

ANGUS COUNCIL

Housing Committee - 15 January 2004

**HOUSING (SCOTLAND) ACT 2001, SECTION 93 (2) -
ASSISTANCE TO REGISTERED SOCIAL LANDLORDS AND OTHER PERSONS (GRANTS)
CONSULTATION ON DRAFT REGULATIONS**

JOINT REPORT by DIRECTOR OF HOUSING and DIRECTOR OF LAW & ADMINISTRATION

ABSTRACT

This report relates to consultation published by Communities Scotland in regard to assistance to registered social landlords and other persons.

1. RECOMMENDATION

It is recommended to members that the letter appended to this report be submitted as the Council's response to the draft regulations.

2. BACKGROUND

Section 90 of the Housing (Scotland) Act 2001 provides that Scottish Ministers may make grants to local authorities for housing purposes. Section 92 of the Act makes provision that local authorities may provide assistance to registered social landlords and other persons for housing purposes. Section 93 of the Act allows Scottish Ministers to make regulations making provisions in relation to such assistance.

The Act makes possible the transfer of the management of development funding grants from Communities Scotland, as an executive agency for the Scottish Executive, to local authorities and members will recall approving report 1259/03 that was considered at the Housing Committee meeting on 20 November 2003.

The regulations provide the statutory framework within which the transferred function will operate, and aim to ensure a uniformity of approach across Scotland in the administration of development funding. The grant schemes to transfer are:-

1. Housing Association grant.
2. GRO for owner-occupation.
3. GRO for market rent.
4. Rural home ownership grants.
5. Grant to improve the physical/social environment.
6. Rural empty properties grant.
7. Special Needs Capital grant.

3. DRAFT REGULATIONS

Community Scotland is undertaking a consultation exercise on the draft regulations. It is intended that the regulations will be laid before Parliament in March 2004 with a view to their coming into force in April 2004. Comments are sought by 20 January 2004.

Regulations 1 - 6 refer to all seven grant schemes that are to transfer to local authorities.

Schedules 1 - 7 outline specific provisions for each individual grant scheme. A copy of the draft regulations and schedules have been placed in the members' lounge.

As set out in Section 93(2) of the Housing (Scotland) Act 2001 the regulations define:-

- (i) the purposes for which each grant scheme can be used;
- (ii) who will be eligible to receive it;
- (iii) the criteria local authorities should follow in considering whether to allocate financial assistance;
- (iv) the terms and conditions under which financial assistance will be given.

It should be noted that the inclusion of the grant schemes in relation to GRO for Market Rent, Rural Empty Property Grant and Special Needs Capital Grant is provisional, pending their approval of state aid grant schemes by the European Commission. This approval is expected, although not guaranteed, prior to March 2004.

The regulations generally represent the procedures used by Communities Scotland in its current administration of development funding. In due course, comprehensive and updated guidance will be made available for each grant scheme reflecting the final, post-consultation content of the regulations. The guidance will detail information such as the application, appraisal, approval and post-completion procedures that will apply to the administration of development funding.

4. COMMENTS ON THE REGULATIONS AND SCHEDULES

A draft response on the regulations and schedules is appended to this report.

5. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report.

6. HUMAN RIGHTS IMPLICATIONS

There are no Human Rights implications arising from this report.

7. CONSULTATION

In preparing this report there has been consultation with the Chief Executive, Director of Finance, Director of Property Services and Director of Planning & Transport.

Ron Ashton
Director of Housing

Catherine Coull
Director of Law & Administration

Note:- The following background paper, as defined by Section 50d of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information), was relied upon to a material extent in preparing this report.

- The Housing (Scotland) Act 2001 (Assistance to Registered Social Landlords and other Persons) (Grants) Regulations 2004.