



OFFICIAL REPORT
AITHISG OIFIGEIL

Local Government, Housing and Planning Committee

Tuesday 1 March 2022

Session 6



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LOCAL GOVERNMENT, HOUSING AND PLANNING COMMITTEE

7th Meeting 2022, Session 6

CONVENER

*Ariane Burgess (Highlands and Islands) (Green)

DEPUTY CONVENER

*Willie Coffey (Kilmarnock and Irvine Valley) (SNP)

COMMITTEE MEMBERS

*Miles Briggs (Lothian) (Con)

*Graeme Dey (Angus South) (SNP)

*Meghan Gallacher (Central Scotland) (Con)

*Mark Griffin (Central Scotland) (Lab)

*Paul McLennan (East Lothian) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Anne Cook (Scottish Government)

Patrick Harvie (Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights)

CLERK TO THE COMMITTEE

Euan Donald

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Local Government, Housing and Planning Committee

Tuesday 1 March 2022

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (Ariane Burgess): Good morning, and welcome to the seventh meeting in 2022 of the Local Government, Housing and Planning Committee. I remind everyone to ensure that their mobile phones are on silent and that all other notifications are turned off during the meeting.

Agenda item 1 is a decision on whether to take item 5, which is consideration of the evidence that we have taken on the Scottish social housing charter, in private. Do we agree to do so?

Members *indicated agreement.*

Scottish Social Housing Charter

10:00

The Convener: Under item 2, we will take evidence on the Scottish social housing charter from the Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights. Mr Harvie is joined by the Scottish Government officials Michael Boal, from social housing charter and regulation, and Anne Cook, who is head of social housing services. I welcome Mr Harvie and his officials.

The committee has received copies of the updated charter with changes from the previous iteration in 2017 shown in red. A Scottish Government briefing, a letter from the Cabinet Secretary for Social Justice, Housing and Local Government, and written submissions from Living Rent and the Association of Local Authority Chief Housing Officers were also included in the meeting pack.

Members should note that we will be invited to consider the Scottish Government's motion on the charter at next week's meeting, which Mr Harvie will also attend. I intend to allow up to around 90 minutes for this session. Before I open to questions from the committee, I invite the minister to make a short opening statement.

The Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (Patrick Harvie): Thank you, convener. This is my first time back physically in a Parliament committee room for quite a while and it is a great pleasure to be here.

The Scottish social housing charter has been in place since 2012, as you said in your opening remarks. It was reviewed in 2017 and has now been further reviewed in 2021. It describes what tenants and other customers of social landlords can expect from their landlord by stating in clear and plain language the outcomes and standards that all social landlords should achieve when providing housing services. In doing that, the charter helps tenants and other customers to hold landlords to account.

During 2021, to help us to prepare the revised version of the charter, we asked tenants, social landlords, the Scottish Housing Regulator and other stakeholders for their views on the charter and the impact that it is having on services for tenants and other customers. Our review of the charter involved a series of virtual consultation events alongside a formal consultation.

The strong message from across the sector is that the charter continues to be of value and relevance. It is working well, is key to improving the landlord-tenant relationship, is being used by

landlords and tenants to compare and monitor performance and is encouraging landlords to deliver improved services for their tenants and other customers.

The Scottish Housing Regulator reports annually on landlord performance against the charter and those reports confirm that year-on-year improvements continue to be made across most of the charter outcomes and standards. The independent analysis of the feedback from the virtual events and the formal consultation clearly showed that the charter has a positive impact; that the outcomes and standards should remain largely the same; and that it continues to be of relevance and value and supports improvements in service delivery.

We have carefully considered all the consultation analysis and made some minor changes to the outcomes, standards and supporting descriptions. We have confined changes to those few that stakeholders suggested would improve the quality of services that social landlords deliver and to reflect policy and practice developments.

Changes that we are putting forward include incorporating a reference to human rights and the right to housing for all individuals into the charter, recognition of the benefits of using a range of digital and non-digital communications, and recognising the changing landscape in the context of decarbonisation in relation to the quality of social housing.

We have also highlighted the range of actions that social landlords can take, on their own and in partnership with others, to support victim survivors of domestic abuse and placed an additional emphasis on the role of social landlords in preventing homelessness.

