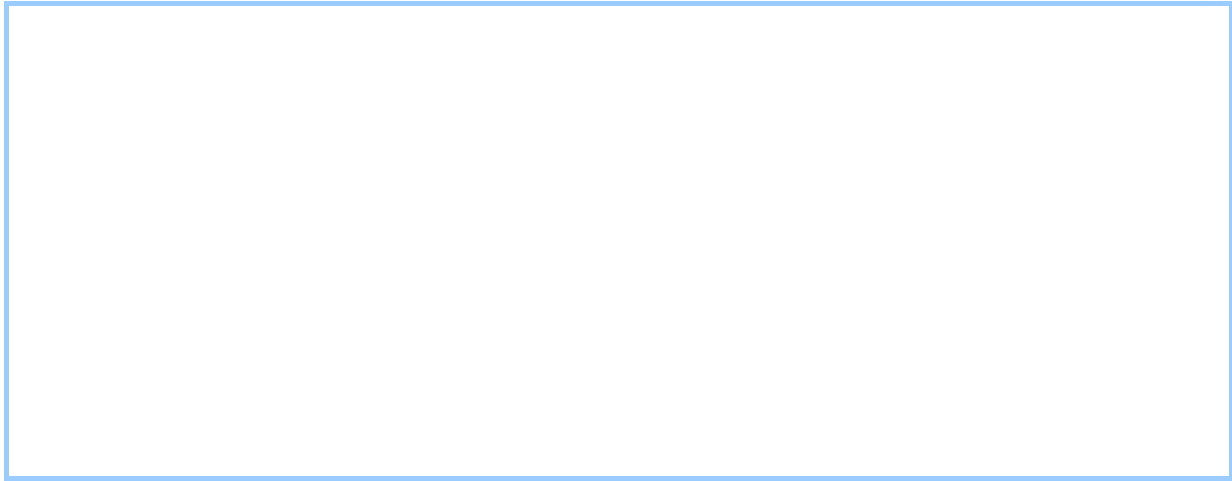
21. How long do you think this qualifying period should be?

22. What do you see as the benefits of this proposal?

23. What do you see as the problems with this proposal?

24. What can we do to overcome these problems?





**Proposal 6: Create the flexibility for social landlords to consider previous antisocial behaviour when deciding an applicant's priority for housing**

25. Do you think social landlords should have the flexibility to consider previous antisocial behaviour by an applicant or their household when deciding their priority for affordable rented housing?

Yes  No  Not Sure

26. What do you see as the benefits of this proposal?

While this proposal may have a positive impact on neighbours, it is the responsibility of social landlords to look at wider communities and to the societal impact of their work.

The superficial attractiveness of this proposal should be balanced against its two key weaknesses – its presumption that past behaviour will necessarily be repeated and that some people are inherently 'anti-social'; and the consequences of the implementation of such a policy - a pool of homeless, disenfranchised people who are regarded as anti-social or have a member of their household who is regarded as such. Such people would simply become more marginalised and their problems simply further complicated by homelessness.

The idea that social landlords should move all their 'anti-social' or 'problem' tenants to live in one area has been tried before and led to serious social consequences which had societal impacts beyond those neighbourhoods.

27. What do you see as the problems with this proposal?

As stated at 26. While this proposal may have a positive impact on neighbours, it is the responsibility of social landlords to look at wider communities and to the societal impact of their work.

The superficial attractiveness of this proposal should be balanced against its two key weaknesses – its presumption that past behaviour will necessarily be repeated and that some people are inherently ‘anti-social’; and the consequences of the implementation of such a policy - a pool of homeless, disenfranchised people who are regarded as anti-social or have a member of their household who is regarded as such. Such people would simply become more marginalised and their problems simply further complicated by homelessness.

The idea that social landlords should move all their ‘anti-social’ or ‘problem’ tenants to live in one area has been tried before and led to serious social consequences which had societal impacts beyond those neighbourhoods.

As stated at 5. The Government should also consider the compatibility of delivering The Road To Recovery national drugs strategy and allowing landlords flexibility. In this regard it is important to understand that the provision of appropriate good quality housing can prevent problem drug use, reduce the harm of problem drug use and support recovery from problem drug use and that homelessness, inadequate or inappropriate housing or insecure tenancies can have a negative impact on prevention, harm reduction and recovery.

