
To: COMMUNITIES, HOUSING AND PLANNING POLICY BOARD

On: 29 AUGUST 2017

Report by: DIRECTOR OF COMMUNITY RESOURCES

Heading: RESPONSE TO THE SCOTTISH GOVERNMENT CONSULTATION ON ENERGY EFFICIENCY AND CONDITION STANDARDS IN PRIVATE RENTED HOUSING. A SCOTLAND'S ENERGY EFFICIENCY PROGRAMME CONSULTATION.

1. Summary

- 1.1 In May 2017 the Scottish Government launched a consultation document on Energy Efficiency and Condition Standards in Private Rented Housing.
 - 1.2 The consultation sought views on proposed minimum standards for energy efficiency and on additional requirements which property within the private rented sector will require to satisfy, should the proposals be subsequently translated into legislation.
 - 1.3 The final date for submissions to the consultation was 30 June 2017. A response from the Council required to be submitted within the timescales set by the Scottish Government and is attached as Appendix 1.
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2. Recommendations

It is recommended that the Community, Housing and Planning Policy Board:

- 2.1 Notes the consultation on Energy Efficiency and Condition Standards in Private Rented Housing.
 - 2.2 Homologates the Council's submitted consultation response as detailed in Appendix 1 of this report.
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3. Background

- 3.1 It is nationally recognised that homes in the private rented sector are the least energy efficient of all housing tenures. The introduction of a new energy efficiency standard for the private rented sector would benefit tenants living in some of the coldest homes. Proposed amendments to the minimum requirements for privately rented housing will also assist in ensuring that energy efficiency improvements are not compromised by elements of disrepair.
- 3.2 Part 1 of the consultation document seeks to take forward the Programme for Scottish Government commitment to consult on a minimum standard for energy efficiency for the private rented sector. The proposal within the consultation document seeks to link the standard to the current Energy Performance Certificate system, which is also currently applied to socially rented housing.
- 3.3 Currently there is no minimum standard for energy efficiency within the private rented sector. The intention in setting a standard is that homes which are worst insulated will be required to be brought firstly up to an energy standard of E by 2022 and then to an energy standard of D by 2025. Estimates within the consultation suggest that in Scotland there are currently 30,000 private rental properties within the two worst energy efficiency bands of F and G. In Renfrewshire it is estimated that there are currently 900 private rental properties in these categories.
- 3.4 Sanctions against landlords who fail to comply with the timescales for meeting the new energy efficiency standard have been proposed, with enforcement of these resting with local authorities. In the response submitted, the Council accepts this approach but suggests that the requirements for energy efficiency are included as an amendment to the Repairing Standard, which is enforced through the Housing and Property Chamber First Tier Tribunal for Scotland. This would accord with other proposed amendments to the Repairing Standard within Part 2 of the consultation and would lessen the likely impact on resources within local authorities.
- 3.5 Part 2 of the consultation seeks to take forward a Scottish Government commitment to consult on a national standard for private rented homes to ensure a good basic standard of accommodation.
- 3.6 The Scottish Government sought views on amendments which will amend the Repairing Standard, as defined within the Housing (Scotland) Act 2006, bringing it closer to the standard required for social rented housing.
- 3.7 Proposals include a requirement that any private rented property meets the Tolerable Standard; has safe kitchens with adequate food storage; is provided with central heating; has lead free pipes; safe access to common facilities and safe and secure common doors.
- 3.8 Further amendments that have been consulted on are proposed to make homes safer by reducing risks from scalding, electrocution, asbestos, unwholesome water,

or the impact of noise and also whether such homes should have fridges and freezers to preserve food.

- 3.9 The consultation also seeks views on whether the Repairing Standard should be extended to include some forms of rental property which are currently not covered, including agricultural tenancies, rented crofts and smallholdings.
- 3.10 The submitted response to this consultation expressed support for the proposals and the attempts to improve energy efficiency and living standards within the private rented sector are welcomed. It is clear that these standards, if implemented, will improve living accommodation for some of the most vulnerable tenants within this sector and also assist in tackling fuel poverty. There is however, recognition within the response that additional work is required to regulate the new proposals and that this is likely to have resource implications for local authorities and would require to be funded nationally.