Those modest revisions have updated and future proofed the charter, reflecting developments in practice, policy and legislative requirements. The charter continues to provide an improvement framework and a statistical baseline for both tenants and landlords to assess and compare performance individually and across the sector. It encourages and supports landlords to continue building on improvements that they have already made in delivering the high-quality services that tenants and other customers want and expect.

I look forward to hearing the committee's views and answering any questions that members may have on the charter. Subject to that, I hope that the committee will be content with the revised charter and that it will recommend that the Parliament should approve it.

The Convener: Thank you for your statement. I will open the session for questions.

You mentioned future proofing. At the forefront of my mind is the on-going energy and cost of living crisis. Households are suffering because of energy prices and there is an urgent need to transform heating systems. Given that, how has the Scottish Government reviewed and consulted on the revised charter? Specifically, how have tenants been engaged?

Patrick Harvie: The consultation on the charter revision has been extensive. The 12-week consultation was on the Scottish Government's website and was widely publicised by the Government and other stakeholders. There were 12 virtual stakeholder consultation events for tenants, landlords and others with an interest in social housing. That process was facilitated by the Tenant Participation and Advisory Service and the Tenants Information Service. The range of issues that the convener mentioned—particularly in relation to the cost of living, including the affordability of energy and other costs—touch on some long-term challenges that the sector and the rest of our housing system will have to deal with. The current consultation and the new deal for tenants will also touch on those issues.

The Convener: How do you think that the charter needs to evolve, given the stated aim in the new deal for tenants consultation of developing a more unified rented sector with more consistent regulation?

Patrick Harvie: That is probably an area where some of the questions remain open, as we are currently consulting on the new deal for tenants rented sector strategy. We have clearly indicated some potential changes to the role of the regulator in relation to social housing. However, in the private rented sector, there is no charter equivalent nor is there a regulator at present, although we are proposing one.

The opportunities to close the gap in outcomes for housing across different sectors, the opportunities for social landlords to develop their wider role in the community in relation to energy systems, for example, and the opportunities to learn lessons from good practice—and from where practice has perhaps not been so good—in relation to tenant participation are all areas where there will be some interesting overlap and connection between the social and private rented sectors, although there might not necessarily be a direct read-across. The social rented sector has some innate advantages in relation to tenant participation in that, often, but not always, landlords tend to be bigger and have a geographically defined focus. Quite often, the social rented sector has a more stable and older tenant population. Some of those factors lend themselves to the ease with which good social landlords have improved their practice in relation

to tenant participation. Often, those factors are absent in the private rented sector. Trying to achieve that level of participation and tenant voice will be a challenge. The current consultation is actively exploring that.

The Convener: It is good to hear that there is potential for overlap and connection between what we are doing in the committee with the social rented sector and the private rented sector proposals.

Paul McLennan (East Lothian) (SNP): I refer members to my entry in the register of interests. I am still a serving councillor in East Lothian Council.

In what ways does the minister think the current charter has helped to improve standards and outcomes for tenants and other service users?

Patrick Harvie: Overall, the picture is strong. Since the original charter was introduced, as you will be aware, the regulator monitors and reports against the outcomes in the charter, and that has shown a continued improvement, pretty much year on year. There is a strong view across the sector that, from the its creation to the first review and now to this second review, the charter has been effective and is improving standards.

It is always worth reflecting on the fact that practice and standards vary. Every social landlord will recognise that they can always do things better. It is always appropriate for any organisation, whether public service or private or third sector, to continually reflect on how it can learn lessons and do better. That applies to the regulator as well. We can continually reflect on how the regulator can provide better information for tenants, enabling them to hold their social landlords accountable.

Across the sector, the view and the evidence are strong that the charter has had a strong and pretty consistent impact in improving service.

Paul McLennan: The analysis of the response to the charter review showed that there was a slightly less positive view among individual tenants than among social landlords about the impact of the charter. Do you have any thoughts or comments on that?

Patrick Harvie: Some of the responses from individuals might have been about the service that they were getting from their social landlord, rather than about the contents of the charter. That is probably the main reason for that statistical difference between organisations and individuals in their overall level of positivity .

In that context, it is always legitimate for people to raise whatever issues they have. If they have an issue with a social landlord, it is perfectly fine for that to be heard. That individual difficult case or

circumstance needs to be dealt with by their social landlord or, in extremis, by the regulator, rather than necessarily being reflected in the charter itself.

