

Annual Return on the Scottish Social Housing Charter

Consultation questions

We welcome your general feedback on our proposals as well as answers to the specific questions we have raised. You can read our consultation paper on our website at www.housingregulator.gov.scot

Please do not feel you have to answer every question unless you wish to do so.

Send your completed questionnaire to us by **Friday 8 November 2024**.

By email @: consultations@shr.gov.scot

Or post to: Scottish Housing Regulator
5th Floor, 220 High Street
Glasgow G4 0QW

Name/organisation name

East Lothian Council

Address

John Muir House

Brewery Park

Haddington

Postcode EH41 3HA

Phone 01620 827 827

Email

chsdt@eastlothian.gov.uk

How you would like your response to be handled

To help make this a transparent process we intend to publish on our website the responses we receive, as we receive them. Please let us know how you would like us to handle your response. If you are responding as an individual, we will not publish your contact details.

Are you happy for your response to be published on our website?

Yes No

If you are responding as an individual:

Please tell us how you would like your response to be published.

Pick 1

Publish my full response, including my name

Please publish my response, but not my name

X

1. There are some indicators which we do not routinely use in our regulatory assessment of social landlords' performance. As part of the consultation we are proposing to stop collecting the following indicators **14, 20, 23, 24, C3 and C4**.

Do you agree with our proposals to remove these indicators?

Indicators **23 & 24** - Agree that Indicators 23 & 24 are removed. Section 5 referrals/agreements are not used by East Lothian Council as we successfully use nomination agreements with all of our RSL partners. Believe that these have caused issues for other councils'.

Indicator **C3** - is closely covered by a question in the Scottish Government's own Lettings return, therefore agree with this removal.

Indicator **14** - No major concerns with the removal, although this indicator gives a sense of allocations policy success and impact on void times

Indicator **C4** is also a measure related to tenancy sustainment. Although not part of the regulatory assessment, they provide potential insight into these areas and their correlation to other indicators related to void times and turnover.

2. Following feedback from stakeholders we propose to amend the following indicators **10, 15 and C2**.

Do you agree with our proposals to amend these indicators?

Indicator **10** – Agree with the proposals however would suggest adding the following additional text, “If a defect **relating directly to the same** completed repair is reported within a 12-month period i.e. the operative has to be recalled **to the same repair**, then **these** subsequent repair(s) should be considered as ‘reported again’”.

This would incorporate repairs from previous years too and implies that all repairs should last 12 months without follow up. This would also be in line with the proposed definition of ‘reopened’ for the new Damp and Mould indicator.

Indicator **15** – This indicator does not allow for any meaningful comparisons to be made across social landlords but agree that the change helps provide more context for numbers per 100 tenancies.

It should also be noted that this wording could cause issues with cases reported near the end of the reporting period but not resolved until the next reporting year. eg. 20 cases reported in March with a 30 day local target would be counted in (i), could all be resolved in April within the target, but in this year's return there would be 20 cases in (iii) not resolved, because they don't show up until next year as completions.

Wording of (iii) should be updated to count the number resolved outside of locally agreed targets, which allows the remainder to either be completed on time, or still within the timescales at year end.

Additionally, it's possible to "game" the locally agreed targets by having them set significantly higher than another landlord.

Indicator **C2** - Agree with amendment. Does not impact on LA's reporting but might be useful to see RSL lets where split across LA areas. May be challenging for RSL's to collect this data.

3. We also propose to introduce an additional indicator to monitor long term voids.

Do you agree that we should collect an additional indicator in relation to long term voids?

Agree, but suggest that the PERCENTAGE of properties void and void for more than six months is more meaningful given increasing stock numbers.

Would not give any insight as to the typical reasons for major voids in this indicator. It may be beneficial to have separate categories for the number of properties empty for 6 months or more because of some the excluded categories e.g. the measure proposed, but also how many are long term voids because they are:

1. Properties that are empty and subject of a governing body/sub-committee/council decision that they are not to be let because they are surplus to long-term requirements, or to be transferred, disposed of or demolished, or reconfigured
2. Properties are empty subject to an insurance claim being raised because of fire or flood damage
3. Properties are empty awaiting or undergoing major repairs/structural work (e.g. modernisation) during which period it would be unsafe for them to be occupied. N.B. Following completion of major repair work, any subsequent void period occurring until the date of re-let should be counted as a void

(i.e. any void period from the date of completion of major repair work to the start date of a new tenancy is to be included in the calculation)

4. Properties are held for decanting tenants.

4. We propose to collect two new indicators in relation to tenant and resident safety. Do you agree with the additional indicators we propose to collect in relation electrical safety and fire detection?