Implications of the Report

1. **Financial** – none
2. **HR & Organisational Development** – none
3. **Community Planning** – none
4. **Legal** – none
5. **Property/Assets**-none
6. **Information Technology** - none
7. **Equality & Human Rights** - none
8. **Health & Safety** – none
9. **Procurement** – none
10. **Risk** – none
11. **Privacy Impact** – none
12. **Cosla Policy Position**- not applicable

List of Background Papers

- a) Background Paper 1: Response to the Scottish Government Consultation on Energy Efficiency and Condition Standards in Private Rented Housing.
- The foregoing background papers will be retained within Community Resources for inspection by the public for the prescribed period of four years from the date of the meeting. The contact officer within the service is the Regulatory and Enforcement Manager.
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Energy efficiency and condition standards in private rented housing A Scotland's Energy Efficiency Programme Consultation

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

- ☐ Individual
☒ Organisation

Full name or organisation's name

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- ☒ Publish response with name
☐ Publish response only (without name)
☐ Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- ☐ Yes
☐ No

QUESTIONNAIRE

Question 1.1 Do you think that only tenancies covered by the repairing standard should have to meet minimum energy efficiency standards?

☒ Yes ☐ No ☐ Don't know

If not, what other privately rented tenancies do you think should be included?

Agricultural tenancies, rented crofts and smallholdings currently fall outwith the scope of the Repairing Standard but it is our opinion that occupiers of such property should be afforded the same rights as other tenants within the private rented sector, ensuring equality across the whole of the sector. Holiday accommodation, where this let on at least a six monthly basis, should also fall within the remit of the Repairing Standard.

Question 1.2 We propose to link the minimum energy efficiency standard to the energy performance certificate as we think this is the most suitable mechanism. Do you agree?

☒ Yes ☐ No ☐ Don't know

If you answered no:

(a) please explain why; and

(b) please set out your suggestions for how we could set the standard.

This will provide a consistent, tried and tested means of assessing the energy efficiency of homes subject to this.

Question 1.3 (a) Do you think there are elements of the energy performance certificate assessment that would need to be altered to support a minimum energy efficiency standard?

☐ Yes ☐ No ☒ Don't know

(b) If so, what areas do you think would need to be changed and what evidence can you offer to support your view?

Renfrewshire Council is unable to comment on current requirements.

Question 1.4 Do you think that the minimum energy efficiency standard for private rented properties should be set at an energy efficiency rating of E in the first instance?

☐ Yes ☒ No ☐ Don't know

Please explain your answer.

To be aspiring, it is suggested that the Scottish Government should aim for all properties to meet a minimum EPC D band within the timescales set for Band E. This would ensure that property is brought up to a reasonable standard of energy efficiency within the shortest timescale and also prevent landlords from taking a 'do minimum' approach to upgrading their property. Whilst this may only apply to a small number of landlords, it is considered that the worst insulated properties are often let to the most vulnerable members of society and therefore should be forced to improve standards as quickly as possible.

Question 1.5 Do you think that the minimum energy efficiency standard should first of all apply only to those properties where there is a change in tenancy, and after that to all private rented properties?

☒ Yes ☐ No ☐ Don't know

Please explain your answer.

Renfrewshire Council consider that this will provide a reasonable approach to compliance with the standard. However, it is questionable whether local authorities have the ability to monitor anything at point of change of a tenancy as there is currently no requirement for landlords to notify anyone at change of tenancy, unless it affects council tax or housing benefit.

Please see Q1.8 for further proposals to monitor this through enforcement activity.

Question 1.6 Do you think that 1 April 2019 is the right date to start applying the minimum standard of E when there is a change in tenancy?

☒ Yes ☐ No ☐ Don't know

Please explain your answer.

Renfrewshire Council consider that this will provide a reasonable lead in time for landlords to prepare for the changes and as it will apply only to a limited number of properties, does not seem overly ambitious.

Question 1.7 Do you think that 31 March 2022 is the right date by which all privately rented properties would need to meet the minimum standard?

☒ Yes ☐ No ☐ Don't know

Please explain your answer.

As 1.6 above

Question 1.8 Where a property has an EPC of F or G at the point of rental:

(a) do you think that we should require the owner to carry out a minimum standards assessment before renting the property out?

