SOCIAL JUSTICE COMMITTEE

Tuesday 15 May 2001

Session 1

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SOCIAL JUSTICE COMMITTEE
18th Meeting 2001, Session 1

CONVENER

*Johann Lamont (Glasgow Pollok) (Lab)

DEPUTY CONVENER

*Ms Sandra White (Glasgow) (SNP)

COMMITTEE MEMBERS

*Brian Adam (North-East Scotland) (SNP)
*Bill Aitken (Glasgow) (Con)
*Robert Brown (Glasgow) (LD)
*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)
*Karen Whitefield (Airdrie and Shotts) (Lab)

*attended

THE FOLLOWING ALSO ATTENDED:

Jackie Baillie (Minister for Social Justice)
Ms Margaret Curran (Deputy Minister for Social Justice)
Linda Fabiani (Central Scotland) (SNP)
Mr Kenneth Gibson (Glasgow) (SNP)
Robin Harper (Lothians) (Green)
Fiona Hyslop (Lothians) (SNP)
Tricia Marwick (Mid Scotland and Fife) (SNP)
Tommy Sheridan (Glasgow) (SSP)
Mike Watson (Glasgow Cathcart) (Lab)

CLERK TO THE COMMITTEE

Lee Bridges

SENIOR ASSISTANT CLERK

Mary Dinsdale

ASSISTANT CLERK

Rodger Evans

LOCATION

Committee Room 2

Scottish Parliament

Social Justice Committee

Tuesday 15 May 2001

[THE CONVENER *opened the meeting at 09:32*]

Housing (Scotland) Bill: Stage 2

The Convener (Johann Lamont): Welcome to the seventh day of the committee's consideration of the Housing (Scotland) Bill at stage 2. An eighth day is available to us, but with some self-discipline, we might not require it. I hope that we will have a productive day today and that we will deal with as much as possible.

We have a note from the legislation team on the procedure for amendments to amendments. I do not propose to have any discussion of it now, but it reflects on an issue raised in relation to amendments 23 and 23A. The note informs us how we will deal with amendments to amendments today. If members have broader comments about the implications of the procedure and what we have learned, they will have an opportunity to make them when we reflect on our experience of stage 2 during normal committee business, once we have completed our consideration of the bill.

Section 75—Transfer of functions to the Scottish Ministers

The Convener: Amendment 439 is grouped with amendments 440, 202, 441, 442, 443, 203, 204, 205, 206 and 496. If amendment 202 is agreed to, I will not call amendment 441 because of the pre-emption rule.

I ask Kenny Gibson to move amendment 439 and to speak to all the amendments in the group.

Mr Kenneth Gibson (Glasgow) (SNP): I will be brief.

Amendment 439 divides the current functions of Scottish Homes in a straightforward way. We believe that if councils are to have responsibility for strategic planning, it makes sense that they have responsibility for funding. That has already been admitted to some extent in sections 80 to 84.

Amendment 440 reinforces amendment 439. I will not move amendment 202 because amendments 439 and 440 supersede it. Amendments 203 to 206 are consequential to amendments 439 and 440. I will move them only if amendments 440 and 439 are accepted.

I move amendment 439.

The Convener: I ask Bill Aitken to speak to amendment 441 and to the other amendments in the group.

Bill Aitken (Glasgow) (Con): Amendment 441 is a probing amendment. As I said at stage 1, I am concerned about the regulatory function of Scottish Homes being subsumed by the Executive. Scottish Homes has always carried out robustly its functions in respect of regulation. I am concerned that Scottish Homes could in effect have to report on the effectiveness or otherwise of Executive policy on certain issues. I await with interest the comments of the Minister for Social Justice, but I feel that transferring Scottish Homes to the Executive could have an inhibiting effect.

The Convener: I ask Fiona Hyslop to speak to amendments 442 and 496 and to the other amendments in the group.

Fiona Hyslop (Lothians) (SNP): Amendment 442 relates to Scottish Homes' current role as landlord. Members are aware that, over the years, Scottish Homes has tried to transfer its properties to registered social landlords, but—as Bill Aitken has said—a residual number of properties will remain with Scottish Homes. If the organisation is transferred to the Scottish Executive, the ministers will have the pleasure of becoming landlords. I am not sure whether the minister or the deputy minister has experience of being a landlord, but there is an issue about what we do and the reassurances that we give tenants, who must be wondering about their future.

I suspect that the properties that remain with Scottish Homes are in areas where tenants are reluctant to transfer to RSLs. We should reassure them that they can move to local authorities in the first instance. I imagine that the residual Scottish Homes stock tends to be in small developments rather than in large areas, which would make it difficult to create new RSLs.

I understand that about 4,000 properties remain with Scottish Homes—I am happy to be corrected by the minister—and that the number is shrinking. If the tenants move to local authority landlords and subsequently wish to move to a new landlord through a stock transfer, they will be perfectly within their rights to do that and might wish to exercise that right. In the first instance, it is not appropriate for the Scottish Executive to become the landlord of Scottish Homes properties. The bill should reassure tenants as to who their landlord is. By it being specified that Scottish Homes properties would be transferred to local authorities, tenants would get the assurance that they want.

I hope that the minister will take my comments in the spirit in which they are intended. My proposal relieves the Executive of the responsibility of being a landlord and reassures tenants, but does not cut

off the possibility of tenants transferring to an RSL in future if they want to.

Amendment 496 deals with the wind-down of Scottish Homes and issues such as its liabilities.

The second time the committee took evidence from Scottish Homes during the stock transfer inquiry, it was evident that Scottish Homes had a substantial debt, which would have to be transferred to the Scottish Executive—the Executive would have to pick up Scottish Homes' debt. That concerned me, but provisions were made so that the Executive would take on the debt liabilities.

We also have a responsibility to Scottish Homes staff. I am sure that the ministers will be diligent in carrying out their responsibilities to them. One area that is not covered explicitly is the pension fund, and I believe that it should be. My understanding is that the pension fund of Scottish Homes is substantial. I suspect that all committee members will be of the view that all assets from the pension fund should be returned to benefit the staff and their relatives.

All amendment 496 seeks to do is to say that when arrangements are made to transfer the pension fund, an order should come before the Parliament, which means that the matter would return to the Social Justice Committee. There would have to be positive instruction from committee members that they were happy about how the pension fund was being disposed of. The amendment is about being accountable for the pension fund to the Parliament. The Parliament and the committee may be happy with the winding-up process, but the amendment provides a safeguard to the staff of Scottish Homes. Amendment 442 is about safeguarding the tenants of Scottish Homes.

Brian Adam (North-East Scotland) (SNP): Like Bill Aitken's amendment 441, amendment 443 is a probing amendment. I am not absolutely clear about the intention behind section 76(1), particularly on the issue of striking down any current provisions for protecting rights that might have been contained in deeds. Furthermore, it is not clear what the "property and liabilities" are. Do they include both the homes and the offices that Scottish Homes currently owns?

I support amendment 442. As for the idea of leaving about 4,000 former Scottish Special Housing Association—now Scottish Homes—houses with the Executive, I do not think that the Executive particularly desires to be a landlord; it does not even want local authorities to be landlords. The legislation would allow tenants to move on from that position if they wished, and amendment 442 tidies the situation up nicely.

I am interested to hear what the minister will say about the pension funds of Scottish Homes employees. We have recently had many debates in Parliament about how pension funds—admittedly those in the private sector—have been mishandled. The last thing we—and the ministers—want is to have the finger pointed at us about how the agency's pension funds have been dealt with.

Ms Sandra White (Glasgow) (SNP): I accept Bill Aitken's explanation that amendment 441 is a probing amendment, because what would happen if section 75 were deleted is a matter for debate. That brings me neatly to amendment 440, in the name of Kenny Gibson. It is right that local authorities should be responsible for strategic plans and funding, as I am sure they would agree.

I do not have any problem with amendment 442; in fact, I see a lot of merit in it. As Brian Adam has pointed out, the amount of residual housing would probably be too small to make up a complete RSL. However, although the amendment is worthy of support, I look forward to the Executive's explanation.

09:45

The Minister for Social Justice (Jackie Baillie): As the amendments in this group raise rather different points, I will take each in turn.

Bill Aitken's amendment 441 effectively means the status quo, as Scottish Homes would retain its current functions and remain as a quango. However, I will deal with the issue that the amendment probes. It is worth saying that, while Scottish Homes has undeniably made a significant contribution over the years, and one that we want to build upon, we do not believe that the status quo is justifiable. The bill proposes a set of interrelated changes, which make it no longer appropriate to have a national housing quango. First, we envisage the strengthening of the local authorities' strategic role on housing. We all agree that that is right, but if that is accepted, we do not also need a quango producing its own regional strategies and plans, as is currently the case.

Secondly, we would like to see a progressive transfer of responsibility for development funding, subject to certain checks and balances. That is clearly linked to the local authorities' strategic role and to our belief that they should carefully consider the case for transferring their landlord functions to alternative social landlords. Again, retaining responsibility for development funding within the control of the national quango would undermine that process.

Thirdly, we want to see the remaining Scottish Homes stock transferred to locally based landlords rather than owned and managed by a national quango.

Fourthly and finally, we want to ensure that the functions that need to continue to be managed at national level are properly accountable to ministers and Parliament.

I will deal with the point about the independence of the regulatory function. There is a clear advantage in a close alliance between the regulatory powers of the body and the allocation of funding, subject to ensuring that there is an adequate Chinese wall arrangement. We have issued to the committee a code of practice, which sets out robust arrangements for ensuring that there is operational independence for the regulator. We have listened to comment that the Executive has received on that point.

I also note that the Housing Corporation in England, and the similar body in Wales, operates as one body with both functions controlled within the one operation. I assure Bill Aitken that we have taken those concerns on board. I refer him to the code of practice if he has not already read it.

The group of amendments in Kenny Gibson's name, and in particular amendment 440, would transfer what he describes as the local strategic functions, as well as the development funding and landlord functions, to local authorities. I confess to being slightly confused, as ever, about the SNP's position, because in its manifesto for the Scottish Parliament elections, it stated that it would

"abolish the quango board of Scottish Homes and create an accountable executive agency".

It strikes me that the SNP's policy position has perhaps changed, because it now wants to transfer everything to local authorities.

Let me make it clear that the bill, as drafted, provides for an enhanced strategic role for local authorities. Our intention is that local housing strategies should replace the former local authority housing plans and the regional plans prepared by Scottish Homes. We have made provision in the bill for authorities to take on the former Scottish Homes' development funding role. Section 82 provides that local authorities will have virtually all the powers that Scottish Homes has at the moment.

Kenny Gibson's amendment 440 would, however, have two significant disadvantages. First, it would transfer the landlord function of Scottish Homes to local authorities, without any consultation with the tenants in question. I will come back to that point when I comment on Fiona Hyslop's amendment 442. Secondly, it takes no account of the need to phase in the transfer of development funding to local authorities in line with our clearly stated criteria. It is in nobody's interest for that to be rushed so that the transfer takes place in situations where local authorities do not have the skills and expertise to manage the resources, and there is lack of agreement with RSLs and other key interests that that approach is appropriate. We will debate the issue again when we come to group 5 of the amendments, but I have to say that what Kenny Gibson is proposing would be absolutely the wrong way to proceed.

We have made appropriate provision in the bill for the new roles of local authorities and the executive agency. Both Bill Aitken's amendment 441 and Kenny Gibson's amendments, coming from different perspectives, would undermine what we believe to be a coherent and balanced package, and I ask the committee to reject them.

I was also concerned about Fiona Hyslop's suggestion, in amendment 442, of introducing a sweeping statutory provision that Scottish Homes houses should transfer to local authorities. I make the same point to Fiona Hyslop as I made to Kenny Gibson: at what stage do we ask the tenants what it is that they want? I reassure Fiona Hyslop that Scottish ministers have no intentions of becoming landlords. The bill specifically precludes that by establishing a residuary body of Scottish Homes. The debt is already held by Scottish ministers—I hope that that reassures Fiona Hyslop on that point.

Scottish Homes has already transferred about 45,000 tenants to other community landlords. I assure Fiona Hyslop that the remaining Scottish Homes tenants will be fully consulted and that their interests will be taken into account fully, rather than being railroaded in a particular direction.

I am not sure of the intention of amendment 443, in Brian Adam's name. Section 76(3) is a technical provision, which is designed to smooth the transfer of Scottish Homes property and liabilities specifically to ensure that the likes of any existing rights of pre-emption are not automatically triggered solely by the transfer to Scottish ministers. Removing that subsection would not prevent the transfer from taking place, but would potentially make the transfer a bit more cumbersome and bureaucratic than it might otherwise be. I cannot see that as being in the interest of efficient public administration and I urge the committee not to support the amendment.

Kenny Gibson's amendments 203 to 206 mean that Scottish Homes staff would transfer to local authorities. Taking into account his other amendments, that would leave us in the peculiar position of having an executive agency with some functions, but none of the experienced Scottish Homes staff to carry them out. That does not make sense. For that reason alone, I hope that the committee will reject the amendments, which simply do not make practical sense.

I should add that in the financial memorandum

we have given a commitment to examine—as part of overall Executive support for local government—the resource consequences for local authorities in taking on the development funding role.

Amendment 496 would require that any order made under section 78 dealing with Scottish Homes' pension arrangements would be subject to the affirmative resolution procedure. That is not an appropriate approach to something that is largely a technical matter. I should also note that when the Subordinate Legislation Committee considered the bill, it approved the order-making powers as being appropriate. I do not see any need to change them now.

We are currently considering with Scottish Homes what arrangements should be made in respect of the pensions of current staff members, pensioners and those with rights to future pensions when staff transfer to the Scottish Executive. However, we can be clear that any decision will be fully in accordance with the responsibilities of the Executive as an employer and will not be to the detriment of those with an interest in the Scottish Homes pension fund. An order will be required and MSPs can request a debate if that seems appropriate, but we should not prejudge the issue by requiring a debate at the outset.

I remain of the view that our plan to establish a new executive agency is the correct one. The agency will be the operational arm of ministers, and through us, will be accountable to the committee and to Parliament. The agency will build upon and develop the role currently played by Scottish Homes. It will bring particular skills and expertise to bear and will work in close partnership with the other stakeholders, most notably local authorities.

There is nothing in the amendments that has caused us to change our position. I therefore urge the committee to reject them.

Mr Gibson: I am touched that the minister keeps herself so up to date on the SNP proposals—it will prove useful when she is in opposition in a couple of years.

Jackie Baillie: Dream on.

Mr Gibson: One can but hope. It is not true that we would devolve all regulation of quality status to local authorities—there would be overall direction at national level. However, local authorities are democratically elected and there should be subsidiarity as far as they are concerned. It appears to us that, for the Executive, the outcome of consultations is often predetermined.

Amendment 203 and the other amendments on the transfer of staff are obviously consequential on amendments 439 and 440. However, we would retain the staff at the new executive agency as appropriate to the functions carried out. It would certainly be better if the majority were transferred to local authorities.

I am somewhat concerned that the minister did not mention the pension surplus. That speaks for itself. I will press amendment 439.

The Convener: The question is, that amendment 439 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 439 disagreed to.

Amendment 440 moved—[Mr Kenneth Gibson].

The Convener: The question is, that amendment 440 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 440 disagreed to.

Amendments 202 and 441 not moved.

Section 75 agreed to.

Section 76—Property and liabilities

Amendment 442 moved—[Fiona Hyslop].

The Convener: The question is, that amendment 442 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 442 disagreed to.

Amendment 443 not moved.

Section 76 agreed to.

Section 77—Transfer of staff

Amendments 203 to 206 not moved.

Section 77 agreed to.

Section 78 agreed to.

Before section 79

The Convener: Amendment 435, in the name of the minister, is grouped with amendments 435A, 435B, 435C, 435D, 399, 450, 436, 437, 338, 407 and 438. I point out that amendment 436, if agreed to, would not pre-empt amendment 453 or 454, but would pre-empt amendment 104.

Jackie Baillie: I am pleased to lodge amendments to the bill that will place an obligation on Scottish ministers to report on progress in tackling fuel poverty. Karen Whitefield has lodged amendments to the Executive's amendment 435. Having carefully considered them, we will accept them.

As the Scottish warm homes campaign said, we are indeed on the eve of one of the most historic commitments ever made in Scotland. The combined effect of the Executive's amendments, incorporating Karen Whitefield's amendments, is that Scottish ministers will be required to prepare and publish a statement setting out their strategy for ensuring that, so far as reasonably practicable, fuel poverty is eradicated from Scotland.

The statement must set out what the Government is doing and will do. It must also set out the part played by local councils as strategic housing bodies. The statement must set a target date for achieving the policy objective and list any interim objectives, in other words, milestones to reach the ultimate target. The first statement will be published within 12 months of the section coming into effect. Ministers will keep the statement under review and, if they decide to modify it, they must publish any modified statement. In any event, there will be reports on progress at least every four years after the initial statement. The amendments require ministers to consult those representing the interests of the fuel poor and any other person or organisation that is considered appropriate.

10:00

In essence, the combined effect of the amendments is to introduce the same obligations in Scotland as apply in England and Wales under the terms of the Warm Homes and Energy Conservation Act 2000, which came into force late last year. In addition, amendment 436 places a duty on local authorities to include anti-fuel poverty measures in local housing strategies. I hope that in light of that amendment, Karen Whitefield and Robert Brown will not press their amendments 399 and 450, which make similar provisions.

The new provisions underpin our commitment to tackling fuel poverty in Scotland, as set out in the UK fuel poverty strategy, which we published in March, and which was debated in the Scottish Parliament. We know that fuel poverty has three causes: low income, fuel prices and poor home energy efficiency. Only the last of those can be addressed directly through the powers held by Scottish ministers, but we are clear that it is a project on which we are working in partnership with the UK Government.

Our commitment, within our existing powers, has already been clearly demonstrated. More money than ever before is being spent on Scottish housing. In particular, more than 80,000 homes have benefited from the warm deal over the past two years. Our most vulnerable households—those which lack central heating and insulation—will benefit from the central heating programme over the next five years. That is the most ambitious scheme of its kind ever introduced in Scotland. The new duties that are set out in our amendments will complement those and other measures that are being taken at UK level.

As I said earlier about Robin Harper's amendment 338, the Executive's amendments on fuel poverty will have the same effect as the Warm Homes and Energy Conservation Act 2000, which applies in England and Wales. Robin's proposals are similar, but effectively are superseded by our own. The key difference between our amendments and Robin Harper's amendment is the timetable for alleviating fuel poverty. We believe that the 15-year maximum that we have set, which is in line with that in England and Wales, is appropriate. What the date that is set in the strategy will be, and what the milestones will be, will be subject to consultation and further consideration, but let us be clear that it is not just about picking a number. We must set a target that is testing, but which is achievable. No one is well served if we set a target that cannot be achieved. Fifteen years is the latest

that such a target can be, and it is an appropriate boundary, but it is, in effect, a maximum position.

For as long as I have known him, Robert Brown has been persistent in pursuing the policy area that he addresses in amendment 407, and his approach is similar to our own. He proposes that there be a target date of 10 years for eradicating fuel poverty. As I said in respect of Robin Harper's amendment 338, the target date will be the subject of consultation and further consideration. In addition, Robert Brown's proposals are too prescriptive, and would be better contained in our fuel poverty statement, which would allow flexibility to change provisions if necessary, and report to Parliament.

Robert Brown would agree that we have to concentrate first and foremost on making progress. His requirement that there should be an energy audit every time a house is sold is interesting and useful, but does not belong in the fuel poverty provisions. The housing improvement task force that many members will be bored hearing about will consider energy audits and the best way of progressing the matter and will report back, subject to wide consultation. We should not place a new burden on home owners or purchasers without having a wider debate.

I believe that our amendments get the balance right. They place a requirement on ministers to set out our strategy for tackling fuel poverty and they hold us to account by requiring us to report on progress. The procedure is transparent and workable and it will have the right effect of ending fuel poverty in Scotland. I ask Robert Brown not to press his amendments.

I move amendment 435.

The Convener: I call Karen Whitefield to move amendment 435A and speak to amendments 435B, 435C, 435D and 450. I should point out that there is a printing error in the marshalled list: amendment 435A should refer to line 11, not 10.

Karen Whitefield (Airdrie and Shotts) (Lab): I am pleased that the Executive has accepted the amendments that I have lodged. Amendment 435, which was lodged by the Executive, is a step towards tackling energy efficiency. That issue has exercised the committee and the Parliament on a number of occasions and is a matter of concern across political parties. I am glad that the Executive is going to tackle it. I felt that amendment 435 fell short of its goal, which is why I lodged my amendments, which are designed to strengthen the Executive's hand and place duties and responsibilities on it, particularly in relation to monitoring and targets. They will help to ensure that, in 15 years' time, we no longer have fuel-poor homes and that we have rid Scotland of fuel poverty once and for all.

I lodged amendment 450 because the Executive cannot tackle the issue of fuel poverty alone, but must do so in partnership with local authorities. For that reason, I wanted there to be some recognition of the role that local authorities are already playing and will play in the future in ensuring that we have a comprehensive approach to tackling fuel poverty. I appreciate what the minister said on this matter and believe that those concerns will be addressed by the Executive amendment. Accordingly, I will not move amendment 450.

I move amendment 435A.

Robert Brown (Glasgow) (LD): If there is one issue in the country that unites the parties in the aspiration to deal with it, it is fuel poverty. That is clear from the amendments and speeches today.

We have to strike a balance between our aspiration to make a change as soon and as effectively as possible and our need to have administrative arrangements that make that happen on the ground. It is easier to aspire to the abolition of fuel poverty than it is to put the administrative arrangements in place.

I echo the minister's observations about the central heating programme. When that initiative and the warm deal reach fruition, they will go a long way towards implementing the committee's objectives.

