
To: Audit, Scrutiny & Petitions Board

On: 21st September, 2015

Report by: Lead Officer

**Heading: Upkeep of Common Areas within Council Housing Stock including
Garden Areas**

1. Summary

2. At its meeting on 2nd June 2014 the Audit, Scrutiny and Petitions Board agreed an annual programme of activity for the Board for 2014/2015. This included a review, continued from the previous annual programme, which would consider potential options for ensuring that internal and external areas of Council housing stock are maintained to an appropriate standard throughout Renfrewshire and that tenants should be made aware that action will be taken if this is not the case.
3. The Board has already heard from representatives of the Department of Development & Housing Services and have received copies of the Scottish Secure Tenancy Agreement, the Good Neighbour Agreement and the New Tenants Pack.
4. In addition, the Board has heard from representatives of the Department of Development & Housing Services of the supports available to tenants to assist them in ensuring that their tenancy conditions are met.
5. The Board has received written evidence from Ferguslie Park Housing Association. Three other Housing Associations were requested to provide evidence namely Linstone Housing Association, Williamsburgh Housing Association and Paisley South Housing Association.

At the last meeting of the Board the Lead Officer was requested to write to River Clyde Homes.

6. The Board has also heard from a number of tenants following invitations being sent to all eighteen Tenants and Residents Associations who are registered with the Department of Development & Housing Services for consultation purposes.
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2. Recommendations

- 2.1 The Audit, Scrutiny and Petitions Board is asked to-
 - note the evidence presented by a representative from River Clyde Homes,
 - note the evidence presented by a representative from the Council's Department of Finance & Resources in connection with private landlord registration,
 - note the information provided by the Department of Development & Housing Services in connection with the breakdown of housing stock within Renfrewshire.

3. Background

- 3.1 Tenants of Renfrewshire Council occupy their homes by virtue of a Scottish Secure Tenancy Agreement.

The Tenancy Agreement contains obligations on both landlord and tenant.

98% of Council tenants have signed a Scottish Secure Tenancy Agreement as a result of the Housing (Scotland) 2001.

It is the responsibility of tenants who use shared parts to keep them clean and tidy and, in addition, if a Council property is leased with a garden the tenant must take reasonable care to keep it from becoming overgrown or untidy.

The Board has heard evidence from Council Officers about the assistance provided to tenants through the Common Maintenance Programme (CMP) and the Garden Assistance Scheme.

- 3.2 Renfrewshire Council does not provide the majority of housing within the Renfrewshire Council area.

The dwelling stock by tenure is outlined in the table below

Year	2006	2007	2008	2009	2010	2011	2012	2013
Owner Occupier	55,299	56,201	56,571	56,702	56,175	56,736	56,077	55,144
Private Rent	3,748	3,949	4,338	5,027	5,529	5,750*	6,603	8,286
Local Authority	15,000	14,324	13,980	13,411	13,111	12,867	12,776	12,728
Housing Association	6,998	7,100	7,206	7,295	7,309	7,591	7,710	7,775
Total	81,045	81,575	82,095	82,435	82,124	83,063	83,166	83,933

Source: 2006-2010 data from RC, Planning, Annual Stock & Tenure Estimates. 2011-2013 data from S G Tables, APSR's and Private Landlord Registrations. *2011 PRS Figure is an estimate. Total Stock figure from Council Tax Records and includes commercial premises.

The Board will note that owner occupiers represent the highest dwelling stock by tenure and the Board will further note that the number of properties available for private rent has increased significantly over the past few years.

The Department of Finances & Resources advise that as of 1st May 2015 there are 6,811 registered private landlords in Renfrewshire with 8,358 properties.

- 3.3 Private landlords require to register with the Local Authority. The statutory application process is contained within the Antisocial Behaviour etc (Scotland) Act 2004.
- 3.4 Private landlords are registered by the Council's Department of Finance & Resources for a period of three years. Private landlords are required to apply for renewal of their registrations before the expiry of that period should they intend to continue letting their properties.
- 3.5 The landlord must be fit and proper to be registered. The legislation does not provide any other reason for refusing to register a potential private landlord.

In deciding whether a potential landlord is fit and proper, a number of considerations can be looked at by the registering Authority including:-

- a) information as to whether or not the proposed private landlord has committed any offence involving fraud, dishonesty, firearms, violence or drugs or has committed a sexual offence,
- b) information that the proposed private landlord has practised unlawful discrimination in or in connection with the carrying on of any business contravened the Letting Code or contravened the law relating to housing or Landlord and Tenant Law,

- c) certain information about antisocial behaviour or antisocial behaviour notices or orders,
 - d) a repairing standard enforcement order,
 - e) complaints and other information which come to the attention of the Local Authority concerning the proposed private landlord in relation to the fulfilment of any financial obligation in respect of any house which is included in the application,
 - f) concerns outlined in other information which comes to the attention of the Local Authority in the exercise of any of its functions in connection with any house which is included in the application.
- 3.6 If the Council refuses an application for registration the individual has a right of appeal to the Sheriff Court which, if upheld, could result in an order against the Council for payment of a significant sum in legal expenses.
- 3.7 A representative from the Council's Department of Finance & Resources will be in attendance to assist the Board and answer any questions.

Implications of the Report

- 1. **Financial** – none.
 - 2. **HR & Organisational Development** – none.
 - 3. **Community Planning** – none.
 - 4. **Legal** – the rights of Tenants under the Scottish Secure Tenancy Agreement and the Landlord Registration System.
 - 5. **Property/Assets** – none.
 - 6. **Information Technology** – none.
 - 7. **Equality & Human Rights** – none.
- (a) The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required, following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

8. **Health & Safety** – none.
9. **Procurement** – none.
10. **Risk** – none.
11. **Privacy Impact** – none.
12. **List of Background Papers** – none.

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