However, the overall view from organisations and from individuals was pretty supportive on the contents of the charter. There were really not many major proposals for change. That is why the changes that we are proposing are relatively modest.

Paul McLennan: This does not relate to the charter, but is there anything that we can keep an eye on? If there was a deterioration, are there other indicators outwith the charter? For example, are there regular reviews, so that we can keep an eye on the views of individual tenants? I know that that is slightly outwith the charter, but it would be worth monitoring.

Patrick Harvie: It is the Parliament that has given the responsibilities and duties to the regulator, and the regulator reports to the Parliament. We propose—or, at least, in the current consultation, discuss—some potential changes to the remit of the regulator; as I mentioned earlier to the convener, there is a proposal for a regulator for the private rented sector as well. There will be some discussion, no doubt, about how and to what extent those might integrate, or whether there are reasons why we should keep them fully separate.

The regulator will, I think, be reporting to the committee fairly soon. That is an opportunity for the committee to hold the regulator to account for its work and for the reports that it presents.

The Convener: Thank you for those responses. I move to questions from Mark Griffin.

Mark Griffin (Central Scotland) (Lab): Good morning, minister. I draw members' attention to my entry in the register of members' interests, as I am the owner of a rented property in North Lanarkshire.

Minister, you have set out some of the changes to the charter, and the reasons for them. I want to touch on the incorporation of a reference to human rights and the right to housing for all. I want to explore the concept of a right to housing as opposed to a right to a choice of housing. Many people are in housing that, essentially, would meet the right to housing, but they are in a tenure that would not be of their choice. There are those in a private let who would want to be in social housing. What discussion was had on that change—perhaps about reflecting a right to a choice in housing rather than just the right to housing?

10:15

Patrick Harvie: I hope that it is well recognised that we talk about the right to adequate housing as a human rights issue pretty consistently. We are moving the debate on to recognise that that point needs to be expressed and experienced across the tenures. The right to adequate housing includes affordability and issues around personal control and dignity, which is why we are talking about changes in the private rented sector in relation to things such as personalising a home—it is hugely important to recognise that a rented home is somebody's home, not just a property with a tenancy.

In relation to choice, there are many reasons in different sectors why somebody might feel that they do not have the ability to make choices about where they live or the kind of property that they have. In relation to the PRS, it might simply be a matter of price. We are very aware of the particular challenges of rent increases over recent years, especially in cities such as Glasgow and Edinburgh, which is why we are committed to introducing proposals on rent controls. The social rented sector already has regulation of rent and requirements on landlords to consult, so the choice that people have there is not necessarily the same as in the private rented sector.

I hope that those issues will come out in the current consultation, and we will obviously take account of the committee's particular views on how we can express those matters better.

Mark Griffin: I want to move on to a different area. How does the Scottish Housing Regulator use the results of landlords' reporting to gauge against standards and outcomes in its regulatory framework?

Patrick Harvie: It might be that officials have an extra word to add here. I suspect that some of those questions should be put to the SHR. Parliament sets the legislation that sets out the duties of the independent regulator and the Government can propose changes to that legislation, but we do not instruct the SHR on how to perform its functions, or individual social landlords on how they should achieve the framework's outcomes. Some questions might be more relevant to the SHR than they are to the Government.

Anne Cook might want to add something.

Anne Cook (Scottish Government): The regulator collects information annually and does an annual report on the charter. Landlords also have to do an annual report for their tenants. The regulator monitors performance across the charter, and it has a tool on its website that enables users to compare landlords. The tool gives users a good, easy way to say how their and

other landlords are doing on a particular outcome. The regulator makes that information available by collecting comparable statistics across all social landlords and reporting on them annually.

The Convener: For the awareness of all, the committee will have the SHR in soon, on 22 March.

Graeme Dey (Angus South) (SNP): How would you respond, minister, to the concerns of Living Rent that the current process of self-assessment against the charter's indicators is not suited to delivering the charter's outcomes and that a more robust and accountable regulatory approach might be needed?

Patrick Harvie: I am grateful for the opportunity to hear Living Rent's perspective. If I remember rightly, I am meeting it later this week, so I will get a chance to explore that concern in more detail. I note that Living Rent is pleased with the charter itself and that it has agreed that the charter outlines worthwhile outcomes. If I understand Living Rent's perspective properly, its view is that what needs to change is the way in which social landlords are regulated, rather than the charter itself.