I am fairly relaxed about the time scale. I am reasonably happy with what the Executive is saying in relation to the maximum time limit. In 15 years' time, there will be different ministers and members of the committee, which means that the more important targets for us are the interim milestones. We need to be able to see whether we have made definable progress year on year. The four-year major review is important, but it ought not to supersede the idea that the Scottish Executive's social justice targets and the committee's work should include a more frequent consideration of where we are getting to and the effectiveness of the system.

I will make observations on two or three other points. We discussed energy audits when we debated amendment 329, which was lodged by Robin Harper. It is probably accepted that such a measure cannot be introduced immediately. At the same time, I desire at least to make some progress in that direction. Such an audit is a major tool with which we can do something. I hope that the housing improvement task force will make some proposals on that issue quite quickly.

The minister dealt with guidance to local authorities and I will touch on two other related points. We should not lose sight of the Home Energy Conservation Act 1995. The ability to integrate its requirements of local authorities and

the national strategy is quite important as it raises a technical issue.

My final point is important and I would like assurances on it. I take the minister's point that the definitions of fuel poverty change and that new knowledge, objectives and methods will be gained. However, it is important that the committee should know what definition the Scottish Government will use, because we need to know the start point. That position may be changed by ministerial fiat later—that is fair enough—but I would be interested in the minister's response, because the word "reasonable", on which the committee has had much debate, runs through the Executive's proposals.

Organisations in the field have arrived at a standard definition of fuel poverty that relates to temperature, heating and other matters. It is important to consider that definition. I would be interested in hearing from the minister whether such a definition is likely to be in the Executive's early strategy. I accept that subordinate legislation or guidance is the best place for the definition, but that is the key point on which I would like more assurance than the minister has given.

Robin Harper (Lothians) (Green): I will miss out a couple of pages of my notes in the interest of brevity.

Amendment 338 should not be problematic. It is based on the Warm Homes and Energy Conservation Act 2000. When the Executive gave evidence to the committee in January, it signalled its willingness to amend the bill to take account of that Westminster act.

One key difference between the amendment and the 2000 act is that the amendment suggests that the target date for implementing the strategy in full should be eight rather than 15 years after the strategy was published. That is justified because of the urgency of the need for action. The excess death rate is about 3,000 deaths every winter, so shortening the target date could save up to 21,000 lives, mainly of vulnerable older people. Eight years is also justified because the amendment would do no more than implement a manifesto pledge by the Scottish Labour party in the 1999 elections. In its manifesto then, Labour said that it would end fuel poverty over two terms of the Scottish Parliament, which means eight years.

The amendment emphasises the development of energy efficiency measures to tackle fuel poverty. That is important because they are the only way of addressing environmental as well as poverty concerns. The minister dealt with that point—the matter is devolved to the Scottish Parliament.

The Department of the Environment, Transport and the Regions and the Department of Trade and Industry recently published a draft consultation paper on tackling fuel poverty. They argue that that meets the Government's obligations under the 2000 act to address fuel poverty. The Scottish Executive was involved in preparing that draft strategy, which contains a chapter on Scottish devolved issues. However, the Administration in Scotland—unlike that in England and Wales—remains without a statutory obligation to tackle fuel poverty. Amendment 338 would plug that gap.

The Executive's amendments 435 to 437 are weaker than the amendment that I have proposed. I have no doubt that the Executive will argue that it has made a commitment to tackling fuel poverty and that therefore the new section that my amendment would introduce is not needed. However, as I have said, the Executive's target time for tackling fuel poverty is 15 years and not the eight years that amendment 338 would introduce. That is the same target as is in the Warm Homes and Energy Conservation Act 2000, but that act is on the statute book, so action has started elsewhere a year before it has in Scotland. That means that Scotland—the coldest part of the UK—could lag at least a year behind the rest of the UK.

Furthermore, the bill without the provision that amendment 338 would introduce would renege on Labour's 1999 manifesto promise to tackle fuel poverty within two terms of a Scottish Parliament. If the manifesto promise were to be met, fuel poverty would have to be addressed by 2007. If Executive amendment 435 is agreed to, fuel poverty could continue until 2017.

For those reasons, I ask for members' support when amendment 338 is dealt with towards the end of the meeting.

10:15

Ms White: As Robert Brown and other members said, the committee considered and took fuel poverty seriously, as I dare say did the ministers in producing their amendments. I am not too happy with some parts of amendment 435. Robin Harper talked about the target date of up to 15 years. Fuel poverty and the level of deaths from the cold are horrendous. Such deaths should not be allowed to happen. I am glad that the bill will tackle that. After much pushing and shoving from all committee members, the Executive had to take on board the fact that fuel poverty is an important issue.

I have a letter from the minister, which is dated February. It contains two lines—hardly a paragraph—that say that the Executive will introduce a fuel poverty strategy during stage 2 of the bill. I thought that the amendments would be more comprehensive and would cover the

promises that the Executive gave not only the committee, but the witnesses whom we saw.

I congratulate Robin Harper on doing his homework on the Labour manifesto. I did not think of doing that and would not have had time to do it. He is right to mention that Labour said that it would end fuel poverty within two sessions of the Scottish Parliament. Labour should uphold its promise to the Scottish people to eradicate fuel poverty within two sessions—eight years. Before Robin mentioned that, I had highlighted the fact that the target date was 15 years, and I heard the minister say that the limit would be 15 years. However, fuel poverty is such a blight on our society that we must have a more concise time scale. I will support amendment 338.

Amendments 435A to 435D are non-contentious and sensible. They do not do an awful lot to the amendment that the ministers lodged, although they tidy it up a little bit. I would like to pick Karen Whitefield up on one matter. Amendment 435D says that a report should be published every four years. Why could that not be done annually? That would be better than a report every four years.

Robin Harper argued the case for amendment 338 well. We should consider the issue carefully. Members should forget party politics and think about the fuel poverty that people are suffering. Robin's amendment should be agreed to.

Brian Adam: The debate is not about whether we will have a fuel strategy, but about how and when—the why is fairly obvious, as Robin Harper is right that Scotland has a significant number of excess winter deaths. That has been a cross-party concern for some time, so I welcome the fact that the issue will be dealt with in the bill.

However, there are differences about the pace at which we will make progress and perhaps some of the detail of how we might do that. The minister suggested that up to 15 years is a realistic time frame. That seems a little at odds with what was said before the 1999 election, but at least it is a time frame. I am pleased that we have that. Like Sandra White, I will support Robin Harper's amendment 338, because that would drive forward the strategy a little more quickly.

Bill Aitken: I, too, welcome the provisions. As Brian Adam said, the issue that separates members is the time scale. One must consider the issue and try to apply practicality and reality to the principle. On balance, I would prefer the policy to be resolved and dealt with properly, instead of our hurrying it through and then failing to achieve it. That is the risk.

One should not minimise the amount of capital expenditure that will be necessary to carry out this policy. There is also a question about the practicality of doing that work. If I could be convinced that that work could be done within the eight years, I would be inclined to support amendment 338. However, I am not so convinced and therefore I believe that we should follow the 15-year limit, lengthy as that may be.

I would like the strategy to be monitored constantly during that period, with, I hope, regular reports being made to the Parliament or some other forum, although I accept that the minister cannot commit her successors to such actions. If it were possible to expedite matters, the fuel poverty strategy could then be re-examined.

It is clear that what we are attempting to achieve is not only desirable but necessary. However, I have reservations about whether it can be done within an eight-year time scale.

Tommy Sheridan (Glasgow) (SSP): Bill Aitken used the phrase "hurrying it through". I find alarmingly lacking in ambition the idea that tackling fuel poverty in Scotland over an eight-year period is hurrying through the strategy.

Politicians should tackle some of the most serious problems that face ordinary Scots. In previous debates, the minister referred to the 750,000 Scots who are fuel poor and to the 4,300 premature deaths that took place last year alone from illnesses related to fuel poverty and people's inability to heat their homes adequately. It is absolutely wrong to say that taking eight years to resolve that situation would be hurrying it through. I hope that the committee will agree to amendment 338.

We debated previously the issue of homes fit for human habitation, on which the Executive proposes a 15-year time scale while not even referring to the recognised standard definition of fuel poverty. At present, the bill does not mention the threshold of 10 per cent of people's disposable income that is spent on heating, or the targets of achieving temperatures of 21 deg Celsius for heating main rooms and 18 deg Celsius for other rooms in the house. The Executive shows poverty of ambition in relation to this serious issue.

Given our previous debate, when I was told that the Executive would make a full statement about fuel poverty, I hoped that its proposals would be much more ambitious than those outlined in amendment 435. Sadly, the Executive's commitment is disappointing.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I disagree with Tommy Sheridan. We have started an ambitious programme to eradicate fuel poverty. The Executive has already introduced initiatives such as the warm deal and the central heating programme for pensioners and those living in social rented housing, which will go some way to assist.

Bill Aitken said that we must consider the reality of the situation. When we are in a position of power and able to make a difference and make things happen, setting a deadline is not important. We should not waste too much time debating the time scale.

For some reason, the Executive has come up with a 15-year period—we must remember that that is the maximum amount of time allowed. I welcome the measures that we will include in the bill for reporting back on the strategy and for involving people in the strategy through the task force, as that will bring expertise to the table.

We want to address fuel poverty, which is a large problem. Members of the Labour party will work with the Executive to ensure that it reports back and that it introduces measures to reduce the number of people who are living in fuel-poor homes. In not too many years' time, people will live in warm, dry homes that they are able to afford to heat. The measures that the Executive seeks to introduce with amendment 435 will go a long way towards achieving that aim.

Jackie Baillie: We have had a full debate on this group of amendments, which reflects the importance of the issue to all parties.

Robert Brown was right to talk about energy audits. We share his desire to examine and make progress on that issue, which the housing improvement task force will consider. We are quite satisfied with the intent behind Robin Harper's amendment 329, which we considered at the committee's meeting on 11 May. We agreed, without committing ourselves, to take that amendment away and to consider whether its proposals could be included in the section on local housing strategies, as that is where it properly belongs. We are committed to making progress on energy efficiency, but we are still considering how to do that.

We have integrated the provisions of the Home Energy Conservation Act 1995 in our fuel poverty considerations as part of the UK fuel poverty strategy. It would be helpful, particularly for local authorities, to make that connection explicit to make progress on the ground.

Robert Brown was right to say that a shared definition of fuel poverty should be agreed by the Executive, the Westminster Government and the fuel poverty campaigners who are actively lobbying on this issue, as that would give us an agreed baseline and would allow us to measure change. I understand that the UK fuel poverty strategy is out for consultation at present and I encourage those members who made points about the definition to respond to that consultation, which will give us a further opportunity to consider how to tie it down.

I say to Robin Harper and the other members who raised the issue of time scale that the 15-year period that we propose is a maximum. As with the central heating programme, we intend to consult those who have an interest and responsibility in this area to help us to deliver. If it is possible to implement our proposals over a shorter period than 15 years, members can rest assured that the Executive will do so—I am sure that Robin Harper will ensure that we do. However, we must be realistic. It is clear that we are unable to end fuel poverty by implementing energy efficiency measures alone—to say otherwise would be to kid ourselves. A maximum time frame of 15 years is reasonable, but if we can end fuel poverty more quickly than that, we should and we will.

We are considering setting specific, interim targets, which, as with our central heating programme, will target the most vulnerable people first. I am slightly surprised and disappointed at Sandra White's suggestion that, simply because the relevant legislation for England and Wales, the Warm Homes and Energy Conservation Act 2000, was passed some nine months before the Housing (Scotland) Bill is likely to be passed, we are doing nothing. I point her to the warm deal programme and to the ambitious central heating programme, which is not replicated elsewhere, in the hope that she will reconsider her comments.

We indicated at stage 1 that we would lodge an amendment on fuel poverty, which we have now done. I again point out to Sandra White the practical action of the Executive. I note that other members had the opportunity to lodge amendments on the same subject, but the SNP did not do so. Robert Brown is correct to say that this issue unites the chamber and I am disappointed that, contrary to the approach advocated previously by Sandra White, our discussion today has been party political. While the SNP agrees with the Executive that fuel poverty must be tackled, I note that the SNP has not suggested a time scale for doing so.

Tommy Sheridan described succinctly the extent to which we, as legislators, put policy and programmes into legislation—the question is whether we also put the power and the principles into legislation to enable us practically to carry out policy and programmes using the tools already available to us.

We are making significant inroads in tackling fuel poverty. We must do substantially more, but, if agreed to, the combined effect of amendments 435 to 437 and amendments 435A to 435D will be that the bill's fuel poverty provisions will contain the same obligations as those provided for in England and Wales by the Warm Homes and Energy Conservation Act 2000, which was passed late last year.

The amendments underpin our strategy to tackle fuel poverty, which is set out in the UK fuel poverty strategy. That strategy set challenging targets and committed us to seek to end the blight of fuel poverty for vulnerable households by 2010. In Scotland, we are already committed to an interim target of ensuring that by 2006 all pensioner households and tenants in the social rented sector live in well-insulated and centrally heated homes.

10:30

The targets are challenging and it is right that they should be so. To meet the targets, we will need to reverse the effects of decades of underfunding and neglect. However, I am confident that we will do so through programmes such as the warm deal, the central heating programme, new housing partnerships and through complementary changes to tax and benefit rules that will help low-income families. We accept that our commitment must be underpinned by legislation, therefore I commend amendments 435A, 435B, 435C, 435D and 435. It is right that we should debate fuel poverty provisions in the bill and that the Scottish Parliament should seek to end fuel poverty in Scotland.

The Convener: Does Karen Whitefield wish to wind up?

Karen Whitefield: I appreciate the Executive's support for the amendment. Our debate has been long enough. I am happy to leave it at that.

The Convener: The minister has the opportunity to wind up. She is not obliged to take it, but she should note that it has been given.

Jackie Baillie: Again, I take the hint that I should not avail myself of the opportunity.

Amendment 435A agreed to.

Amendments 435B to 435D moved—[Karen Whitefield]—and agreed to

Amendment 435, as amended, agreed to.

Section 79—Local housing strategies

The Convener: Amendment 444 is grouped with amendments 445 to 447 and 454 to 459.

Brian Adam: The intention behind amendment 444 is to ensure that local housing strategies are addressed within a fixed time scale instead of being left simply to the ministers, who might or might not like to see such strategies in place. The strategy could be put in place in a shorter time scale than 12 months if so desired. I note that amendments 445 and 446, in the name of my colleague Mr Gibson, would require a shorter time scale than I propose. At the risk of appearing unreasonable, I think that amendment 444 is a little more reasonable—although it would probably be inappropriate to define what is reasonable. However, it is appropriate that some time scale should be specified, as I hope the ministers will accept. I will respond to the debate once I have heard it.

I move amendment 444.

Mr Gibson: I am pleased to follow the voice of reason. I understand what my colleague Brian Adam is trying to do, but I believe that a time scale of six months, as amendments 445 and 446 suggest, is more than adequate to carry out an assessment of housing provision and provision of related services. Such a time scale would be more appropriate for focusing minds on the issue. Amendment 447 would ensure that a strategy was in place within 12 months. The incorporation of such time scales into the bill would convey the importance of producing a strategy in this key area of public policy at an early date.

Amendments 455, 456 and 458 were consequential to amendments 439 and 440, so I will not move them.

Ms White: Amendment 454 would ensure that the social housing providers and the local authority, which is responsible for the strategic overview, co-operate to ensure that the needs of the people within the area are properly addressed. That is particularly important where the local authority does not have any houses. We have heard lots of talk about the need for consultation. Amendment 454 would provide for that.

Section 79(6) states:

"A local authority must provide a copy of its local housing strategy to any person who requests it."

Amendment 457 would require that any fee that the local authority charges for that should

"not exceed the costs incurred by the authority".

Although members may feel that copies of a local authority's housing strategy should be provided free of charge, I feel that the additional burdens that the new strategies have placed on local authorities might be too onerous. Some charge should be made, but that should be to cover the cost, not to make a profit.

Amendment 459 concerns democracy. I am sure that we are all for democracy. I think that a similar amendment has already been discussed, because I remember the minister saying that the Parliament has the right to request reports and that those requests must be answered. The principle of parliamentary scrutiny should be upheld; it should apply not only to the Parliament but to its committees. The committees should be able to call anyone to give evidence to help with their inquiries.

When we speak about housing to local

authorities and other groups, they always ask why people are not consulted about the planning and transport issues that are connected with housing. Amendment 459 would require that any strategies that relate to housing should be made available to the Parliament's committees. I remember someone telling me that people are never asked for their input when houses are built. For example—this concerns equal opportunities—young mothers with prams are never asked whether they want stairways or lifts. Parliamentary committees should therefore be able to request a copy of the authority's strategy. The strategy need not be sent to every committee but any committee that requests a copy—for example, if the committee is looking at transport or planning issues that are connected with housing—should be entitled to have one.

I may speak to the other amendments, convener, once I hear the explanation.

The Convener: If you want to speak to the amendments, you must speak to them now.

Ms White: I thought that other members had said that they would speak later.

The Convener: We will see. Do other members wish to speak?

Members: No.

The Convener: Does Sandra White wish to say anything further?

Ms White: No.

The Deputy Minister for Social Justice (Ms Margaret Curran): I would not wish to comment on which member of the Scottish National Party was the most reasonable. Perhaps I will fire on that one another day.

Linda Fabiani (Central Scotland) (SNP): It is me.

Ms Curran: It is Linda Fabiani. Absolutely. I will happily concede that.

We have debated time scales on a number of occasions, so members will not be surprised to hear my argument that we should not include artificial deadlines in the bill. Getting the work right and allowing for proper consultation with other interested parties is more important than meeting deadlines that are artificial and unreasonable or that could be unreasonable in certain contexts.

That is particularly true for local housing strategies, which will be crucial in developing local authorities' strategic role and in addressing many of the detailed issues that we have discussed over the past few weeks. The strategies will not only provide the basis for funding proposals for RSLs and other landlords in each area, but be the means of promoting issues such as equality of housing opportunity, the prevention and alleviation of fuel poverty and the development of balanced communities. It is essential that we get those strategies right, and I believe that amendments 444, 445 and 446 completely underestimate the work that would be required to deliver them.

We plan to issue draft guidance on assessments and strategies shortly—I would like to send a copy of the guidance to the committee—and to pilot the draft guidance in five or six local authorities in different parts of Scotland. We expect the guidance to require all local authorities to produce local housing strategies by April 2003, covering the five-year period from 2003 to 2008, although, during that period, local authorities would be expected to keep their strategies under review.

Amendment 454 would require local authorities to consult RSLs operating in their areas before producing local housing strategies. We have absolutely no problem with that concept—it is essential that RSLs are consulted. However, they are not the only bodies that need to be consulted. Local authorities should consult a whole range of organisations, including voluntary organisations, private builders, lenders that operate in their areas, private landlords, bodies representing tenants and public sector agencies, such as health boards and the local enterprise company. I am not suggesting that that is a definitive list. Rather than specifying which bodies should be consulted, section 79 includes a provision in subsection (5)(b)(iv) to allow Scottish ministers to require local authorities to undertake consultation. In practice, we plan simply to issue guidance, but the bill provides rather stronger powers, to be used—if necessary—effectively to issue directions to local authorities.

I will now deal with the two other amendments that Sandra White lodged. Amendment 457 tries to limit the charges to be levied by local authorities for copies of their strategies. We hope that the strategy, or at least a summary of it, will be made available free of charge, but I argue that we have to trust local authorities on that. Moreover, the amendment could be interpreted in various ways, so I am not sure that it solves the problem, if there is one in the first place. Our preference is to leave the matter to the common sense of local authorities.

Amendment 459 raises the issue of the appropriate parliamentary committee requiring local authorities to provide it with information on the implementation of local housing strategies. As Sandra White has indicated, we have discussed the matter before, and I re-emphasise that we should take care not to confuse the Executive's role with the vital role that the committee plays in scrutinising the actions of the Executive and other bodies, which, as Sandra White said, is a critical

part of the democratic process. In undertaking its work, Parliament already has wide-ranging powers to obtain information under the Scotland Act 1998, and we argue that amendment 459 is not necessary.

Brian Adam: I intend to press amendment 444, on the basis that we have not arrived at year zero and suddenly discovered that we have housing stock about which we need to make plans and strategies. I have greater respect for local authorities than the Executive appears to have. The implication of what the Executive is saying is that local authorities are incapable of producing something as complex as a housing strategy, but authorities have been doing that for some time, in co-operation with other interested parties, a number of which the minister referred to in response to amendment 454.

The bill should contain a time scale. We seem to have time scales when it suits the minister but, when it does not suit the minister, anyone else who suggests a time scale has their proposal rubbished—I was carefully trying not to say "rubbished", but that is exactly what happens. It is often suggested that we should not be prescriptive, but if we can have time scales in relation to something much more complex—for example, the fuel poverty strategy—I cannot believe that we cannot have them in an area in which much work has been carried out in the past, in co-operation with other interested parties.

I suggest a 12-month period. Mr Gibson suggests six months. He may think that I am not being ambitious enough and that I do not have quite enough confidence in local authorities, but perhaps I am being more realistic.

10:45

The Convener: The question is, that amendment 444 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 444 disagreed to.

Amendment 445 moved—[Mr Kenneth Gibson].

The Convener: The question is, that amendment 445 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

White, Ms Sandra (Glasgow) (SNP)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 1, Against 6, Abstentions 0.

Amendment 445 disagreed to.

Amendment 446 moved—[Mr Kenneth Gibson].

The Convener: The question is, that amendment 446 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

AGAINST

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
White, Ms Sandra (Glasgow) (SNP)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 0, Against 7, Abstentions 0.

Amendment 446 disagreed to.

Amendment 397 not moved.

Amendment 447 moved—[Mr Kenneth Gibson].

The Convener: The question is, that amendment 447 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 447 disagreed to.

Amendment 398 not moved.

The Convener: Amendment 113, in the name of Tommy Sheridan, is grouped with amendments 448, 449, 451, 452, 453 and 213. [*Interruption.*] Members are getting a bit restless. I ask Tommy Sheridan to speak to and move amendment 113, and to speak to the other amendments in the group. [*Interruption.*] Can we have a bit of order?

