



The Scottish Parliament
Pàrlamaid na h-Alba

Published 8 January 2019
SP Paper 445
1st Report 2019 (Session 5)

Local Government and Communities Committee Comataidh Riaghaltas Ionadail is Coimhearsnachdan

The Housing (Scotland) Act 1987 (Tolerable Standard) (Extension of Criteria) Order 2019



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Local Government and Communities Committee

To consider and report on communities, housing, local government, measures against poverty, planning and regeneration matters falling within the responsibility of the Cabinet Secretary for Communities and Local Government.



<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/local-govt-committee.aspx>



LGCCcommittee@parliament.scot



0131 348 6037

Committee Membership



Convener
James Dornan
Scottish National Party



Deputy Convener
Alex Rowley
Scottish Labour



Annabelle Ewing
Scottish National Party



Kenneth Gibson
Scottish National Party



Graham Simpson
Scottish Conservative
and Unionist Party



Alexander Stewart
Scottish Conservative
and Unionist Party



Andy Wightman
Scottish Green Party

Introduction

1. The Local Government and Communities Committee reports to the Parliament as follows—
2. The Housing (Scotland) Act 1987 (Tolerable Standard) (Extension of Criteria) Order 2019 was laid before the Parliament on 23 November 2018 and was referred to the Local Government and Communities Committee for consideration.
3. This instrument is subject to affirmative procedure (Rule 10.6) and it is for this Committee to recommend to the Parliament whether the Order should be approved.
4. This Order extends the tolerable standard criteria set out in section 86(1) of the Housing (Scotland) Act 1987 by adding new criteria which must be satisfied for a house to meet the Tolerable Standard for the purposes of that Act. The new requirements are for a house to have satisfactory fire detection alarms and carbon monoxide detection alarms. If the Parliament agrees to the instrument, the requirements will come into force on 1 February 2021.

Consideration by Committees

5. The Delegated Powers and Law Reform Committee considered this instrument at its meeting on [4 December 2018](#) and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.
6. On 14 December 2018, and in advance of the Committee's consideration of the instrument, the Minister for Local Government, Housing and Planning wrote to the Convener of the Local Government and Communities Committee providing additional information about the instrument. This comprised—

- A cover letter from the Minister for Local Government, Housing and Planning;
- A question and answer document on the Order between Graham Simpson MSP and the Minister; and
- An extract from draft guidance on the tolerable standard pertaining to the changes that the instrument would make to the standard.

The Minister's letter is available on the Parliament's website at the following link:

http://www.parliament.scot/S5_Local_Gov/Meeting%20Papers/20181219_MeetingPapers.pdf

7. **The Committee suggests that Members wishing to know more about this instrument may wish to consider this helpful correspondence as the Policy Note accompanying the instrument is lacking in detailed discussion.**
8. At its meeting on 19 December 2018, the Local Government and Communities Committee took evidence from—

Kevin Stewart, Minister for Local Government, Housing and Planning, and Luke Macauley, Head of Housing Standards and Quality, Scottish Government.
9. Issues discussed in the session included:
 - the potential availability of "schemes of assistance" at council level to help cover the cost of installing new safety equipment in homes, and a perception that this was "patchy" across Scotland;
 - whether the Scottish Fire and Rescue Service could be funded and empowered to fit alarms and detectors on home fire-safety visits;
 - the consequences of owner-occupiers failing to adhere to the Tolerable Standard, including in respect of the new requirements laid out in the Order: the Minister sought to assure the Committee that any sanctions should be "reasonable" and "proportionate";
 - the importance of raising awareness about the new requirements and providing clear advice, particularly to the vulnerable.
10. Following the evidence session, Kevin Stewart moved S5M-15050—

That the Local Government and Communities Committee recommends that the Housing (Scotland) Act 1987 (Tolerable Standard) (Extension of Criteria) Order 2019 [draft] be approved.

11. **Following a short debate on the instrument, the motion was agreed to without division.**
12. The evidence taken and debate held at the meeting on 19 December 2018 on this instrument can be found in the Official Report at the following link:

<https://www.parliament.scot/parliamentarybusiness/report.aspx?r=11858&mode=pdf>

Conclusions

13. The Local Government and Communities Committee recommends that the Housing (Scotland) Act 1987 (Tolerable Standard) (Extension of Criteria) Order 2019 [draft] be approved.

