



**PRIVATE RENTED HOUSING PANEL**

**ANNUAL REPORT**

**2010**



## **Contents**

<b>President's foreword</b>	<b>3</b>
<b>Our Aims and Values</b>	<b>5</b>
<b>Main Events for the prhp in 2010</b>	<b>6</b>
<b>Introduction to the Private Rented Housing Panel</b>	<b>7</b>
<b>The Work of the Committees</b>	<b>8</b>
<b>Rent Assessment Cases</b>	<b>8</b>
<b>Repairing Standard Cases</b>	<b>11</b>
<b>Examples of Repairing Standard Complaints</b>	<b>13</b>
<b>Application Procedure</b>	<b>14</b>
<b>Flowchart of an application</b>	<b>15</b>
<b>Inspections and Hearings</b>	<b>16</b>
<b>Repairing Standard Case Study</b>	<b>18</b>
<b>Mediation – an alternative way to solve disputes.</b>	<b>19</b>
<b>Appeals and visits</b>	<b>20</b>

### **SG/2011/218**

Laid before the Scottish Parliament by the Scottish Ministers in pursuance of Paragraph 29(4) of the Housing (Scotland) Act 2006. November 2011.

<b>Finance</b>	<b>21</b>
<b>Public Service Reform (Scotland) Act 2010</b>	<b>21</b>
<b>Tenancy Management Complaints</b>	<b>23</b>
<b>Training and Communication</b>	<b>24</b>
<b>Training – Members</b>	<b>24</b>
<b>Training - Staff</b>	<b>24</b>
<b>Corporate Governance</b>	<b>24</b>
<b>Communication with Service Users</b>	<b>25</b>
<b>Looking to the Future</b>	<b>26</b>
<b>Contact Details</b>	<b>27</b>
<b>Glossary</b>	<b>28</b>

## **Appendices**

**Appendix A:** Panel members 2010

**Appendix B:** Expenditure and Management Statement for 2010/2011

**Appendix C:** Breakdown of Repairing Standard Cases 2010

**Appendix D:** Travel Plan

## President's Foreword



I am pleased to present this third Annual Report of the Private Rented Housing Panel covering the year January to December 2010. The prhp was created by the Housing (Scotland) Act 2006 with the aim of improving standards in private rented housing. As well as its role in considering complaints by tenants against landlords who fail to carry out necessary repairs, the prhp continues to undertake their former role as a Rent Assessment Panel for Scotland and still consider applications from landlords and tenants for a

determination of a fair rent.

The prhp has a very important role to play in helping improve the quality of the private rented sector in Scotland. In a significant number of cases, an application to the prhp is all that is required to persuade a reluctant landlord to undertake repair works. Where possible, we encourage tenants and landlords to access our mediation service which provides an alternative way of resolving disputes.

The year started under the direction of the Vice President, Robert Buchan, who took on the role of Acting President until May when I was appointed President. I would like to express my thanks to Robert for his contribution over the year to the work of the organisation.

This has been a year showing continued improvement in the Panel. As the Report details there was considerable interest in the work of the Panel during the period and this translated into a 56% increase in repairs applications by tenants. Local Authorities and housing advisers have shown a particular interest in the work of the Panel and I was delighted to be a guest speaker at the annual conference of the Royal Environmental Health Institute of Scotland (REHIS) in September.

Although the Panel held more hearings and made more decisions than at any time since coming into operation, we managed, due to operational changes, to do so within a reduced budget. All this is only achievable due to the commitment of Panel Members and the efforts of the Panel Secretary and the administration staff and I would like to take this opportunity of thanking them for their dedication in delivering an efficient and user-friendly service despite an ever increasing volume of business. During the year two members left the Panel, Mr. Derek O'Carroll, to become a full time sheriff, and Mr. Mike Innes, to pursue other interests. My thanks go to both of them for their contributions over the years to the Panel and we wish them well for the future. We also had a number of new members appointed through the Public

Appointments Process and they are very welcome additions to the complement of the Panel.

Other important developments for the Panel included the introduction of the Private Rented Housing (Scotland) Bill and the Property Factors (Scotland) Bill, a private members bill introduced by Ms. Patricia Ferguson MSP. Both these pieces of legislation will increase the jurisdiction and future workload of the Panel.

By the end of 2010 the Panel is well placed to take on the increased workload, and to take on the challenges presented by the budgetary environment to deliver an effective and user focussed service.

A handwritten signature in orange ink that reads "A Devanny". The signature is written in a cursive style with a large initial 'A' and a trailing flourish.

Aileen Devanny  
President

## Our Aims and Values

### Our Aims

- To provide an accessible, high quality, professional and user friendly service maximising efficient and effective use of public resources.
- To ensure that administration, inspections, hearings and the decision making processes are fair and impartial.
- To respect diversity and provide fair treatment and equality for everyone involved with the prhp.
- To engage proactively with stakeholders.
- To provide clear, timely and transparent information on our decisions and our process in accordance with the law.
- To ensure that each member of the panel works constructively as a team member with respect for others.
- To reflect on our practices and continuously update skills and competence.

### Our Pledge

Every Panel member and every member of staff is fully committed to providing the best possible service we can to all who come to us, no matter what their gender, sexual orientation, race, ethnicity, religion age, or physical or mental ability may be. We will do all that we can to make our service efficient, accessible and user friendly.

## Main Events for the prhp in 2010

- **56% increase** in repairing standard applications at end of 2010 compared to 2009
- **10% reduction** in rent assessment applications compared to 2009
- **Reduction** in total members' costs per hearing of **9.8% compared to equivalent 2009 costs.**
- The prhp issued responses to consultation documents on the **Private Rented Housing (Scotland) Bill** and **Options for Tribunal Reform** issued by the SCAJTC
- Appeal decision from the Court of Session in **Olivia Hunter (AP) V Northumberland and Durham Property Trust Limited** which approved that approach of Private Rented Housing Committees in determining "fair rent" cases.
- **One day annual training conference** for members and staff in Glasgow and two further training days centred on the work of legal chairpersons and housing members.
- **Conviction in the first prosecution** when a landlord from Fife was fined £800 at Kirkcaldy Sheriff Court for failing to comply with a Repairing Standard Enforcement Order issued by the prhp for works to a tenanted property.
- The following **Orders** were made by Private Rented Housing Committees:
  - No of Repairing Standard Enforcement Orders: **59**
  - Failure to Comply Orders: **17**
  - No of Rent Relief Orders: **14**
  - No of cases referred for prosecution: **17**

## Introduction to the Panel

The Private Rented Housing Panel for Scotland was set up under the Housing (Scotland) Act 2006 and was originally known as the Rent Assessment Panel for Scotland. It is a Tribunal Non-Departmental Public Body (NDPB) and it is independent from Scottish Government and the Rent Service Scotland. It has a Panel President with overall responsibility for the operation of the Panel, and a Vice President. The President is a solicitor and the Vice-President a chartered surveyor. The Panel consists of a total of 36 members who are specialists in law, surveying and housing matters who have been appointed by Scottish Ministers. All these posts are salaried part time public appointments and the President, Vice President and members are remunerated on a fee basis. Details of the Panel Membership can be found in appendix A.



A Committee during an inspection

The Panel members are responsible for the judicial functioning of the tribunal Committees. Each case is heard by a Committee comprising 3 members: a legal member who acts as chairperson and who is a solicitor or advocate; a surveyor member, who is a chartered surveyor; and a housing member who has experience of, or practical involvement in, housing related matters.

A group of members from the Panel have been trained in mediation and this service is being offered as an alternative means of dispute resolution for cases referred under the 2006 Act. There is a specific section later in this report which expands on the mediation process.



A staff member at work

The Panel obtains support from a Panel Secretary and staff seconded from Scottish Government. The Panel Secretary carries out the administrative management of the prhp. During 2010 the Panel had 3 full time support staff in addition to the Panel Secretary. Based in an office at West Campbell Street in Glasgow, the staff are responsible for case management, scheduling hearings as well as clerking and support for Committees, finance and communication.