I am sorry to come back to the point that there is an open consultation on some of these issues and it might be wrong to pre-empt that. The consultation proposes greater involvement for the Scottish Housing Regulator as well as the creation of the new regulator for the PRS, which will improve standards and enforce tenants' rights. The vision for and principles of regulation are being consulted on and will be based on standards of quality, affordability and fairness to try to achieve the tenure-neutral outcome that I was talking about earlier.

I would like to think that some of the work that we are currently doing and which will flow from the current consultation on the new deal and the rented sector strategy will go a long way towards addressing some of Living Rent's concerns, which, as I understand them, are not principally with the charter itself or the changes that we are proposing today.

Graeme Dey: I want to explore how some of the legislation is being implemented both in practice and in spirit. The social housing charter refers to standards and outcomes that homeless people can expect from landlords with regard to access to help and advice, quality of accommodation and continuing support to help those people to access and keep a home. At the risk of being parochial, I want to highlight a case in my constituency. Individuals who were given notice by private landlords approached the local authority, as the go-to for finding accommodation, only to be told to sit tight for the notice period, after which the

eviction process would be started. The council appeared reluctant to take away some of the burden and stress being felt by those individuals at that early stage by offering advice or, indeed, engaging with the private sector landlord. Where does such an approach fit—if it fits at all—in the charter? Even if it is okay, is it in the spirit of how the charter should be applied?

Patrick Harvie: In short, I do not think that that is okay, but it connects directly with the issue of the private rented sector having no regulator or equivalent to the charter. The new deal for tenants consultation does not go into specific questions about whether there should be a charter like this for the PRS, whether the charter should be expanded to cover it or precisely what the regulator should be. Instead, it opens up a range of options in that respect. At the moment, however, the private landlord in the situation that you have described is not regulated in the same way in relation to prevention of homelessness.

Graeme Dey: I am sorry—I have not explained this clearly enough. What I am getting at is the conduct of the local authority when it is approached. It is simply telling tenants to sit tight for the notice period, after which the eviction process will start. That is very unsettling for tenants who are seeking a social housing gift—for want of a better word. Is it appropriate for the local authority simply to kick the can down the road like that, or should it be engaging earlier? Is that approach covered in the charter in any way?

Patrick Harvie: The charter relates more to the responsibilities of social landlords than to those of the local authorities, unless we are talking about council housing. The separate function with regard to the provision of, for example, welfare rights advice or housing advice is separate and does not necessarily come within the charter's ambit. That said, the approach that we are taking in trying to achieve tenure-neutral outcomes and to introduce regulation in the PRS that, although perhaps not identical to that for the social rented sector, integrates with it to get a more coherent approach to achieving the human right to adequate housing for everybody, regardless of tenure, will go a long way towards addressing situations such as you are describing.

Graeme Dey: With regard to resolving neighbourhood disputes and providing adequate tenancy support where it is needed, is the current reporting mechanism—the self-assessment, if you like—robust enough to ensure that what is being recorded is accurate?

Patrick Harvie: I do not think that we have concerns that there are major issues with the accuracy of reporting.

As I said, we are looking to propose a change to the Scottish Housing Regulator's existing functions in the social rented sector, so that it has a greater role in relation to improvement. When the legislation is introduced, it will be for the committee to consider whether we have got the approach right or whether an alternative approach is required.

I look forward to the responses to the current consultation, which we will consider carefully. We will aim to implement the most effective solution possible. I look forward to the committee's engagement on that, too.

The Convener: It is coming through clearly that a number of pieces of work around housing are being progressed over this parliamentary session. The charter is one piece, the new deal for tenants is another and there are lots of others. All those bits will, I hope, work together to make housing better for people in general.

I will bring in Miles Briggs with some questions.

Miles Briggs (Lothian) (Con): I want to ask a few questions about some of the outcomes, starting with outcome 5, on repairs, maintenance and improvements. I am sure that every MSP meets tenants to discuss, and knows of concerns around, the timescales for works taking place. How will those be properly monitored? I am always shocked not by the work of the teams that deliver the improvements but by the length of time that people face for those improvements being made. I have a case in which people have been waiting up to five years to get a problem resolved. What difference do you hope that the charter will make?