☒ Yes ☐ No ☐ Don't know

(b) do you think that we should allow a period of six months from the date of the minimum standards assessment to carry out the improvement identified by the assessment?

☒ Yes ☐ No ☐ Don't know

(c) do you think that the owner should have to provide a post-improvement EPC to prove that the necessary improvements have been made?

☒ Yes ☐ No ☐ Don't know

Please explain your answers.

1.8(a) If the EPC rating forms part of the Repairing Standard, there is an obligation on the landlord to comply with the RS at the time of tenancy commencement.

1.8(b) Landlords will likely let this slip and reliance on LA Officers to pursue would be resource intensive. Landlords would require to make sufficient allowance for this prior to committing to a tenancy agreement and works require to be completed prior to commencement.

1.8(c) If the six month period is permitted then production of the EPC certificate should be mandatory at a fixed date from when the assessment was undertaken. There are potential resource issues for LAs where they are tasked with pursuing landlords for this.

Question 1.9 We think that all privately rented properties should have to meet the minimum standard by 31 March 2022. Where a property does not have an EPC of E:

(a) do you think that we should require the owner to carry out a minimum standards assessment by 30 September 2021 (the "backstop assessment" date)?

☒ Yes ☐ No ☐ Don't know

(b) do you think that we should allow a period of six months from the backstop assessment date to carry out the improvement identified by the minimum standards assessment?

☒ Yes ☐ No ☐ Don't know

(c) do you think that the owner should have to provide a post-improvement EPC to prove that the necessary improvements have been made?

☒ Yes ☐ No ☐ Don't know

Please explain your answers.

1.9(a) Yes. For same reasons as 1.8(a)

1.9(b) Yes. For same reasons as 1.8(b)

1.9(c) Yes. This should be provided by the landlord and could be made a requirement of advertising a property for let. It should also be a requirement of the tenant information pack, issued at the time of a new tenancy.

Providing proof of EPC compliance would not be an unreasonable burden on landlords when there is an aspiration that living standards within the private rented sector are improved.

Question 1.10 We are proposing that there should be a new minimum standards assessment based on the EPC methodology that will tell an owner how to bring their property up to standard. Please tell us your views on the following elements of that proposal:

(a) that the assessment would use EPC methodology, since that is how we are proposing that the standard is set.

Please explain your answer, and provide alternatives where applicable.

The current EPC methodology provides a robust and established means of determining the EPC rating for a property and would provide consistency across all property tenure.

(b) that the assessment would work out the lowest cost technically appropriate package of measures to bring the property up to standard, based on the average of costs used in EPC methodology;

Please explain your answer, and provide alternatives where applicable.

Provision of this information will allow landlords to determine approximate costs for undertaking improvements, which from the information provided within the consultation document do not appear prohibitive and will encourage landlords to carry the works out.

(c) that the assessment would set out the package to meet an energy efficiency rating of E, and separately of D, from the property's current rating;

Please explain your answer, and provide alternatives where applicable.

Provision of this information will allow landlords the opportunity to weigh up options of upgrading efficiency in a phased manner or to go straight to EPC D; the cost differential in many cases likely being minimal.

(d) that the assessment would include a calculation of the property's EPC rating before identifying the appropriate measures, where there is no EPC under the current version of the EPC methodology;

Please explain your answer, and provide alternatives where applicable.

This will demonstrate to the landlord what the current rating is and clearly identify the additional measures required to improve the EPC rating to Band C (or D). Provides an objective opinion on how the property currently performs.

(e) that the assessment could include measures which are not currently in the EPC assessment, but which can be measured in the RdSAP methodology. If you agree with this proposal, please provide suggestions for what these measures might be, and what costs should be used for these;

Please explain your answer, and provide alternatives where applicable.

Renfrewshire Council considers this as a positive approach to improvement in energy efficiency and a reduction in carbon emissions.

(f) that the assessment would cost in the region of £120-£160.

Please explain your answer, and provide alternatives where applicable.

The proposed costs do not appear prohibitive and as a landlord, there will be a number of statutory costs which they require to meet.

Question 1.11 Do you think that the assessment should only recommend a package of measures which improves both the energy efficiency and the environmental impact scores of the property?