## Work of the Committees

The Panel has a tribunal function dealing with 3 main residential property matters - objections to Fair Rents fixed by Rent Officers under the Rent (Scotland) Act 1984; determining market rents for short assured tenancies and terms and/or market rents for statutory assured tenancies under the Housing (Scotland) Act 1988; and for



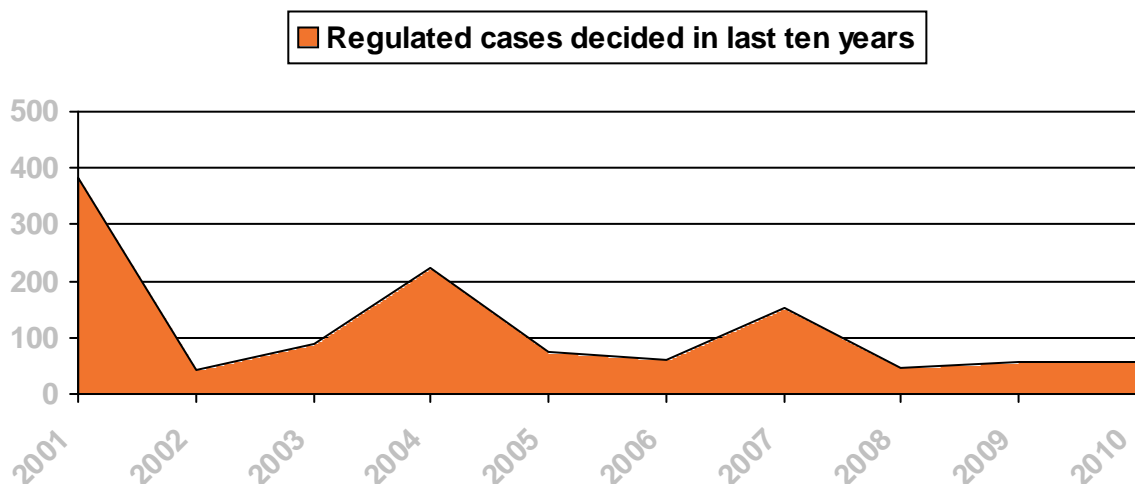
A Committee leaving a regulated rent inspection

determining referrals from tenants concerning the landlord's duty to meet the repairing standard under the Housing (Scotland) Act 2006. Applications by tenants under the 2006 Act have become the main area of work for prhp. The Committees have the power to require necessary repairs to be carried out with powers of enforcement, leading ultimately to an order for rent reduction and prosecution of the landlord.

## Rent Assessment Cases

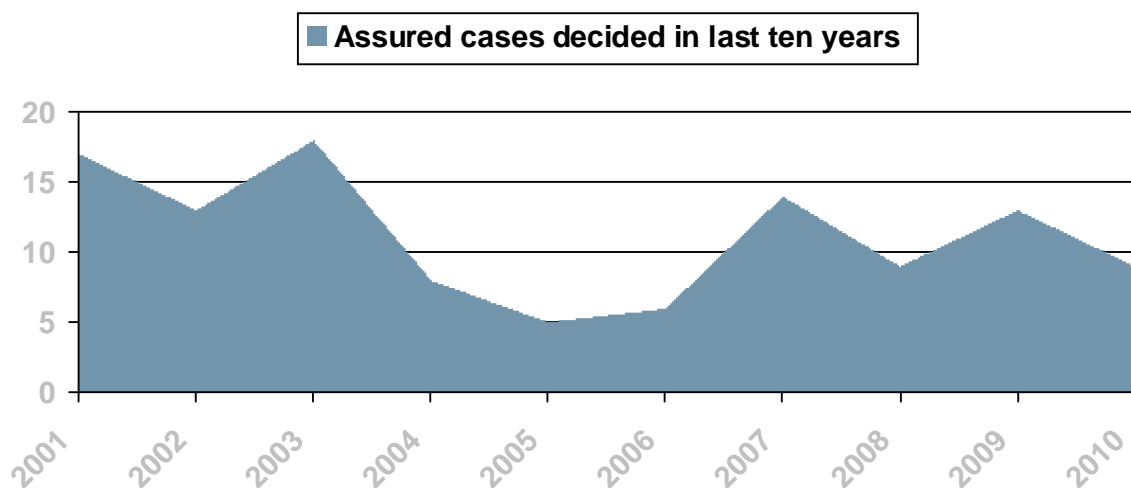
The Committees continue to carry out the functions formerly carried out by the Rent Assessment Committees. The jurisdiction of these committees are contained in the Rent (Scotland) Act 1984 (the "1984 Act") and the Housing (Scotland) Act 1988 (the "1988 Act"). Although the Panel has various statutory functions, the primary work of the Panel in this area is:-

- under the provisions of the 1984 Act, to consider appeals made by landlords or tenants against the rents registered by Rent Officers and to determine fair rents for properties in accordance with the provisions of that Act. An assessment of "Fair rent" must disregard the personal circumstances of the tenant and any improvements made by a tenant. There are three accepted methods of calculating a Fair Rent and the Committee must decide based on the evidence available, which is the most appropriate method to use. The first method of calculating fair rent is to



consider the open market rent and then to make a deduction from this to take account of any inflation in rental levels caused by a shortage of houses available for rent. The second method involves deciding a Fair Rent after comparing registered rents for similar houses in an area, and the third method involves calculating an appropriate level of return on the value of the property. In assessing a fair rent, regard has to be given to the age, character and location of the house, its state of repair and the furniture provided. The Committee will determine a Fair Rent and that rent may be lower or higher than the Rent Officer's assessment irrespective of whether the referral is made by the landlord or tenant. The Committee can bring their own knowledge and experience to the valuation judgement.

- Under the provisions of the 1988 Act-
  - (a) Appeals by tenants against the level of rents set by landlords and to decide a market rent for such properties in accordance with that Act, and
  - (b) Appeals by landlords or tenants where the other party has proposed a review of the terms of the tenancy.



The Committees provide an appeal route which is informal and inexpensive against the rental figure set by the Rent Officer or landlord. Legal representation is rare and parties are often unrepresented. There is a further right of appeal, on a point of law, to the Court of Session for a party who is unhappy with the Committee's decision.

#### Procedure for applying for a rent assessment

- Appeals against the Rent Officer's decision under the 1984 Act are referred from Rent Service Scotland to the prhp.
- Appeals under the 1988 Act are started by the completion of a statutory form and sending it to the prhp. The statutory forms can be obtained from the prhp office.

During 2010 the Panel dealt with 58 Fair Rent cases and 9 Assured Tenancy referrals.

### CASES DECIDED BY RENT ASSESSMENT COMMITTEES 2001-2010

	2001	2002	2003	2004	2005
Fair Rent cases	383	41	87	223	73
Assured Tenancies	17	13	18	8	5
Part VII Contracts	-	-	1	1	1
<b>TOTAL</b>	400	54	106	242	78

	2006	2007	2008	2009	2010
Fair Rent cases	59	151	45	58	58
Assured Tenancies	6	14	9	13	9
Part VII Contracts	-	-	-	-	-
<b>TOTAL</b>	66	165	54	71	67

It is observed that, as fair rent registrations occur every 3 years, there is a noticeable peak in numbers of appeals at 3 year intervals where a landlord of many properties regularly decides to appeal the decision of the Rent Officer. The chart on page 8 illustrates this. However, in 2010 the expected 3-yearly peak did not materialise possibly due to the decreasing numbers of regulated tenancies and an appeal court decision later referred to which supported the approach of the Panel to assessments of rents.

## Repairing Standard Cases

The Housing (Scotland) Act 2006 (the 2006 Act) introduced a major new change to the work of the Panel. It was a cause for concern that many houses in the private rented sector in Scotland were known to be in need of some form of repair. The 2006 Act provides a tenant with a way of compelling a landlord to carry out necessary repairs. The 2006 Act sets a standard called the “repairing standard” and imposes a duty upon a landlord to ensure that a house meets that standard at the start of the tenancy and at all times during the tenancy. The measures in the 2006 Act should result in more homes in the private rented sector being maintained to a better state of repair.