Patrick Harvie: Obviously, there have been significant issues in the past couple of years, and we are aware that the timescales for repairs have suffered as a result of the pandemic. I think that most people would acknowledge that that has been for understandable practical reasons. As we recover from the pandemic, it will be important to ensure that social landlords do what they can not just to reduce those timescales but to address any backlog.

The regulator, which you will hear from later this month, collects information on timescales. I will be as interested as you are in the on-going reporting of the information that the regulator can present to ensure that we address those issues. However, as I said, it is for the regulator, which is independent of Government, to collect that information and for social landlords to address how they best achieve the outcomes that are set in the charter.

Miles Briggs: Graeme Dey responded to a question by alluding to outcome 12. I think that we all welcome the inclusion of homelessness and rough sleeping in the charter. However, an aspect

that I do not think is necessarily captured is how supported or assisted living is to be provided for the many individuals who will need it. Is the Government looking at that, too? I believe that around 5 per cent to 7 per cent of homeless people need a supported living model to be put in place, but few people provide that. Rowan Alba Ltd, which is based in the capital, is doing a lot of good work around that in Leith.

I would like that aspect to be looked at, too. That important group of tenants often find themselves homeless and need that supported living model. It would be a positive thing for the charter to include that as the homelessness offering is developed further.

Patrick Harvie: In isolation, that is a very fair point. There is huge value in the services that you are talking about, and I think that that is understood across the sector. One of the issues is that we want the charter to be a clear, comprehensible and easy-to-use document for tenants, not an incredibly high-level detailed policy document that only housing professionals can make use of.

Through the consultation, we were keen to understand what tenants want to see in the charter. A huge range of other options are not necessarily captured in the outcomes, including the services that you are talking about; the detail of how we provide welfare rights and money advice services to tenants; how social landlords who choose to can perform a wider role; and a great many other aspects of the detailed operation of social housing.

We wanted the outcomes and the charter to reflect the priorities of tenants and the document to be expressed in clear language so that it was easy for tenants to use. The absence of specific detail on a particular issue does not reflect its lack of importance but results from our ensuring that the way that we revise and express the charter reflects the priorities of tenants and that the document remains useful to them.

10:30

Miles Briggs: Thank you for that. I have a final question. What plans does the Scottish Government have to carry out a fundamental review of the charter in the next five years? There has been quite a gap between 2012 and 2021. What are the plans for potentially updating the charter in the future?

Patrick Harvie: The first review after the charter's creation was in 2017, and we anticipate another five-year review. I do not imagine that we would need to make any major or comprehensive changes before that review. However, as I have said in relation to several points that have come

up, the situation is changing in relation to energy, the net zero targets, decarbonisation and the role of social landlords in achieving that, as well as in relation to the wider landscape of tenants' rights and the approach to achieving tenure-neutral outcomes between the social and private rented sectors. There will be opportunities to continue to use the charter in that changing context. However, our expectation is to have a further review at the next natural five-year point rather than open it up at a deeper level much sooner than that.

Meghan Gallacher (Central Scotland) (Con): I refer members to my entry in the register of members' interests: I am a serving councillor on North Lanarkshire Council.

I want to pick up on the answer that you gave to my colleague Miles Briggs on engagement with tenants. You have highlighted the fact that you want the charter to be easy to use rather than a high-level, detailed policy document. In annex B of the briefing paper that was supplied to the committee, there is a quote from the South Lanarkshire Council tenant development support project:

"Most tenants don't know what the Charter is. The Scottish Government need to do more to ensure all social tenants are aware of it."

Could more be done to raise awareness of the charter among tenants?

Patrick Harvie: The answer to that question will always be yes. Since its creation, through its review to now, the cohort of tenants will have changed—the people who engaged 10 years ago might not be the tenants who are there today—therefore, our intention is to repeat the approach that we took at the previous review point, in 2017. A series of events were held to promote the charter, which were judged to be quite successful and pretty popular. Our intention is to go through that process again and to develop a publicity strategy to ensure that as many tenants as possible are aware of the charter. That is not just about Government action; it also means encouraging landlords to promote the revised charter in their engagement activities with tenants and other customers.

The intention is that some hard copies will be made available to those who want them. However, over the past couple of years, social landlords—like the rest of us—have recognised that digital means of communication can be really effective. After an initial period of some uncertainty, many social landlords' tenants found that it was something that they had taken to as well. Many of those digital means of communication will be used very effectively, too.