Tommy Sheridan: Amendment 113 was inspired by the Scottish Gypsy Traveller Association and the Scottish Travellers Consortium, which have been in discussion with and have been making presentations to the Equal Opportunities Committee. That will, I hope, result in amendments being lodged at stage 3 on a broader scale. The SGTA is anxious to secure ethnic recognition for Gypsies/Travellers—as exists in England and Wales—here in Scotland. Part of that ethnic recognition is recognition of Gypsy/Travellers' distinct cultural needs. I lodged the amendment to give some recognition of the distinct cultural needs of a section of the Scottish community that is clearly not yet included in the social inclusion programme that is being operated by the Scottish Government.

I move amendment 113.

Robert Brown: I am conscious of the coverage of equal opportunities objectives in section 79(4), and in section 79(3), which describes targets. It is important that, in instructions to local authorities, we draw specific attention to the housing needs of disabled people. There has been a lot of work done on those needs by the Disabled Persons Housing Service in Edinburgh—its work has been followed in Glasgow and elsewhere.

No doubt, in practical terms, that is how things will go forward. However, a lack of information on the matter has been identified. There is duplication and sometimes people do not know where adaptations have taken place. In terms of needs assessment, this key issue should be included in the bill. It is different from the general equal opportunities objectives, because it would include in the bill something that specifically draws the attention of local authorities to what should be an integral part of housing policy.

The Convener: Pauline McNeill is attending another committee, so she will be unable to speak to amendment 453. Karen Whitefield has agreed to speak to the amendment on her behalf. In calling Karen Whitefield to speak to amendment 449, I ask her also to speak to amendment 453, in the name of Pauline McNeill, and the other amendments in the group.

Karen Whitefield: Pauline McNeill is the convener of the Justice 2 Committee and is therefore unable to attend the Social Justice Committee this morning. However, she sent me an e-mail about amendment 453. She is looking for some reassurance from the minister on a number of points, and I will move or not move her amendment depending on whether the minister gives that reassurance.

As both ministers will be aware, Pauline McNeill represents the west end of Glasgow, where there are pockets of socially rented housing. That area is very desirable and houses attract as much as 40 per cent above the asking price when they are sold. As a result, she is concerned that families lose out because there are no real housing opportunities for them if they do not have the money to buy. They move away from the west end of Glasgow, so that there is no social mix in the housing market. The only people who can afford to buy are those who are economically mobile, so low-income families have no place in the west end.

A number of housing associations in the area are also concerned that, with the extension of the right to buy and even with the considerable changes that were agreed by the committee last Friday, there will be no room to build. They fear that properties will be taken over by private developers. For that reason, Pauline McNeill is looking for some reassurances to ensure local housing strategies include recognition of the social mix.

Amendment 449 came about as a result of discussions that I had with Shelter Scotland, which is keen for local housing strategies to recognise the needs of homeless people in each area. I believe that that is necessary and should happen as a matter of course, but I seek assurances from the Executive.

Mr Gibson: Amendment 451 would tidy up the bill a little and ensure that local housing strategies tie in with the other duties of councils under the bill. It would also ensure that the strategic development functions and how they intend to carry them out were noted in council publications.

Amendment 213 would retain the general duty of local authorities to consider the housing needs of their areas. The bill as drafted removes the duty of a council to take a strategic overview, unless on the specific instruction of ministers. Amendment 213 meets the view of the Chartered Institute of Housing in Scotland that there should be a duty to carry out assessments and to prepare strategies in any case, with powers for the Scottish Executive to make particular directions at specific times.

I would certainly support amendment 453, but I wonder whether it contradicts the Executive's own target of 80 per cent home ownership, which I believe militates against that amendment.

Mike Watson (Glasgow Cathcart) (Lab): Amendment 452 is a probing amendment, because there is nothing in the bill that covers the

commitment to education, training and employment needs that I believe is important in the context of the sort of developments in housing that the bill deals with. Paragraph 30 of the housing stock transfer report stated:

"The Committee is keen to ensure that the maximum benefit possible is obtained to local communities from any investment in the housing stock and opportunities for training and employment."

It is in that context that I want to press the minister for some commitments. It is important that local communities benefit from any construction work that takes place, in the broadest sense and more specifically in terms of apprenticeships. The two cannot be separated. Amendment 452 might seem to jar slightly in that context, but we are talking about local housing strategies, for which local authorities have responsibility. They also have responsibility for maximising local employment initiatives wherever possible. Although amendment 452 is a probing amendment, I think that it is reasonable that education, employment and training needs should be included in local housing strategies, which would fit well with what the committee said at stage 1.

I am obviously concerned at the prospect of work being lost, particularly to direct labour organisations, in the aftermath of enactment of the bill. Representatives of the Scottish Trades Union Congress made clear to the committee on 24 January their fears about the effects of the bill on employment, not only in direct labour organisations, but in other organisations. For example, since Scottish Homes's direct labour organisation was effectively contracted out to a company called Mowlem, apprenticeships have ceased to exist and, in many cases, there is no continuity of employment.

I shall use Glasgow as an example, because it is the area that I know best. Much construction work is going on in the city and with other MSPs and Glasgow City Council, I have impressed on employers the need to use local labour. They come back frequently with the answer that there is an insufficient supply of trained and skilled labour in Glasgow to meet their needs. I expect that that is an exaggeration, but I also believe that there is more than an element of truth in it. One reason for apprenticeships is to ensure that a pool of labour in all trades is built up and maintained over the years. It is quite legitimate that local authorities should have a duty to do that. I do not want to see a transfer of direct labour work away from local authorities following enactment of the bill. It is therefore reasonable to put obligations on local authorities to write that into their strategies.

I saw the response that the Executive gave to the committee's stage 1 report, and I know that difficulties with reserved matters will be advanced in the ministers' arguments. Those difficulties cannot be denied, but I do not believe that they cannot be overcome. I am looking for a firm commitment—after all, the Executive has a commitment to end compulsory competitive tendering and to replace it with a best-value regime. I have had representations from the Union of Construction, Allied Trades and Technicians, which says that it is very much looking for that regime to deal with many of the problems that it has identified.

That might be some way down the line, but I hope that we will get a commitment from ministers today that measures will be introduced at stage 3 to meet genuine needs in respect of housing maintenance work that local authorities carry out. We must ensure that local authorities are in a position to protect jobs in their areas, and to ensure that employment opportunities in those areas are maximised through some form of local labour agreements for much of the building work that will take place in years to come.

Ms White: I shall go through the amendments in the group one by one. Tommy Sheridan said that he was just touching on issues with amendment 113 and that he would come back at stage 3 with fuller amendments. It is important to have a definition of cultural needs and I would have liked the amendment to say something about taking into account a person's cultural needs. However, so long as that is included under equal opportunities, that is fine. It must be mentioned, so I am quite happy with amendment 113.

In speaking to amendment 448, Robert Brown emphasised the importance of the availability of special needs housing. That should be included. I know that it is also mentioned in other parts of the bill, but it does no harm whatever to specify the fact that accommodation might have to be adapted for special housing needs. In speaking to amendment 449, Karen Whitefield also mentioned that. She said that it might be included in the homelessness strategy, but that it should be highlighted, and rightly so.

Kenny Gibson's amendment 451 is necessary, because it would tidy up the bill and ensure that a council's local housing strategy complied with the council's other duties that would be affected by the bill.

11:00

Mike Watson spoke at length and eloquently. He was right to highlight jobs, given that housing stock transfer in Glasgow may go ahead. The issue has been raised before in committee and in other debates. We were given assurances by the deputy minister that the Executive would do its best to secure jobs for people in local authorities

and Mike Watson has highlighted that. Probably every member of the committee is looking for assurances that people in local authority areas will get the jobs that result from housing stock transfer or from any construction work that goes ahead. We are desperately short of apprenticeships in Glasgow and throughout Scotland, particularly in the construction and building trades. I welcome any promise that local people will get local jobs.

Karen Whitefield spoke to Pauline McNeill's amendment 453. That amendment covers a matter that has been of concern, not only for me in relation to the west end of Glasgow, but for others in other parts of the country, including rural areas. We have had a lot of representation from housing associations, RSLs and local authorities and from people who have lived in an area, and brought their kids up in the same area. As there is a dire need for rented accommodation, my great worry with stock transfer coming into force is that families will not get housed in those areas.

There is a case to be made for people who have been born and have grown up in an area, but who must move outwith the area and as a result have no support. People write to me saying that they cannot get housed within their own area. I welcome Pauline McNeill's amendment 453 and I hope that the Executive accepts that it is a good amendment.

The Convener: Thank you. Just in time.

Linda Fabiani: I also think that amendment 453 is excellent. I did not lodge an amendment on the matter, because I have no problem in supporting amendments that are lodged by members of other parties, if they are reasonable and sensible. Amendment 453 is reasonable and sensible.

When I started working in housing, housing associations got the right to buy. I was working in the west end of Glasgow in Yoker. My organisation was set up to provide decent, affordable housing for local people. A lot of stock that the housing association bought to rehabilitate belonged to private landlords. In Yoker, property was bought from private slum landlords.

When housing associations got the right to buy with the passing of the Housing Associations Act 1985, people in the west end of Glasgow expressed huge concerns, because immediate applications were made to buy tenement flats. With the advent of Scottish Homes and different tenancy agreements, changes were made to stop housing associations allowing the right to buy for new tenants of their associations. That helped to achieve some kind of balance in areas such as Partick, Hillhead and Thornwood. I am very concerned, as is Pauline McNeill, that in areas such as those, housing association tenants who are on assured tenancies and new tenants will have the right to buy. That will do away completely with the balanced communities that everybody in the Scottish Parliament is trying to produce.

I am also pleased that Pauline McNeill has included paragraph (b) in amendment 453, because it is about private landlords. There is an industry in highly sought-after areas, whereby people exercise the right to buy, and then rent those same properties on the private market. In the west end of Glasgow those properties are rented to students and other multiple tenants. I am concerned that in those areas, the good work that was carried out in the regeneration of such inner-city areas will be reversed. If that happens, we will go backwards. Many years down the line, we will have to rehabilitate properties that were rented by private landlords.

I am sorry that Pauline McNeill is not at the meeting, because I would have liked to hear more about her motivation for lodging amendment 453 and how she thought that the provisions could be achieved. I worry that the provisions of the amendment cannot be achieved—admirable though amendment 453 is—because of the extension of the right to buy. Perhaps Karen Whitefield can apprise me as to whether Pauline McNeill felt that the provisions could link into pressured area status.

Bill Aitken: There is a degree of merit in a number of the amendments in the group. The issue that might be of concern to ministers, as it is of concern to me, is whether some of the amendments should be included in the bill—worthy though they might be.

I can see an argument for Robert Brown's amendment 448 not being included in the bill, but I am inclined to support the amendment on the basis that special needs housing does not receive an appropriate amount of priority. There is a constant conflict of priorities because we all have different priorities. However, special needs housing has been neglected and on that basis, I am inclined to support amendment 448.

The Convener: I call the minister.

Mike Watson: Can I offer a point of clarification—

The Convener: No. I will give Mike Watson the opportunity to do so when I ask him to move or not move amendment 452. At that point, the member is allowed to make a brief statement and he can include his point of clarification.

Ms Curran: There is a lot for me to cover. I ask the convener to bear with me as I try to plough my way through my response.

Almost all the amendments are intended to bolster the contents of local housing assessments and strategies in one way or another. I understand

many of the arguments that have been put forward on a wide range of issues. Bill Aitken has perhaps beaten me to it, by saying that there is a lot of merit in many of them. In my response, I want to clarify the need to distinguish between the intent of some of the amendments and our argument about what should be included in the bill. The issue is how much we should leave to guidance, ministerial requirements and secondary legislation. There is also the question whether amendments should be included in other sections of the bill or in other areas of Executive responsibility.

I have a lot of sympathy for Tommy Sheridan's amendment 113 and I am aware of the Equal Opportunities Committee's interesting work. We want local housing strategies to ensure that the needs of Travellers—including sites for Travellers—are taken into account. However, I said previously and I will say it again, that the bill's general equalities provision covers all ministers' and local authorities' functions. In that context, I ask Tommy Sheridan to withdraw amendment 113. We assure him that equalities and cultural issues will be included in the guidance that will be issued by ministers.

I want to give a similar reassurance to Robert Brown, Karen Whitefield, Mike Watson and Pauline McNeill that we will ensure that assessments and strategies reflect the substantial points that they have made. In particular, we will ensure that they adequately reflect the needs of those who need specialist housing and that they are properly linked and co-ordinated with homelessness strategies. I assure Karen Whitefield that that will be picked up on. We will also ensure that assessments and strategies take account of the implications of local housing strategies for the education, training and employment of local people.

Although the local housing strategy will not be primarily concerned with those matters, we expect it to be fully consistent with the local authority's community plan. It is worth saying in passing that we are firmly committed to ensuring that the substantial housing investment that results from a transfer of council houses to community ownership delivers new employment and training opportunities for local communities. As Mike Watson knows, I am familiar with the inquiry report that was undertaken by the Social Inclusion, Housing and Voluntary Sector Committee. I could probably recite the conclusions and recommendations of that housing stock transfer report. I understand the impetus that lay behind that report and the evidence from Glasgow City Council was influential on its conclusions.

As members know, we are committed to the work that was done with the apprenticeship scheme. We want to ensure that that is part of any new arrangement. I know that Mike Watson has a strong interest in the matter and I give him a personal commitment that we will pursue those issues.

It is important that local housing strategies are developed in the wider framework of community planning, and that they are based on the same principles of wide consultation and strategic thinking. We argue that a number of the issues that Mike Watson raised are consistent with the community planning framework, rather than local housing strategies. It is important that the local housing strategies take account of other plans and strategies for which local authorities are responsible. I am committed to the points that Mike Watson made about maximising local labour. I wish that we could legislate for that, but the matter is not quite so straightforward. We would use other levers that are at the disposal of the Executive to make progress on maximising local labour. Indeed we are pursuing that through a number of working groups.

I will now deal with Pauline McNeill's amendment 453. I do not think that Kenny Gibson has properly understood what Pauline McNeill is trying to do with that amendment. We are sympathetic to the content of amendment 453. We believe strongly that tenure mix is important. Our strategies can achieve balance and sustainable communities. We want to reassure Pauline McNeill—and her deputy here, Karen Whitefield—that we will make it absolutely clear in guidance that we wish balance and sustainability to be addressed—they are important to us. I hope that Karen Whitefield will not move amendment 453 in the light of those assurances.

On Kenny Gibson's amendment 451, I understand his argument. It is clearly important that local housing strategies take full account of the wider policies and strategies of local authorities in so far as those have an impact on housing issues. The reverse is also true—land use and development plans should also take account of local housing strategies.

We have a well-established system of land use planning more generally, and I do not want local plans to be subsumed in any way by local housing strategies. They are complementary to each other, and might overlap, but they need to remain distinct. The bill as introduced allows for local housing strategies to include reference to wider strategic planning policies in so far as they are relevant to housing. There is therefore no need for further changes to the bill. The guidance that we will issue will deal fully with the relationship between local housing strategies and other local plans and strategies.

I ask Kenny Gibson not to press amendment 451.

On amendment 213, local housing strategies are to become the key documents for assessing housing needs and for making proposals to meet those needs. The provisions of section 79 are more comprehensive than the work that can be done under section 1 of the Housing (Scotland) Act 1987. I accept that that means that work can be done on a local authority's own initiative, but that is also true under section 79, after the initial requirement has been made by ministers.

I will say a bit more about amendment 448. I appreciate that the committee has expressed a lot of sympathy with it. Obviously, we have sympathy with it—Robert Brown knows the kind of statements that we have made in the past about special needs housing. We will expect the local housing strategy to take account of the need for physical adaptations, specially designed houses—as amendment 448 suggests—and the need for housing support services, which can be crucial for many people who have particular needs.

I ask Robert Brown to bear in mind the development of community care plans. The Executive argues strongly that the different parts of what we do must be integrated. As the committee knows, the development of community care plans is under discussion at the moment. Throughout the Executive, we are emphasising a people-centred approach to the delivery of services for disabled people, of which housing is only a part. We do not want to be too prescriptive about buildings. We are more interested in the person-centred approach.

In the light of those assurances, I ask Robert Brown to consider not moving amendment 448.

Tommy Sheridan: I intend to press amendment 113, because, although I accept the sincerity of the minister's comments, the problem is still the lack of a definition in Scotland of the Scottish Gypsy/Traveller community as an ethnic group. The community is recognised as an ethnic group in England and Wales, but not in Scotland. The community might therefore not be covered by equal opportunity proofing.

The Convener: The question is, that amendment 113 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 113 disagreed to.

The Convener: I call Robert Brown to move or not move amendment 448.

Robert Brown: I am partly reassured by the minister's comments.

The Convener: You cannot partly move the amendment.

Robert Brown: Despite what the minister said, there might be a need to examine the person-centred element of the provisions further. Special needs housing should be in the bill—in equality with some of the other issues that are involved.

Amendment 448 moved—[Robert Brown].

The Convener: The question is, that amendment 448 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
Adam, Brian (North-East Scotland) (SNP)
Brown, Robert (Glasgow) (LD)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 4, Against 3, Abstentions 0.

Amendment 448 agreed to.

Amendment 449 not moved.

Amendments 399 and 450 not moved.

Amendment 451 moved—[Mr Kenneth Gibson].

The Convener: The question is, that amendment 451 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Aitken, Bill (Glasgow) (Con)

AGAINST

Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 451 disagreed to.

The Convener: I call Mike Watson to move or not move amendment 452.

Mike Watson: I have a point of clarification—it is more for the official report staff than for anybody else. I referred to the wrong report when I quoted paragraph 30. The quotation was not from the housing stock transfer report from last year; it was from the committee's stage 1 report on the bill.

I listened to the minister's comments on the difficulties of legislating to maximise the use of local labour and instead using other strategies to achieve that end. I will not press the amendment on the basis that there will be further clarification of the minister's position. However, I feel strongly that use of local labour should be more seriously addressed in the context of housing, although wider issues are involved. I reserve the right to lodge another amendment at stage 3.

Amendment 452 not moved.

Amendment 436 moved—[Ms Margaret Curran]—and agreed to.

The Convener: I ask Karen Whitefield to move or not move amendment 453 in the name of Pauline McNeill.

Karen Whitefield: In response to some of the points that Linda Fabiani made, I understand—having had a number of discussions with Pauline McNeill on tenure mix—that Pauline believes that pressured area status has the potential to address her concerns about tenure mix. She wanted to raise the issue as a belt-and-braces exercise through which to receive some assurances from the minister, which she has received. She was particularly interested in guidance. With the minister's assurance that tenure mix will be addressed in guidance, I will not move amendment 453.

Ms White: In that case, I move amendment 453.

The Convener: The question is, that amendment 453 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 453 disagreed to.

Amendment 454 moved—[Ms Sandra White].

The Convener: The question is, that amendment 454 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 454 disagreed to.

Amendments 455 to 458 not moved.

Amendment 459 moved—[Ms Sandra White].

11:15

The Convener: The question is, that amendment 459 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Aitken, Bill (Glasgow) (Con)

AGAINST

Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 459 disagreed to.

Section 79, as amended, agreed to.

Section 80—Grants for housing purposes

The Convener: We now move on to amendment 401, which is grouped with amendments 460, 461, 462, 210, 468, 403, 404 and 469.

Ms Curran: The Executive amendments in this group are relatively technical but still important and have been suggested to us by the Disability Rights Commission on behalf of other groups representing disabled people. Their intention is to clarify the scope of the new development funding regime that set out in the bill. Amendments 401 and 403 clarify that funding can be given by

ministers to local authorities, and by local authorities to RSLs and other housing bodies, to allow adaptations to housing. Although it might have been possible for the Scottish ministers and local authorities to use the bill's provisions relating to improvements to fund adaptations, we want to put the matter beyond doubt.

Amendment 404 allows local authorities to provide funds to individuals to acquire housing. Sometimes, it will be more appropriate for a disabled person to move to a new property that has already been adapted than to adapt their current home. Amendment 404 is intended to allow the local authority to provide support to individuals for that purpose. These relatively small but useful amendments should help to ensure that funding can be made available to help meet the special needs of disabled people and I commend them to the committee.

I am not sure that amendments 460, 461 and 462 would add much to the bill. Their intention seems to be to put beyond doubt that the transfer of Scottish Homes development funding to local authorities can take place. Amendment 461 and 462 seek to ensure that the transfer of development funding cannot be made conditional on the transfer of housing stock. I want to be quite clear on this matter: nothing in section 80 as it currently stands would stop development funding passing to non-stock transferred local authorities. Indeed, we have discussed that very eventuality with the Convention of Scottish Local Authorities.

The consultation document on the bill made our position clear. We said that stock transfer would be the only sure route for local authorities to take over responsibility for development funding. However, we also pointed out that that would not stand in the way of any constructive change emerging in the context of the new housing planning processes now set out in the bill. We said that control or development funding could then pass to councils

"where the appropriate checks and balances were in place, where registered social landlords and funders were supportive of any proposed change, and where there was otherwise general agreement locally."

That remains our position and is the one that we have been discussing with COSLA. It is a sensible stance that encourages local authorities to take on the funding function—as we are keen for them to do—and balances that with the need to ensure that the interests of other social landlords are protected. As I can assure Fiona Hyslop and Tommy Sheridan that the current section 80 does not make the transfer of funding conditional on stock transfer, neither amendment 461 or 462 achieves anything.

Amendment 460 seeks to make housing development funding a purpose for which grant may be paid. In fact, development funding is the generic term that covers all the functions listed in section 80(1) and (2) and is not a purpose in itself. I reassure Kenny Gibson that the section as currently drafted will provide that the Scottish Homes development funding programme can pass to local authorities, which will be able to use it in precisely the same way as Scottish Homes does. None of these amendments extends the current provisions in any material way. I hope that, given the reassurances that I have offered, they will not be moved.