Extensive damp/mould problem on an internal wall

In determining whether a house meets that repairing standard, the age, character and prospective life of the house and its locality should be considered. Common parts of a flatted property can fall within the repairing standard if the owner has a maintenance responsibility for these parts and the tenant has a right to use these parts of the building.



Using a damp meter to assess a damp issue



A window repair issue

The repairing standard is set out in section 13 of the 2006 Act. This section states that a house meets the **repairing standard** if –

*the house is wind and water tight and in all other respects reasonably fit for human habitation;*

*the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order,*

*the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order,*

*any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order,*

*any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed, and*

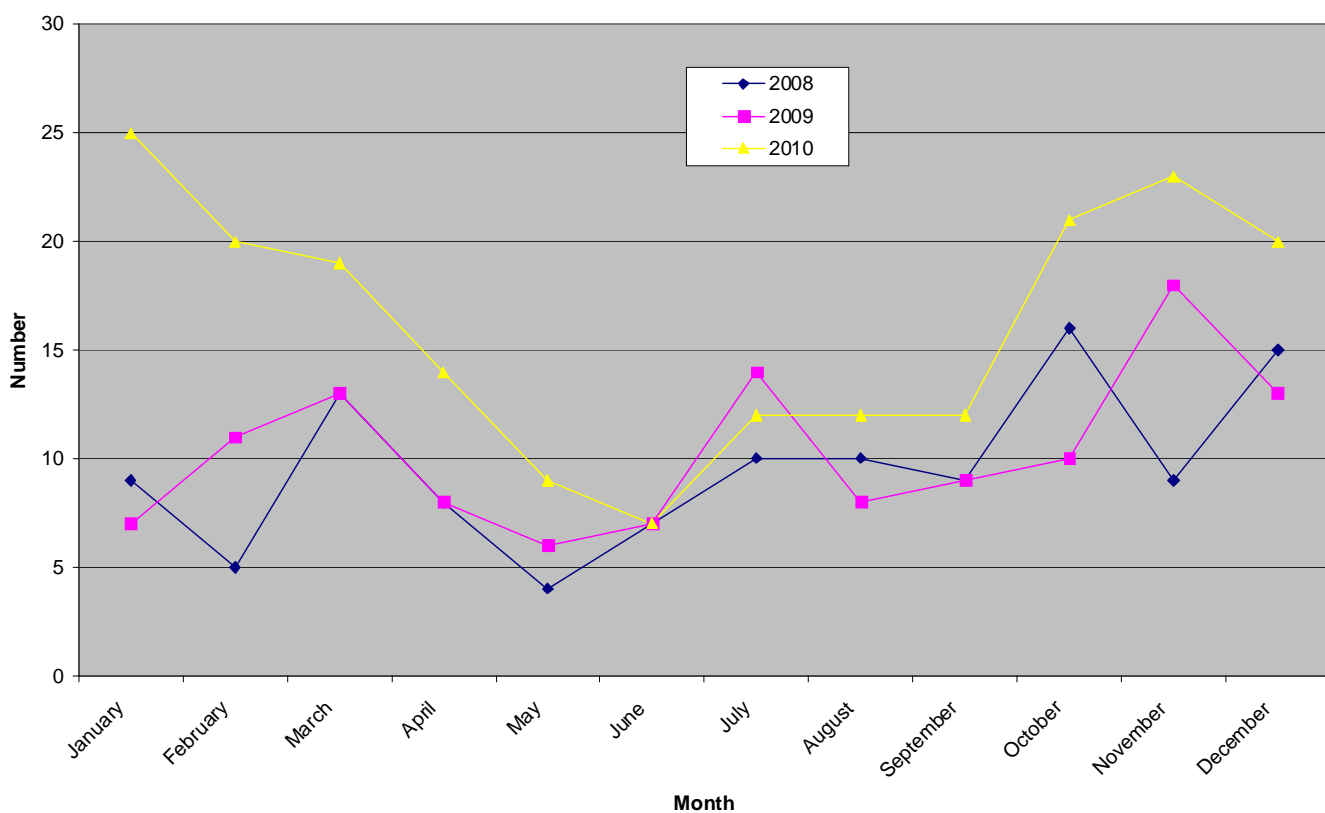
*the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.*

The repairing standard applies to most tenancies in the private rented sector. However, tenants cannot apply to the prhp if the landlord is a local authority, registered social landlord, or Scottish Water.

## Examples of Repairing Standard Complaints in 2010

Dampness; condensation; mould on walls & affecting clothing; defective downpipes & gutters; no handrails on stair; leaking roofs & holes in ceilings; holes in walls eg where fireplace has been removed; rotten floorboards; cracked glazing; sash & case windows which don't open; rotten window frames; insecure house due to no window locks/defective door locks; septic tank not working; loose electrical sockets; faulty kitchen cupboards; rewiring required; brickwork & ceiling cracked; contaminated water supply; door entry system broken; infestations of mice, rats & bed bugs; no smoke alarms; roof leaking; sewage being discharged into the property or the garden.

PRHP Repairs Applications Received 2008 to 2010



In addition to complaints about repairing standard issues, we occasionally receive complaints about matters outwith the jurisdiction of prhp such as requests for compensation and requests to make an order for works to allow disabled adaptations. In these instances it is made clear to tenants that, whilst a mediation agreement can include wider issues beyond the repairing standard, if both landlord and tenant agree, a determination of a committee will be confined only to repairing standard issues.

## Application Procedure

Making an application to prhp is very straightforward. An application form is available from the prhp offices or may be downloaded from the website. The form guides tenants through the information which is required for a valid application. The tenant will be asked to confirm that the landlord has been notified of the works required to comply with the repairing standard. The tenant will also be asked to send in documentation to support that there is a valid tenancy.

Once an application is received at the prhp offices, it will be checked and if it does not provide the necessary details, then the tenant will be asked for additional information. Once all the necessary information has been provided, it will be treated as a valid application and the President or Vice-President must decide within 14 days whether to refer the application to a Private Rented Housing Committee or whether to reject the application in certain very limited circumstances.

The President or Vice-President can delay referring the application, if it appears that there is a reasonable prospect of the dispute being resolved by the parties. If the tenant has indicated that he or she is willing to resolve the dispute by mediation, then the President or Vice-President will usually instruct the prhp administration to contact the landlord to ask if he or she would be willing to try and resolve the dispute by mediation. If so, mediation will be arranged. There is a pamphlet available from the prhp offices or from the website describing the mediation process. If no agreement is reached at mediation or the tenant or landlord does not wish to try mediation, then the case is referred to a Committee.

Many tenants contact the prhp offices for information as to how to go about making an application to us. A pro forma notification of repairs letter is available from the Panel offices and can be downloaded from the website. In many cases, tenants reported that sending this letter to the Landlord was sufficient to prompt necessary repairs. The existence of an effective means of redress for tenants is sufficient in itself to encourage landlords to carry out the required work.

**Private Rented Housing Panel**  
3rd Floor, 140 West Campbell Street  
Glasgow G2 4TZ  
Tel: 0141 572 1170 Fax: 0141 572 1171  
www.prhpscotland.gov.uk

prhp

Reference No (office use):

**Applications to the Private Rented Housing Panel**  
**Section 22(1) of the Housing (Scotland) Act 2006**

If you are filling in this form for someone else, please remember to fill it in as if you are the tenant of the property.

Fill in this form in black ink, block capitals and by ticking any boxes that apply. Remember that your landlord will be sent a copy of this form.

When we receive your application, we will send you a reference number which you should quote whenever you contact us.

We will store and process the information you provide in line with the Data Protection Act 1988. Under the Act you can ask to see all the information we have about you.