Meghan Gallacher: You mentioned engagement events and making sure that people

are aware of the charter through digital means, which I am sure will be important. However, as we know, there are still many people in our communities who are not part of the digital age. Will the charter be voiced to those people—particularly those with disabilities, who cannot physically attend the events that you are hoping to hold to promote the charter?

Patrick Harvie: Yes. As I said, as well as the charter being available online, hard copies of it will be made available to those who need them. I expect the work of the Government, as well as that of individual social landlords, to involve a range of different methods and approaches. To be fair, since the charter was created, and again at its review point, many social landlords have shown a great deal of creativity in broadening engagement effectively in a range of different ways.

The Convener: Willie Coffey joins us on BlueJeans.

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): Good morning to the minister and his colleagues. I have a few questions on how the Scottish housing quality standard intersects with the charter. Paragraph 4.1 of the charter states that landlords are “accountable” for the work that they do and the performance that they deliver. How, at ground level, are tenants able to hold landlords to account if they are unhappy with that performance? Is it through things such as tenant satisfaction surveys?

Patrick Harvie: Ideally, if things are working well, social landlords hear the tenant voice directly. The regulator has the responsibility, which it is given by Parliament, to monitor the work of social landlords against the outcomes, including on tenant participation and tenant voice.

As I said earlier, since the creation of the charter, in 2012, and the review of it in 2017, there has been pretty good evidence to suggest that it has been an effective tool in raising standards. Nevertheless, if there was a major turn in the other direction, that would be picked up by the regulator in its reports to Parliament and there would be an opportunity for either Government or the regulator itself to take action.

Willie Coffey: I was a local councillor for many years, before and during my time in Parliament, and, over the years, I have heard of numerous examples of bad experiences. Graeme Dey highlighted one example just now, and I heard about another only a couple of weeks ago—I stress that I am not talking about East Ayrshire. A person was allocated a house in which the heaters were not working—they were hanging off the walls—and there was no hot water in the house. The doors were also hanging off and the carpet was stained. How on earth do tenants get that

experience through to the regulator? How do we protect tenants from that kind of performance?

Patrick Harvie: It is obviously a little difficult for me to answer a specific question about one social landlord in particular and the experience that a particular tenant has had. What you describe is not a picture that any of us would want to see as the experience that people have in the social rented sector or in any other part of our housing system in Scotland.

The charter, and the operation of the regulator in holding social landlords to account against the outcomes in the charter, is an effective way of ensuring that we continue to raise standards. That is not to say that everything is perfect or that any social landlord cannot continue to improve their practice. They can, and I think that the evidence has shown that they are continuing to do so. It would be wrong for us to rest on our laurels and think that every problem has been fixed and that every social landlord is perfect. The story is one of continuous improvement, and we are committed to ensuring that that continues.

Willie Coffey: Should there be a direct route that any tenant who has had such an experience can take? I know that they can go and see their local councillors and talk to their MSP, or even to their member of Parliament if they want to. Nevertheless, should there be a more direct route to the regulator in instances such as the one that I described?

A related question is whether social landlords, when they allocate a property or a tenancy, give the tenant a copy of what the standard should be, so that there is almost a contract, or an agreement, between the landlord and the tenant about the condition and quality of the house that they are being offered. That is not currently done. Do you think that it might be worth considering?

Patrick Harvie: I am not sure that the formal housing standard is provided and I am not sure that that high-level, detailed information would be the most effective information to give to tenants. However, it is reasonable to ask how we can ensure that the right kind of information is given to tenants about the standards that are expected. In many ways, that is the purpose of the charter—to convey in clear and comprehensible language, rather than the language of, as I said earlier, a housing policy professional, the standards and outcomes that people should be able to expect from their housing.

I am very committed to continually improving the tenant voice in both the social and the private rented sector. In the private rented sector, for example, there are countries where tenants unions are much more developed and are much more involved in playing a role within the housing

system—including, in some cases, a statutory role in relation to decisions such as rent setting. In such situations, the power imbalance between landlords and tenants is not as stark as it is here, because the tenant voice is more powerful.

There is not necessarily a direct read-across—we cannot necessarily take a straightforward copy-and-paste approach of implementing here what some of those other European countries are doing, but there are important lessons to learn from the countries that have a stronger tenant voice across all tenures. We need to make sure that that power imbalance is not as stark.