28. What can we do to overcome these problems?

It is hard to see how the problems associated with these proposals in terms of societal impact and impact on individuals who are affected by problem drug use – whether or not they are actively using drugs at present could be overcome.

**Proposal 7: Create the flexibility to allow a Short Scottish Secure Tenancy to be granted in more cases of antisocial behaviour**

29. Do you think Short SSTs should be an option for social landlords in tackling antisocial behaviour? Yes  No  Not Sure

30. Do you think housing law should continue to focus only on antisocial behaviour which occurs in and around a tenant's property? Yes  No  Not Sure

31. What do you see as the benefits with this proposal?

The chief benefit of this proposal would be that it would reduce some of the harm caused by the implementation of Proposal 6.

32. What do you see as the problems with this proposal?

While this would reduce some of the harm caused by the implementation of Proposal 6, it would lead to tenancy insecurity for some of the most marginalised tenants. While it may be possible to use this insecurity to motivate tenants to engage with support and other services, ensuring that landlords effectively engaged, referred and signposted services is very difficult. There are motivations for landlords not to perform well in this role – particularly given the powers extended to them by other proposals in this consultation.

33. What can we do to overcome these problems?

As there are motivations for landlords not to perform well in this role – particularly given the powers extended to them by other proposals in this consultation it is difficult to see how measures could be implemented to ensure that they do.

34. What do you think all social landlords should take into account when considering whether or not it is reasonable for them to grant a Short SST or convert a Scottish Secure Tenancy to a Short SST?

In light of previous answers, nothing.

35. What more could we do to help social landlords tackle antisocial behaviour by their tenants?

From a wider societal point of view, there is no point in moving anti-social tenants on to homelessness services or to other landlords. The issue must be about supporting individuals and households and engaging them with services which can help deal with issues in their lives. Landlords' role should be in referring and signposting services.

In the longer term rather than focus on individual tenants, social landlords should be seeking to build inclusive functioning communities in which social behaviour is less likely. This function is not fulfilled if they continue to police tenants lives.

**Proposal 8: Simplify the eviction process where another court has already considered antisocial behaviour by a tenant or their household**

36. Do you think we should examine ways of making evictions simpler where another court has already considered serious antisocial or criminal behaviour committed in the tenant's home or its locality?

Yes  No  Not Sure

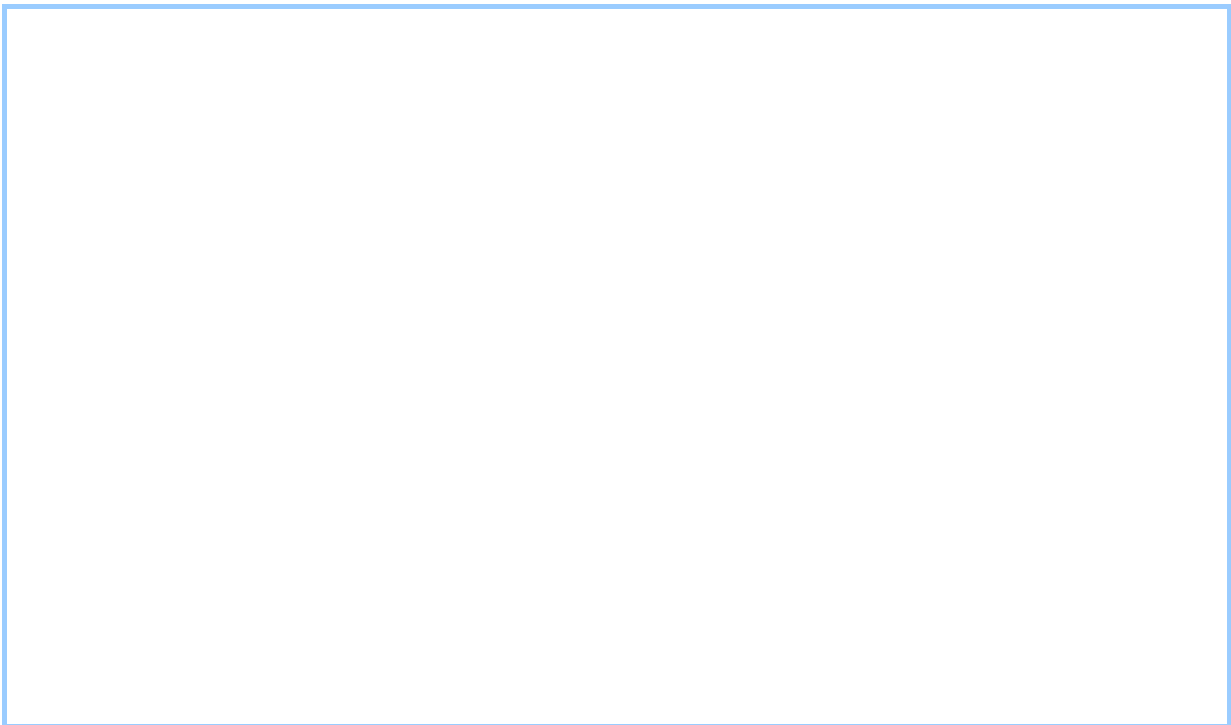
37. What changes do you consider might be appropriate?