If any information you give in this form changes, you must immediately give us written details of the change.

We aim to treat you politely and with care. In return we expect you to be polite to our staff.

**1. Details of the tenant**

a Title (Mr, Mrs, Miss, Ms)

b First name

c Last name

d Address and postcode

e Daytime telephone number\*

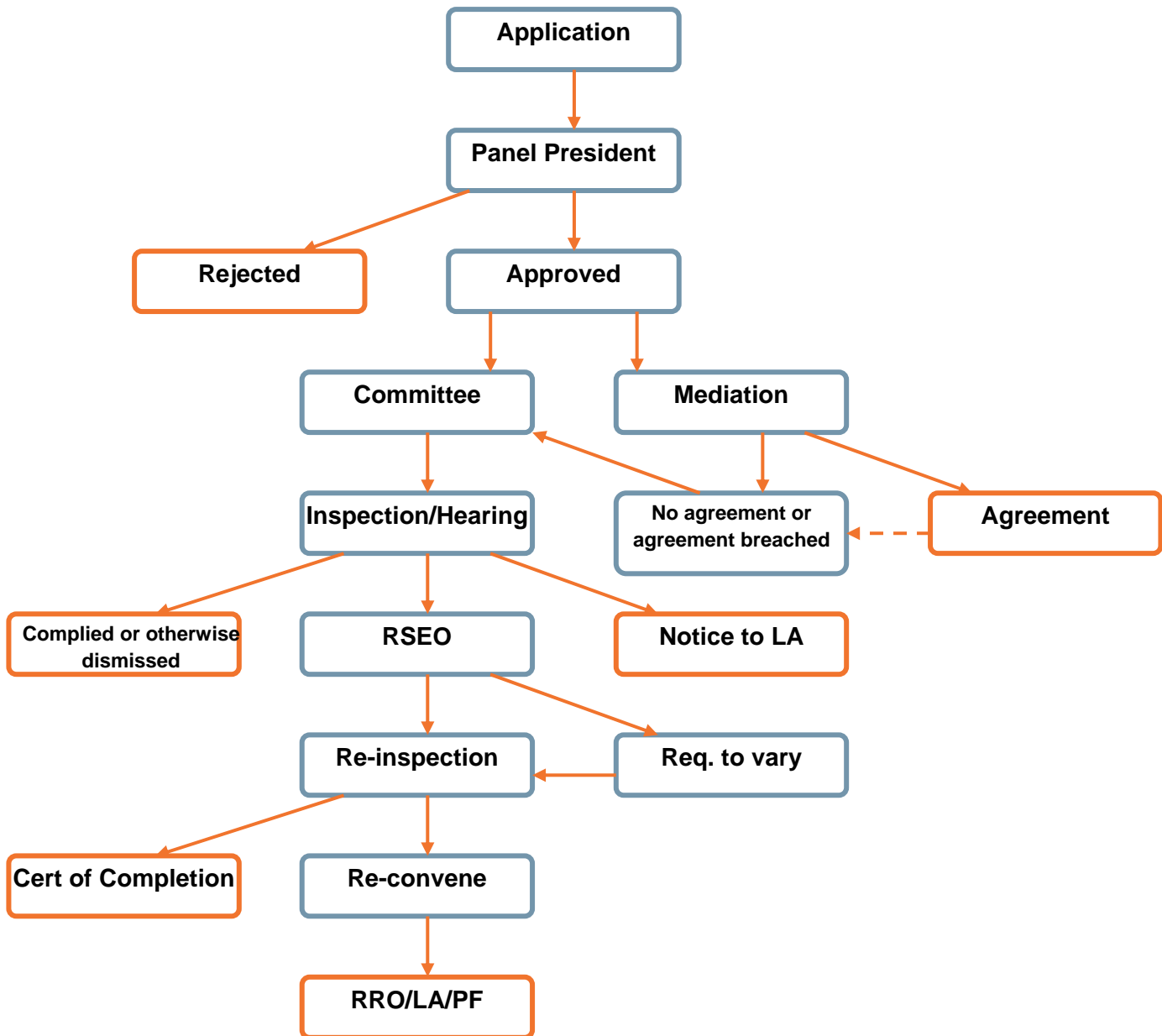
f Email address\*

\*Optional

prhp1

The prhp repairs application form

## Flowchart showing the progress of a Repairing Standard Case



Definitions:

RSEO	Repairing Standard Enforcement Order
RRO	Rent Relief Order
LA	Local Authority
PF	Procurator Fiscal

## Inspections And Hearings

Generally, before determining a repairing standard case, the Committee inspect the house which is the subject of the complaint paying particular attention to the repairs complained of by the tenant. This allows the Committee to ascertain for themselves the condition of the house and any common parts complained of by the tenant and the likely cause of any required works. The Committee



Damp/mould problem found during an inspection

can also consider the age, character, prospective life of the house and locality in which the house is situated. Each of the parties is informed in advance of this visit and a suitable date and time is arranged for the inspection. Following this inspection, a hearing takes place in a nearby venue and both tenant and landlord are invited to attend. There is no need for legal representation at these hearings as the process is conducted in a relatively informal manner. Strenuous efforts are made by the Panel to cater for any special needs at these hearings with interpreters being provided if required and efforts are made to ensure that venues are compliant with the Disability Discrimination Act 2005. The Committee's decision with their



Gilmerton Community Centre, Edinburgh – a typical prhp Hearing venue

reasons for that decision is not issued immediately but will be issued as soon as is practicable after the Hearing. During 2010 the panel dealt with 7 cases involving an interpreter and in a small number of cases the venues had to be chosen with particular care to meet the attendees special needs – for example ground floor or lift access; on site parking.

If the Committee decide after considering all the facts and evidence that there has been a failure on the part of

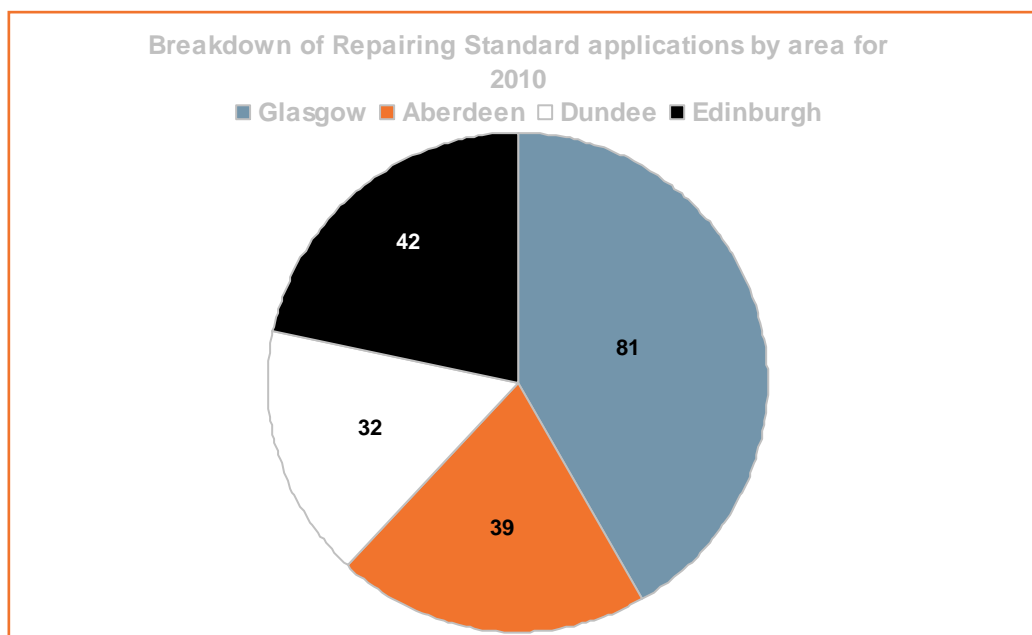
the landlord to comply with the duty to ensure that the property meets the repairing standard, the Committee will issue a Repairing Standard Enforcement Order which will specify the works which require to be carried out at the house and a timescale for completion of the works. Whilst the works are outstanding and the Repairing Standard Enforcement Order is in place, the property cannot be re-let if it is vacated by the tenant otherwise an offence is committed by the landlord.