☒ Yes ☐ No ☐ Don't know

Please explain your answer.

Ideally this would be the best option but there would need to be recognition that in some circumstances this may not be appropriate and allowances would likely be required within the scheme for this.

Question 1.12 We propose to develop a new role of minimum standards assessor.

(a) Do you think that a new role of a minimum standards assessor is needed?

☒ Yes ☐ No ☐ Don't know

Please explain your answer.

Renfrewshire Council would agree in principle with the need for suitably trained and qualified assessors to carry out assessments.

(b) If so, what additional skills beyond those of an EPC assessor would be needed?

Please explain your answer.

No further comment.

(c) How long do you think it would take to get this in place?

Please explain your answer.

No further comment.

(d) Who do you think should maintain the register of assessors?

Please explain your answer.

No further comment.

Question 1.13 What are your views on the existing advice and information provision provided by Scottish Government for landlords and tenants? What changes, if any, do you think are required?

There is a wealth of information available online, provided you know where to look. There is a need for a comprehensive private rental website. The renting Scotland website is considered a good start however at present there are too many links within this website many of which are to out-of date pages or broken links. There should be national publicity campaigns highlighting tenants rights and landlord responsibilities, including changes being brought

in by the forthcoming Private Tenancies Bill. There also needs to be more targeted information and in different formats for more vulnerable private rented sector tenants and those whose first language is not English.

Better signposting for landlords and tenants to appropriate websites is required, particularly relating to changes in obligations for landlords. This would tie in with targeted activity to provide landlords and tenants with accurate and up to date information.

Question 1.14 What financial or fiscal incentives support - such as grant and loans, tax or otherwise - would you find most useful to help to accelerate the installation of energy efficiency measures and help landlords meet any proposed standards?

Grants would be most useful especially if there are additional requirements for repairing standard. However it would also be useful to establish some kind of equity loan scheme to cover improvements more generally and would be interested to see if the current SEEP Equity Loan pilot is a good model.

There would also be the option of making improvement costs tax deductible which would encourage landlords to undertake the works and reduce the financial burden on them so doing. Given the relatively low costs for improvements, loan/grant schemes may be prohibitively admin intensive for the organisation that would have responsibility for implementing this.

Question 1.15 What impact do you think the introduction of minimum standards would have on local supply chains for energy efficiency works?

The implementation timescales for the scheme would be likely to have minimal impacts on local supply chains, given that only 9% of the PRS market requires to be improved

Question 1.16 Do you think it would be helpful for assessors and installers to have a traditional buildings qualification that raises awareness and understanding of energy efficiency measures for older, traditional or vulnerable buildings built prior to 1919?

☒ Yes ☐ No ☐ Don't know

Please explain your answer.

Particularly assessors who would benefit from this knowledge to permit them the ability to recommend appropriate measures to improve energy efficiency, without compromising the integrity of the building structure and adequately

reflecting the needs of the building.

Question 1.17 Do you think there are additional consumer protection safeguards the Scottish Government should consider for the private rented sector?

☐ Yes ☐ No ☒ Don't know

Please explain your answer.

Current consumer protection legislation is adequate to address any PRS concerns which would fall within its remit.

Question 1.18 Do you think that local authorities should be responsible for enforcing the standard?

☐ Yes ☒ No ☐ Don't know

If not, why not, and what alternative would you suggest?

It is considered more appropriate that where the landlord fails to meet obligations in this regard that the matter is referred to the Housing and Property Chamber First Tier Tribunal for Scotland (HPC) who, on consideration of the information submitted have the powers to issue Repairing Standard Enforcement Orders and Rent Relief Orders to the landlord. LA Officers could utilise the Third Party Reporting mechanism to refer this to the HPC where they become aware that a landlord has failed to comply.

Where an RSEO or RRO has been issued by the HPC, this is referred to the Local Authority who can then consider this in the context of the landlord being fit and proper to rent property, ultimately resulting in their removal from the landlord register.

There would be an argument that the HPC requirement forms part of the Repairing Standard which would allow this enforcement mechanism to be utilised. It is considered that this would be a more compelling means of ensuring landlords comply and more effective than LAs issuing fines, recoverable through the court system.

Undertaking this work will have resource implications for LAs but it is considered that this route will be more effective and less resource intensive than the proposed option.