38. What do you see as the benefits of this proposal?

39. What do you see as the problems with this proposal?



40. What can we do to overcome these problems?

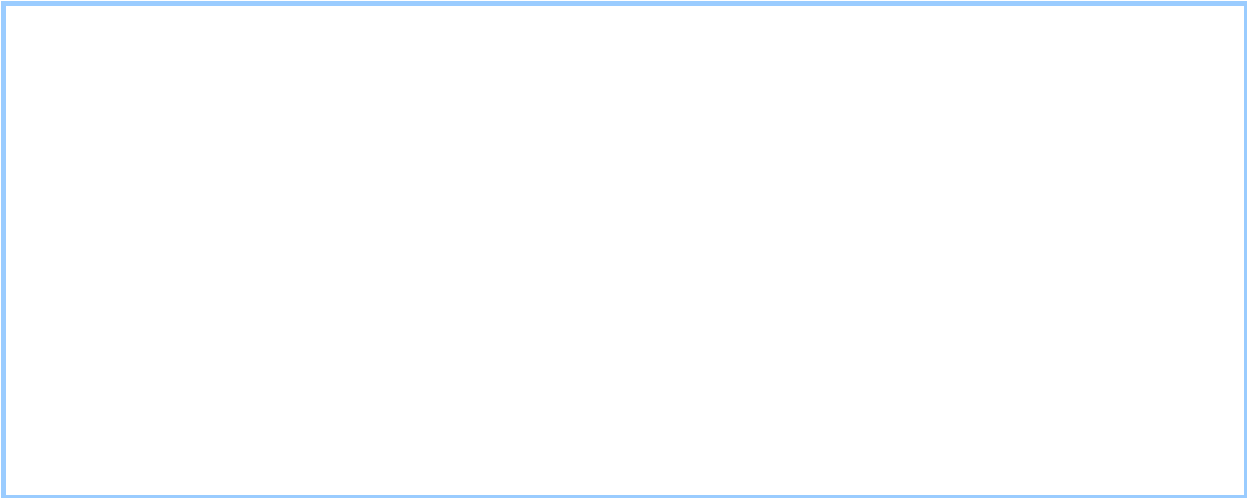


**Proposal 9: Create an initial tenancy for all new affordable rented housing tenants**

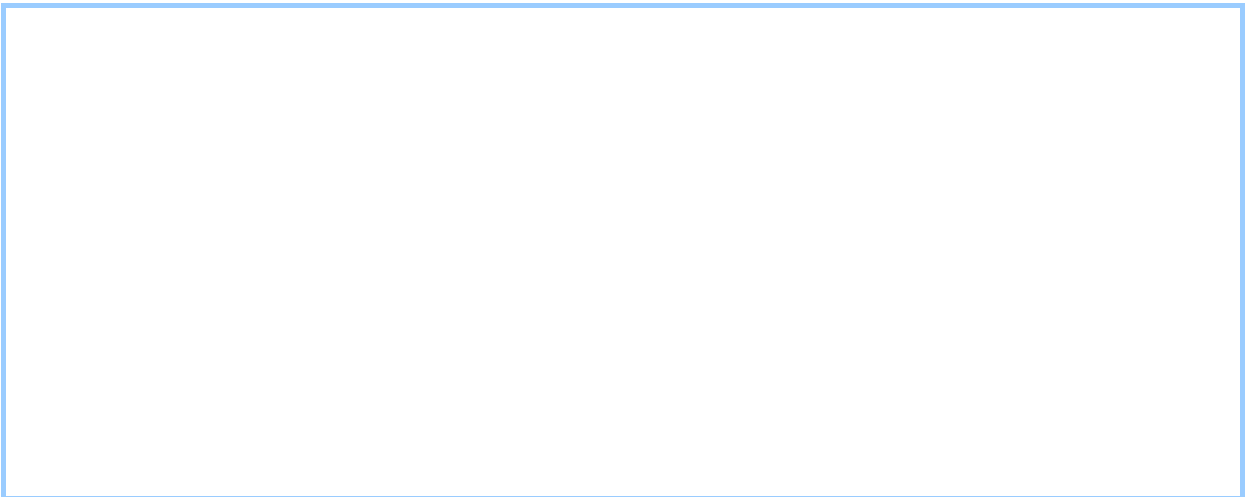
41. Do you think all new affordable rented housing tenants should be allocated housing using an initial tenancy?