I think that I have been fairly clear that the problem of power imbalance is more severe in the private rented sector than it is in the social rented sector, which has a regulator, a charter and standards, in relation to not only the building fabric but the service that tenants can receive from their landlords.

As well as closing the gap between the social and private rented sectors, we need to continue to do whatever we can to raise standards across the board.

Willie Coffey: You have mentioned a few times the possibility of a regulator coming in to cover the private rented sector. Do you see that merging into a unified charter, or will we continue to have two charters and two sets of applicable standards?

You and I both know that the difference in quality between social housing and some private rented sector housing is stark. Often, I find tenants coming to me from the private rented sector who are fairly shocked by the quality of the housing that they are living in. There are no applicable standards that they can discern; there is no capital programme of upgrades and maintenance for them to look forward to. Can you say a wee bit about that and about how we might want to bring the two sectors a bit closer together?

Patrick Harvie: Sure, I can say a wee bit about it, but I might not be able to say much more than that because, as I say, the consultation is live. It is an important question, though, about the extent to which a regulator for the private rented sector would either align with and share some functions with or diverge from the current Scottish Housing Regulator for the social sector.

There are significant differences at the moment. We are committed to reducing the gap in outcomes between the tenures, but there will probably always be some degree of difference in relation to the legislative framework, for example. Towards the end of the charter, in the section on rents and service charges, we have a very wide difference between the legislative arrangements relating to rent in the social rented sector and the

broadly free-market approach in the private rented sector.

We are proposing major changes there; we have the experience of rent pressure zones, which have not been used at all in Scotland. We now have a commitment to introduce a single, national system of rent controls with some degree of local flexibility. We are not yet at the point of having a detailed proposition on that in legislation to put to Parliament, but that work will continue. Whatever we were to say about rents and charges within the private rented sector would need to take account of the legislation that is still to be developed, introduced and debated in Parliament.

Other elements of the charter would fairly reflect an expectation that somebody should have of their housing, regardless of which tenure they are living in. Something like the charter, if that is the way we go in relation to the PRS, would have some common points but probably also some divergence. The same thing will be true of the PRS regulator that we are proposing. There will be a very live debate about the extent to which it should align with or diverge from the approach of the existing social sector regulator.

10:45

Willie Coffey: That is very helpful.

When we are talking about charters, standards and so on, should we think about extending the gaze or reach of those things beyond just the house that a person lives in? What about the immediate environment where people live, which I often also get complaints about? Should people have a right to expect a certain quality in the immediate environment surrounding where they live, not just the house and its maintenance and services within the building where they live? What are your thoughts on that? Should we be thinking more long term about extending this to achieve a greater standard and quality that goes wider than the particular house that a tenant lives in?

Patrick Harvie: Clearly, the social rented sector should be taking that role, and very many social landlords do take a wider role in relation to environmental factors and the community at an economic and social level. As I mentioned earlier in relation to energy issues, social landlords could have a critical role in investing in the heat networks that need to be developed and implemented extensively throughout this decade. Those heat networks will have an impact not just on social landlords' own tenants; they can be catalysts for the wider community way beyond the social landlord itself. There are already examples of that, but not enough.

The question is: to what extent should the charter seek to capture that wider role? As I said

earlier to Mr Briggs, in the consultation that we undertook, we wanted to ensure that the changes to the charter that we have proposed address the issues that tenants want to be addressed in the charter in a way that they feel is effective for them. That is not to say that other issues are not important, too—to social landlords and to the Scottish Government, for our net zero targets and for our homelessness and child poverty targets. Not every important issue is necessarily best captured in the charter itself.

The wider approach that Willie Coffey talks about is hugely important, but that is slightly outside the scope of what we should be putting in the charter. The revisions that are being put forward today are pretty much in line with the strong view that what is currently in the charter was working well and needed only modest changes.

Willie Coffey: Many thanks for that, Patrick.

The Convener: Thanks for that question, Willie. You have picked up on something that I was beginning to think about, which goes wider than the charter. There is certainly an opportunity with the Government looking at building 110,000 new houses, 70 per cent of which will be social housing. There is the parallel process that should influence that through the national planning framework, and we are talking about 20-minute neighbourhoods. It seems to me that social housing has an opportunity to influence, affect and shape those 20-minute neighbourhoods if we are talking about building that amount of housing. It is good to hear that you recognise that, although I understand that we are trying here to create a document that is accessible for tenants' direct needs. At the moment, it is a matter of having homes where tenants feel safe and where they can get their immediate needs met.