Question 1.19 Do you think that the penalty for not complying with the standard should be a civil fine against the owner?

☐ Yes ☒ No ☐ Don't know

If not, why not, and what alternative would you suggest?

See response to Q 1.18. In addition to this, there are practical difficulties for LAs to recover fines through court procedures, often proving difficult and also becomes resource intensive.

Question 1.20 We have proposed the following fines:

- £500 for failing to have a minimum standards assessment
- £1000 for failing to carry out the works within six months of the assessment.

Do you think these proposed fines are appropriate and proportionate?

☐ Yes ☒ No ☐ Don't know

Please explain your answer.

The level of fines should be higher to be seen as a disincentive for landlords to not comply with the standards.

It is suggested that £1000 for failing to have a minimum standards assessment and £3000 for failing to carry out the works within six months of the assessment would be more appropriate.

Question 1.21 We have proposed some specific situations where owners should have longer than six months to bring their properties up to the minimum standard. Do you have any comments on these proposed situations in relation to:

- (a) the proposed reasons?
- (b) what evidence you think the landlord would need to provide for each?
- (c) should there be other situations, such as the completion of condition works?

Please explain your answers.

(a) The proposed reasons for extending the period for compliance for the specific reasons appears reasonable and Renfrewshire Council is supportive of this position.

(b) The landlord should be required to provide written evidence for reasons where they will require a longer period to comply. This should be accompanied by real life estimates where the reasons are based on cost.

(c) Other conditions would be difficult to define and there should be a general provision whereby a landlord would require to provide appropriate evidence to support a request for the timescale to be extended beyond the six months.

Question 1.22 We have proposed some situations where we think owners should not be penalised for not carrying out the full improvement identified by the minimum standards assessment. Do you have any comments in these in relation to:

- (a) technical reasons
- (b) legal reasons
- (c) excessive cost reasons
- (d) the proposal that this would remain valid for a period of not more than 5 years?

Please explain your answers.

There would need to be exceptions and those listed appear reasonable, however the onus would be on the landlord to provide satisfactory evidence which demonstrates why they are unable to comply with the requirements.

There is also the issue of enforcement, requiring additional resources to examine exemption requests, make a decision on them, and monitor compliance.

Question 1.23 For local authorities to be able to enforce and monitor the proposed minimum standards:

- (a) what processes do you think local authorities will need to have in place for
 - (i) normal compliance
 - (ii) monitoring extended periods for compliance
 - (iii) monitoring situations where not all of the improvements are made?

Please explain your answers.

Where Local authorities examine every EPC at change of tenancy they would need to know about change of tenancy which currently is not readily available. The onus would be need to be on landlords informing Local authorities of a change which they would not likely do.

The enforcement and monitoring are all additional duties and would need additional resources.

It would be difficult for LA officers to effectively monitor compliance with this. However, this could be addressed through the landlord registration scheme whereby a landlord would require to declare compliance with the EPC (and Repairing Standard) for all property which they let. This would form part of checks undertaken by Officers at the time of approving registrations.

This would however, put further pressure on LA resources.

- (b) what implications would this have for local authorities?

Please explain your answer.

Depending on how the proposals are brought forward this will likely have resource implications eg additional officers, administrative procedures, monitoring systems and IT set up.

Question 1.24 What opportunities do you think there are to combine enforcement of minimum energy efficiency standards with other action in the private rented sector?

Please explain your answer.

See response above to Q 1.18

There are opportunities to link energy efficiency standards with improving general repair and maintenance standards. The current “light-touch” approach to landlord registration could be reviewed to develop a more comprehensive regulatory and enforcement regime in relation to general property conditions including energy efficiency. Local authorities could be given powers to inspect properties to ensure they meet the Repairing Standard, and any new EPC standard required, as part of the registration process. This would add significant additional burdens on LA Officers and it is considered that there would be a need for additional resources to undertake this role. Fees for registration would require to be reviewed to assist in resourcing this function.

Question 1.25 Do you think that we should set out now the minimum energy efficiency standard after 2022?

☒ Yes ☐ No ☐ Don't know

Please explain your answer.

This would provide information for landlords going forward and can be reviewed and amended as necessary, if there is a need to do so in the interim period.