Yes  No  Not Sure

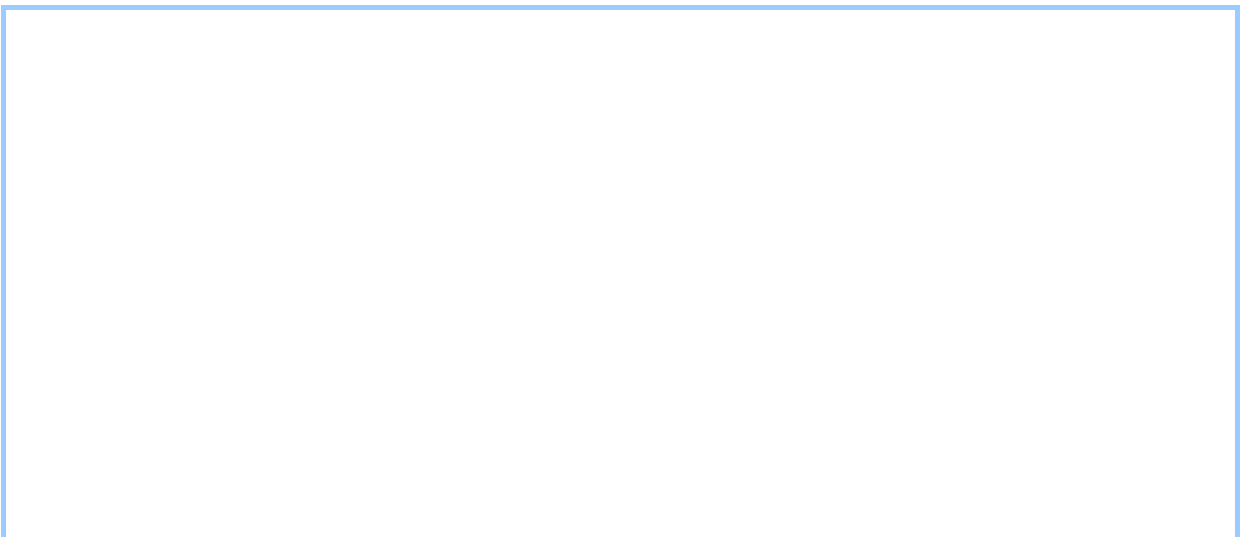
42. What do you see as the benefits of this proposal?



43. What do you see as the problems with this proposal?



44. What can we do to overcome these problems?



**Proposal 10: Allow social landlords to use Short SSTs to let intermediate rented housing**

45. Do you think the law should be changed to allow social landlords to grant Short SSTs for intermediate rented housing?