Once the time has passed for completing the works, the property will be re-inspected and if the works are completed satisfactorily, a Completion Certificate will be issued.

If the works have not been completed or not completed to a satisfactory standard, then the Committee can, after considering any further representations from the landlord or tenant, issue a Failure to Comply Notice and can decide to reduce the rent payable for the house by up to 90%. The Failure to Comply Notice is issued to the Landlords' Registration Section of the appropriate Local Authority. At that stage, the Panel will also refer the matter for prosecution as is an offence not to comply with a Repairing Standard Enforcement Order without reasonable excuse. If the landlord has good reasons for not completing the works within the timescale given, then the Committee can vary the order giving the landlord further time to complete the works.

Rent Relief Orders are granted in fewer cases than Failure to Comply Notices as in some cases the tenancies had been terminated prior to the Committee considering a Rent Relief Order. In the instances where Rent Relief Orders were granted in 2010 the rent reductions ranged from 25% to 90% reduction in rent.

Decisions from the Committees dealing with rent assessments and repairing standard cases and the Committees' Orders for repairs, failure to comply notices issued to local authorities and rent reductions are published on the Panel's website. It is possible for members of the public to access these details using the postcode of the property.



## Repairing Standard Case Study

The following case study is based on an actual application received by prhp.

An application was received from a tenant complaining that the house she stayed in with her husband and two children did not meet the repairing standard as there were draughts at some windows and at both front and back external doors; the window locks did not work; and the back door in the kitchen was letting in rainwater. She had been making complaints to the landlord about these repairs for over a year with little response.

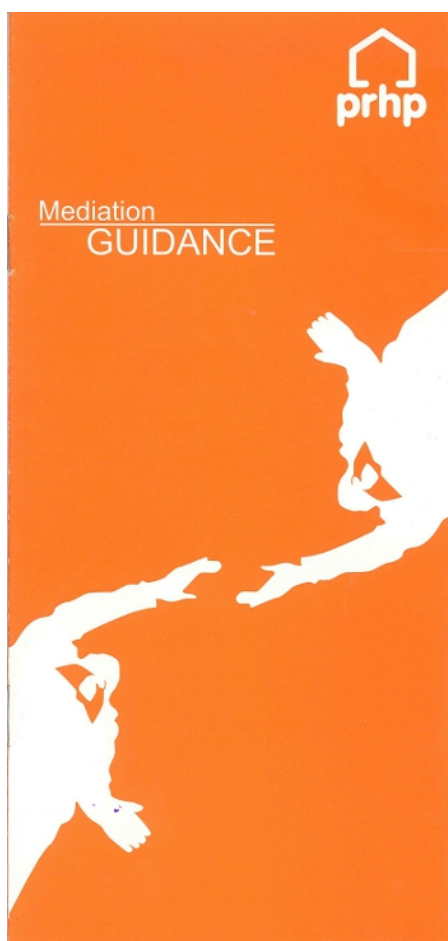
An inspection of the property by the Committee revealed that there were indeed draughts at some windows and doors and the tenant's husband demonstrated the ease with which the downstairs windows could be opened fully from the outside which made the house insecure. Damp meter readings and visual inspection of the hardwood screed under the kitchen linoleum revealed dampness and there was movement in the floor suggestive of decay. The kitchen back door was warped and there were signs of rainwater ingress. During the inspection the Committee observed that there was a battery operated smoke detector in the house and the tenant confirmed that this was installed prior to her entry to the house. Since there was no prior notification by the tenant on the landlord that the smoke alarm may not be satisfactory, the Committee could not in terms of the legislation include this item in their requirement for works, but did mention that replacement should be considered and any new smoke detection devices would require to conform with current regulations.

The Committee made a Repairing Standard Enforcement Order in respect of the works required to the windows, doors and kitchen floor.

After the expiry of the time limit for completion of works, a re-inspection of the property was carried out and revealed that new upvc triple glazed windows had been installed throughout the property and new upvc front and kitchen external doors had been installed. The landlord had replaced the kitchen floor and replaced the linoleum and also installed new hard wired smoke alarms on both upstairs and downstairs levels as required to conform to current regulations. The tenant and her family are extremely satisfied with the works.

## Mediation

Mediation is a way of settling disputes informally and quickly without the expense, time and bad feeling often involved in using formal procedures. Many people find the idea of going to a hearing before a Committee daunting, and mediation can often resolve the problem without the need for a Committee to become involved.



The prhp mediation booklet

Parties must opt-in to mediation, but, if they do, mediation has many advantages. The mediation service is free of charge, flexible and confidential, and is staffed by trained mediators. Choosing mediation allows the tenant and landlord to work out a solution best suited to their needs, instead of having a solution imposed upon them by a Committee. Because people have found their own solution to their problems, they are more likely to carry out what they have agreed to do. Mediation can often improve the relationship between the landlord and tenant. Once people have had the opportunity to talk through the issues, each party is better able to understand the other person's point of view. If mediation is successful, then the parties will sign up to an agreement which removes the prhp's further involvement in the repairing standard case unless either party complains that the agreement has been breached.

The Private Rented Housing Panel was the first tribunal body in Scotland to introduce an in-house mediation service as an alternative form of resolving disputes. The Panel mediators are trained impartial people who are skilled in helping establish common ground in even the trickiest of situations. We have 14 trained mediators amongst our membership who have all undertaken a 40 hour course of training provided by SACRO, a Scottish Government sponsored organisation which specialises in a wide range of mediation services.

During 2010, there were 4 mediations in total with all 4 reaching agreements between the landlord and tenant.

## Appeals and Visits

Parties have a right to appeal to a Court against a decision made by a Committee. In relation to rent assessment cases under the 1984 Act and the 1988 Act, parties have the right of appeal to the Court of Session. In relation to repairing standard cases under the 2006 Act, there is a right of appeal to the Sheriff in the Sheriff Court for the area in which the house to which the application relates is situated.

There was one appeal decision issued by the Court of Session in February 2010 in relation to a “Fair rent” appeal lodged on 16 January 2008. This decision related to the case of :

Olivia Hunter (AP) v Northumberland and Durham Property Trust Limited

reported at <http://www.scotcourts.gov.uk/opinions/2010CSIH14.html>

In this case the Court were not persuaded by any of the grounds of appeal advanced by the appellant and the appeal was refused. The Appeal Court accepted that the members of the Private Rented Housing Committee can bring to bear their specialist knowledge and experience in making a valuation judgement.

During 2010 there were two appeals to a Sheriff in relation to cases under the Repairing Standard jurisdiction. One appeal related to a decision of a Private Rented Housing Committee to issue a Repairing Standard Enforcement Order and the appeal was dismissed at an early stage. The second appeal from the repairing standard jurisdiction related to an appeal against a Rent Relief Order issued by a Committee. Initially the case was sisted to allow the landlord to carry out the works and then on completion of the works, the appeal was dismissed.

There were no visits during 2010 from the Scottish Committee of the Administrative Justice and Tribunals Council (SCAJTC) to observe any Private Rented Housing Committees although a representative of the SCAJTC did meet with the President to find out more about the work of the Panel.

## Finance

The Panel is funded by Scottish Government with the funding department being the Housing Markets and Supply Division. The Annual Report for 2010 covers the calendar year 1 January to 31 December 2010 in terms of Section 29(5) of the Housing (Scotland) Act 2006 whereas the financial year for the organisation, like all government sponsored bodies, runs from 1 April until 31 March. Since the Annual Report straddles two financial years, the accounting figures for the year 2010 at Appendix B states the budgets for both financial years.

The prhp responds to the number of applications received and is a demand led service. It follows that the number of cases the Panel considers during the year can be variable and the prhp have little control over the service demand. However, year on year the Panel have noticed an increase in repairing standard applications.