Question 1.26 Do you think that the next standard should be to meet an EPC of D at point of rental from 1 April 2022, and in all privately rented properties by 31 March 2025?

☒ Yes ☐ No ☐ Don't know

Please explain your answer.

At a minimum all properties within the private rental sector should be EPC D compliant, or above by the proposed date, with the caveats and exclusions as mentioned earlier within the consultation where there is technical or legal difficulty in so doing.

Question 1.27 When increasing the standard to EPC D, we propose that the cost cap will be £5000 for properties with an EPC of E, and £10,000 for properties with an EPC of F or G (which would include any spend made to improve the property previously following a minimum standards assessment). Please tell us your views about this proposed cap.

The cap should be removed from the proposal as the only exclusions for not meeting the standards should be technical and legal grounds.

Question 1.28 What are your views on the provisions in general for exceptions to the D standard, including that a property which has an exception from meeting E should not automatically be excepted from meeting D?

Renfrewshire Council supports this position however; the proposed cost cap should be removed from the list of possible exceptions.

Question 1.29 What do you think the main benefits would be of introducing a minimum standard higher than D?

Please explain your answer.

No further comment

Question 1.30 We think that any increase in the standard beyond D would bring new challenges in the form of cost, technical considerations and alignment with the Climate Change Plan.

(a) Are there other new challenges you are aware of?

(b) How do you think we could address these challenges if we raised the minimum standard beyond energy efficiency rating of D?

Please explain your answers.

No further comment

Question 1.31 Please tell us about any potential economic or regulatory impacts, either positive or negative, that you feel the legislative proposals in Part 1 of this

consultation document may have, particularly on businesses (including landlords).

No further comment

Question 1.32 In relation to the interim Equality Impact Assessment, please tell us about any potential impacts, either positive or negative, that you feel the proposals in Part 1 of this consultation document may have on any groups of people with protected characteristics. We would particularly welcome comments from representative organisations and charities that work with groups of people with protected characteristics.

No Comment

Question 1.33 To help inform the development of the Child Rights and Wellbeing Impact Assessment, please tell us about any potential impacts, either positive or negative, that you feel the proposals in Part 1 of this consultation document may have on children's rights and welfare. We would particularly welcome comments from groups or charities that work with young people.

Renfrewshire Council would consider the proposed changes to have a positive impact on the health of children living in private rented sector housing. It is hoped that commitment from the Scottish Government to increase the energy efficiency of homes will reduce fuel poverty associated with poor housing standards.

Question 1.34 Do you have any suggestions for the monitoring and review framework?

No comment

Question 1.35 Do you have any other comments on the proposals set out in Part 1 of this consultation?

As outlined within previous comments to specific sections, there is the potential for the proposals to have significant resource implications which would require additional funding to regulate the process, even if responsibility for enforcement action was transferred to the Housing and Property Chamber.

The requirement to comply with the proposed EPC standard should also be linked to the Repairing Standard which would permit more effective regulation/enforcement than that proposed through the civil fine route.

Questions for Part 2

Question 2.1 Do you think that ensuring a house complies with the tolerable standard should be part of a private landlord's duties under the repairing standard?

☒ Yes ☐ No ☐ Don't know

Please explain your answer.

The Tolerable Standard is a basic requirement which ensures any residential property is suitable for habitation and it is the opinion of Renfrewshire Council that the two are inextricably linked. It should therefore be a requirement for a private landlord to ensure that property meets both Standards prior to the property being let.

Question 2.2 Do you think that private rented housing should meet a minimum standard for safe kitchens?

☒ Yes ☐ No ☐ Don't know

Question 2.3 If this is introduced, what exceptions (if any) do you think would be needed?

The exemptions, as mentioned within the consultation document are reasonable. It is likely there will be cases where modifications to some kitchens are not possible without major works which, if the standard is introduced could lead to such property being removed from the private rental sector market.

The onus should be on a landlord to demonstrate that their property would meet any test for exemption from this requirement.

Question 2.4 Do you think that private rented housing should have a minimum standard for food storage space?

☒ Yes ☐ No ☐ Don't know

Question 2.5 If this is introduced, what exceptions (if any) do you think would be needed?