I come now to amendment 210. Section 80 allows the Scottish ministers to provide local authorities with grant for housing development purposes. It is intended to provide the statutory basis for the progressive transfer of responsibility for development funding from what is now Scottish Homes to local authorities, in line with the criteria that we have set out on many occasions. Section 80(5) allows for the possibility of some local authorities wanting to use the executive agency's services to manage development funding on their behalf. The executive agency would effectively become the agent of the local authority for that purpose. Of course, any such decision would be for the local authority. Section 80(6) makes it clear that, in such circumstances, the local authority would still be statutorily responsible and accountable for the exercise of this function in relation to funding. That follows the usual principles when bodies employ agents to undertake work on their behalf.

Although we have no difficulty with the principle behind amendment 468, it seems odd to restrict the provision to the promotion of RSLs. We oppose the amendment because it would seem to imply that other assistance provided for housing purposes under section 82 should not be in line with local housing strategies. As I am unsure whether that is the intention behind the amendment, I ask Brian Adam not to move it.

As for amendment 469, I agree entirely with Sandra White that ministers should consult widely before making regulations under section 83—which is why we included it in the bill in the first place. I draw her attention to section 83(4), which is almost identical to the wording of amendment 469 and provides for consultation before regulations are made. I hope that she will agree that there is no need for such a duplicate provision.

I move amendment 401.

Mr Gibson: Amendment 460 gives local authorities financial responsibility to go with their strategic responsibility, which means that it is a belt-and-braces amendment like Pauline McNeill's amendment 453.

Amendment 210 ensures that, in the event of a housing stock transfer, ministers take responsibility for local authorities' outstanding debt. We are concerned by some mixed messages on this point. Ms Curran herself has supplied me with a written parliamentary answer which says that, once transfer has taken place in Glasgow, residual debt will be serviced by the Scottish Executive. Unfortunately, Glasgow tenants have been told through "The Key" magazine that any debt will be transferred to Edinburgh. The matter needs to be clarified.

I am not convinced by the minister's comments about amendment 461—which I support—and amendment 462. As it stands, the bill does not clarify whether councils can use Executive grants to improve their own stock outwith transfer. How can stock be improved without adequate resources? I hope that, when she sums up, the minister will clarify whether the Executive intends that homes can be improved only if stock is transferred. Although she has said that that is not the case, I would like a more substantive answer on that point.

Fiona Hyslop: I listened very carefully to the minister's comments about development funding moving to local authorities. If I heard her correctly, she said that that might not necessarily depend on stock transfer. If that is so, I welcome it, but it is interesting that no such reassurances were given when my colleagues attempted to introduce amendments that would have made it clear that local authorities should be responsible for development funding while regulation and policy functions remained with the executive agency.

The minister should quote section 203 of the Housing (Scotland) Act 1987 to give us the reassurance that she says she would like to give us that local authorities that do not transfer their stock will still be allowed in invest in their housing. If section 80(2) is passed, it will restrict how local authorities invest in their stock. Although it is quite clear that the Scottish ministers can give grants to a local authority for a variety of housing issues, section 80(2) says that that does not apply to

"expenditure in relation to any house, building or land to which the housing revenue account kept by the authority under section 203 of the Housing (Scotland) Act 1987 relates."

It would be very serious if section 80 restricted funding to local authorities that do not have their own stock. Although the minister says that that is not her intention, the wording of the section clearly states the opposite. Housing support grant to local authorities has collapsed from £564 million in 1979-80 to only £11 million now. Although that may be the current Government's position and it may have been the previous Conservative Government's position, I do not think that we should restrict future Governments' ability to make grants to local authorities to invest in their own stock. Legislation should not inhibit future actions by future bodies.

I have serious concerns, because borrowing consents are also being restricted. If we say that local authorities can invest in their own stock only from their own resources and we restrict their borrowing, we will put them between a rock and a hard place. We need assurances from the minister; otherwise, the Executive will be saying that the only way tenants and local authorities can get investment in their stock is to transfer.

The minister thinks that assurances that any investment will not be conditional on stock transfer are not needed, but the committee—bearing in mind its previous report on stock transfer—should insist on them. Stock transfer should be about decisions on community ownership and on what tenants think about the area. When decisions on investment are made, stock transfer should not be the only game in town. Unless we take out section 80(2), it will be.

11:30

I want to make a final point about locking finance policy into legislation. When members, and future members, of this committee receive the annual budget statement from the Executive, their responsibility will be to consider that statement and to say whether they think what is provided will be sufficient to satisfy investment needs in certain areas. Present committee members, and the people who will follow, may decide to say, during finance discussions, that they do not think that the Government is providing enough resources to local authorities to tackle heating, for example, or whatever future issues there may be. They may decide to say to the Executive that it should provide local authorities that have not transferred their stock with a grant to cover that. The problem with section 80(2) is that it would prohibit that.

We have heard the Executive say that many members are being too prescriptive in what they want to put in the bill. I suggest that, by including section 80(2), the Executive is being too prescriptive for future committee members considering budget bills. I do not think that the subsection is needed. Omitting it would allow the Executive the freedom to give grants where it wished. The current Government has not been prepared to give grants of any substance. So be it. That is its policy and it will have to justify that at the ballot box, but the Executive should not hamstring the Parliaments of the future and prevent them being able to invest. The minister has a responsibility to clarify exactly what she means about section 203 of the 1987 act. If she does not, there could be serious implications for

how local authorities can invest in their housing in future.

Tommy Sheridan: For nine years, I was an elected member of Glasgow District Council and then Glasgow City Council. The policy of the Labour authority was consistently to demand that the Tory Government write off Glasgow's capital housing debt. Bill Aitken was also a member for much of that time. I am sure that he will confirm that that policy was built into the social justice argument. When the Tory Government wished to privatise British Telecom—and steel and gas and electricity—it wrote off their debts to make them attractive assets to the Government's friends in business and the City. Councillors in Glasgow wanted the same deal so that they could invest in housing stock. Instead of servicing debt, they wanted to use their rental stream to invest in stock.

It is interesting that things seem to have changed now that we have a Labour Government. The demand to write off that debt—or to commute the debt, to use the financial term—seems to have died down considerably. What is now being offered in Glasgow is, I would argue, a form of political blackmail. The Executive is saying to the city of Glasgow, "If you transfer all your housing stock, we will service your debt. Via section 80(1)(b), we will be able to provide grants that service your debt—as long as you transfer your stock."

If the minister would clarify the proposals and say that the Executive will not restrict—by requiring that stock has to be transferred—the granting of money to service debt, that would be a new and very welcome admission. It would mean that the whole stock transfer debate would change to what it should be—a debate comparing the concept of community ownership as pioneered, apparently, by Wendy Alexander in her previous ministerial position, with the concept of community ownership as understood by many tenants in Glasgow, which is that stock is collectively owned by the city authority. The argument would then be over whether the council should remain the landlord and owner of that stock, with improved management techniques, or whether the stock should be transferred completely. Either way, the debt burden would be removed from the city. The debate so far has suggested that the debt burden will be removed only if the stock is transferred. That is what I mean by political blackmail. If debt is to be removed only on the basis of stock transfer, the tenants of the city are being offered Hobson's choice and there will not be a real debate over the credibility of stock transfer.

If the minister wishes to state today, clearly and categorically, that the bill will still allow grant to service the debt of local authorities without requiring stock transfer, that would be very welcome. In the absence of such a statement, amendments 461 and 462 which, respectively, Fiona Hyslop and I have argued for, state clearly that there should be no conditions as to whether grant should be for development or related to servicing housing debt. The latter is what section 80(1)(b) refers to. Amendment 462 is an effort to state clearly that if stock transfer is defeated in the vote that will be held perhaps in November of this year, the local authority can still come to the Executive and ask for grant to service debt so that it can spend the rental stream on investing in houses.

Brian Adam: I did not quite understand why the minister wanted me to withdraw amendment 468. Nothing in her argument justified that. No doubt I will hear the argument again when she sums up. I will listen carefully.

One of the key drivers for change will be local housing strategies. Any local authority ought to bear that in mind before taking any action. That is why amendment 468 seeks to insert a reference to those strategies.

I would like to say something about the other, more contentious, amendments in this group. Local authorities currently have limited scope with capital expenditure. They can get borrowing consents, but they have been severely restricted in recent years as part of the strategic drive of successive Governments to move housing away from local authority control. This bill continues to drive in that direction. Section 80(2) is part of that ethos, which I very much regret.

Another way in which local authorities can get funds for capital works is by selling assets. They are encouraged to do that—whether the assets be houses or other properties that are held on the housing revenue account—but only a limited proportion of the resulting funds may be applied to capital works because three quarters have to be applied to reducing debt. That way of getting funds does not offer local authorities a lot of help. The current controls on capital expenditure are very tight indeed and make it almost impossible for houses to be maintained, let alone developed.

The third avenue that is available to local authorities is capital from current revenue. Some authorities, such as Glasgow, have been left with substantially greater debts than others. Transfers have already gone through and the debt has been left with existing tenants. It is difficult to increase rents further, to provide capital from current revenue. Some local authorities do it successfully, and it is an avenue that gives lots of flexibility. I would like to hear the current ministerial view on local authorities financing capital works from current revenue—that is, from rents.

The effect of wholesale local authority housing stock transfer does not apply just to Glasgow. Sometimes when I sit in this committee, it sounds as if Glasgow is the only place where stock transfer is under consideration. It is being considered throughout Scotland. This is the Housing (Scotland) Bill and there are other authorities that, I regret to say, are considering this avenue because it is the only game in town. To some extent, I am pleased that at least one of the authorities that was considering stock transfer—Aberdeenshire Council—has pulled out. I believe that the situation in North Lanarkshire Council is changing as well and I have reason to believe that the housing stock transfer proposals in Aberdeen City Council also have hit the buffers.

I look forward to the whole thing falling apart, because this kind of social engineering is not the direction that we should be going in. We should be providing people with real choice. Why should we restrict Government grants to local authorities to deal with housing matters? The Government is saying that councils can have money for the central heating programme, but authorities that are considering stock transfer are at a disadvantage. The proposal in section 80(2) is restrictive. It is not a worthy proposal from the Executive, against the background of offering choice.

Ms White: Amendment 469 is probably the least contentious amendment we have discussed. Perhaps it is apt that it comes at the end of the debate. I take on board what the Deputy Minister for Social Justice said: I know that much the same provision is to be found in section 83(4), but I thought that as we have been talking about consultation it would be appropriate to have it in section 83(2), to remind people that consultation is important and to ensure that it takes place. I accept the minister's point of view and probably will not press amendment 469.

I would like the minister to explain amendment 404 and its use of "acquisition". Does it mean that local authorities will have to give financial advice or even finance to purchasers or developers? If one local authority does it and others do not, what will happen? Will it be possible to challenge those others because another council has given financial advice?

Amendments 461 and 462 have rightly been widely debated. We have nearly gone through the whole bill and there has been hardly any mention of stock transfer, which is mentioned here and there between sections 80 and 84. Amendments 461 and 462 hit the nail on the head. In parliamentary debates and in committee, I have asked ministers for reassurance that local authorities will not be penalised in any way if they do not proceed with housing stock transfer. Fiona Hyslop and Tommy Sheridan have also asked for clarification on that point. I will not push that too far, because everyone knows my views.

Bill Aitken: The main issues of contention arise under amendments 461 and 462, which are quite different. With amendment 461, Fiona Hyslop seeks to clarify a position. In her opening remarks, the Deputy Minister for Social Justice went some way to providing reassurance, so I cannot support amendment 461. Amendment 462 is a device—I accept that it is a legitimate device—to block stock transfer, which is an argument that has been canvassed for long and weary, but I do not accept it.

11:45

Linda Fabiani: I will stay away from the contentious amendments and be a bit of an anorak. I have concerns, which Sandra White outlined, with amendment 404, which the minister said was lodged due to lobbying from various groups to include the word "acquisition". I accept that, although I have two concerns about how the term could be interpreted in the future. First, section 82(6) refers us to the kind of acquisition assistance that may be given, such as

"grants or loans to the landlord or person".

Could that be used to give grants to people to purchase houses outwith council stock, thus giving rise to vacant possession, which would make council stock more attractive to pass on to a developer?

Secondly, I am worried about the legal definition of "individual". I am willing to be corrected, but concerns have been raised with me that in legal terminology, "individual" could, as Sandra White said, mean a corporate body. Could we be opening the way to councils giving grants to companies under section 82(4)?

Robert Brown: I welcome the minister's amendments with regard to disabled housing, which has been lost track of. Fiona Hyslop may have a point about what section 80 allows. I would appreciate some guidance, because I am getting mixed up about giving with one hand and taking with the other. I may not fully understand the section.

Fiona Hyslop's amendment 461 is similar to Tommy Sheridan's amendment 462, on stock transfer. There may be a case for Scottish ministers having powers to make grants without the restrictions in amendments 461 or 462, but whether as a matter of policy it would be a good idea for the Executive to do so is another thing entirely.

We should take the debate on stock transfer in context. The stock transfer proposals—certainly in relation to Glasgow—are extremely worth while,

radical and major, and will transform the future of the city, if they are agreed by the tenants, as I am confident they will be in the November ballot. It is not an issue of blackmail; that is absolute nonsense. We have a situation with a number of elements to it, for example there has been a long-standing failure to provide a housing renovation system that delivers the goods. That will be replaced, if the proposals go ahead, by an arrangement that is linked to business plans and all the rest of it, which will put the issue in the context of a strategy that is capable of delivering. It is the difference between theory and practice, which we touched on in earlier debates.

I will not go over the top, but we are getting a bit cheesed off with some of the excessive comments that have been made by some of the opponents of stock transfer. It is appropriate that the Scottish Executive and Parliament, in the disposal of public funds, should be prepared to lay down markers about what they seek to achieve and what they will be looking for. That is what the stock transfer debate is about. It is not just about community ownership, although that is a key driver of the issue; it is also about financial and other mechanisms to deliver the goods for tenants in a way they have not been delivered in times gone past.

Ms Curran: This has been a wide-ranging debate, so I ask the committee to bear with me as I go through the various points. I intend to address them all, but I offer humble apologies if I miss one or two—I would hope to address them in some other way. I will begin with the big political issues and then address the anorak points—not that I am implying anything about Sandra White and Linda Fabiani; I use their words.

Robert Brown is absolutely right—the SNP is doing one thing and trying to dress it up in another set of issues. That is not an appropriate use of the committee's time. I am surprised by Fiona Hyslop's suggestion that local authorities might use grants under section 80 to benefit their own stock. The arrangements for stock maintenance repair are well established under the arrangements for the housing revenue account. Section 80 is intended to allow for the transfer of development funding from Scottish Homes to local authorities, whether the local authorities transfer their stock or not. We cannot undermine our commitment to providing quality new housing through development funding. The bill restricts the use of housing grant paid under section 80 because those resources are to be transferred from Scottish Homes' development funding programme to be used for the strategic functions of local authorities. Local authorities have other powers to fund investment in their own stock; the Executive gives local authorities powers to finance private borrowing for that purpose.

Some people have argued that there should be no automatic transfer of funding to local authorities without any criteria being set. I remind the committee that such a move would cause real concern in the housing association movement. In its response to the consultation paper, the Scottish Federation of Housing Associations made it clear that it continued to have concerns about the transfer of development funding to local authorities and wanted to have statutory assurances in place to limit the scope of authorities to use the funding. We have introduced a proper package of checks and balances to ensure that we provide support across the sector. The bill does not restrict the use of grant for the purpose of repaying housing-related debt, but our policy is to limit such use where local authorities are involved in stock transfer—for very good reasons.

I want to address the politics of the amendments. It is not appropriate for members of Parliament, when considering detailed legislation line by line at stage 2, to use the opportunity to undermine one of the Executive's key policies yet again. I have no difficulty accepting criticism on the issues that face us, but I resent the fact that people manipulate certain sections of the bill and use them as a platform to speak about other things. The way in which the Scottish Socialist Party and the Scottish National Party seem to be at one with one another in certain contexts and to disagree in other contexts is fascinating. I give Tommy Sheridan the credit of being consistent at least. His message is fairly simplistic, but at least it is the same message, no matter what the context and I respect him for that. Of course, he is absolutely wrong, but I wish that the SNP would be as consistent, rather than change its tune for different cities and in different contexts.

The Executive's policy is very clear: in a systematic and fundamental act of redistribution, we have made the commitment to deal decisively with key funding issues in Scotland. We have committed ourselves to lifting the housing debt of Glasgow City Council. In return for that, we want a coherent policy of modernisation and investment in an appropriate time scale that will meet the needs of tenants. That is not blackmail. It is quite proper for Government, in partnership with a local authority, to say that it expects plans for investment in housing to be delivered that will meet the needs of tenants. It is also quite proper to say that we expect tenants to be involved in the drafting of those proposals and that we expect those proposals to be submitted to tenants for a ballot. That is what is happening in Glasgow. The rancour that we have heard today is more about the success of the policies in Glasgow than it is about the needs of the 400 tenants whom I met yesterday, who supported the proposals. It is time that the SNP accepted the fact that the policy is

gaining support and stopped using every opportunity to attack it.

I will move on to the anorak position on acquisition. Amendment 404 simply means that a local authority can—not must—offer funds to enable an individual to buy a house that is more suitable for them. Section 82(6) sets out the form of assistance that can be taken under subsection (3). The range of powers is wide, giving a local authority considerable scope to help individuals.

I am happy to pursue other points should members require further clarification.

Amendment 401 agreed to.

The Convener: Amendment 460 was debated with amendment 401.

Mr Gibson: Before I decide whether to move amendment 460, I would like clarification of the minister's comments. She said that the Executive is committed to lifting the debt. I want to know what that means. Will the residual debt be transferred with the service?

The Convener: I offered the minister the opportunity to wind up. You must make a judgment on what she said and decide whether to move the amendment on that basis.

Mr Gibson: The minister offered further clarification if it was needed; I am asking for further clarification.

Ms Curran: I am happy to come back on that issue—the debate was very wide-ranging. The Scottish Executive has made it clear that we are committed to lifting the debt of Glasgow City Council. As yet, we have not specified the precise arrangements, because we are in discussions. I assure the committee that we will ensure the best deal for the Scottish public purse.

Amendment 460 moved—[Mr Kenneth Gibson].

The Convener: The question is, that amendment 460 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 460 disagreed to.

Fiona Hyslop: I have listened to the minister's comments and I have concerns that section 80(1) is not specific about development funding. Line 29 says that Scottish ministers may make any grants for the various purposes listed in the section and section 80(2) would remove the ministers' powers to make grants for purposes that come under the housing revenue account. I know that the minister was trying to make a political point, but there is a serious and technical housing point at stake.

Amendment 461 moved—[Fiona Hyslop].

The Convener: The question is, that amendment 461 be agreed. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 461 disagreed to.

Tommy Sheridan: Before I decide whether to move amendment 462, I want further clarification on two points. First, I am sure that the Deputy Minister for Social Justice would want to clarify—

The Convener: I am sorry to interrupt you and I appreciate that you are simply doing what others have already done, but I am unhappy that we have moved away from the proper procedure. Please state briefly what your point is in choosing to move or to not move the amendment and I will offer the minister the opportunity to respond. I am not happy with the debate being reopened for every amendment.

Tommy Sheridan: Okay. First, the minister was at a meeting of 400 people yesterday, but they were not 400 tenants. She may want to reflect on whether she has misrepresented them. Secondly, she said clearly that the Executive had made a commitment to lifting the debt. Can she confirm whether that would be only on the basis of transfer?

Ms Curran: I am happy to clarify those points. I take your point, convener, about reopening the debate and that is not what I wish to do. I met 400 tenants in Glasgow yesterday; there may have been one or two housing staff—I did not make a specific count—but there were certainly a substantial number of tenants at the meeting.

I repeat our commitment to lifting the debt. I cannot be more precise about that at the moment, but it is linked to transfer.

Tommy Sheridan: That amounts to blackmail.

Amendment 462 moved—[Tommy Sheridan].

The Convener: The question is, that amendment 462 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

AGAINST

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

ABSTENTIONS

White, Ms Sandra (Glasgow) (SNP)

The Convener: The result of the division is: For 0, Against 6, Abstentions 1.

Amendment 462 disagreed to.

Amendment 210 moved—[Mr Kenneth Gibson].

The Convener: The question is, that amendment 210 be agreed. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 210 disagreed to.

Section 80, as amended, agreed to.

11:58

Meeting adjourned.

12:10

On resuming—

The Convener: I intend to continue until about 1.30 pm and reconvene at 2.45 pm. I hope that that deals with the pressures that various members have on their time.

Section 81—Grants for housing support services

The Convener: Amendment 463 is grouped with amendments 464 to 466, 402, 467 and 409.

Robert Brown: Amendment 463 relates to section 81, which deals with grants for housing support services, which is not as technical a matter as the one that we just discussed. Disabled persons housing groups have suggested that, in dealing with the provision of housing support services in relation to disabled people, the inclusion of groups that are under the control and ownership of disabled power groups, if I can refer to them in that way, should be emphasised. The committee will be aware that people in the field would like to have some control over the specifications of projects in relation to the needs of disabled people, as they feel that local authority services or voluntary groups do not always take account of such matters as fully as they might.

The amendment is not unimportant and I would be interested in hearing the minister's views on it.

I move amendment 463.

Brian Adam: Amendment 464 is similar in intention to the previous amendment that I spoke to. I want to ensure that we are certain that initiatives are consistent with the local authority's local housing strategy. There are concerns that there will be too much central direction. If we are to have local housing strategies, the allocation of finance ought to be in line with those strategies. Local authorities and housing associations must not be used simply to deliver the Executive's strategy. The bill should contain support for the idea of local housing strategies.