The prhp budget for the financial year to 31 March 2010 was £481,000 whilst the actual spend for that period was £394,417. The under spend was due to a deferred members' recruitment campaign and deferred upgrade of computer and IT systems and savings made in accommodation and hearing costs.

The prhp budget request for the financial year to 31 March 2011 was £471,000, which reflected the increased projected workload for 2010/11. In June 2010 the prhp was informed that the budget request would be adjusted to £439,500. Such a reduction during the financial year was extremely challenging as it came at a time of increased demand for the services of the prhp following upon receipt of a significant increase in the number of repairing standard applications. In an effort to meet the challenge of a reduced budget, a review of case management procedures was undertaken with more multiple hearings where application locations allowed and a pilot of increased use of written submissions to replace, where possible, second hearings following re-inspections. These case management initiatives were successful and the actual spend for the financial year to 31 March 2011 was £444,317. An over spend of £4,817 but these figures represent an increased workload of a 56% in repairing standard applications and a 10% reduction in rent assessment cases for the year 2010.

## Public Service Reform (Scotland) Act 2010

To promote openness and transparency across the public sector in Scotland, Section 31 (1) and (2) of the Public Services Reform (Scotland) Act 2010 imposes new duties on public bodies listed in Schedule 8 of the Act to publish as soon as practicable after the end of the financial year a statement of any expenditure incurred on certain matters including:

- Public Relations;
- Overseas Travel;
- Hospitality and Entertainment;
- External Consultancy;
- Payments with a value in excess of £25,000; and
- The number of members and staff who received remuneration in excess of £150,000.

The Private Rented Housing Panel has made no payments in the above categories for the financial years 2009/10 and 2010/11 with the exception of the following items:

TYPE OF COST	AMOUNT PER FINANCIAL YEAR (£)	
	2009/10	2010/11
Accommodation costs for Panel Office at 140 West Campbell Street	58,496	58,840
Hospitality in the form of tea and coffee at Committee Hearings and to visitors at the Panel Offices	462	128

In Terms of Section 32(1)(a) and (b) of the Act, the public bodies listed in Schedule 8 must publish a statement of the steps taken to (a) promote and increase sustainable growth, and (b) to improve efficiency, effectiveness and economy in the exercise of their functions.

During the year the Tribunal and its administration have made concerted efforts to reduce expenditure, improve efficiency, manage resources more effectively and cut down our ecological footprint. The following steps have been taken:

- The Panel has promoted the use of electronic systems with more use of email communication and scanning and sending of paper records and documents
- The Panel has increased the use of the Scottish Government and local authority venues for Hearings, provided it does not involve the need for participants to travel long distances
- The production of this Annual Report by prhp staff in-house, thereby avoiding professional printing costs. This report is produced in logo colours to reduce costs

- To improve Panel efficiency and make best use of members' time through doubling up hearings and avoiding where possible second hearings after re-inspections by considering parties written representations. The Panel is limited in this approach by the unpredictable geographical spread of cases and the contentious nature of some cases. The Panel will continue to explore ways of increasing productivity without compromising the rights of Panel users.
- To explore and encourage members and staff to make more use of public transport and car share options when attending hearings, inspections and training events. However, because of the extensive jurisdiction of the Panel which can often involve rural destinations, public transport to hearings and inspections is not always an option. The surveyor members of the Panel are normally the appointed drivers for a Committee if car-sharing is possible
- To recycle paper, print cartridges and other resources where possible
- To explore sharing of resources and specialist services among the Scottish based Tribunals of the Scottish Tribunals Service (STS)

## Tenancy Management Complaints

In terms of section 29 of the Housing (Scotland) Act 2006 the prhp must record and report the frequency with which applications to the Panel (whether valid or invalid within the terms of section 22) include complaints about the landlord's management of the tenancy.

There were no tenancy management complaint forms returned to prhp during the period from 1st January - 31st December 2010. However it was clear from the terms of some of the applications that some tenants did experience problems with management companies.

It should be noted, however, that the prhp has no power to deal with complaints about the landlord's management of the tenancy, and this is made clear in the information leaflets which give details of the services provided by the Panel. The nil recording of such complaints, therefore, should not be regarded as evidence that problems relating to the landlord's management of the tenancy do not exist.

## **Training and Communication**

### **Training - Members**

We recognise that focused, relevant and high quality training is essential to ensure that members are fully equipped to carry out their role as members of decision making Committees.

To this end, a series of training events took place during 2010 including a one day conference for all members in November with separate one day conferences arranged on other occasions for the legal chairpersons and housing members. These events provide a valuable opportunity for members to discuss practice and procedure and reflect on the nature of cases before the Panel. The annual conference involved an interactive session for members on good practice in conducting inspections and hearings, and then a range of speakers gave presentations on various topics such as dampness and condensation issues, a review of recent repair issues in cases before the Panel and a talk on the new Scottish Tribunals Service. Such events will ensure that members are fully equipped with the necessary knowledge and range of skills to conduct and decide cases and to continue to improve the service they deliver.

### **Training - Staff**

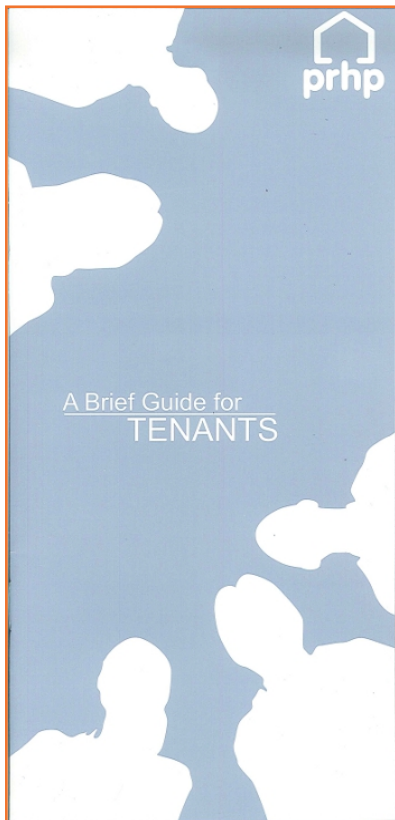
We will continue to ensure adequate and appropriate training for staff and provide opportunities for members of staff to use their initiative and individual skills for the benefit of the Panel. The staff dealt with increased enquiries in 2010 from service users seeking information about the Panel's application procedure, mediation and the inspection and hearing procedures. A referral process exists where staff can seek support and specialist input if required to answer these enquiries. Because of the specialist nature of the work of the prhp, it is more appropriate to undertake in-house training to meet the needs of staff. We will continue to foster a positive working environment where members of staff are encouraged to use their knowledge and skills in an environment free from harassment, victimisation, discrimination and bullying.

The prhp staff attended the one day conference for members and also undertook a Scottish Government on-line course in diversity training.

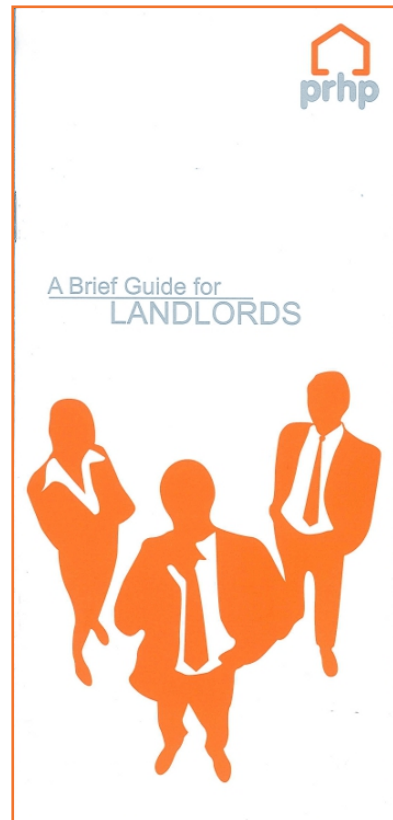
### **Corporate Governance**

We will continue to strive for continuous improvement by meeting our key performance targets for acknowledging applications within 3 days, meeting statutory timescales, and issuing written decisions within 3 days of their receipt from committees.