Patrick Harvie: That is very fair, convener. In relation to one part of my remit that we have not yet talked about, active travel is critical, too. We have a clear commitment to reduce car kilometres by 20 per cent by 2030. Investment in communities under a place-based approach will be critical to achieving that, ensuring that people can get to what they need sustainably and affordably within communities. As important players in the wider community, social landlords have a powerful, pivotal role to play in achieving that.

Graeme Dey: Minister, you made the point earlier that what we are here to discuss is the charter, but we have strayed into other areas, although that has been all to the good.

I have a small suggestion. You have commented on how you would expect social landlords to raise awareness of the charter. Is

there a requirement on social landlords to make tenants aware of the existence of the charter and the regulator? That might lead to an improvement in the situation. Social landlords that are doing everything that the charter requires will do that, but if those that are not were also aware that their tenants understood what the charter required and about the existence of the regulator, that might drive behaviour. Is that worth considering?

Patrick Harvie: I am turning to my colleagues. I am fairly sure that there is a requirement to make tenants aware of the charter.

Anne Cook: There is no specific legal requirement, but landlords have to report annually to their tenants, and they are responsible for promoting the charter among tenants.

Although we have not been able to get out and about during the past two years, we usually meet tenants regularly, and we really miss doing that. From our work with tenants, I suspect that it might be a case of just targeting information more. Tenants move and new tenants come in. Nationally, our tenant movement is getting older. We recognise that and we want to get younger and newer tenants in.

It is more a case of targeting publicity and working with landlords to ensure that they are doing the annual report that they are under a legal duty to do—the regulator monitors that—and that they work with their tenants to promote the charter as a tool for improving performance.

Patrick Harvie: To be fair, among the social landlords that I have spoken to, there is some recognition that, even when tenant participation and engagement is good, it is much easier with a stable cohort of tenants. Social landlords face challenges to get beyond that. It is the same thing here in the Parliament when we talk about the usual suspects or the same committee witnesses coming along to talk about different issues or the same organisations that the Government finds it easier to consult. Participation and engagement is challenging and it is always difficult to get beyond a cohort of familiar people.

I would like to think that the Government and local authorities are now actively exploring more participative and deliberative forms of democracy, such as citizens juries and citizens assemblies. That kind of approach might also inspire social landlords to think about what they can learn from other ways of throwing open the doors to participation and, as I was saying to Meghan Gallacher, taking a wide range of different approaches rather than thinking that one solution is right for everybody.

The Convener: We have come to the end our questions. I thank the minister and his officials for their evidence. I look forward to seeing you again

next week, when we will consider the motion on the social housing charter.

10:57

On resuming—

Subordinate Legislation

10:53

Meeting suspended.

Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2022 (SSI 2022/18)

The Convener: Item 3 is consideration of the Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2022. As that is a negative instrument, there is no requirement for the committee to make any recommendations on it.

As no member wishes to comment on the instrument, does the committee agree that it does not wish to make any recommendations in relation to it?

Members *indicated agreement.*

Building Safety Bill

10:59

Meeting continued in private until 11:29.

10:57

The Convener: Under item 4, the committee will consider a legislative consent memorandum on the United Kingdom Building Safety Bill. Members have received copies of the LCM along with a letter from the Cabinet Secretary for Social Justice, Housing and Local Government. The Delegated Powers and Law Reform Committee's report on the LCM was circulated to members as a late paper on Friday.

The Scottish Government considers it appropriate for the Parliament to consent to the LCM, and the cabinet secretary's letter states that stakeholders are also supportive of a UK-wide approach. We therefore agreed in a previous meeting that there would be very limited value in taking evidence on the LCM, but we are still required to report our views to the Parliament on whether we recommend that it should be approved. Do members have any comments on the LCM and on whether we are content to recommend its approval?

Everyone is content. The clerks will arrange for a short report that sets out our recommendation to the Parliament to be published in the coming days.

At the start of the meeting, we agreed to take item 5 in private. As we have no more public business today, I close the public part of the meeting.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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