Amendment 467 tries to ensure that the balance between registered social landlords and local authorities is right and that there is an appeal mechanism. I have tried to introduce such a mechanism at various stages and the arguments for amendment 467 are consistent with those for my other amendments. It is appropriate to give comfort to registered social landlords who might be concerned that local authorities who continue to be housing providers might use their local housing strategy to pursue their own interests rather than the interests of the general area. A mechanism to allow registered social landlords to appeal to ministers would address that concern.

Ms White: I take on board what the minister said about certain earlier amendments. She mentioned the fact that registered social landlords are often interested in what local authorities are doing and have asked that they be consulted as often as local authorities are. Amendment 465 seeks to ensure that registered social landlords are consulted, rather than have the bill say simply that

”such bodies representing local authorities”

should be consulted. I hope that the minister will accept the amendment, which is designed to deliver a degree of parity.

12:15

Fiona Hyslop: Amendment 466 attempts to include in the bill an element that the Executive would probably say was implicit—where local authorities have access to development funding, they should be able to apply for grants that can be directed to registered social landlords who operate in the local authority's area. We assume that the allocation of funds would be driven by an authority's local housing strategy, which will have been developed with housing partners in the area, but the amendment would enable the local authority to apply for a grant for a purpose that was identified in the local housing strategy and to receive that money in a time scale that would allow the initiative to progress quickly.

I emphasise that the amendment would act as part of the system of checks and balances that everyone wants the legislation to contain. Many of my colleagues' amendments seek to ensure that local authorities have access to development funding. During our discussions, I have identified the fact that the minister agrees that they might be able to have such access, whether housing stock has been transferred or not. However, the issue is, if the authority has access to development funding, what part of the bill—aside from amendment 466—provides the mechanism by which local authorities can apply for grants to be given directly to registered social landlords in their area?

Amendment 466 is constructive and true to the spirit of the bill, which is that local authorities should be responsible for the strategic functions of the legislation.

Ms Curran: I am happy to speak to the amendments, which address grant-making powers in relation to section 81. For the sake of clarity, I should state that in the previous grouping, I spoke to amendments that addressed grant-making powers in relation to section 80.

I shall deal with amendments 463 to 467 in a single group, as they all relate to the introduction of grants for housing support services. We are dealing with many of the issues that the amendments raise through extensive consultation with local authorities and providers of housing support services. Section 81 is a permissive, enabling section and detailed provision in respect of the new arrangements will be handled through guidance and orders, both of which the committee may comment on should it choose to do so.

The purpose of “Supporting People: A New Policy and Funding Framework for Support Services” is to make the provision of housing support services more attuned to people's needs. The intention is to widen eligibility by making services available—regardless of tenure—and more easily accessible, and to ensure transparency and accountability in the way in which services are administered and funded by local authorities.

Amendment 463 is not necessary, as section 81(4) allows for such an approach in circumstances in which it might be considered desirable. The way in which services are provided is one of the matters that are being considered in the development of guidance and I would want to see the results of the consultation and the deliberations of the stakeholders group before deciding whether the route that is proposed by Robert Brown is the most appropriate. Others have suggested that we should promote the increased use of direct payments to all service users themselves to choose their provider. That issue is being consulted on in respect of a future long-term care bill. Although we do not want to rule out Robert Brown's proposal at this time, as there may be circumstances in which the best service provider for a particular individual is such an organisation, we do not need to make the decision now as we are satisfied that section 81 is sufficiently broad to achieve the desired effect.

Amendment 464 would put the cart before the horse. It would make the orders that were made by ministers and laid before the Parliament subject to the decisions of individual local authorities. That is not the right approach. The reason for making orders and issuing guidance is to ensure that, across Scotland, those who require housing support services—such as the elderly and disabled and others with additional housing needs—are able to access a level of service that meets their needs. That service should not be dependent on where those people live. We are working with COSLA and local authorities to develop the appropriate national framework. It would be wrong to allow individual local authorities to disregard the framework and do their own thing. It will be for local authorities to work with RSLs and other service providers at local level to determine how services should be planned and provided in their area. We expect local authorities to ensure that those arrangements are integrated into their local housing strategy. However, that is a separate matter and not dealt with by amendment 464.

Amendment 464 also ignores other strategic planning mechanisms. Planning for housing support services needs to be reflected in more than just local housing strategies. It must feature in other plans, such as community care and health improvement plans. Reconciling housing support

services only with local housing strategies is too restrictive and does not satisfy our need for joined-up thinking and working.

Amendment 465 is not needed. The bill makes it necessary for there to be a consultation process involving local authorities, RSLs and other key interested parties. It is clear that those other interested parties would include a range of major players. We recognise the specific place of RSLs in the delivery of housing support services and they will continue that role, but they will not be the only providers of housing support services. Their input to the provision and the funding of housing support services is vital and is recognised as important, but the bill recognises that the needs and views of other players must be taken into account.

Amendment 466 is not necessary and could have some odd effects. For example, it would restrict the power of local authorities to apply for grant under section 81 to circumstances in which they have consulted one or more registered social landlord. The amendment is not in line with the purpose of the section. Housing support services are intended to be the mainstream functions of local authorities, supported by an annual budget allocated according to a formula based on the level of need within the authority area. Although local authorities outside those allocations could make individual applications for grant, it is unlikely that a significant percentage of the grant would be paid in that way.

Amendment 467, by introducing a centrally managed appeals process, would move away from the local decision-making process that we want to encourage. The Scottish Executive's interim guidance on supporting people requires local authorities to have an appeals process for users and providers that is independent and can ensure a rapid response. Local authorities operate such a process for appeals mechanisms in respect of other services. We are advocating that, when possible, those processes should be extended and applied to housing support services.

It is worth noting that amendment 467 mentions only RSLs. Accordingly, other providers of housing support services could not make use of the appeal system proposed under the amendment. For the reasons that I have given, I ask members not to press the amendments.

Amendments 402 and 409 are straightforward technical amendments. The term "housing support services" was used originally only in section 81(8) and was defined in that section. However, the committee has since agreed amendments that include the term and extend the definition in section 81(8) to cover the new references.

Linda Fabiani: On a technical point, I fully accept and understand that amendment 402 would extend to section 81 the definition of housing support services and prescribed housing services. However, I cannot understand why, under amendment 409, only housing support services, not prescribed housing support services, would apply under section 99 on interpretation.

Ms Curran: My understanding is that that section applies only to the grant-making powers.

Robert Brown: I have no difficulty with the operation of amendment 402, but does the minister agree that, as a result, the definition will be left in a funny place in the bill? Is there merit in considering whether it can be shoved into the general interpretation section for clarification?

I should appreciate clarification of section 81. I understood that section 81(2) ensured that grants could be organised in common terms throughout Scotland, especially those to "particular local authorities" or to an individual local authority, thereby enabling particularisation of the grants. Amendment 463 did not seek to make a requirement, but to give a power to Scottish ministers to deal with that aspect of grants for housing support services. I am happy to accept the minister's assurances about the way in which grants will be paid, but I hope that consideration will be given to whether there is a need to include a power of that sort in the bill. I have nothing to add to the minister's comments on the other amendments.

Amendment 463, by agreement, withdrawn.

The Convener: Amendment 464 was debated with amendment 463.

Brian Adam: The minister felt that amendment 464 would undermine decision making and potentially lead to local differences and no national view on housing strategies. However, all local housing strategies must be signed off by the Executive anyway. I lodged amendment 464 to prevent the Executive from imposing its view on the local housing strategies that it has been involved in.

I move amendment 464.

The Convener: The question is, that amendment 464 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 464 disagreed to.

Amendment 465 moved—[Ms Sandra White].

The Convener: The question is, that amendment 465 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 465 disagreed to.

The Convener: Amendment 466 was debated with amendment 463.

Fiona Hyslop: Having heard what the minister said—it was helpful to receive clarification of how the allocations would be made—I shall not move amendment 466.

Amendment 466 not moved.

Amendment 402 moved—[Ms Margaret Curran]—and agreed to.

Amendment 467 not moved.

Section 81, as amended, agreed to.

Section 82—Assistance for housing purposes

Amendment 468 moved—[Brian Adam].

The Convener: The question is, that amendment 468 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 468 disagreed to.

Amendment 403 moved—[Ms Margaret Curran]—and agreed to.

Amendment 404 moved—[Ms Margaret Curran].

The Convener: The question is, that amendment 404 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

AGAINST

Adam, Brian (North-East Scotland) (SNP)

ABSTENTIONS

White, Ms Sandra (Glasgow) (SNP)

The Convener: The result of the division is: For 5, Against 1, Abstentions 1.

Amendment 404 agreed to.

Section 82, as amended, agreed to.

Section 83—Assistance for housing purposes: further provision

Amendment 469 not moved.

Section 83 agreed to.

12:30

The Convener: Some members have attempted to open up the discussion when they are asked whether they wish to move an amendment. I am reluctant to allow that to continue. I remind members that there is an opportunity for debate at the end of each section, which would be a more appropriate time to make broader points and ask for a response from the ministers. That facility has been used in the past and would be a tidier way of continuing the discussion than what has happened in discussion of the past few sections.

Section 84—Alteration of housing finance arrangements

The Convener: Amendment 470 is on its own. I call Sandra White to speak to and move the amendment.

Ms White: Amendment 470 is in part a probing amendment, as I seek some reassurances from the minister. The Executive policy memorandum of 18 December addresses concerns, which the ministers have acknowledged, regarding the selling of land. I thank the ministers for that, but the memorandum does not go far enough. The problem lies with the land that may be sold off following housing stock transfer.

The memorandum mentions the transfer of ownership

"to some other body or bodies".

It then describes what will happen if

"a local authority sells land formerly held on the HRA".

I want clarification that, if housing stock transfer goes ahead—say, in the Glasgow area—housing authorities will not be put at a disadvantage and be forced to sell land to pay off residual housing debt. The Executive has plans not to get rid of that housing debt, but to service it. In Glasgow, for example, council tax payers will have to pay for that debt—it is not being written off. I worry that if housing stock transfer goes ahead, local authorities will be forced to sell off land. In the west end of Glasgow, for example, parkland and green-belt land is at a premium and is unfortunately being sold off willy-nilly to build houses to increase the council tax base.

Section 84 mentions the fact that the

"Scottish Ministers may, after consultation with a local authority, direct the authority",

but it also says that

"the authority must comply with the direction."

That is what worries me and that is why I am asking for subsections (5) and (6) to be removed. I seek clarification and assurance that local authorities will not be forced to sell land just to repay their housing debt if housing stock transfer goes ahead.

In previous debates, we have heard how HRAs and housing authorities are financed. We know that three quarters of their moneys are being used to service debts. I seek assurances that local authorities will not be forced to sell parkland, which comes under the housing revenue account.

I move amendment 470.

Ms Curran: I thank Sandra White for her comments. I listened carefully to what she said. I shall explain the powers that we are seeking to confer and why they are needed. Notwithstanding the temptation to return to an old debate, I shall try to restrict my comments to the amendment.

Members will be aware that we have given a commitment to provide funding to help local authorities tackle any debt that is outstanding after their housing stock is transferred in total to alternative social landlords as part of the community ownership proposal. I am sure that members are familiar with what we are suggesting. Substantial Scottish Executive funds have been allocated for that purpose, as it will be the key to unlocking much greater sums of money for investment, renovating the houses in question and regenerating communities.

Following whole-stock transfers, local authorities may be left with surplus land that was originally acquired for housing purposes and previously held on their housing revenue accounts. Subsections (5) and (6) give Scottish ministers the power, following consultation with the local authority in question—that is important—to direct the receipt from the disposal of that land to help to repay any outstanding housing debt or to be spent by the local authority for some other housing purpose. Scottish ministers may use that power at their discretion.

I hope that members of the committee appreciate that the proposition is fair, reasonable and not surprising for a body that must keep its eye on the good use of public money. If the authority in question is likely to benefit from substantial public funding, it is reasonable that ministers should have the power to require that receipts from the sale of land acquired with public subsidy for housing purposes should be used for those housing purposes.

In the light of that explanation, I ask the committee to reject amendment 470. I reassure Sandra White that the power is not one to direct sales of land, if she has that fear. We would use the power reasonably. The committee will understand that we need to include the power in the bill in the interests of the public purse.

Ms White: I take on board what the minister said, but it is not just me who has those fears—many local authorities have them too. Many authorities have spoken to me about the power.

I take on board what the minister said about land that has been held on the HRA. Perhaps I will come back at stage 3 with something else because I would like the money to go towards better housing, for example, rather than to service debt if a housing stock transfer goes ahead. I will press amendment 470 simply because it has been lodged, although I will abstain.

The Convener: The question is, that amendment 470 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

Ms White: On a point of clarification, if no one is in favour of the amendment, can I abstain? Will it fall?

The Convener: I will try to explain again after the division. The last time I explained the procedure, I got it wrong.

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

The Convener: The result of the division is: For 0, Against 5, Abstentions 2.

Amendment 470 disagreed to.

The Convener: If no member is in favour of an amendment, I had originally assumed that the committee would not go to a division. However, if one member indicates that they are not in favour of an amendment, there has to be a division in order to facilitate the vote of a member who may wish to abstain.

Section 84 agreed to.

After section 84

Amendment 437 moved—[Ms Margaret Curran]—and agreed to.

Before section 85

The Convener: Amendment 471 is on its own.

Mr Gibson: Amendment 471 gives local authorities the discretion to provide improvement grants to bring existing homes up to the standard that is required of new build. It also allows councils to set policy in that area, provides real subsidiarity and implements the power of community initiative in that regard.

I move amendment 471.

Ms Curran: The Executive does not support amendment 471 because we do not think that it adds anything to the way in which the improvement grant system currently works.

The grant system is almost entirely discretionary. There is nothing to prevent local authorities from giving grants to bring houses up to the standards that are required by current building regulations, although in practice they would probably concentrate on more pressing calls on scarce resources. There is a close interaction between the grant system and the building regulations. The current statutory guidance that governs improvement grants provides that, where a house is being brought up to the tolerable standard, it must meet the regulations where appropriate.

In all other cases where substantial and significant works are being carried out, the building regulations require that the dwelling be brought up to the standard provided for in the regulations. The discretion that is currently available to local authorities is wide and already fulfils the amendment's purpose. There is nothing in the bill's proposals that narrows that discretion, so we do not support amendment 471.

Mr Gibson: I will press the amendment. I am fairly reassured by what the minister says, but I think that amendment 471 gives additional emphasis. The whole area is somewhat neglected.

The Convener: The question is, that amendment 471 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 471 disagreed to.

Section 85—Extension of power to make improvement grants

The Convener: Amendment 472 is grouped with amendment 408. I invite the minister to speak to both amendments and to move amendment 472.

Ms Curran: I am well aware of the committee's commitment to equal opportunities and have noted the many comments that have been made throughout stage 2. I will, of course, keep true to everything that I have said and to all the reassurances that I have given or will give the committee on any matter but, as the committee knows, I have a strong interest in equal opportunities and am happy to reassure the committee about pursuing such issues.

I gave a commitment on the first day of stage 2 to come back with equality provisions. I will deal with amendment 408 first because it makes good that commitment.

The provision is framed in the light of the equal opportunities reservations that are set out in the Scotland Act 1998. The provision is a powerful one that requires both Scottish ministers and local authorities to fulfil all their duties and functions under the bill in a manner that encourages equal opportunities. That includes—and indeed, goes beyond—all the strategy-framing and guidance-giving powers in the bill to which I referred on the first day.

I hope that the committee will accept amendment 408. I understand the committee's commitment to the matter and have listened carefully to the debates. I assure the committee that we will use the amendment to move forward

on detail.

It was pointed out to us that the definition of disability in the Housing (Scotland) Act 1987 does not accord with the current legal definition as set out in the Disability Discrimination Act 1995. We therefore decided to lodge amendment 472, which will bring the legislation into line with currently acceptable terminology. That reflects the Executive's general concern to take equality issues into account in framing legislation.

I move amendment 472.

Linda Fabiani: Amendment 408 worries me somewhat in that there is nothing in the bill to ensure that the duties are met. How does the Executive intend to address that without having specific measures built into the legislation?

Fiona Hyslop: On amendment 472, I completely support the sentiments and the policy behind what the Executive is trying to do in referring to the Disability Discrimination Act 1995. However, the minister may be aware that some people are concerned that the Disability Discrimination Act 1995 perhaps does not cover all the groups—for example, multiple sclerosis sufferers—that we may want to consider for support. Will the minister reflect on the issue of ensuring that support and other services are provided for people who are not covered completely by the 1995 act but who are considered disabled by the Executive and need support? How would we ensure that they are covered by the bill?

Ms Curran: I understand the points that have been made and the motives behind them. Linda Fabiani and Fiona Hyslop want to ensure that we cover the provisions appropriately.

I am sure that Linda Fabiani will understand the argument, as she is familiar with such issues. The bill cannot be too specific because things can be left out and that is often used as a get-out clause by people to allow them not to move on certain levels of equality. That is why we have resisted the shopping list approach to equality.

I have been involved in the field for some time and am very familiar with it. If people think that they have covered gender, disability and perhaps sexual orientation, they think that that lets them off the hook in relation to other equal opportunities issues. We believe that general provisions are much more effective. I guarantee that we will use all the levers in the bill—for example, monitoring, the work of the new executive agency, local housing strategies and guidance-giving powers. The amendments are the appropriate way to ensure that all aspects of the bill are covered by equal opportunities provisions.

I understand Fiona Hyslop's point. We think that there are other provisions in the bill—such as definitions of need—which will allow us to ensure that we can meet the needs of people who are not mentioned specifically.

Our understanding of equal opportunities will evolve and develop constantly. We must be prepared for that and encourage such development. There will always be a group for whom we have not projected legislation or strategies. That is why we have the general provision. We hope that other aspects of the bill will allow us to meet the needs of specific categories as and when they arise.

Amendment 472 agreed to.

12:45

The Convener: Amendment 473 is on its own.

Mr Gibson: Amendment 473 is a simple and straightforward amendment. It reduces the qualifying time under which a tenant seeking an improvement grant can be eligible or apply for an improvement grant from two years to one year. Given that applications can take months to process, the amendment will ensure that those applying for grant and living in substandard conditions do not have to wait too long to be eligible for grant.

I move amendment 473.

Ms Curran: This is a straightforward matter. The new improvement and repairs grant system will be open to both tenants and landlords. It will provide grants at rates of up to 100 per cent for those on low incomes. In those circumstances, there is an incentive for a few unscrupulous landlords to install low-income tenants and encourage them to apply for grant at rates payable up to 100 per cent. They might then move those tenants on—whether by coercion or collusion—and reap the benefit of the improved house condition in the form of higher rent from the next tenant. For that reason it is necessary to make provision to prevent collusion of the kind described.

The bill provides that the works to which grant is applied must be the tenant's responsibility, as provided for by the lease, and must have been part of the lease for at least two years before the application for a grant.

Mr Gibson: I am sure that the majority of landlords are not unscrupulous. It seems to me, from the minister's response, that she wants the tail to wag the dog. I am thinking about young couples who get a tenancy for the first time. They may have a young baby and may be in a flat that is a cowp. They would have to wait for years to get a grant—perhaps not only for the two years before they are eligible but for several more months or even more than a year after that. I intend to press

amendment 473. It would be much more humane and would allow the properties to be upgraded earlier.

The Convener: The question is, that amendment 473 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 473 disagreed to.

Section 85, as amended, agreed to.

Sections 86 and 87 agreed to.

Section 88—Applicant's contribution to expense of works

The Convener: Amendment 474 is grouped with amendments 475 and 476.

Cathie Craigie: Amendments 474 and 476 are probing amendments to seek reassurances on what the Executive hopes to gain from section 88 of the bill. Some of the issues that we will consider later and the measures that will be introduced on repairs and improvement will go a long way towards helping people on the lowest incomes and in the poorest properties to bring their homes up to a standard that is fit for this day and age.

I support the test of resources as a tool for ensuring that the moneys that are available are targeted at the people who are in most need; I have arrived at that opinion through experience of dealing with repairs and improvement grants. I have seen the poor old lady, who is on a small occupational pension, struggling to pay a contribution when somebody who earns more than £100,000 a year gets the same level of grant and the same level of financial contribution from the local authority.

The bill is silent on what mechanisms will be used to operate the test of means. I want to hear what the Executive feels about that. The committee received varied evidence: North Lanarkshire Council said that it was also concerned about the lack of detail; West Dunbartonshire Council said that it was totally opposed to a test of resources; Glasgow City Council was opposed to it; and Falkirk Council said that the provisions in the bill would go some way towards helping it to achieve its social inclusion strategies.

I want a simple and straightforward system, which targets resources at the people who need them most and that allows people to become involved in schemes, whether local authorities, RSLs or the individuals propose the upgrade. I ask for the minister's thoughts on that.

Amendment 476 is about the appeals system that is proposed in the bill, which would force local authorities into a cumbersome, complex and costly system. We should be able to provide a system internally. The appeals system must be seen to be open and fair, but I think that that could be achieved internally. I have lodged the amendments so that I can hear the Executive's views.

I oppose Kenny Gibson's amendment 475, because it seeks to remove the test of resources; we should keep it as a tool to ensure that the moneys go where they are most needed.

I move amendment 474.

Mr Gibson: Amendment 475 would remove means testing, as Cathie Craigie said. In evidence to the Local Government Committee, COSLA and Glasgow City Council both strongly opposed the imposition of means testing. The committee remained unconvinced about means testing.

COSLA stated that it was

"not yet convinced that means-testing will produce positive results for the variety of situations that must be addressed. The grants system is complex and is geared to different outcomes in cities than it is in rural and island areas."—[*Official Report, Local Government Committee*, 23 January 2001; c 1438.]

Glasgow City Council suggested that

"The proposed means testing regime is likely to be difficult and costly to operate and its cost effectiveness is seriously open to question."