Yes  No  Not Sure

46. If yes, how might we restrict the flexibility to only intermediate rented housing?

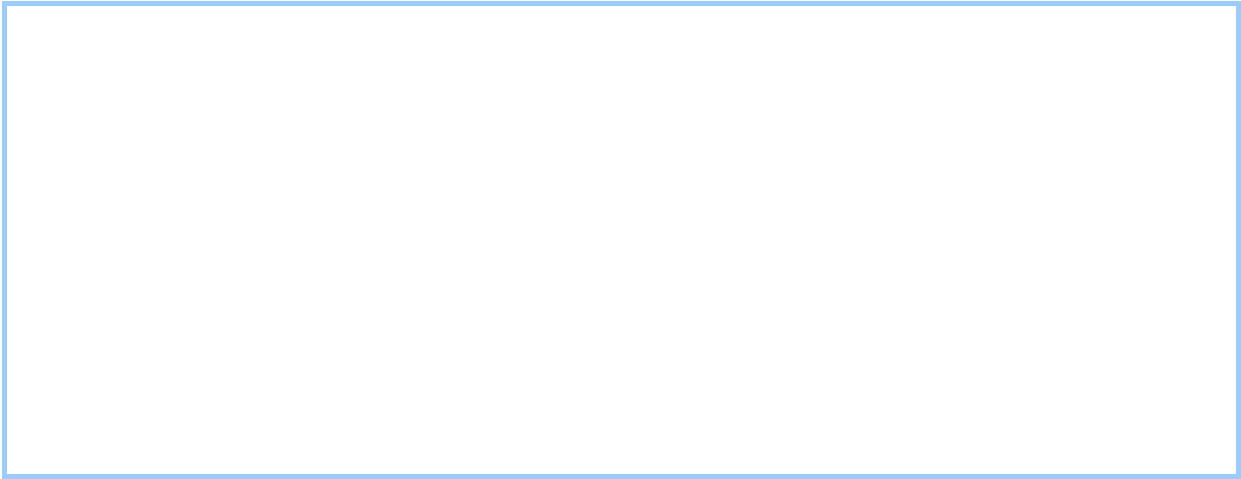
47. If you are a social landlord would you use the proposed flexibility?

Yes  No  Not Sure

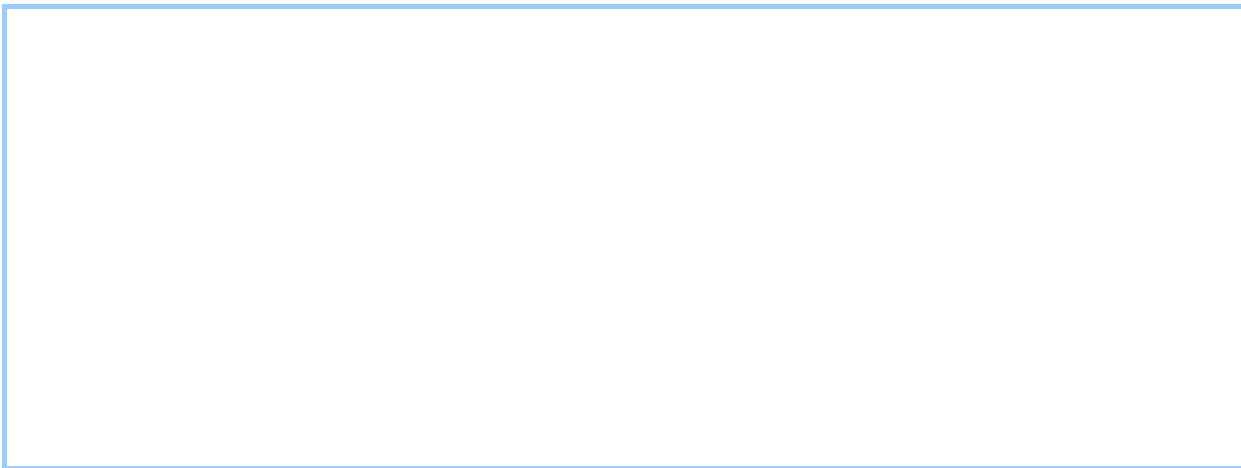
48. What do you see as the benefits of this proposal?

