

# **SOCIAL JUSTICE COMMITTEE**

Wednesday 9 January 2002  
(*Morning*)

Session 1

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# CONTENTS

Wednesday 9 January 2002

	Col.
ITEMS IN PRIVATE.....	2751
HOUSING (SCOTLAND) ACT 2001 (DRAFT GUIDANCE AND ORDERS) .....	2752

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## SOCIAL JUSTICE COMMITTEE

### 1<sup>st</sup> Meeting 2002, Session 1

#### CONVENER

\*Johann Lamont (Glasgow Pollok) (Lab)

#### DEPUTY CONVENER

\*Mr Kenneth Gibson (Glasgow) (SNP)

#### COMMITTEE MEMBERS

\*Robert Brown (Glasgow) (LD)

\*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

\*Linda Fabiani (Central Scotland) (SNP)

\*Mrs Lyndsay McIntosh (Central Scotland) (Con)

\*Karen Whitefield (Airdrie and Shotts) (Lab)

\*attended

#### CLERK TO THE COMMITTEE

Lee Bridges

#### SENIOR ASSISTANT CLERK

Mary Dinsdale

#### ASSISTANT CLERK

Craig Harper

#### LOCATION

Committee Room 3



## Scottish Parliament

### Social Justice Committee

*Wednesday 9 January 2002*

*(Morning)*

[THE CONVENER *opened the meeting at 10:03*]

### Items in Private

**The Convener (Johann Lamont):** I welcome everyone to the first meeting of the Social Justice Committee in 2002. I wish you all a happy new year. I hope that you all had a good break. I am sure that you are all as delighted as I am to be back.

I ask members to agree that items 3 and 4 be taken in private on the ground that they are consideration of draft papers that require committee approval. Is that agreed?

**Members** *indicated agreement.*

## Housing (Scotland) Act 2001 (Draft Guidance and Orders)

**The Convener:** Committee members have received copies of two separate draft guidance notes on guidance and orders. Views are invited. There is a substantial amount of documentation for us to consider. Members may wish to consult organisations before committing themselves to making comments. I am interested in initial comments and discussion about how to proceed.

**Linda Fabiani (Central Scotland) (SNP):** I wonder, because the draft guidance is lengthy, whether it would be possible for the committee to have sight of responses to the consultation on the draft guidance as they come in, rather than in a big package at the end, so that we can use them to inform our opinions.

**The Convener:** I had thought that the committee might consider part of its role to be to pursue issues that organisations raise in their responses to the consultation, rather than prejudging the outcome of the consultation.

**Mr Kenneth Gibson (Glasgow) (SNP):** I agree. We should examine the consultation responses and the views that are expressed to find out what the key concerns are, rather than try to predict those key concerns. Otherwise, we may find ourselves going off at tangents and addressing issues that may be of interest to us but not to the wider world.

**Linda Fabiani:** If we could see responses as they came in, identifying the key concerns would be made easier, but there may be a procedure that prevents our doing that.

**The Convener:** I am not sure whether we can do that. I have discussed with the clerks how to manage our response. The meeting at which we will need to make any comments that we want to make is on 6 February. I do not know whether we will be able to respond. We may want to make an initial comment and consider later what the consultation has pulled together. I suppose that that would fit in with our other post-enactment scrutiny.

**Mr Gibson:** I thought that the deadline was 15 March.

**The Convener:** Yes, but because of what is already in our timetable, the last meeting at which we will realistically be able to draw comments together and submit a response will be on 6 February.

On access to the responses to the Scottish Executive's consultation, those are private until published. We have the option of contacting the organisations that are involved in the consultation and saying that, if they want to draw particular issues to our attention before we submit our

response, they would need to do that for 6 February.

**Linda Fabiani:** Perhaps that is the solution.

**Karen Whitefield (Airdrie and Shotts) (Lab):** We know some of the main organisations and umbrella bodies that are likely to respond to the consultation. Perhaps we should just contact, for example, the Chartered Institute of Housing in Scotland, the Scottish Federation of Housing Associations, the Convention of Scottish Local Authorities and Shelter Scotland—the big organisations that consistently gave us good evidence during our consideration of the Housing (Scotland) Bill—and ask whether they would be willing to give us copies of their responses.

**Linda Fabiani:** The timetable is still quite tight.

**Mr Gibson:** It is tight. Is there any way that we could swap our work programme around? We are talking about having to respond in only four weeks' time, but that date is about six weeks before the deadline for responses. In the evidence that we have taken for the voluntary sector inquiry, concern has been expressed about short timetables for consultation. We are in effect imposing such a timetable.

**The Convener:** The clerk advises me that we could reconsider our timetable and consider fitting in a response in March, which would push the timetable back a bit. We should also contact organisations and say to them that, if they think that it is appropriate for us to have sight of their consultation response to inform our response, we would find that helpful. However, we should not couch that request in such terms that the organisations think of their having to respond to us as another burden. We will examine our timetable again to find out whether we can slot in a time to reflect on the draft guidance.

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** We should also remember that the Executive makes it clear in the letter to us and the consultees that the draft guidance is work in progress. The guidance is not the final draft. I imagine that, when the Scottish Executive publishes the responses to the consultation, we will get an opportunity to consider the matter again, before the orders are finally laid before Parliament.

**The Convener:** It has also been suggested that we go back to our stage 1 report and find out whether there is a match between the issues that we flagged up in that report and the draft guidance.

**Robert Brown (Glasgow) (LD):** Two things are worth doing. Yes, we should examine the stage 1 report, but a lot also emerged during the nitty-gritty of stage 2 consideration. The problem is that there is a lot of material. I do not know whether others

tend, like me, to forget some of the issues that emerged at the time until they are thrust in front of us. Perhaps the Scottish Parliament information centre could draw out the issues for us. That would be helpful. There are issues on the implementation of the Housing (Scotland) Act 2001, such as the time scale and problems with the documentation. Those are the sort of matters about which the SFHA and other organisations will be concerned.

It would also probably be useful if members were to give the clerks written comments on the draft guidance at the moment to inform the process. There are one or two points that members will want to make having read the draft guidance and having had their memory refreshed.

**The Convener:** On your point about written comments, it is accepted that committee members should be proactive and give the clerks comments. We may wish to look back at particular concerns and match those with our concerns. The committee must do that.

We have also yet to discuss our away day. The away day will give us an opportunity to examine our processes and how we will manage the responsibility that we have taken on for monitoring and intervening in the implementation of the act. Perhaps we could also spend a bit of time that day discussing the issues.

**Robert Brown:** That would be worth while. As we consider the draft guidance, I am struck by the fact that the Housing (Scotland) Act 2001 is the tip of the iceberg. There is still all the guidance and advice. Much of that is technical and does not raise policy issues, but it is nevertheless important. Somehow, we must fit into our procedures a schematic way of identifying the key issues on the implementation of the act and of having an input. Otherwise, our role will become merely to rubber-stamp, which is not ideal. It is important that we get a handle on the best way to bring out the issues that will be of importance and which we can influence.

**The Convener:** We agree, then, to revisit stages 1 and 2 to look for issues and to examine how those match the draft guidance. We will reconsider our timetable to find out when we could slot in a return to consideration of the draft guidance. We will write to relevant groups to ask whether they want to give us sight of their consultation responses. We will also spend a bit of time at our away day thinking about how we want to manage the process in the light of the comments that Robert Brown has just made. Are we agreed?

**Members indicated agreement.**

10:11

*Meeting continued in private until 10:56.*

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