East Lothian Council welcome and agree with the new additional tenant safety indicators but suggest there should be more covering Water Safety, Fire Safety & Asbestos.

East Lothian Council welcome and agree with the proposed new electrical safety indicator below -

'How many times in the reporting year did you not meet the requirement to complete an electrical installation condition report (EICR) within five years of the last EICR? (i) The number of times you did not meet the requirement as set out in the Scottish Government's SHQS Technical Guidance where the recommended period for inspection of rented housing is intervals of no more than five years'.

However, the SHR proposals do not include a 'definitions' section describing how Landlords should deal with/report on unoccupied properties and 'no power' cases. Unlike gas (which that definition section covers), there is no option to simply 'cap' an electric meter. Is there an expectation to disconnect (or lock) the power supply to a property until such times the installation can be tested?

East Lothian Council also feel that additional electrical tenant safety measures/indicators should be included, namely those items that fall out with the scope of the domestic EICR but require legislative, regulatory, or best practice cyclical inspection/testing. For example, but not limited to block electrical installations, emergency lighting, solar PV, battery storage, electrical vehicle charging points (some included within the EICR).

East Lothian Council welcome and agree with the proposed Fire safety indicator below but suggest adding additional text to include **carbon monoxide**. Alternatively, this may better sit as a standalone indicator ensuring Tenant safety, Annex 11B is covered (instead of only 11A).

(i) Number of homes that do not have 'satisfactory equipment for detecting fire and giving warning in the event of fire, suspected fire – as set out in the Scottish Government's SHQS Technical Guidance - installed at the year end.

East Lothian Council also propose a second part to this indicator, namely annual inspection of smoke, heat and CO detection.

(ii) How many times in the reporting year did you not inspect smoke, heat and CO alarms within 12 months of the previous inspection

East Lothian Council also feel additional legislative, regulatory or best practice cyclical testing in relation to fire safety should be included. For example, but not limited Automatic Fire Suppression systems and Smoke Vents & Sprinkler systems.

5. Do you agree with our proposed approach to collect landlords' performance in relation to compliance with tenant and resident safety duties as part of the Annual Assurance Statements?

Yes & No - Whilst East Lothian Council agree with the proposed categories (The Big 6), these require further consideration and should clearly relate to technical advice/ briefing notes as has been presented in the case of Electrical & Fire Safety. Why have these not been extended to tenant safety regimes for Water Safety, Lift Safety & Asbestos?

6. Issues of damp and mould continue to be an important area of concern for tenants. We therefore propose three new indicators in relation to damp and mould. Do you agree with our proposals to introduce these indicators?

Agree

7. Do you agree with the proposal to collect the "Average length of time taken to resolve cases of damp and/or mould" or would the "median" be more appropriate to measure the time to resolve cases of damp and/or mould?

Median would help to mitigate the more extreme cases and therefore provide a more realistic picture. However, it must be noted that the indicator generally could be challenging to collate given that, for most landlords, it is likely that each case of mould and /or damp will lead to several separate remedial works orders.

8. Damp and mould is a complex area for landlords. Are the new indicators we propose on damp and mould clearly defined?

(i) Suggest number of damp or mould cases that were REPORTED within the reporting year is more useful, as it highlights the scale of the issue rather than the ability of landlords to deal with the issue (which is captured in iii)

(ii) Agree, but note clarification at iii below.

(iii) Agree, but technical guidance should specify that resolution can only relate to those factors within landlords' control i.e. building related issues (including the removal of mould) as opposed to tenant behavioural factors, which have demonstrably been found to be the main contributor of damp & mould.

(iv) Given that mould & damp cases are seasonal, I am not convinced that the number of open cases at 31 March each year is particularly useful. In some years, the mould & damp season will extend beyond 31 March, in others less so. Further, for a small country, there are distinctly different weather/climate patterns.

Thank you for taking the time to give us your feedback