It continued, saying that

"we want to see much more analysis of whether means testing will damage the ability to improve substandard housing, particularly in cases of tenemental ownership, which prevails in Glasgow and many other cities where there are issues about securing comprehensive improvement of property that is in mixed ownership. Means testing would make that more difficult than it is at present. At the very least, further analysis of the impact of means testing should be undertaken before a firm commitment to introduce it is made. That is what lies behind the suggestion that we should have a better cost-benefit analysis of the means testing proposal."—[*Official Report, Local Government Committee*, 23 January 2001; c 1447.]

North Lanarkshire Council, to which Cathie Craigie alluded, said:

"It is difficult to comment meaningfully on the means-testing proposals because, to be honest, the bill does not contain

much detail about what is intended or on how means-testing will operate."—[*Official Report, Local Government Committee*, 23 January 2001; c 1484.]

Amendment 474, which Cathie Craigie lodged, merely seems to qualify means testing. Resources that were allocated for work would still have to be spent on assessments. I am unsure—even after hearing Cathie Craigie—about why the categories that are mentioned have been included, rather than equally worthy candidates.

Amendment 476 adds to the bureaucracy that is inherent in the process and thus would reduce the resources that are available to carry out necessary works. Grants have been cut from £103 million to £38 million since new Labour came to power. People have talked about targeting resources, but given that those resources have been slashed by two thirds in four years, it is not surprising that targeting has become more of an option. We must take the improvement and repairs grant system seriously and ensure that resources are made available to reduce deterioration of housing. Many owners of private housing live in poverty; perhaps for some it is genteel poverty, but it is poverty nonetheless.

I urge members of the committee to support amendment 475.

Bill Aitken: There are arguments about the issue, which could be encapsulated as being about whether we should be targeting this type of benefit—it is a benefit—in respect of housing repairs. Members should consider the bureaucracy that is required, which costs money. I wonder just how effective it would be. There can be no doubt—I have personal experience of this—that there is a degree of genteel poverty, as Kenneth Gibson eloquently described it. While that might be a tragedy to the individual, the house in which they live is deteriorating. I would be interested to hear from the minister how that issue is being addressed, other than through amendments. I can see both sides of the argument.

Linda Fabiani: Amendment 474 mentions

"any non-dependent child living with the applicant."

However, the bill would still say:

"any person who lives or intends to live with the applicant".

That might not mean a partner in a relationship—it could be a young homeless person who comes to live in the house. Will Cathie Craigie clarify her feelings on that?

Amendment 476 worries me because it represents local authority self-policing and takes away the right of independent review of a decision that has been made by a local authority. The words,

"A person senior to the person who made the assessment"

are not firm enough. They could mean that the review was carried out by somebody who works at the desk next to the person who made the assessment. I worry about the right of independent review—I quite like the idea of the summary cause and the sheriff court as an appeal mechanism.

Ms White: Linda Fabiani covered two points that I was going to make on non-dependent children. She also covered the matter of the independent review in amendment 476. Local authority resources are already stretched and will probably be stretched further in future. I worry that amendment 476 would put an onus on authorities that they could not cope with.

Kenny Gibson was right to say that we must tackle the matter. Bill Aitken said that he was looking for explanations, but we have to look at the realities of the situation. People are living in tenemental properties that are falling to pieces, and that have water running down the walls and so on. Local authorities say that means testing is not working. What works for one area might not work for another. There will soon be a local government bill—possibly before this bill is passed—which would be the time to consider solutions other than means testing. Kenny's explanation about means testing was thorough—the Executive should take it on board.

Brian Adam: Means testing is an attempt to explain rationing of resources. Whether the improvement is to the home or to shared facilities will depend first on whether someone is prepared to contribute and secondly, on whether they are able to contribute. Depending on whether all earners in the household are to be included or some people are excluded, there are various options before us for assessing that contribution. There are different appeal mechanisms. We will lose in administration a significant proportion of the resource that could be put into house improvement. Whether or not means testing is used for doctrinaire reasons, it is not worth while. In practical terms, it will not work, for the reasons that have been advanced by a variety of local authorities in evidence that was taken on the bill. I will support amendment 475—not because it is Kenny Gibson's, but because it is right.

The Convener: Are you suggesting that that is a novelty?

Robert Brown: There is a genuine debate to be had about the matter. I am on the side of the Glasgow Mafia on the approach that should be taken. I have considerable scepticism about means testing. Broad targeting already exists in the council tax banding limitations—I checked with Kenny Gibson that that was the case. The experience of those of us who have operated in

Glasgow is that means testing is not the way to go and that one should instead go for the broad approach of area improvements.

13:00

Having said that, what is being proposed is a power—it is not compulsory. I am not prepared to rule out its becoming compulsory, but I suspect that a more sophisticated approach is required. There would be more jam to go around if more resources were available, but as always, that is a difficult issue. The committee has not had the opportunity to consider the matter in much detail. The housing improvement task force could consider it in detail and come up with more suggestions. I do not want to go beyond the power that is contained in the bill at the moment. There might be a place for an amalgam of improvement grants and improvement loans in certain situations. A variety of different techniques is available for addressing the issue. I urge the committee to reject all the amendments in the group.

Ms Curran: This has again been a wide-ranging discussion. I am amazed at the fortitude of committee members in being able to keep ploughing on regardless.

I will start with Kenny Gibson's point, because he has presented a key argument. The effect of amendment 475 would be to remove the test of resources from the improvement repair grants. If we consider forthcoming amendments in Kenneth Gibson's name, we see that his ideal grant system would be one in which everybody gets at least 75 per cent of the cost of works, regardless of their ability to pay. There is a fundamental issue there. In the current circumstances, I cannot argue that that is the right way to distribute scarce public funds. Whatever we say about public funding, we would all concede that such funds are not limitless.

The main beneficiaries of improvements to the condition of houses are those who own them. Not only do they benefit from better house conditions, but in many cases they benefit from an increased market value. It is right that people who can afford to contribute to the cost of works pay their way, because they often get a return on it. The more that affluent households benefit from grant, the fewer will be the resources that are available for lower-income households. The current improvement and repair grant system, as set out in the Housing (Scotland) Act 1987, does not award grant on the basis of need. A number of local authorities have introduced some kind of policy for taking personal circumstances into account, but there is a patchwork of different tests that are used throughout Scotland. We think that how the award of grant is assessed should not be a matter of postcodes, but of reason. That is why we are introducing the standardised test of resources.

We are extending the scope of the grant system in a number of ways to meet representations that it should make provision for central heating, insulation, home security devices and so on. However, that also requires that funds go where they are most needed. We will consult on the test of those resources. In response to Kenny Gibson's points, we have undertaken to consult COSLA on the terms of how that work will be undertaken. COSLA is satisfied with our arrangements, on the basis that it will be consulted about the terms. We accept that there are circumstances in which we need to cushion the effect of the test of resources to make the grant system easier to administer. We therefore intend to introduce a series of minimum percentage grants. Where a minimum percentage grant applies, all households will receive a set percentage of the cost of works, irrespective of their income. Applicants who would receive a greater amount of grant under the test of resources will receive the greater amount.

Brian Adam made a point about the cost of administration. In the broadest view of means testing—which I argue is a bit different to this version—that is often one of the arguments used against it. There might be some justice in that. In the improvement and repair system there would, in any event, need to be a system of allocating the grant. Decisions would have to be made about who would get the grant. I presume that Brian Adam is not assuming that local authorities would just give out grants willy-nilly. There would have to be some kind of administrative system, so much of the resources would be taken up anyway.

Decisions about the detail are still to be made—as I said, we will consult on the circumstances in which minimum percentage grants will be payable. The detail will be set out in regulations, which will be subject to approval.

Kenny Gibson's amendment 475 is not acceptable, because the approach that is set out in the bill is the fairest and most socially just way of tackling housing need. Amendment 475 is fundamentally flawed.

I listened to the points that Cathie Craigie made about amendment 474 and I reassure her that we have undertaken to consult on the details of the test of resources that will apply in the reformed improvement and repair grant system. As I said, there is a clear read-across to the consultation on the long-term care bill and we want to have the opportunity to consider the outcome of that consultation before coming to a final decision. Household income will be defined in the regulations by reference to the income of the applicant and his or her spouse or partner. We will

consult on that point, because we must consider whether it would be right to ignore the income of non-dependant children where, for example, a retired householder is supported by a child who is financially well established and who provides the main income for the household. We do not want to disregard that income.

Those issues are not as straightforward as they might first appear and we genuinely believe that they would benefit from the proposed consultation. Therefore, we will conduct that consultation and I give the committee a guarantee that we will report back to it on that consultation. In the meantime, we ask that amendment 474 be withdrawn to avoid restricting the scope of the scheme in advance of full and open consideration of all the issues.

On amendment 476, we take the view that since the assessment of an applicant's contribution under the new grant system could make a substantial difference to the amount of grant awarded, it is essential that there should be some right of appeal where an applicant believes that his or her contribution has been wrongly assessed. Originally, we considered it appropriate for such an appeal to be heard by somebody entirely independent of the local authority. For that reason, proposed new section 240B of the Housing (Scotland) Act 1987 proposes that applicants should be able to appeal to the sheriff. However, it has been put to us that appeals to the sheriff would be expensive and time-consuming for grant applicants and local authorities. Therefore, we understand the argument in Cathie Craigie's amendment 476 for such an appeal to be made to a senior officer.

The type of appeal mechanism that is provided in a particular case must vary according to the nature of the provision in question. For example, it is essential that tenants should have a right of appeal to the sheriff if they are in danger of losing their house as a result of eviction or abandonment action, and the bill provides for those circumstances. However, appeals against an assessment of an applicant's contribution for improvement and repair grant do not fall into that serious category. Cathie Craigie's amendment 476 proposes a way of ensuring that the applicant can have their case reconsidered without having to have recourse to expensive court procedures.

May we consider the drafting of amendment 476? I have made similar requests previously Depending on the committee's view, we would be happy to do so and to come back with an amendment at stage 3.

The Convener: I ask Cathie Craigie to wind up the debate on this group of amendments and to indicate whether she intends to press or withdraw amendment 474.

Cathie Craigie: Convener, I was waiting with excitement to see what you would say if I said that I agreed to put amendment 474 to one side—would I be allowed to say that?

The Convener: That is a novel constitutional question. Members are struggling to remember whether they should move, press or withdraw their amendments. We do not need to introduce another term—our learning curve would get even steeper.

Cathie Craigie: I thank the minister and members for their comments.

As I said, amendments 474 and 476 are probing amendments to try to find out what was in the Executive's mind. I reject Kenny Gibson's amendment 475, because I support some form of means testing so that grants are targeted at those who most need them.

The minister said that home owners benefit from works that are carried out, particularly if they have received a grant for that work. However, we must remember that many people who live in private accommodation live in poverty. I am sure that those of us who visit our elderly constituents will notice the marked difference between the properties of those who live in local authority tenancies and the properties of those who live in their own private house that has no double glazing, new windows or heating. There is a great deal of poverty in that sector.

I am happy to take on board the point that was made by the minister on the minimum grants and 100 per cent grants that will be available. In the committee's stage 1 report, we recommended that more work should be done on this area and that the housing improvement task force should also consider and discuss the matter. I am also happy that the minister has offered to come back to the committee for further discussions. For those reasons I will not press amendment 474.

The Convener: Cathie Craigie has indicated that she wishes to withdraw amendment 474—[*Laughter.*] After seven days, we have worked out that not pressing and withdrawing mean the same thing.

Amendment 474, by agreement, withdrawn.

Mr Gibson: I wish to move amendment 475, and I would also like to comment before you put the question on section 88, convener.

Amendment 475 moved—[Mr Kenneth Gibson].

The Convener: It is obvious that you have made no arrangements for lunch, Kenny.

The question is, that amendment 475 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

ABSTENTIONS

Brown, Robert (Glasgow) (LD)

The Convener: The result of the division is: For 2, Against 4, Abstentions 1.

Amendment 475 disagreed to.

Amendment 476 not moved.

The Convener: There are no more amendments to section 88.

Mr Gibson: I do not want to take up too much of the committee's time, but I wish to make a few comments.

I believe that a form of means testing—to which Robert Brown alluded—exists, because people can access grants only if their home is in council tax band E or below. The important point to note is that the minister did not say whether any evaluation has been conducted into whether universal means testing would cost more money than it would save. Everyone agrees that scarce resources should be targeted, but if the bureaucratic administration of means testing costs more than it would save, all that will happen is that a lot of people who should receive grants will be denied them. That makes a nonsense of the means-testing argument.

To be frank, all the witnesses who gave evidence on the issue to the Local Government Committee said that the resources that are available for home improvement grants must be increased, because a 65 per cent cut over four years is totally unacceptable. I understand that a further cut of 10 per cent is to be made this year.

I hope that the Executive will reconsider means testing, because people are being asked to buy a pig in a poke. We do not know what means testing will mean on the ground, as the Executive has not done the preliminary work. I urge members to reject section 88.

Robert Brown: I echo Kenny Gibson's comments, to an extent. I was a little disappointed with the minister's earlier response in relation to what is going to happen with means testing.

Earlier, I said that Scottish ministers had the power to introduce means testing, rather than being under a duty to introduce it—they may either introduce it or not, as they see fit. I was under the impression that the Executive was going to consider the matter further by fitting it in with more sophisticated research that would involve the housing improvement task force. In the light of that research, we would be able to see where we are going. However, the Executive seems to have given us a commitment that it is going to go ahead with its approach at some unspecified—but reasonably close—point down the line. I would like some clarification, because means testing should not be introduced without wide consultation and expert investigation by the housing improvement task force and others.

Members definitely have qualms about whether the Executive's approach will work in practice, particularly in tenemental areas. I ask the Executive to be cautious about what it is doing before proceeding further. There might be a case for means testing—I am not ruling it out—but I do not think that it should be introduced until proper assessment has taken place.

Cathie Craigie: It is clear from our debate and from the comments that have been made by Kenny Gibson and Robert Brown that there is a need to consult COSLA and to get the housing improvement task force and other experts to sit down and examine all the issues. I am not 100 per cent sure that Kenny Gibson was right to say that only those who live in properties that fall within council tax band E and below would qualify for a grant—I would have to check. However, that demonstrates how muddy the water is, which is why we must consider the matter further.

I was reassured by the minister's comments about the fact that a much wider body of people will be involved in the consultation, including those who are sitting around this table and those who are on the housing improvement task force, who have been working in the area for a long time and who have a wealth of experience. We should listen to what they have to say.

13:15

Ms Curran: I will be brief; I am aware of the time.

I accept Kenny Gibson's arguments—I can see the force behind them. I also understand the point that he made about council-tax banding. However, we are trying to get away from the rationing that exists at present and to have a more sophisticated discussion.

The housing improvement task force has been mentioned often during the committee's consideration of the bill, and we regard it as an important group that will consider fundamental housing issues. However, we are trying to come to terms with some of the principles that are involved. Whether we like it or not, the implications of

having no means testing could be substantial. Some people would benefit enormously from that proposal and it is not necessarily fair that they should. In the first instance, grants should go to the poorest people.

I do not know whether I would be quite as generous as Kenny Gibson, with his eloquent description of genteel poverty—I take that back, Kenny. It is exactly because the debate involves poverty that we must address it. The debate is not only about need or saying that there is a problem out there that we should put resources into resolving. We must appreciate that poverty is part of the debate and therefore we must target our resources, by targeting first those who are most in need.

From a moral point of view, my argument is that people who are extremely well-heeled would benefit from the change that is proposed by amendment 475—it would not create the benefit that Kenny Gibson seeks to achieve, nor would it address the issues that he seeks to address. I accept that there are broad issues within the private rented and owner-occupied sector that must be addressed, and the housing improvement task force will do so. However, the debate is about principles.

The Convener: That was evidence of members using any mechanism available to them to have a debate if they are determined to do so, despite my best endeavours not to have that discussion.

Mr Gibson: Spoken like a true democrat.

The Convener: Absolutely—democrats recognise when they are beaten.

Section 88 agreed to.

Section 89 agreed to.

The Convener: Given the number of amendments in the next group, I propose that we adjourn for lunch slightly early. It would be helpful if we could resume before quarter to three, because that would allow us to move the debate on.

13:16

Meeting adjourned.

14:47

On resuming—

The Convener: I bring the meeting back to order.

Section 90—Amount of grant

The Convener: Amendment 477 is grouped with amendments 295, 478, 479, 480, 490, 491, 492 and 493.

Mr Gibson: Given the fact that I have to speak to nine amendments, I will try to be as brief as possible. Amendment 477 recognises the serious level of disrepair in many private houses and the struggle faced by households to meet the necessary costs of improvement and conversion, particularly in older post-war houses. The amendment therefore seeks to set the maximum grant by increasing the percentage of the total costs available to a more realistic level.

Amendment 295 simply locks the level of maximum expense at £20,000 in real terms. As the bill stands, even with inflation at 2.3 per cent, the value of the maximum expense will fall to £19,540 in the first year and decline year on year thereafter. That obviously discriminates against those who apply for a grant after the first year and, although ministers can alter the amount, it is simpler and more straightforward to make the provision inflation proof. Such inflation proofing has the unanimous support of the Local Government Committee.

Amendment 478 is something of a curiosity. I submitted each of the paragraphs that comprise it as individual amendments and cannot really understand why amendments that inflation proof the bill and simply update the 1987 amounts for improvement grants have been lumped together with amendments that concentrate on the available percentage grant. I believe that those are separate issues. Although members might support one or other argument, their support might be constrained if they do not support both. However, I hope that members will support both arguments.

Amendment 478 simply doubles the cash amounts detailed in the same way that the Executive has doubled the maximum grant from £10,200 to £20,000. As a result, the maximum grant for each standard amenity for which an improvement grant can be sought is also doubled. Frankly, I think that it is a wee bit fly of the Executive to increase the maximum grant without uplifting amounts for standard amenities. Without such an increase, the value of the grant will simply decline year on year, which might of course be the Executive's intention. The amendment seeks to set the percentage grant at a more realistic level, as do amendments 479 and 480. Amendment 490 seeks to do the same for repair grants as amendment 478 does for improvement grants.

Amendments 491 and 492 seek to update and inflation proof grant limits for fire escapes. Amendment 493 increases percentage grants available in housing action areas to ensure that grants are at a level that will encourage the upgrade of homes in a state of severe disrepair in those areas.

I move amendment 477.

Bill Aitken: I am attracted by some of Kenneth Gibson's amendments. I can well recall the events of the early 1980s when there was much more grant money available than now. That had a tremendous benefit in some of the poorer areas of Glasgow; in those days, grants of up to 90 per cent were obtainable, which both allowed the upgrading of houses and gave a tremendous fillip to the local economy. However, we are probably talking in a vacuum, because resources are finite. Ultimately, it does not matter what the percentage terms are; what we need to consider is how much money is available. Because that amount is restricted, the jam will be spread very thin.

That said, on balance, I am persuaded that the amendments have merit, particularly the proposal to upgrade amounts to reflect inflation.

Cathie Craigie: As far as I am aware, there is scope within existing legislation for a local authority to apply to pay an increased level of grant on an individual basis, for a scheme or within a housing action area. I would be interested to hear whether the minister thinks that any further provision is needed.

Kenny Gibson is right to say that local authorities raised the issue of inflationary increases with the Local Government Committee. As it stands, the bill provides for the minister to vary that figure. However, I want to hear her comments on the issue.

Ms Curran: I will try to answer the points that have been raised. The amendments in this group, which are all in the name of Kenneth Gibson, are intended to increase the rate of grant and index-link the maximum approved expense.

I will first deal with the amendments relating to maximum grant percentages. As the committee rejected amendment 475, which would have repealed the provisions relating to the test of resources, these amendments are effectively redundant. The percentage grant paid to any successful grant applicant will be determined by the proposed test of resources together with the system of minimum percentage grants. That will allow for up to 100 per cent grants to be paid to households on the lowest incomes.

As a result, the amendments would disadvantage low-income households by restricting them to a maximum of 75 per cent, as the reform of the grant system will provide assistance of rates of up to 100 per cent for those on the lowest incomes. In short, the overall effect of the amendments would be to undermine seriously the targeting of resources.

In fact, that is one of the changes that we have made to greatly simplify the existing system. Some bodies have been pressing us to move to a unified system of renewal grants—I know that Cathie Craigie in particular has been discussing this issue. I am happy to say we will achieve that aim through administrative means, even though we will still use the term "improvement and repair grants" in the legislation. We will be able to do that because of the various simplifications to the existing legislation that we have made in the bill.

Our reforms will introduce a new single approved expense limit of £20,000 for grant-eligible works. That is a substantial increase on a number of the grants that are available. The amendments seek to restrict the approved expense limits or to index-link them, but we do not accept either of those propositions.

On amendments 295, 478, 490, 491 and 492, I take Kenny Gibson's point, but I will deal with them in so far as they are concerned with approved expense limits. I do not think it is necessary for the approved expense limit to be index-linked as Kenny Gibson suggests it should be. Ministers already have the power to prescribe an approved expense that is higher than £20,000. That can be done to adjust the approved expenses over time to take account of changes in circumstances such as inflation.

In addition, we also have power to raise the approved expenses in particular cases, where there are good reasons for doing so. Local authorities are well aware of that and use the facility sparingly but regularly. We also have power to increase the limit in particular classes of case, although there has never been any particular demand on us to do so.

For those reasons, we do not support the amendments. However, I give an undertaking that the £20,000 limit will be reviewed from time to time and modified if appropriate. I envisage that such a review should take place at least once every parliamentary session. I hope that that reassures members.

Our amendments were aimed at simplifying the system but Kenny Gibson's amendments seem to make them more complicated again. That is partly because, at several points, he is trying to amend sections that are being repealed by schedule 9. In light of that, we are not sure that they would add much to the bill and suspect that they might confuse matters. I urge the committee to reject them.

