

SOCIAL JUSTICE COMMITTEE

Wednesday 13 March 2002
(*Morning*)

Session 1

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CONTENTS

Wednesday 13 March 2002

Col.

ITEM IN PRIVATE	2763
SUBORDINATE LEGISLATION	2764
Housing Support Grant (Scotland) Order 2002 (Draft)	2764
Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Amendment Order 2002 (Draft).....	2765
Housing Revenue Account General Fund Contribution Limits (Scotland) Order 2002 (SSI 2002/45)	2767
Building Standards (Scotland) Amendment Regulations 2001 Amendment Regulations 2002 (SSI 2002/40)	2767
HOUSING (SCOTLAND) ACT 2001 (DRAFT GUIDANCE AND ORDERS)	2768
WORK PROGRAMME	2770

SOCIAL JUSTICE COMMITTEE

† 4th 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

THE FOLLOWING ALSO ATTENDED:

Ms Margaret Curran (Deputy Minister for Social Justice)

CLERK TO THE COMMITTEE

Jim Johnston

SENIOR ASSISTANT CLERK

Mary Dinsdale

ASSISTANT CLERK

Craig Harper

LOCATION

Committee Room 4

† 3rd Meeting 2002, Session 1—held in private.

Scottish Parliament

Social Justice Committee

Wednesday 13 March 2002

(Morning)

[THE CONVENER *opened the meeting at 09:35*]

Item in Private

The Convener (Johann Lamont): I apologise for the late start. The time of the meeting was changed, so I have apologies from Linda Fabiani, who is at a meeting of the Holyrood progress group.

I ask members to agree that item 8 be taken in private, as it is consideration of a draft report. Is that agreed?

Members *indicated agreement.*

Subordinate Legislation

The Convener: I welcome Margaret Curran, Deputy Minister for Social Justice, and the officials who accompany her: John Ritchie and Helen Jones.

As we do not often consider subordinate legislation, it may help everyone if I outline briefly the procedure for dealing with the four statutory instruments that are before us. The minister will be with us for consideration of the first two instruments, which are affirmative instruments. As I am sure she is aware, the minister is required under rule 10.6.2 of the standing orders to propose by motion that the draft instruments be approved.

The second two statutory instruments are negative instruments and so are subject to annulment under rule 10.4 of the standing orders. Any member who is unhappy with such an order is required to lodge a motion that proposes that nothing further be done under the instrument. No motions to annul have been lodged with the chamber desk. We will deal with those instruments later on.

Housing Support Grant (Scotland) Order 2002 (Draft)

The Convener: We will deal first with the draft Housing Support Grant (Scotland) Order 2002, which is an affirmative instrument. Committee members have received copies of the draft order and the accompanying documentation. The committee should note that the Subordinate Legislation Committee has drawn the attention of the committee and the Parliament to the instrument on the ground of failure to comply with proper drafting practice, although that does not affect the substance of the instrument.

I ask the minister to speak briefly to the instrument but not to move it yet.

The Deputy Minister for Social Justice (Ms Margaret Curran): I had cause to look back at last year's *Official Report*. You were very clear with me about what I had to do when the committee considered the draft Scotland Act 1998 (Modifications of Schedule 5) Order 2001. I assure you that I will keep within your instruction.

The draft Housing Support Grant (Scotland) Order 2002 sets out the amount of housing support grant that is payable to local authorities in 2002-03. As has been the case for a number of years, only the two councils with the highest debt per house—Shetland Council and Western Isles Council—will qualify for grant in respect of their housing costs. The total grant payable to those

councils in 2002-03 is around £5.8 million. Housing support grant remains a substantial proportion of the total housing revenue account income for the two councils. Without the subsidy, rent levels in those areas would have to increase substantially.

As I am sure the committee is aware, the other element of housing support grant is hostel grant, which is payable to authorities on the basis of the estimated deficit between hostels' income and expenditure. In 2002-03, 19 councils will be in receipt of grants totalling £3 million.

Karen Whitefield (Airdrie and Shotts) (Lab): The Subordinate Legislation Committee flagged up to us the fact that the Executive had not observed best practice when drafting the order. Will the minister comment on that?