Exceptions based around capacity within kitchens would require to be included within any scheme. However, it is considered that the minimum space standard for food storage within the SHQS of 1m³ should be readily

met in most, if not all circumstances.

Question 2.6 Do you think that private rented housing should have a fixed heating system?

☒ Yes ☐ No ☐ Don't know

Question 2.7 If this is introduced, what exceptions (if any) do you think would be needed?

It is suggested that the only exception should be where it is not economically feasible for systems to be installed. The onus would be on a landlord to demonstrate this to the satisfaction of the regulating body, prior to any exception being granted.

Question 2.8 Do you think that private rented housing should be free of lead pipes from the boundary stopcock to the kitchen tap?

☒ Yes ☐ No ☐ Don't know

Renfrewshire Council supports measures to eliminate lead from drinking water however, recommendations should extend to include that all fixtures and fittings used for the supply of water are lead free to ensure that the supply is not contaminated with lead.

Question 2.9 If it is not possible to establish whether or not there are any lead pipes from the boundary stopcock to the kitchen tap, do you think a water quality test should be carried out before the tenancy commences?

☒ Yes ☐ No ☐ Don't know

Water sampling and analysis to establish levels of lead in drinking water is inexpensive and therefore pre-tenancy testing to ensure the drinking water is free of lead should be a requirement for landlords.

Question 2.10 Do you think that private rented housing should meet a minimum standard for **(a)** safe access and **(b)** safe use of common facilities provided with the tenancy?

☒ Yes ☐ No ☐ Don't know

Question 2.11 If this is introduced, what exceptions (if any) do you think would be needed?

Such requirements form part of the SHQS for social housing and tenants

within the private rented sector should be afforded the same rights. Renfrewshire Council would therefore recommend that there are no exceptions to this.

Question 2.12 Do you think that private rented housing should meet a minimum standard for safe and secure common doors?

☒ Yes ☐ No ☐ Don't know

Question 2.13 Do you think that baths and bidets in private rented housing should be fitted with thermostatic mixing valves (or similar measures)?

☒ Yes ☐ No ☐ Don't know

Question 2.14 Do you think that electrical installations in private rented housing should be fitted with residual current devices?

☒ Yes ☐ No ☐ Don't know

Question 2.15 A qualified specialist must be employed for any work that involves removing or disturbing asbestos. Asbestos surveys ensure that a landlord knows when a qualified specialist must be used. Do you think that asbestos surveys should be carried out in private rented housing?

☒ Yes ☐ No ☐ Don't know

Question 2.16 Do you think that the repairing standard should be amended to include a duty on landlords of private rented properties with a private water supply, covering **(a)** risk assessment of the supply, and **(b)** annual water quality testing?

☒ Yes ☐ No ☐ Don't know

Currently privately rented property served by a private water supply, is exempted from being considered as a Type A supply in terms of the Private Water Supplies (Scotland) Regulations 2006 and therefore not subject to water quality testing. Renfrewshire Council support the addition of water quality testing to the Repairing Standard.

It is noted that the Scottish Government are currently consulting on proposed new private water supply regulations but there does not appear to be provision to amend these to require private rented property to be sampled as a commercial enterprise.

Question 2.17 Do you think that the repairing standard should be amended to include capacity for a fridge/freezer in order to ensure people are able to store food?

☒ Yes ☐ No ☐ Don't know

.Capacity to store refrigerated/frozen produce is now considered essential within all homes and therefore where property is presented for private rental, there should be a requirement that this is provided.

Question 2.18 Do you think that private landlords should be required to provide cookers, fridges and freezers?

☐ Yes ☒ No ☐ Don't know

YES, particularly in relation to cooking facilities which would be considered as a fixture within the property. There would be a requirement for the landlord to ensure that any cooker provided is safe and connected to a power supply in a safe manner.

Question 2.19 Do you think that the repairing standard should be amended to include a specific reference to safety of heating systems using other fuels in addition to gas and electricity?

☒ Yes ☐ No ☐ Don't know

Alternative fuels can present risks to users if the system is not maintained/serviced and the RS should make reference to any fixed heating system, regardless of the fuel which is utilised.

Question 2.20 Do you think that the repairing standard should be amended to include flooring materials to reduce sound transmitted to other homes?