Mr Gibson: I understand that the minister has issued an assurance that the £20,000 limit will be reviewed at least once every parliamentary session but, even assuming inflation of 2.5 per cent, a grant that is applied for in the fourth year of a parliamentary session will in effect be £2,000 less than a grant that was applied for in the first year of a parliamentary session. Frankly, ministers have enough to do without thinking about how

they ought to vary the amounts. If the grants were index-linked, the system would be much simpler and more permanent. There has been no alteration in the level since 1987 while inflation has reduced by half what was decided would be the maximum grant. I do not think that that should continue.

Grants of 100 per cent will in effect justify means testing and will add additional costs to the process. That is not something that I wish to support.

I am willing not to move amendment 478, as I accept what the minister said on the subject, but I would like to return to the matter at stage 3. I notice that there was not much mention of amendments 491 and 492, which would index-link the grants that are available for fire escapes and would bring them up to date from their 1987 position. That is an important safety issue and I assumed that the Executive would want to ensure that people did not put safety to one side simply because the grant available did not cover the cost of the work that was needed.

I would like to press amendment 477.

The Convener: The question is, that amendment 477 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 477 disagreed to.

Amendment 295 moved—[Mr Kenneth Gibson].

The Convener: The question is, that amendment 295 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 295 disagreed to.

Amendment 478 not moved.

Amendment 479 moved—[Mr Kenneth Gibson].

The Convener: The question is, that amendment 479 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 479 disagreed to.

Section 90 agreed to.

After section 90

Amendment 480 moved—[Mr Kenneth Gibson].

The Convener: The question is, that amendment 480 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 480 disagreed to.

Section 91—Improvement grants: the tolerable standard and standard amenities

The Convener: Amendment 289 is grouped with amendments 290, 481, 482, 484, 485, 483, 211, 486, 487, 488, 405, 489 and 406.

15:00

Tricia Marwick (Mid Scotland and Fife) (SNP): Amendments 289 and 290 are very modest—they set a very low minimum standard in housing.

Some of the other amendments go much farther.

There is a history to the level of below tolerable standard. Indeed, we could say that below tolerable standard is history because it was set almost 30 years ago and is now seriously out of date. In October 1997, not long after the Labour Government was elected, that situation was acknowledged by Malcolm Chisholm, who was the Scottish Office minister with responsibility for housing. He said:

"it is clear that too many people in Scotland still live in poor housing conditions. Dampness and condensation are particular problems, as is disrepair ... A further cause for concern is that so many houses fall 'Below Tolerable Standard', even though that Standard was set almost 30 years ago and is now out of date.

Housing is a high priority for this Government".

The Scottish Office issued a consultation paper, "Beyond the Tolerable Standard", in May 1998. At that time, the Scottish Office proposed three purposes for a minimum standard in housing: first, to identify defects that, unless remedied, could result in property being lost to the housing stock; secondly, to identify issues of health and safety of occupants resulting from house conditions; thirdly, to target investment.

Up to March 2000, 66,000 houses in Scotland fell below the tolerable standard level. That is a very minimum standard and does not take into account fuel poverty and the like. Many hundreds of thousands of other people in Scotland live in houses that suffer from disrepair, condensation and dampness.

I have lodged two amendments that would commit the Executive to a very minimum improvement in the tolerable standard to bring it in line with the English fitness standard, which has always been higher than the Scottish tolerable standard. The English fitness standard is currently being considered and may well change in the future. I do not want a situation where the standard of housing in Scotland is allowed to fall below even that minimum.

I am disappointed that, despite the consultation begun by the Scottish Office in May 1998, there are no proposals from the Executive to bring the Scottish tolerable standard up to a modern level. That is why I have lodged my amendments. I hope that the Executive will accept them, as they are very modest, intending to ensure that housing be "free from serious disrepair" and

"free from dampness prejudicial to the health of the occupants".

I move amendment 289.

Linda Fabiani: Tricia Marwick has more than adequately outlined the provisions and history of the tolerable standard. My amendments in this group would insert additional definitions into that tolerable standard. Amendment 481 would insert a paragraph to say that a house should be "wind and water tight." That is a basic requirement. I cannot remember the act that this comes under—the 1974 act or something—but the law allows a local authority to place a repair notice on the owner of a property to ensure that that property is made windtight and watertight. This seems to be a very basic requirement. Any housing in our country should be windtight and watertight. I urge members to accept amendment 481 on that basis.

Amendment 482 would add to the tolerable standard that a house should be

"substantially free from damp caused by condensation."

We all know that condensation is a huge problem in Scottish housing stock, and is a major health risk. I am aware that there are great problems in proving that someone's bad health has been caused by condensation—there have been a couple of test cases in that regard. I think that the way that the amendment has been phrased would do away with that worry, so the Executive could perhaps accept the amendment.

Amendment 483 also refers to the tolerable standard, saying that it should include

"a working and efficient central heating system providing central heating to all of the main living areas of the house."

In this day and age, that should be a requirement. That ties in with the Executive's current initiative to ensure that every house has central heating within a specified time. At the moment, there is no grant for partial central heating, so if a house already has that, according to the guidelines, it would not receive any additional heating. In a modern Scotland, if we are serious about tackling fuel poverty and in carrying out housing stock upgrades, we should have a tolerable standard whereby absolutely every home in the country is entitled to have an efficient central heating system, covering all the living areas of the house.

I initially lodged the two proposed new subparagraphs in amendment 489 as two separate amendments, because I thought that the Executive would perhaps be happy to accept one, and not the other. If the amendment is not accepted, I would like to return with separate amendments at stage 3. In any case, amendment 489 intends to ensure that housing

"meets such statutory energy standards for buildings as are in force at the time."

Currently, those are the Scottish mandatory energy standards for buildings. It is also crucial that, in the tolerable standards, we match current building regulations, which say that a home should have

"a working, mains electricity operated smoke alarm."

That is the part of the amendment that I thought the Executive would be happy to accept, because it is a measure that most local authorities and housing associations are taking on board anyway, and it is a requirement for new housing. I suggest that a house would be below tolerable standard if it did not have a

"mains electricity operated smoke alarm."

The amendments would enable councils to award improvement grants for all the issues that I have covered. I think it is crucial that councils are able to give such grants. If the amendments are accepted, they would define the tolerable standard in that way.

Tommy Sheridan: As has been mentioned, the below tolerable standard level was set in the late 1960s, but was in fact based on housing policy concerns from the middle of the 19th century. The current definition of what is below tolerable standard therefore has no place in the 21st century.

I am disappointed that the Executive has not lodged a clear set of amendments to raise the below tolerable standard. Perhaps it intends to support my amendments. If so, I shall be pleased. Surely we need to attain a standard below which no one can fall, so that housing in this country is of a first-class character, instead of the second-class nature that far too many of our citizens have to live with.

On previous occasions, I have lodged amendments on the definition of human habitation. The difference between those amendments and the ones under discussion is that these ones do not have immediate resource implications. They are about setting standards. They do not have a resource implication or a time scale for meeting those standards, but highlight the number of houses in this country that fall below the new modern standard. I hope that the bill sets a ruling on condensation dampness and an affordable, energy-efficient, whole-house heating system that reaches the standards set for fuel poverty and accepted by the Scottish Executive.

A minimum standard should be set whereby all people have double-glazed, safe window units in their homes. I hope that the Executive and members agree that, through the bill, we can send out a message to all Scottish citizens that we are setting new minimum standards that are much higher than those that currently exist.

I wish to refer to a letter that I received from Shelter in support of amendments 484, 485 and 486. It states:

"At least 362,000 children and 119,000 pensioners live in homes that are affected by dampness and condensation. Much of Scotland's housing is in an appalling condition; the Housing (Scotland) Bill should be an opportunity to begin to tackle this. The effects of dampness and condensation can cause or exacerbate respiratory illnesses like asthma, bronchitis and pneumonia. 1 in 3 children who experience breathing problems live in houses that suffer from dampness or condensation.

We have argued since 1998 … for condensation dampness to be included in the tolerable standard."

In the absence of any Executive amendments, I hope that the committee sees fit to increase the standard and support my amendments.

Mr Gibson: Many of us are astonished that the Executive did not lodge an amendment that would tighten up the level of tolerable standard, which was a great worry to us all in the Local Government Committee.

Amendment 211 would bring the Scottish tolerable standard into line with the English fitness standard, to which reference has been made. It would include as a reason for failure serious disrepair and other important elements, such as energy efficiency, electrical wiring and fire provisions and smoke detectors. If amendments 491 and 492 are not agreed to, people are less likely to have a fire escape by which to vacate a burning building.

Amendment 289 is effectively contained within amendment 211, so I hope that Tricia Marwick will withdraw amendment 289.

Robert Brown: There is a general mood in the committee to move forward a little in such matters. Two different levels of standard are emerging from the debate. I do not agree with Tommy Sheridan's encapsulation of the matter and his reference to houses of first-class character, not second-class standards. In effect, the tolerable standard sets not the aspiration, but the minimum standard. We must put the matter in context.

Section 85 of the Housing (Scotland) Act 1987 says that it is

"the duty of every local authority to secure that all houses … which do not meet the tolerable standard are closed, demolished or brought up to the tolerable standard within such period as is reasonable in all the circumstances."

However, as Tricia Marwick and Linda Fabiani said, section 88 of that act gives people a right to an improvement grant, so there are resource implications even in that context. In addition, under section 86 of the 1987 act,

"The Secretary of State may … extend or amplify the criteria set out in the … subsection",

by adding to or changing the definition. There is therefore already a statutory instrument arrangement in that context.

15:15

We have to view the various suggestions against that background, as some of them go

distinctly beyond what is regarded as a minimum standard. Dampness is the main area on which there is a desire for some forward movement, and I would welcome the minister's comments on that. The fuel poverty strategy arrangements that have been agreed give us the opportunity to consider that problem more effectively in terms of the tools to bring about a solution.

Amendment 405 is one of a number that have been lodged and I am not suggesting that it is necessarily the best worded, but I would like the minister to give us some assurance as to where we are going in this area.

When, in the days of slum dwelling on a massive scale, the tolerable standard was introduced, a huge number of houses did not meet the tolerable standard. There is now a smaller number of such houses. We have to strike a balance between producing a reasonable number of houses and setting a target that we can deal with in a reasonable period of time, set against the background of the higher standards that we are trying to set with central heating and other initiatives.

Ms White: We should congratulate all members who have lodged amendments in this group. Every one of them is trying to strive towards better housing for the people of Scotland. I take on board what Robert Brown says. Tolerable standards are a minimum standard, but surely to goodness we should be starting off with a minimum standard at which people are living in houses that are free from damp and condensation. That should not be a standard to aim towards; we should be starting from that point.

I am disappointed in what Robert Brown said about resources. We should not be saying that we cannot guarantee someone a house that

"is free from serious disrepair",

or

"is free from dampness prejudicial to the health of the occupants".

We should not be aiming to attain such standards in 20 or 30 years' time; that should be included in the tolerable standard. People should expect that type of standard from a house from the very beginning.

Amendments 289, 290, 481, 482, 484 and 485 address that problem and they are all commendable. Amendment 211 touches on the safety aspects of any tolerable-standard house. It is to be commended too, as is amendment 483, which deals with central heating. People should have central heating. It is all very well to say that the Executive's central heating initiative will eventually give people central heating, but there are people whose central heating may amount only to a fire working in the living room. Those people will not be included in the Executive's new central heating initiative, so that should be flagged up and addressed.

I want to ask Robert Brown what amendment 405 means, as he has not explained it. It says that houses should be

"substantially free from persistent dampness not caused by the behaviour of occupants of the house (where "behaviour" has such meaning as the Scottish Ministers may specify".

There are lots of things that can cause dampness, such as having a tumble drier in the house or even taking a shower. I would have liked Robert Brown to expand on that.

Members should be congratulated on all the amendments in this group. We should be looking to the suggestions made in them as a tolerable standard, rather than something that we aspire to attain in 20 or 30 years' time.

Brian Adam: In discussing minimum tolerable standards, we need to find standards that are measurable and meaningful. The members who have lodged amendments have certainly striven to do that. Sometimes it is difficult to suggest standards in a measurable form. The debate about dampness and condensation will undoubtedly continue to rage. The intention of all members is to remove the problems associated with water damage, whether to the property or, more important, to the health of the individuals living there from diseases that may be carried by the water.

I have concerns about the specifics of some of the amendments. I would prefer the central heating programme to be combined with the fuel poverty strategy, which I welcome. Some of our council houses have only partial central heating—I suspect that it is less common in housing association houses. For example, there are no radiators in bedrooms. It is almost a waste of time having central heating, because dampness is inevitable due to water condensing on cold walls in the house, or whatever else happens to be cold, such as clothes and furniture.

We also have to bear in mind the cost of running central heating. Those of us who have served on local authorities will have experienced visiting homes with dampness problems where the tenants cannot afford to run the central heating system. Instead, what they are doing is almost the equivalent of the card-in-the-meter job, but they have gas heaters with a big gas bottle pumping out water as well as heat. We have to strike the right balance.

The amendments that specify heating throughout premises are the ones that I support, because that will be measurable as well as

meaningful. It is difficult to attribute health problems directly to condensation. I accept that that is a consequence, but sometimes it is given as a reason to turn down a complaint. I welcome the general direction in which the amendments are taking us.

Karen Whitefield: There is a great deal of agreement and shared concern among committee members. At stage 1, we took considerable and compelling evidence from many agencies, which made us aware of their concerns about the effectiveness of the current tolerable standard, so none of us has to be convinced that the standard has to be modernised if it is truly to be an effective tool in ensuring that housing standards in Scotland are radically improved. We all want that. Not only is it about improving standards and defining what a tolerable standard is, it is about improving houses. The tolerable standard is an effective tool in ensuring that that happens.

The Executive has established a tolerable standard review, but what is the time scale for the review? What input can members of this committee who have considerable experience make if they have suggestions? Minister, can you come back with something on that at stage 3? How will the tolerable standard review influence the bill? There is an opportunity to do something and include it in the bill. We are looking for assurances from the minister on that.

Ms Curran: In Robert Brown's words, I hear the mood of the committee on this matter. I have listened with great care to what members have said. I genuinely understand the motivation behind the amendments and the imperative that they are seizing to try to increase housing standards and set a minimum standard. In response to points that members have raised, I shall give the committee some explanation of our proposals.

It is essential that we raise the quality of Scotland's housing to a standard that reflects the expectations of today's society. We must provide not only acceptable living standards, but quality housing, which is why we have established the housing improvement task force, to which I shall refer later, consulted on the introduction of an index of housing quality and introduced provisions in the bill to amend the improvements and repair grants system, as we have discussed. Taken as a package, those measures will ensure that there will be good-quality homes in Scotland for owner-occupiers and tenants alike in years to come.

It is important that we understand the purpose of the tolerable standard. It is a condemnatory standard that seeks to identify houses with defects that seriously threaten the integrity of the building and, as a result, the health and safety of the occupants and possibly of third parties. It is effectively stating that such houses are so bad that people should not be allowed to continue to live in such conditions, even if they want to. It is not the only measure of the condition of housing stock and it is definitely not an attempt to specify what should be the norm either for existing or for new housing.

The tolerable standard should pass four tests. First, it must be meaningful in determining priorities for housing investment and identify house conditions that, if not identified, would seriously threaten the building's integrity. It must focus on housing in the worst condition, to ensure that it receives investment first. Secondly, it must be measurable so that, as far as possible, it does not rely on subjective judgment. Thirdly, the condition of the property must be sufficiently serious to warrant the use of serious statutory powers, if necessary, to compel owner-occupiers or landlords and the awarding of statutory improvement grants. Fourthly, the standard cannot be dependent on household type per se.

The raft of amendments in this group do not satisfy all those tests. For example, amendment 487, which was lodged by Tommy Sheridan, proposes that a house should have double glazing that can be operated safely. Although that is desirable, that condition would not pass the first test, as the absence of double glazing would pose no threat to the occupants or the fabric of the building. Kenny Gibson's amendment 211 fails the first and second tests. I shall refer to Tricia Marwick's amendment 289 later.

Considerable subjectivity is involved in measuring serious disrepair. I genuinely understand where members are coming from on the issue of health, but there are complexities in attempting to measure the impact of buildings on health and we must be careful when we include that issue in the tolerable standard, as serious legal arguments, which I do not think members would want to get into, could be involved.

Linda Fabiani's amendment 481 provides that, to meet the tolerable standard, a house should be wind and watertight. The tolerable standard already requires that houses should be substantially free from rising damp and penetrating damp. The first part of the phrase "wind and watertight" means that a house should be in a sufficiently good state of external repair to keep out the elements. Where there are significant problems, they will be caught under the heading of penetrating damp. However, it would be wrong to condemn a house on the basis of a broken window or a few missing slates.

I listened carefully to Sandra White's argument. Half of Scotland's housing could be condemned on the basis that she suggests. That is clearly not the function of the tolerable standard, and I ask the committee to pay serious attention to that. The

tolerable standard is not designed to undermine the motivation or desire for good-quality housing; there are a variety of ways in which that can be addressed and it need not be addressed through the tolerable standard.

Robert Brown makes a substantial point about dampness and I sense that there is some concern about it. I am aware of the frustration of many tenants who, over the years, have tried to explain the dampness in their housing, but whose landlords have improperly assessed what is going on. We are aware of the evidence of dampness and condensation and of the continuing problems with them. I am disappointed that members do not recognise the Executive's deep concerns about those issues.

Across the board, the Executive has been concerned about problems of dampness and condensation, which is why we have committed ourselves to the central heating programme. The lack of adequate heating is a great problem in Scottish housing. The inadequacy of home insulation has also been a big problem, which is why we have insulated more than 80,000 houses since 1997.

We understand that people are facing serious problems—it is clear that the committee is trying to tell us that very strongly—but we need to introduce a variety of packages to deal with dampness and condensation. A variety of responses is demanded. In light of the raft of amendments that we are discussing, we will write to the housing improvement task force to ask it to give attention to the issues that they raise. Passing a list of measures that might make the committee satisfied is not necessarily the best way to deal with the committee's concerns. We need to ensure that the amendments have a reasonable impact on the housing of Scotland. We need to ensure that we use the measure of tolerable standard properly.

I ask that we be given the opportunity to deliver an effective response by ensuring that the housing improvement task force looks at the issue.

15:30

I have often said that private sector housing that is below tolerable standard demands considerable attention. I am aware of the evidence that has been presented to the committee on that matter. We have reservations about a number of the amendments, which would not really deliver the change in housing quality and housing standards that the committee desires. The issue needs a deeper and more considered response and should be referred to the housing improvement task force. We will ensure that the committee gets the appropriate papers from the task force. In the first instance, I will write to the task force to indicate the committee's interest. I seriously ask the committee to use this standard reasonably and effectively. If we misuse this standard, we could undermine its value.

Tricia Marwick: I wish to say how disappointed I am with the minister's response. I nodded my head in approval at most of what she said, because she is absolutely right to say that the tolerable standard should be a minimum standard. Although we all want to see the highest standard in Scottish housing, the tolerable standard is not the mechanism by which to do that. The tolerable standard should be a target that sets the very minimum tolerable standard for Scotland in 2001, which is what amendments 289 and 290 were designed to do.

Many people who have been offered a council house have said to me that they will not accept it because it is below the tolerable standard. Such houses may not be below the tolerable standard as that is legally defined, but they are certainly below the tolerable standard that people expect of a house that has been allocated to them. Scottish tenants already have a view about where the tolerable standard should sit.

The minister has asked the committee to accept that she will write to the housing improvement task force to express the committee's views. I must therefore make the point that I made at the beginning. The Government has been consulting on the tolerable standard since May 1998. The consultation period ended on 15 October 1998. Responses on what is needed to improve the housing stock were received from Shelter and from practically everyone who is involved in Scottish housing.

While in England and Wales ways are being considered to improve a fitness standard that is already way above the tolerable standard in Scotland, this Government seems to be content to go no further forward than the tolerable standard that was set 30 years ago. As Tommy Sheridan rightly said, that standard can be traced back to the policy concerns of the second half of the 19th century.

I understand that many of the amendments seek to set the highest standard of housing, but I have not sought to do that in amendments 289 and 290, which would provide for a minimum standard of housing. I am very disappointed that the minister has not responded to those considered amendments. They sought to set a target—a very low target—for a tolerable standard in Scotland. The Housing (Scotland) Bill is an opportunity to do something positive. Frankly, the minister has wasted that opportunity.

The Convener: I will take that as meaning that you are pressing your amendment.

The question is, that amendment 289 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Aitken, Bill (Glasgow) (Con)

AGAINST

Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 289 disagreed to.

Amendment 290 moved—[Tricia Marwick].

The Convener: The question is, that amendment 290 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
Brown, Robert (Glasgow) (LD)

The Convener: The result of the division is: For 2, Against 3, Abstentions 2.

Amendment 290 disagreed to.

Amendment 481 moved—[Linda Fabiani].

The Convener: The question is, that amendment 481 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 481 disagreed to.

Amendment 482 moved—[Linda Fabiani].

The Convener: The question is, that amendment 482 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

ABSTENTIONS

Brown, Robert (Glasgow) (LD)

The Convener: The result of the division is: For 3, Against 3, Abstentions 1. The vote is tied. In such cases, the convener has a casting vote. I cast it against the amendment.

Amendment 482 disagreed to.

Amendment 484 moved—[Tommy Sheridan].

The Convener: The question is, that amendment 484 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
Brown, Robert (Glasgow) (LD)

The Convener: The result of the division is: For 2, Against 3, Abstentions 2.

Amendment 484 disagreed to.

Amendment 485 moved—[Tommy Sheridan].

The Convener: The question is, that amendment 485 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 485 disagreed to.

Amendment 483 moved—[Linda Fabiani].

The Convener: The question is, that amendment 483 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 483 disagreed to.

Amendment 211 moved—[Mr Kenneth Gibson].

The Convener: The question is, that amendment 211 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 211 disagreed to.

Amendment 486 moved—[Tommy Sheridan].

The Convener: The question is, that amendment 486 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

AGAINST

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

ABSTENTIONS

White, Ms Sandra (Glasgow) (SNP)

The Convener: The result of the division is: For 0, Against 6, Abstentions 1.