Ms Curran: Lawyers take different views on such matters. The Executive's draftspersons feel that some of the comments may not have been appropriate. We will consider the matter, which is part of a continuing discussion between our officials and the Subordinate Legislation Committee. They are working closely together towards an agreed standard that will satisfy the parliamentary authorities.

I move,

That the Social Justice Committee, in consideration of the draft Housing Support Grant (Scotland) Order, recommends that the order be approved.

Motion agreed to.

Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Amendment Order 2002 (Draft)

The Convener: The officials who accompany the minister for consideration of the draft Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Amendment Order 2002 are Ailsa Richardson, Murray Sinclair and Roger Harris. Committee members have received copies of the draft order and the accompanying documentation.

I ask the minister to speak briefly to the instrument. I remind committee members that any questions that they ask should relate to the instrument. I also remind the committee that the Executive's response to the committee's interim report on houses in multiple occupation will be considered at our next meeting. We will not discuss the broader issues now; we will focus entirely on the instrument.

Ms Curran: The committee has the draft order and the Executive note. I am well aware of the committee's interest in HMOs, which we will discuss in future. There has been correspondence

on the matter and I look forward to continuing our discussions. Today, I am required to stick to the order that is before the committee.

The committee will be aware of the background to the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000. Because of other regulation, we need to introduce technical amendments to that order. The amendments are needed principally because of the effects of the Regulation of Care (Scotland) Act 2001.

The 2000 order exempted nursing homes, social work residential establishments, private hospitals and boarding schools, because those types of accommodation were already subject to a comparable form of regulation. From 1 April, the standard of accommodation and management in such establishments will be regulated under the Regulation of Care (Scotland) Act 2001. Additionally, the 2001 act repeals some of the legislation to which the 2000 order applied. There is a need to amend the exemptions in the 2000 order to reflect the change and to avoid double regulation.

The exemption categories are houses that are provided as part of: care home services, which would be residential homes, nursing homes and children's homes; independent health care services, which would be any relevant housing that is owned by independent hospitals, private psychiatric hospitals or suchlike; school care accommodation services—that will replace the current exemption for residential schools; and secure accommodation services, which would be accommodation for unruly children, as I think they are termed.

Local authority premises in those categories are now exempted, as they will be regulated by the Scottish Commission for the Regulation of Care, which was established under the 2001 act. The same applies to secure accommodation for children. We are also using the opportunity to prevent foster parents from being caught up in the HMO licensing scheme. We never intended that they would be, but there was a bit of uncertainty, so we are taking the opportunity to make it absolutely clear that foster parents are not caught by the scheme.

The amendments are necessary technical amendments. They do not pre-empt any wider consideration of the matter or affect any other issues that may be of concern to the committee.

I move,

That the Social Justice Committee recommends that the draft Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Amendment Order 2002 be approved.

Motion agreed to.

The Convener: I thank the minister for her attendance.

Housing Revenue Account General Fund Contribution Limits (Scotland) Order 2002 (SSI 2002/45)

09:45

The Convener: Item 4 is consideration of the Housing Revenue Account General Fund Contribution Limits (Scotland) Order 2002 (SSI 2002/45). Members of the committee have a copy of the order and the accompanying documentation. The Subordinate Legislation Committee draws the order to the attention of the lead committee and the Parliament on the ground that the form or meaning of article 4 could be clearer, as acknowledged by the Executive. The Executive undertakes to address the matter in amending regulations. We have an opportunity to discuss the order. Do members have any comments? Is the committee content with SSI 2002/45?

Members indicated agreement.

The Convener: In that case, we conclude that the committee does not wish to make any recommendation in its report to the Parliament.

Building Standards (Scotland) Amendment Regulations 2001 Amendment Regulations 2002 (SSI 2002/40)

The Convener: Item 5 is consideration of the Building Standards (Scotland) Amendment Regulations 2001 Amendment Regulations 2002 (SSI 2002/40). Members have received a copy of the regulations and the accompanying documentation. Members have no comments. Is the committee content with SSI 2002/40?