☐ Yes ☒ No ☐ Don't know

The RS exists to protect the tenants within the rental property and ensure that its condition is suitable for habitation. It does not extend to living standards within other property and there is no requirement for other tenures to give consideration to the transmission of sound (outwith Building Standards regulation).

Question 2.21 What (if any) other measures to reduce sound transmission should be considered?

All domestic dwellings require to comply with the Building Standards (Scotland) Regulations, in effect at the time of their construction. These have minimum sound insulation standards and it would be unreasonable to require a higher standard for property within the private rented sector than other tenures.

Question 2.22 Do you think anything else should be added to the repairing standard?

The RS is a wide ranging standard which ensures that the property is fit for habitation and includes external areas, as well as internal standards. The addition of the proposed measures to the RS will enhance its effectiveness and will enable any disrepair issues within the property to be addressed.

Question 2.23 Do you think that agricultural tenancies, rented crofts and small landholdings should be subject to the repairing standard?

☒ Yes ☐ No ☐ Don't know

Question 2.24 Do you think that we need to clarify whether holiday lets (or certain types of holiday lets) should be subject to the repairing standard?

☒ Yes ☐ No ☐ Don't know

Question 2.25 Do you think that there should be a lead-in time of at least 5 years for landlords to comply with any changes to the repairing standard?

☒ Yes ☐ No ☐ Don't know

Question 2.26 Do you think that different lead-in times for different measures would cause any difficulties for (a) landlords or (b) tenants? Please tell us what difficulties you think could be caused.

Different lead-in times for different measures may lead to confusion on the part of landlords and tenants and could result in some measures being implemented whilst others wouldn't be. It would be easier to communicate and inform landlords and tenants of all proposed changes with one date for compliance, rather than a list of measures with different implementation dates.

This would also be less cumbersome for enforcement officer where there has been failure on the part of the private landlord to comply.

Question 2.27 Do you think that the timetable for changes should be linked to wider government milestones on climate change?

☐ Yes ☐ No ☒ Don't know

Question 2.28 Are the current enforcement routes via the housing tribunal appropriate for the proposed new measures in the repairing standard?

☒ Yes ☐ No ☐ Don't know

Question 2.29 Do you think that rules on exceptional circumstances (where landlords are not required to comply with the repairing standard) should be revised to ensure situations such as technically infeasible work, unreasonable costs and withheld consents are covered?

☒ Yes ☐ No ☐ Don't know

Question 2.30 Do you have any other views on the measures proposed in relation to:

- (a) costs
- (b) timing
- (c) enforcement?

Enforcement of the Repairing Standard is currently through the Housing Tribunal route and the additional measures being proposed to the Repairing Standard would be suitable and appropriate for the Tribunal to consider within their role.

Question 2.31 Please tell us about any potential economic or regulatory impacts, either positive or negative, that you feel the legislative proposals in Part 2 of this consultation document may have, particularly on businesses.

Economic Impacts- there is potential for some measures to have significant cost implications for landlords. However, this requires to be balanced against the benefits to tenants within this tenure and that landlords have a duty to ensure that property which they are letting is safe, secure and suitable for habitation.

Regulatory Impacts- there is potential for the additional requirements within the proposed Repairing Standard to adversely impact on regulating bodies. This would be the case where LA Officers are inspecting property against the RS and then addressing issues with disrepair through the landlord and the Housing Tribunal where a third Party Application is submitted.

The improvements for tenant welfare through amendments to the RS (and where this includes upgrades to energy efficiency) will assist greatly in improving living conditions, particularly those who are vulnerable, leading to less fuel poverty and improving confidence of this tenure against the backdrop of an increasing percentage within the rental market.

Question 2.32 In relation to the interim Equality Impact Assessment, please tell us about any potential impacts, either positive or negative, that you feel the proposals in Part 2 of this consultation document may have on any groups of people with protected characteristics. We would particularly welcome comments from representative organisations and charities that work with groups of people with protected characteristics.

Question 2.33 To help inform the development of the Child Rights and Wellbeing Impact Assessment, please tell us about any potential impacts, either positive or negative, that you feel the proposals in Part 2 of this consultation document may have on children's rights and welfare. We would particularly welcome comments from groups or charities that work with young people.