## Communication with service users



The prhp published two information booklets on the Repairing Standard: A Brief Guide for Tenants (left) and Landlords (right) are available in pdf format on the prhp website and paper copies by request from the prhp office.



During 2010 we have expanded our web site to provide tenants and landlords with more information. Committee decisions are published and can be easily accessed. The Panel's dedicated website can be found at [www.prhpScotland.gov.uk](http://www.prhpScotland.gov.uk). In 2010 we had 9,578 visits to the website, and 55,703 page views. We have noticed increasingly that users are downloading the application form from the website.

We will continue our policy of adding to the list of languages in which our information leaflets are available to continue to meet the needs of our changing diverse society. We also provide related information on repairing standard issues such as information on topics such as smoke detector devices.

Following upon the completion of the case and at the end of the parties' involvement with the prhp, a service questionnaire is forwarded to them for their views on the service received during the administrative process and they have an opportunity to suggest any areas for administrative improvement. Some of the comments are encouraging such as a resident from Aberdeen who wrote:

**"I honestly cannot identify one area or aspect for improvement. The service works very well as it is",**

and a tenant from Argyle and Bute wrote:

“Without your help I do not think the repairs would have been done so I would like to thank you very much for all your help in this matter”.

There is a complaints procedure, details of which are available on the prhp website. Whilst we do receive occasional letters expressing dissatisfaction with a Committee’s decision, and we do try to answer any questions on the administrative process, these complaints relating to a judicial decision cannot proceed under the complaints procedure and we provide details of the appeal process.

The prhp has made efforts this year to increase public awareness of the service provided by pro-actively engaging with advice organisations, local authorities and user groups. As a consequence of this increased public awareness, the prhp has received a 56% increase in the number of repairing standard applications during 2010 compared to the number of applications received in 2009.

## Looking to the Future

- The prhp along with four other devolved Scottish Tribunals will be included in the first phase of the transfer of all Scottish based tribunals to the Scottish Tribunals Service (STS) with a proposed completion date for the assumption of these tribunal bodies into STS by 1 April 2011. Whilst these changes will affect the prhp’s administration nonetheless it has been acknowledged that there remains a need to preserve the identity of the individual tribunals, a need to retain staff with specialist knowledge and experience, and a need to maintain the interface with user groups. Positive benefits from the transfer are anticipated as it will lead to a more flexible approach to sharing of resources and specialist services and ultimately will lead to increased efficiency and cost effectiveness.
- In the course of the year, the prhp will maintain its links with other Scottish tribunals through regular meetings of the Scottish Tribunals Forum to explore best practice. We will engage with environmental health departments to explain the jurisdiction of the prhp. The President will continue to seek ways to engage with user groups in the coming year and a number of talks are scheduled on the work of the Panel.
- Two Scottish Bills, the Private Rented Housing (Scotland) Bill and the Property Factors (Scotland) Bill, a private member's bill introduced by Mrs Patricia Ferguson MSP, have since the period of the Report been passed into legislation which will introduce new jurisdictions to the Panel.

- The Panel will continue to look at ways to deliver an improved service whilst increasing efficiency and ensuring cost effectiveness. The Panel is looking at ways to make best use of Member's time through doubling-up hearings and avoiding, where possible, second hearings after re-inspections by considering parties' written representations.
- The Panel will continue to deliver a programme of training to members and staff to ensure they are equipped to carry out their roles.

## How To Contact Us

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Telephone 0141 572 1170

Fax 0141 572 1171

Email [admin@prhpscotland.gov.uk](mailto:admin@prhpscotland.gov.uk)

Web: [www.prhpscotland.gov.uk](http://www.prhpscotland.gov.uk)



## Glossary of terms appearing in this report

**Appellant** – the person who makes the appeal

**Assured tenancy** – a private rented sector tenancy entered into after 2<sup>nd</sup> January 1989 provided it is the tenant's only or principal home and it does not fall within any of the exceptions listed in schedule 4 of the 1988 Act.

**Corporate governance** – the set of processes, customs, policies, laws and institutions affecting the way the organization is directed.

**Court of Session** – the supreme civil court of Scotland

**Diversity** – the state of being varied

**Fair rent** – a rent fixed in the way set out in section 48 of The Rent (Scotland) Act 1984

**Housing member** – The member of the Committee who is selected for his or her expertise in housing.

**Induction** – training for new members

**Jurisdiction** – having the power to make legal decisions and judgements

**Legislative provisions** – that which the law provides

**Mediation** -- a process to help parties resolve their differences and reach agreement.

**Part VII Contract** – a contract between a tenant and a landlord who lives in the same house and has it as his principal home.

**Protected tenancy** – a tenancy where the contract between the tenant and the landlord is still in force.

**Regulated tenancy** – a tenancy which gives security of tenure and also protects the tenant from inflated rents arising just from a shortage of supply of rented properties.

**Rent Officer** – an independent, statutory officer, appointed by The Scottish Ministers, who determines and registers rents for houses let on regulated tenancies.

**Rent Service Scotland** - The Rent Service Scotland is set up by the Scottish Government and has three main functions, one of which is to provide valuations for tenants and landlords for fair rent registrations. Rent Officers working for the Rent Service Scotland will assess a "Fair Rent" for a regulated tenancy. Either the landlord or tenant can then refer the case to the **prhp** if dissatisfied with the Rent Officer's decision.

**Repairing Standard** – the standard set out in section 13 of the 2006 Act.

**Reporting period** – 1<sup>st</sup> January – 31<sup>st</sup> December in any year except 2007, when the reporting period is 3<sup>rd</sup> September 2007 – 31<sup>st</sup> December 2007.

**Respondent** – the party against whom an application or appeal is made

**SACRO** – A Scottish organization which provides amongst other things mediation services and training for mediators.

**Seconded** – temporarily transferred to another position or role

**Sheriff Court** – Sheriff Courts provide the local court service in Scotland with each court serving a sheriff court district within a Sheriffdom.

**Short Assured Tenancy** – a special type of assured tenancy which gives the landlord special rights to repossess the house he has let and gives rights to the tenant to apply to the **prhp** for a rent determination.

**Sisted** – held in abeyance until the parties to the action are ready to proceed.

**Statutory Tenancy** – the tenancy created when the contractual assured tenancy is brought to an end by the landlord serving a notice to quit, or where a tenant has succeeded to the tenancy.

**“The 1984 Act”** – The Rent (Scotland) Act 1984

**“The 1988 Act”** – The Housing (Scotland) Act 1988

**“The 2006 Act”** - The Housing (Scotland) Act 2006

## MEMBERS OF THE PRIVATE RENTED HOUSING PANEL DURING 2010

CHAIRMEN
Mr Jim Bauld LLB(Hons) Dip LP
Mr Andrew Cowan LLB(Hons) Dip LP
Mrs Aileen Devanny LLB NP (President)
Mr Ron Handley LLB
Ms Judith Lea LLB MBA MSc
Mrs Anne McCamley BA LLB NP
Mr Ewan Miller LLB (Hons) Dip LP NP
* Mr Derek O'Carroll LLB (Hons) Dip LP
Mrs Jacqui Taylor LLB(Hons) DipLP NP
Mr Steven Walker LLB(Hons) Dip ACI Arb

SURVEYORS
Mr Angus Anderson MRICS
Mr Mark Andrew FRICS FAAV
Mr Robert Buchan BSc FRICS (V-Pres)
Mr George H Campbell FRICS
Mr Alan T English FRICS
Mr David Godfrey ARICS
Mr Colin Hepburn ARICS
Mrs Sara Hesp LLB (Hons) BA(Hons) MRICS
Mr Mike Links FRICS
Mr Donald Marshall FRICS
Mr Ian Mowatt BSc FRICS
Ms Geraldine Wooley MA M.Ed MRICS MIED