Members indicated agreement.

The Convener: We conclude that the committee does not wish to make any recommendation in its report to the Parliament.

Do members agree that we report to the Parliament with our recommendations on all four orders?

Members indicated agreement.

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

The Convener: Item 6 is consideration of the draft guidance and orders on the Scottish secure tenancy and the right to buy. I remind members that the draft guidance and orders have been circulated, along with a briefing note from the clerks. Responses are due by 15 March. Members should also have received responses from Shelter Scotland and the Convention of Scottish Local Authorities. Are there specific issues that members would like to raise in the committee's response? We are able to submit comments up until 15 March. The proposal is that we pool what is said at this meeting and any other comments. I will respond on behalf of the committee.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I do not have the response from Shelter Scotland. Is there a spare copy?

The Convener: Do members have any other comments?

Karen Whitefield: COSLA flagged up concerns about the link between secure tenancies and anti-social behaviour. During consideration of the Housing (Scotland) Bill, the Social Justice Committee was concerned about that issue. We had received representations about it in our constituencies and were aware that it was an issue. In the light of COSLA's concerns, perhaps we should flag the matter up to the Executive.

The Convener: That seems to be a sensible suggestion. Are there any other points?

Cathie Craigie: The secure tenancy and the right to buy certainly exercised the committee when the Housing (Scotland) Bill was being considered. COSLA and, to an extent, Shelter Scotland recognise the shift and the changes that the Executive made on modernising the right to buy. That shows that there is good practice. I do not want to sound like a mouthpiece for the Executive, but we are not left with much to say, because there has been consultation on how the Housing (Scotland) Act 2001 should be implemented. The people that we have consulted recognise that they have had the opportunity to be involved in shaping the guidance. The committee hoped that the act would result in such a situation.

COSLA is concerned about the need to notify qualifying occupiers when local authorities wish to take action to repossess a tenancy. Although I should perhaps keep the issue for a more appropriate time, my concerns lie in the opposite direction: if any actions are proposed, it is important that people who qualify and who have a right to stay in their home are notified of those

actions. Apart from that, the practice of consulting everybody has been followed, so we have guidance that we can all sign up to.

The Convener: It is not surprising that we do not have many comments, given the quality and level of discussion prior to the enactment of the legislation. I will respond to the Executive on behalf of the committee, subject to further responses from members. The clerk will circulate my response, so that if it does not reflect members' views, that can be addressed.

Mrs Lyndsay McIntosh (Central Scotland) (Con): I do not think that that will be the case.

Karen Whitefield: Some members of the committee are not present. They should not be able to alter the response substantively. If they had points to make, they should have been at this morning's meeting.

The Convener: Members have until 15 March to comment.

Is the proposed course of action agreed?

Members indicated agreement.

Work Programme

The Convener: Item 7 is our work programme. I advise members that the work programme in question is an updated version of the programme that the committee agreed at its away day. We have received the Executive's consultation paper on fuel poverty. Its approach will be considered at next week's meeting. Do members agree to add that issue to the work programme?

Members indicated agreement.

The Convener: Do members have more general comments on the work programme?

Karen Whitefield: Our report on our inquiry into the voluntary sector was published last week. Have we had any feedback on how it has been received by the voluntary sector? The publication of the report did not get much coverage in the media. I wondered whether the clerks had heard anything from the voluntary sector.

Jim Johnston (Clerk): We have received no formal feedback. I have received a few phone calls from some of the organisations that were involved, asking for extra copies.

Mrs McIntosh: It is a bit early in the day. The report is quite substantial.

The Convener: I received the comment that people in the co-operative sector are anxious that that sector be acknowledged. I made the point that, although the report acknowledges that there is a connection between the voluntary sector and the co-operative sector, we were focusing on the voluntary sector.

Are there any other comments on the work programme? Members are not very biddable today. Do members agree to the work programme and also agree that it be published on the committee's webpage?

Members indicated agreement.

The Convener: I close the public session of the committee.

09:53

Meeting continued in private until 10:08.

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