Amendment 486 disagreed to.

Amendment 487 moved—[Tommy Sheridan].

The Convener: The question is, that amendment 487 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

AGAINST

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

ABSTENTIONS

White, Ms Sandra (Glasgow) (SNP)

The Convener: The result of the division is: For 0, Against 6, Abstentions 1.

Amendment 487 disagreed to.

Amendment 488 moved—[Tommy Sheridan].

The Convener: The question is, that amendment 488 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 488 disagreed to.

Robert Brown: I will not move amendment 405, but I will say something about it when we have finished with the other amendments to section 91.

Amendment 405 not moved.

Amendment 489 moved—[Linda Fabiani].

The Convener: The question is, that amendment 489 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)
Aitken, Bill (Glasgow) (Con)

AGAINST

Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 489 disagreed to.

Robert Brown: Amendment 406 is incidental. I will not move it.

Amendment 406 not moved.

The Convener: We have reached the end of section 91.

Robert Brown: This has been an interesting debate. Earlier, I said that I thought that the ministerial team would have to consider the dampness issue. The definition of dampness is a problem; I was not altogether happy with my own definition, or with some of the other definitions, but I hope that, at stage 3, the ministerial team will come back with a definition that helps in discussions of the dampness standard. I accept that there are definitional issues to do with dampness and condensation, but, if I read it correctly, the view of committee members of all parties, including Labour members, is that, if houses have significant dampness—not necessarily because of penetrating or rising dampness—those houses are not tolerable to live in. We have to reflect that in the wording that we use to describe a tolerable standard. That should be included in the bill. I hope that ministers will take a message from today's votes and discussions, and consider the issue further before we reach stage 3.

Fiona Hyslop: I did not contribute to the debate, but, having observed it, I must say that I am absolutely shocked that not one amendment has been agreed to. The bare minimum would have been to reach the standards that have been reached in English legislation. It may sound strange coming from a Scottish nationalist, but there are some lessons that we can learn from what is happening in England.

I appreciate that the housing improvement task force will make progress and I agree that Scotland should do things differently. However, that does not mean that we have to wait. Putting at least some basic improvements to tolerable standards in the bill would not preclude our coming back with other legislation at a later date to incorporate the work of the task force. This has been a missed opportunity. There will be an opportunity to revisit the issues at stage 3, but it is a sad day when we cannot make at least some improvement in the tolerable standards.

The Convener: I will take comments from Cathie Craigie and Bill Aitken before hearing from the minister. Before I do that, I point out that I am being extremely generous in my definition of what members are allowed to discuss at the end of a section. We should, technically, be discussing only issues that have not been discussed adequately during consideration of amendments. I will take comments from the members I have named and no one else. I do not want to rehearse the whole debate.

Cathie Craigie: In our considerations, we should take account of the fact that the task force is working on the issue. Two of the amendments mentioned "serious disrepair", but what is serious disrepair to one person may, to a housing official, not be serious. People could squirm away from that definition.

Amendment 484 mentioned "persistent condensation dampness", which means nothing to the person in fuel poverty who is sitting in their house with water running down the walls when somebody comes up and tells them that the problem is a result of the way that they live. The housing officer could still come back and tell the person that the problem is nothing to do with the house, but is to do with the way the person lives. The task force will look into that with a view to getting something more concrete into the definitions of tolerable standards—something that recognises that, although condensation and dampness can be caused by the way we live, it is, in the vast majority of cases in Scotland, caused by the way the houses have been constructed. We need a tolerable standard to be set to deal with that.

I hope that, when we return to the discussion of tolerable standards, we will have a set of standards that improve on those that were set in the 1960s. The bill allows ministers to alter what are considered to be tolerable standards at a later date. If we have waited 30 years to update the definition of tolerable standards, we may as well get it right now. The bill contains a mechanism to implement improvements in the standards. The amendments that are before us today sound good, but, taken together, they would take us only a few steps forward.

15:45

Bill Aitken: I appreciate that there are some definitional difficulties relating to this matter, but it is a pity that an opportunity has been lost to define more tightly the tolerable standard. If the minister is in a position to impart to us information from the housing task force prior to stage 3 of the bill, I ask that some consideration be given to the possibility of incorporating an Executive amendment at that stage. I am not comfortable with the situation as it stands.

Ms Curran: There are a number of points that I would like to make, but I will be brief.

On Fiona Hyslop's points, I should say that, as Tricia Marwick said, England has been moving away from the setting of absolute standards because of the complexities that are associated with that.

To Robert Brown, I say that I hear what the committee is saying. Having been aware of the problem of dampness in housing for a long time, I am genuinely committed to doing something about it. I am arguing my position today not because I do not want another set of requirements to deal with; I am trying to argue the case for what I believe to be the best way to address standards of housing in Scotland. The Executive, in its work in various areas, often tries to engage with key stakeholders. Members may think that that can be done quickly, but the process is not as simple as that. On double-glazing, or the other matters that are raised in the amendments, we cannot simply agree quickly on one view and move on; we must engage with the key agencies and housing interests. We often gather such people round a table and explain what we want to do and ask for advice on how to do it and on where the barriers and complexities and so on might be. Simply saying, "We do not want any damp housing" is not enough; we must find the means to do it and the ways in which to address the various contributing factors.

Housing professionals will tell you that a number of complex matters are involved and that there is more than one front that must be dealt with. That is why the Executive has done work on the index of housing quality and the implications of the local housing strategies. When I said that I wanted to engage with the housing improvement task force and tell it the committee's views, that was not meant as a way of kicking the issue into the long grass by means of a bureaucratic exercise. That is not the work of the housing improvement task force, as members will discover when they see the papers. There has been a commitment to put decisive matters on the agenda of the task force, which will devote a lot of its time to dealing with them.

The issues are complex and require a raft of measures to deal with them. There will be a discussion around those measures. If it appears that we have to amend legislation on the tolerable standard, we will come back to the Social Justice Committee. We are engaged in a genuine attempt to get this right and ensure that we do not put an intolerable requirement on local authorities, who would then have draconian powers.

We want to deliver responsible legislation and I ask the committee to think in those terms.

Section 91 agreed to.

Section 92—Amount of repairs grant

Amendment 490 moved—[Mr Kenneth Gibson].

The Convener: The question is, that amendment 490 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 490 disagreed to.

Section 92 agreed to.

Section 93—Grants for means of escape from fire

Amendment 491 moved—[Mr Kenneth Gibson].

The Convener: The question is, that amendment 491 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 491 disagreed to.

Amendment 492 moved—[Mr Kenneth Gibson].

The Convener: The question is, that amendment 492 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 492 disagreed to.

Section 93 agreed to.

After section 93

Amendment 493 moved—[Mr Kenneth Gibson].

The Convener: The question is, that amendment 493 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 493 disagreed to.

Section 94—Improvement of energy efficiency and safety

The Convener: Amendment 494 is grouped on its own.

Robert Brown: Amendment 494, which is relatively straightforward, follows representations that were made to members by Glasgow City Council. Proposed section 250A, particularly subsection (3), is too prescriptive. Currently, it says that where certain provisions apply

"the local authority shall invite the applicant to make an improvement grant application".

That seems to be a recipe for disappointed expectations. Unless there are unlimited resources, pitted against other statutory requirements for improvement grants and so forth, it is inevitable that people will make applications to the local authorities and that they will be rejected. That would be a pointless operation.

Amendment 494 would change "shall invite" to "may invite". In certain cases, the local authority may want to invite the applicant to make an application. That would not be compulsory, but local authorities would have the power to invite applications. I commend the amendment.

I move amendment 494.

Mr Gibson: I understand where Robert Brown is coming from, but amendment 212 is more direct than amendment 494. Glasgow City Council is of the view that the whole section should be deleted because it invites grant applications in cases where the council knows that it cannot meet those applications. The provision not only raises expectations, but puts the council and the applicant to considerable expense for no good reason. I urge members to support amendment 212, which was debated previously.

Ms Curran: Robert Brown has explained the background to section 94. The purpose was to promote home energy efficiency and home safety by requiring local authorities to invite grant applications for those purposes.

We discussed the provisions in section 94 when we debated amendment 212 on Friday 11 May. At that time, we indicated that we agreed that it was inappropriate to require local authorities to invite applications that they were not under a duty to accept. I see the logic of Robert Brown's argument.

Kenny Gibson's amendment 212 proposed that section 94 be deleted in its entirety. That would be to lose the entire thrust of the provision. Amendment 494 addresses the issue by giving local authorities discretion to invite grant applications to improve energy efficiency and home safety. We agree that that is a better approach and therefore accept amendment 494.

Amendment 494 agreed to.

Amendment 212 moved—[Mr Kenneth Gibson].

The Convener: The question is, that amendment 212 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 212 disagreed to.

Section 94, as amended, agreed to.

After section 94

Amendment 338 moved—[Linda Fabiani].

The Convener: The question is, that amendment 338 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 338 disagreed to.

Amendment 407 moved—[Brian Adam].

The Convener: The question is, that amendment 407 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

ABSTENTIONS

Brown, Robert (Glasgow) (LD)

The Convener: The result of the division is: For 2, Against 4, Abstentions 1.

Amendment 407 disagreed to.

Before section 95

Amendment 408 moved—[Ms Margaret Curran]—and agreed to.

Amendment 221 moved—[Mr Kenneth Gibson].

The Convener: The question is, that amendment 221 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
Aitken, Bill (Glasgow) (Con)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 221 disagreed to.

Amendments 314 and 315 not moved.

The Convener: Amendment 495 is grouped on its own. I call Tommy Sheridan to speak to and move the amendment.

Tommy Sheridan: The inspiration for amendment 495 comes from Shelter Scotland's desire for the bill's definition of a local authority to encompass all departments and parts of a local authority, rather than just the housing department. Over the past seven days, many members have said that we need joined-up thinking in the implementation of the bill. Amendment 495 seeks to ensure that the implementation of neither the homelessness strategies nor the home plans that are set out in the bill is thwarted by departments in the council that oppose the establishment of a homeless centre in an area—for example, on planning grounds or because the social work services will not provide support services to certain housing initiatives. The idea is to establish an understanding that responsibility for the implementation of the bill lies with the whole authority, not just with its housing department.

The convener can relate the point that I am making to a discussion that we had last night, at a social inclusion partnership meeting. Sometimes, desires and objectives can be thwarted by departments that are, supposedly, working in partnership with one other to achieve those objectives. Shelter is concerned that local authorities are not defined properly, in relation to responsibility for the bill's implementation, and has asked that the amendment be lodged. Shelter has told me that, in the past, children's service plans under the Children (Scotland) Act 1995 have been undermined by lack of co-ordination between departments in the implementation of the legislation. Shelter wants to avoid that situation arising in relation to the Housing (Scotland) Bill.

I move amendment 495.

Ms Curran: We are aware that Shelter wanted the amendment to be lodged, and we are sympathetic to its fundamental concern. We share the belief that homelessness strategies must be owned by the entire local authority and not be regarded as the preserve of the housing department. I give the assurance that the guidance on homelessness strategies, which we are putting together, will make that abundantly clear. On that basis, amendment 495 is not necessary. It is clear that the duties that are placed on a local authority by the bill are corporate duties and are not placed on any one part of the authority. I hope that, with those comments in mind, Tommy Sheridan will accept that position

and the reassurance that I gave and withdraw amendment 495.

Tommy Sheridan: I will press amendment 495. Shelter is aware of the Executive's position and asked that it be further clarified. The minister told us that she is aware of Shelter's position. She says that the amendment is unnecessary. If it is unnecessary, it should do no harm to agree to it.

The Convener: The question is, that amendment 495 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Adam, Brian (North-East Scotland) (SNP)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 1, Against 6, Abstentions 0.

Amendment 495 disagreed to.

Sections 95 and 96 agreed to.

Section 97—Orders and regulations

Amendment 496 moved—[Fiona Hyslop].

The Convener: The question is, that amendment 496 be agreed to. Are we agreed?

Members: No.

16:00

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 496 disagreed to.

Section 97 agreed to.

Section 98 agreed to.

Section 99—Interpretation

Amendment 105 moved—[Ms Sandra White].

The Convener: The question is, that amendment 105 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 105 disagreed to.

Amendment 409 moved—[Ms Margaret Curran]—and agreed to.

Section 99, as amended, agreed to.

Section 100 agreed to.

Schedule 9

MODIFICATION OF ENACTMENTS

The Convener: We now come to the final group. Amendment 497 is grouped with amendments 214, 498, 189 and 499.

Ms Curran: I cannot believe that I am at this point.

Amendment 497 is technical and will update the existing legislation that deals with the grounds for recovery of possession under a secure tenancy and how that triggers the home-loss payment. Those grounds are set out in part III of the Land Compensation (Scotland) Act 1973. The amendment will update references in the 1973 act to take account of the introduction of the Scottish secure tenancy.

I will now deal with the other amendments in the group, starting with amendment 214, which would repeal a rather sensible provision that has been on the statute book for more than 10 years. That provision allows ministers to issue directions to local authorities and Scottish Homes to ensure that there is no duplication in the making of improvement and repairs grants.

Following the transfer of Scottish Homes' functions, ministers will take on Scottish Homes' powers to make those grants. From that time, any direction that Scottish ministers issue will apply only to local authorities. Scottish ministers are taking on the powers to pay those grants to ensure that the commitments into which Scottish Homes entered to pay improvement and repairs grants can be fulfilled.

We will amend section 239A of the Housing (Scotland) Act 1987 through schedule 9 to allow that, but we do not expect to use the power frequently, if at all, beyond meeting those inherited commitments. However, it seems sensible to retain the power to avoid duplication. I therefore urge the committee not to support amendment 214.

Amendment 498 is a technical amendment in relation to the tenants' choice provisions of the Housing (Scotland) Act 1988. The changes are made in the light of the dissolution of Scottish Homes and the consequent transfer of its functions to Scottish ministers. I ask the committee to support amendment 498.

Brian Adam's amendment 189 is substantially similar to amendment 498. As we discussed on Friday, however, it would extend the provisions of the 1988 act so I ask Brian Adam—or to put it a bit more strongly—I plead with him not to move it.

Amendment 499 is another technical amendment. It will update those sections under part II of the Housing Act 1988 that deal with the recovery of grants and determinations. It will change the terminology used in sections 52 and 53 of that act in line with provisions in the bill, altering references to "registered housing associations" to "registered social landlords". I ask the committee to support amendment 499.

I move amendment 497.

Mr Gibson: I lodged amendment 214 to receive clarification of certain matters. As I have now received that clarification from the minister, I shall not move the amendment.

Brian Adam: I am disappointed that only 499 amendments have been lodged, not 500. Someone must have been asleep.

I am happy to accept the minister's recommendation not to press amendment 189. She has covered most aspects of the issue.

The fact that so many amendments were lodged is a measure of the difficulty of the drafting process and the various time scales associated with it. The measures outlined by the amendments should have been in the bill already.

Linda Fabiani: I would have lodged amendment 500, but I am trying to gain further information on a matter to which I hope to return at stage 3.

I was hoping that the minister would explain the last part of amendment 499, which states:

"Sections 54 and 55 are repealed."

From that, it seems that the section 54 grant, which is given to housing associations to pay their corporation tax, is being ended. Housing associations are non-profit-distributing bodies, but they have to pay corporation tax because they are registered as limited companies. Currently, Scottish Homes give a section 54 grant back to the associations almost as a refund on their corporation tax.

Housing associations are required by the regulators to set up a contingency fund for future repairs and improvements. Many requirements will be placed on landlords because of the worthy fuel poverty strategy and other provisions. If housing associations have to pay corporation tax without receiving anything back, how on earth will the contingency funds and future repairs and improvements be paid for? At the moment, if housing associations do not have sufficient contingency funds, they are badly hammered by the regulator; I presume that that practice will continue

RSLs could be forced to increase rents to resource repairs and maintenance adequately. Currently, in the context of stock transfers, rent guarantees are generally given for five years. For example, during the next five years, rents may rise no more than inflation plus 1 per cent. We should be looking further than that. What will happen after the guaranteed period has passed? We are taking a direct grant away from a social housing provider. It follows that that amount of money has to be replaced to keep that social housing provider viable. Will that cost fall on the tenants? Are we looking at large rent rises in the future to make up for a grant that the Executive is taking away?

Bill Aitken: I wonder whether the corporation tax issue been properly thought through. There is a potential difficulty and I am not sure whether that has been anticipated. Unless my understanding of the position is wrong, there could be problems about how the repairs are funded

The bottom line is that, in order to obviate the problem, RSLs could have to do a bit of ducking and weaving to ensure that expenditures are included in certain financial years. That is not desirable, because it means that unnecessary work that is outside the proper maintenance programme might be carried out. I am anxious about that problem.

Ms Curran: Some substantial issues have been raised about this last grouping of amendments. The committee will not be surprised to learn that we have received representations on those matters, so we are familiar with the points that have been raised. The provision attaches only to the surpluses involved—we think it proper that public money is spent on new investment rather than on assisting people to meet their tax obligations.

We are consulting on how long it will take to phase in the measure so as to give RSLs the time

to adjust and to ensure that the meltdown scenario that Linda Fabiani portrayed does not come about. We are quite sure that the RSLs will be able to adjust. There was considerable discussion about the issue in the Executive even before I became a minister and I reassure the committee that resources will be properly spent on new investment instead of on assisting those with large surpluses to meet their tax burden.

Amendment 497 agreed to.

Amendment 157 moved—[Ms Margaret Curran]—and agreed to.

Amendment 213 moved—[Mr Kenneth Gibson].

The Convener: The question is, that amendment 213 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 213 disagreed to.

The Convener: Amendment 389 was debated with amendment 345.

Fiona Hyslop: Amendment 389 was included in the package of amendments to stop the extension of right to buy to housing associations, so it fitted with amendment 345. As the committee rejected amendment 345, I will not move amendments 389 and 390.

Amendments 389 and 390 not moved.

The Convener: Amendment 214 was debated with amendment 497. I ask Kenny Gibson to move the amendment or not to move it.

Mr Gibson: I am tempted to move it, because it is my last chance, but I will not.

Amendment 214 not moved.

Amendment 498 moved—[Ms Margaret Curran]—and agreed to.

Amendment 189 not moved.

Amendment 158 moved—[Ms Margaret Curran]—and agreed to.

Amendment 499 moved—[Ms Margaret Curran].

The Convener: The question is, that amendment 499 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

The Convener: The result of the division is: For 5, Against 0, Abstentions 2.

Amendment 499 agreed to.

Schedule 9, as amended, agreed to.

Section 101—Commencement and short title

Amendment 316 not moved.

Amendment 110 moved—[Ms Sandra White].

The Convener: The question is, that amendment 110 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
Brown, Robert (Glasgow) (LD)
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Whitefield, Karen (Airdrie and Shotts) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 110 disagreed to.

Section 101 agreed to.

Long title

Amendment 438 moved—[Ms Margaret Curran]—and agreed to.

Long title, as amended, agreed to.

16:15

The Convener: That ends stage 2 consideration of the Housing (Scotland) Bill. [*Applause.*] I will say this briefly because I am sure that members do not want to hang around. Members should keep an eye on the announcement section of the business bulletin, which will indicate when stage 3 amendments have to be lodged.

I wish to take this opportunity to record my thanks to everyone who has been involved with stage 2, particularly the clerks, who have done an immense job on our behalf and who do a great deal of work of which I do not think people are aware. I also thank the legislative clerks, the official report staff—for whom it must be a nightmare to follow the more meandering elements of our debate—the security staff, the Scottish Parliament information centre staff and the broadcasting unit staff, all of whom supported the work of the committee at this important stage.

I thank the ministers and the Scottish Executive for their contribution to the discussions. I also thank all those groups—housing groups, professional organisations and tenants groups—that took the opportunity to promote their views on the bill and to inform the debate.

Of course, I also thank all members of the committee, and members from outwith the committee, who contributed to an important piece of work. Obviously, we have completed only stage 2, and we have an even more difficult stage ahead of us. I understand that the minister wishes to say something.

Ms Curran: I will be brief, as I know that members are trying to get away.

I wish to record the Executive's formal thanks to you, convener, for the way in which you have conducted the proceedings. The whole world knows now what I have known about you for many years, which is that you are not to be messed with. I thank you for the effective way in which you chaired the committee. It was extremely helpful.

I also say a big thank you to all members of the committee for the way in which they have conducted the proceedings. Notwithstanding some of the robust debates that we have had during stage 2, we all managed to have a degree of personal interaction, which was positive. I very much enjoyed working with people here.

I knew from my time as the committee's convener about the professionalism of the committee clerk, of which we saw clear evidence during these proceedings. Things worked extremely smoothly when people were under immense pressure. I pay personal thanks and tribute to the professional efforts of Lee Bridges, Mary Dinsdale and Rodger Evans, who may not always have been at a meeting, but who I know were working hard on the bill. I also thank the official report and security staff for their efforts.

The Housing (Scotland) Bill is the most mammoth bill to have come before the Parliament. I believe that the committee approved 107 amendments, around one third of which were non-Executive amendments, which reflects the contribution that the committee has made. I am a great advocate of the committee process. You have done the bill a good service, which I appreciate.

I conclude by thanking a group of people who do not normally receive thanks, even though, from my perspective, they deserve it. I am talking about the Executive officials who have sat with Jackie Baillie and me throughout the stages of the Housing (Scotland) Bill. They often spent night after night preparing material for us and I am extremely grateful to them for their hard work and professionalism. I wish to put on record the sincere thanks of Jackie Baillie and me for their hard work.

The Convener: Lee Bridges has just told me that Rodger Evans has been promoted and will be leaving on Friday. From the committee, and beyond, we congratulate him and wish him all the best in his new role.

Because of good behaviour, committee members are getting off lightly—it will not be necessary for the committee to meet tomorrow, but members will in due course be sent the agenda for the next committee meeting.

Meeting closed at 16:18.

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