HOUSING MEMBERS
Mrs Christine Anderson
Mr John Blackwood
Mrs Susan Brown
Mr Scott Campbell
Mr Chris Harvey
* Mr Michael Innes
Mr Tom Keenan
Ms Irene Kitson
Mr Andy McKay
Ms Liz Nicholson
Mr Jim Riach
Mrs Linda Robertson
Mr Michael Scott
Mr John Wolstencroft

\* Left prhp during 2010

## PRIVATE RENT HOUSING PANEL

## Expenditure and Management Statement for the financial year 2010/11\*

## Panel and Staff Numbers:

President and Vice President  
Members (as at 1<sup>st</sup> January 2010)

10 Chairmen comprising 4 female and 6 male  
12 Surveyors comprising 2 female and 10 male  
14 Housing comprising 5 female and 9 male

Support Staff 4

Expenditure Item	Actual 2009/10	Budget 2010/11	Actual 2010/2011	Variance
<b>Staff Salaries and Expenses:</b>				
President and Vice President	27055	40000	34660	-5340
Support Staff	101554	127000	108655	-18345
Staff Expenses (T&S)	5728	6000	4895	-1105
<b>Members Expenses:</b>				
Members Fees	150689	151000	174659	23659
Members Expenses	18858	20000	27675	7675
<b>Committee Costs:</b>				
Legal Expenses	1125	1500	88	-1412
Training	7693	8300	5840	-2460
Hearing Costs	8703	9500	12865	3365
Hospitality	462	500	128	-372
<b>Central Costs:</b>				
Accommodation	58496	60000	58840	-1160
Postal Costs	2656	3000	2912	-88
Library	Nil	200	150	-50
Advertising	Nil	Nil	Nil	Nil
Stationery	1312	1500	1038	-462
Office Machinery	890	1000	1096	96
Printing/Copying	2428	2500	3216	716
Telecom Charges	2646	3000	3203	203
Computer Charges	4122	4500	4397	-103
<b>TOTAL</b>	<b>394,417</b>	<b>439,500</b>	<b>444,317</b>	<b>-4817</b>

\* The above expenditure is shown on the basis of the financial year 1<sup>st</sup> April 2010 to 31<sup>st</sup> March 2011.

**Repairing Standard Cases Received by the Private Rented Housing Panel**

The Panel received 194 new applications in 2010. There were also 76 cases brought forward from the previous year, meaning the overall number of cases dealt with throughout the year was 270. This is the breakdown for how these cases were dealt with:

**Status of Repairing Standard cases at the end of 2010**

Ongoing  Cases completed  Withdrawn



Cases completed includes only cases that have reached a final decision by the Committee: a Certificate of Completion, RSEO revocation, or a Complied decision.

Of the 120 ongoing cases, there are 55 where an RSEO has been issued.

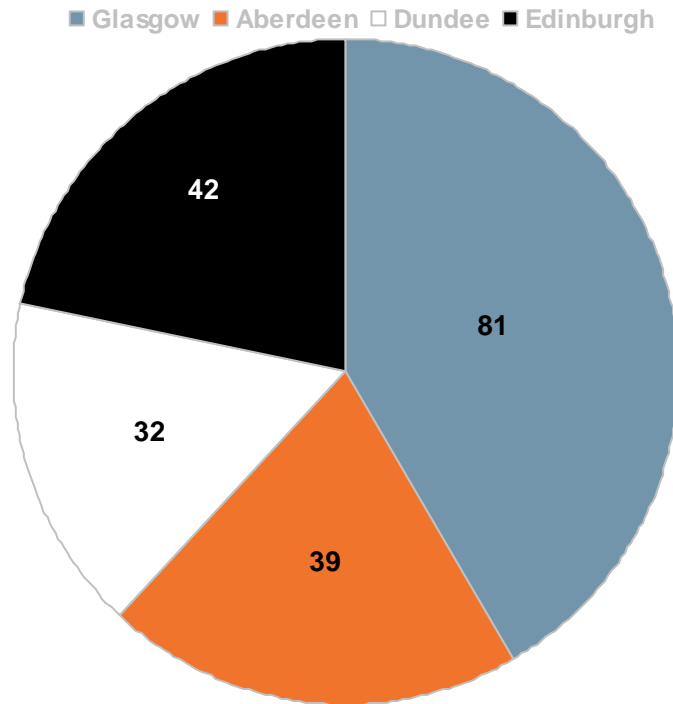
Of the 88 withdrawn cases, these have been further split to give a more detailed look at the reason for the withdrawal:

**Reason for withdrawal**

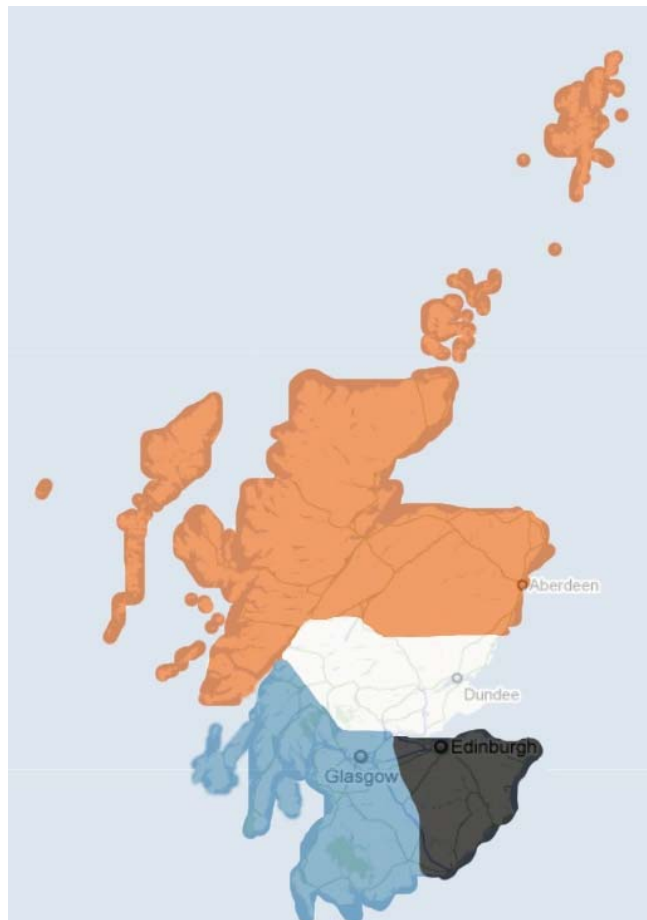
Repair work completed  Invalid application  
 abandoned  other



Breakdown of Repairing Standard applications by area for 2010



Approximate areas used for breakdown



## Private Rented Housing Panel Travel Plan

- 1.** The Private Rented Housing Panel (**prhp**) is located in a suite of 6 rooms on the third floor of a traditional office building at 140 West Campbell Street, Glasgow conveniently located for public access in the centre of the city.
- 2.** Both Central station and Queen Street rail stations are within easy walking distance of the office. The office also has easy access to bus stops, Buchanan Bus Station and the underground rail system. The nearest bus stop is located around the corner from the office, with the main bus station a 10 minute walk away.
- 3.** The Private Rented Housing Panel offices have no designated car parking spaces. There is street parking with meters outside the office. There are two public car parks nearby. One is situated directly across from the office and there is another within a 5 minute walk.
- 4.** The Private Rented Housing Panel has 4 members of staff all of whom commute by rail to work. The Panel's work covers all areas of Scotland and the Panel has 36 part time members, including the President and Vice President.
- 5.** When attending hearings and inspections, the members are encouraged to travel where possible using public transport. This would normally mean travelling by train. Because of the extensive jurisdiction of the Panel, which includes many rural destinations, public transport is not always a feasible option. Where travel by car is a necessity, car sharing is utilised where that is the most cost and resource effective option. The surveyor member of the Panel is normally the appointed driver for a Committee.