49. What do you see as the problems with this proposal?



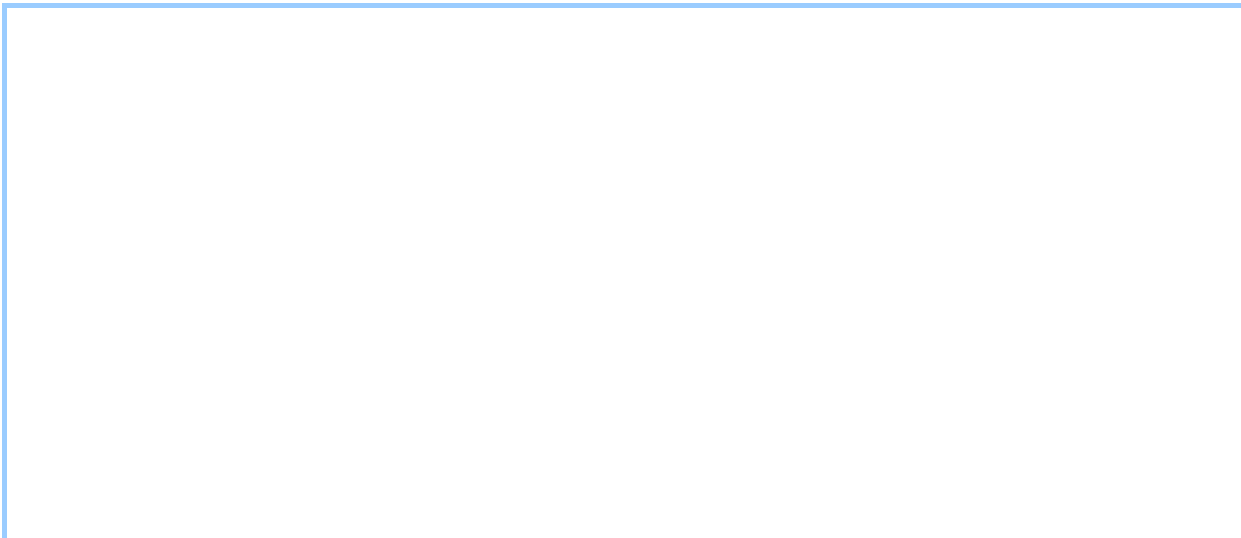


50. What can we do to overcome these problems?

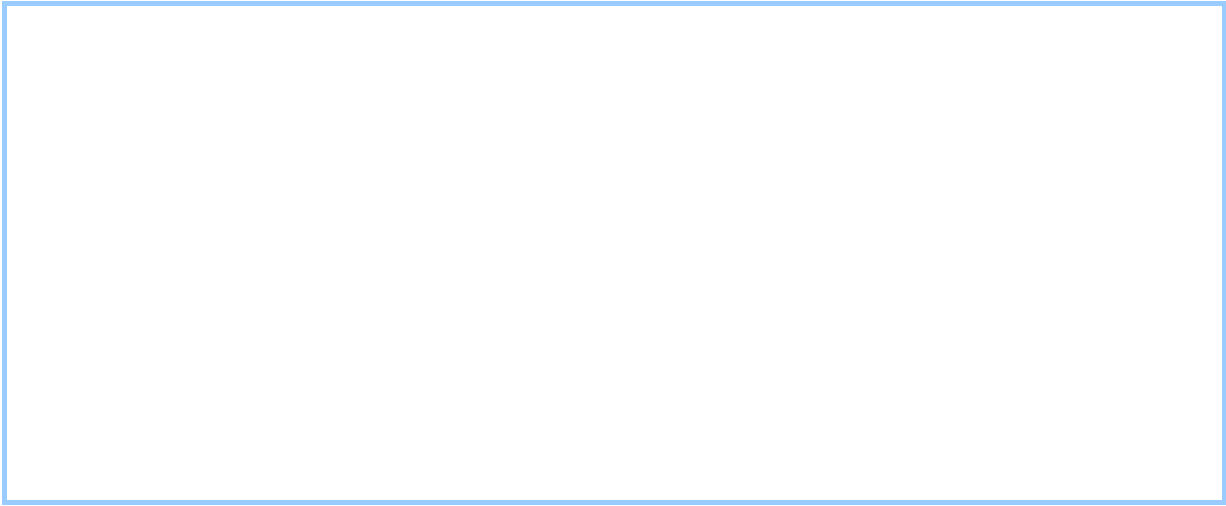


**Equalities impact assessment**

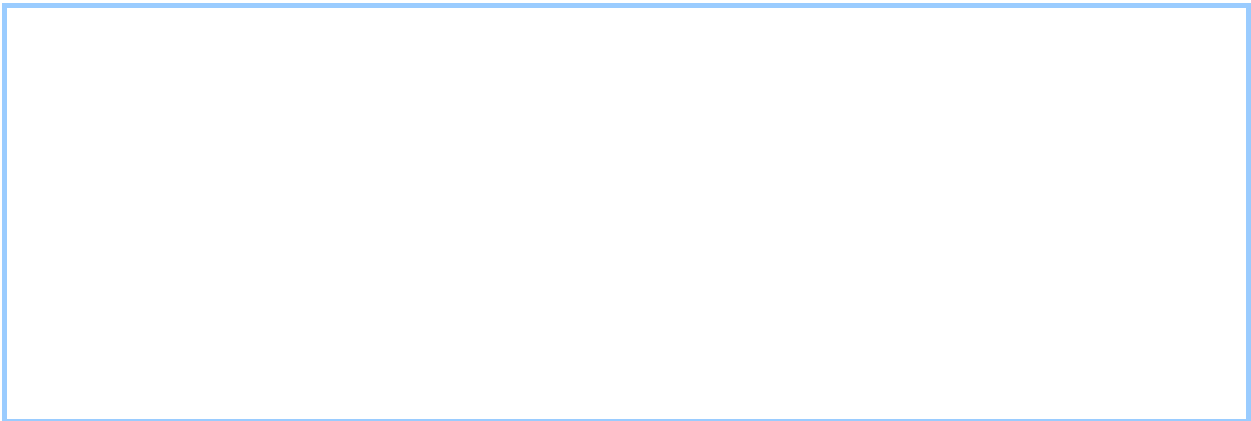
51. (a) Which equality groups, if any, do you think will be disproportionately affected by each of the proposals in this consultation paper?



(b) How do you think they will be affected by each proposal (positively or negatively)?



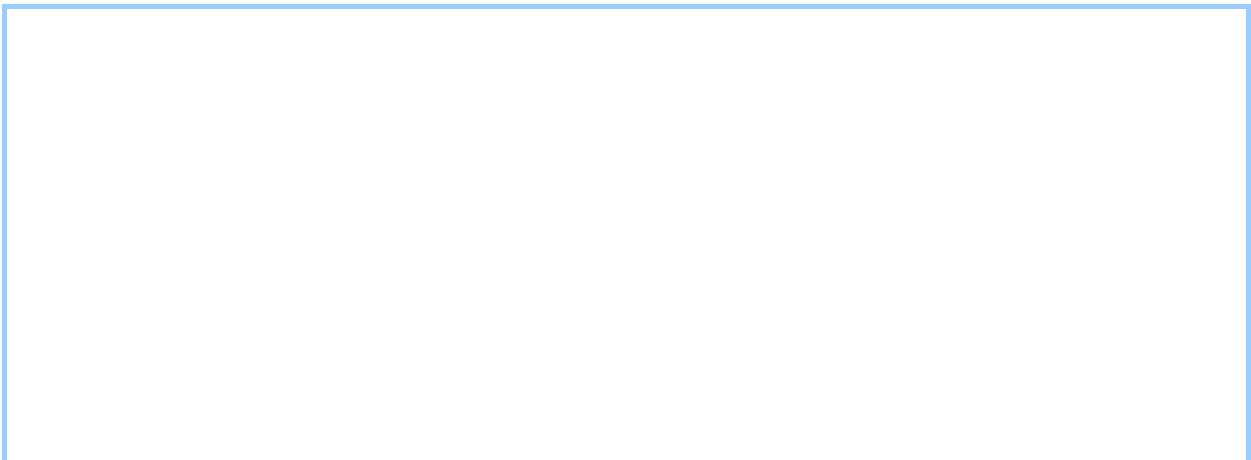
52. What changes could we make to each of the proposals to address any adverse effect on the equality groups you have identified?



**Business and regulatory impact assessment – more questions for social landlords**

53. In relation to each of the proposals we would like to know the following:

(a) What are the likely benefits for your organisation?



(b) What difficulties, if any, would implementing the proposal cause for your organisation?

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(c) What are the likely cost and resource implications and can you indicate these costs?

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(d) What savings, if any, would the proposal result in for your organisation?

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(e) Do you envisage an effect on regulation and enforcement?

**Finally**

54. Do you wish to add anything that has not already been covered? Yes  No

**Sending us your response**

We need to know how you wish us to handle your response and whether you are happy for us to make your response public. **Please make sure you complete the Respondent Information Form (RIF) at the beginning of the consultation questions.** Your comments will still be taken into account if you ask us not to publish your response. Please reply by email to: [socialhousing@scotland.gsi.gov.uk](mailto:socialhousing@scotland.gsi.gov.uk).

Or alternatively by post:        Social Housing Team  
   Scottish Government  
   Area 1-H South  
   Victoria Quay  
   Edinburgh  
   EH6 6QQ

You can also get involved in the consultation through Facebook and Twitter:

<http://www.facebook.com/scottishhousingconsultation>  
<http://twitter.com/housingregen>

The closing date for responses is **30 April 2012**.