

PRIVATE RENTED HOUSING PANEL

Annual Report 2013



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Contents

President's Foreword.....	01
1: The Role of the Panel	03
2: Our Aims and Values.....	05
3: The Application Process.....	07
4: Key Statistics for 2013.....	13
5: Continuous Improvement within prhp.....	26
6: Working with Others.....	28
7: Looking to the Future.....	30
8: How to Contact Us.....	32
Appendices	
A: Panel Members during 2013.....	33
B: Expenditure and Management Statement for 2013/2014.....	37
C: Public Services Reform (Scotland) Act 2010.....	38
D: Glossary of Terms.....	39

President's Foreword



I have pleasure in presenting the Annual Report of the Private Rented Housing Panel (prhp) which covers the year of operation of the Panel from 1 January 2013 until 31 December 2013.

The prhp has a very important role in improving the quality of housing in the private rented sector in Scotland and in providing an informal and user-focused dispute resolution procedure for repairing issues and rent assessments. Paperwork accompanying applications discloses that tenants are increasingly being helped to make applications by local authorities and advice agencies. However, a significant number of applications continue to be received from tenants who have no representative.

This year saw the trend continue of an increased number of repairing standard applications received by the Panel and a reduction in the number of references for rent assessment. This increase in the number of complaints about repairing issues is not surprising, given the increased public awareness of the Panel with the introduction of the Tenant Information Pack advising tenants of their rights in relation to repairs, and changes within the housing tenure with an increase in the number of people living in the private rented sector. The reduction in the number of rent assessments is predictable given the decreasing numbers of regulated tenancies which are historical in nature and which traditionally formed the bulk of references for rent assessments.

Our efforts to work towards early resolution of disputes is proving successful with more than double the number of applications withdrawn by tenants because the dispute is resolved compared to figures for 2012. As the report highlights, in a significant number of cases an application to prhp seems sufficient to encourage a landlord to carry out works. The increased use of directions by Committees requesting condition reports prior to a hearing is also encouraging landlords to consider the complaints at an earlier stage of the proceedings, and provide documentary evidence prior to a hearing.

The President or a Committee, depending on the stage of the application, can decide to continue with the application where the tenancy is terminated voluntarily by the tenant or following the issue of a notice to quit by the landlord, or if the tenant withdraws the application. As the report highlights, in a significant number of these cases the President or a Committee decides to continue the application for a Committee to make a determination on the complaints. This can be for reasons of health and safety. It is obvious from some inspections of properties which take place after the tenant has vacated the property that the landlord has carried out works just before a Committee's inspection of the property. In other cases, where the tenant is still in occupation, the tenant is reporting to the Panel that works have been completed before the inspection date and the application is withdrawn.

The number of repairing standard enforcement orders, rent relief orders and failure to comply decisions have increased compared with 2012 figures, as did the number of complied decisions where, by the date of the Committee's inspection of the property, the house met the repairing standard. We welcome user feedback about our service and suggestions for future improvement. Whilst we provide information to users to enable them to understand Panel procedures, as well as what to expect if the case proceeds to a hearing, nevertheless it has to be remembered that

the Panel is a Scottish tribunal and as such it is an impartial judicial decision-making body which operates within strict legislative provisions. For that reason, it is not appropriate for prhp staff to provide advice to parties in respect of an individual's particular circumstances. There have been a number of occasions when advice groups have indicated to tenants that the prhp are able to give advice about the specifics of their situation, and on one occasion a young lady was sent to the prhp office by a local advice body to ask for help in gaining a place to stay for that evening due to repair issues in her current tenancy. It is not appropriate for the Panel to become involved in such situations as the Panel cannot take sides in a dispute and must remain completely impartial and independent.

The work of the Panel during 2013 is detailed in this report and reflects our activities during that period. The report refers to our aims and focuses on continuous initiatives for improvement. By following this approach, we hope to create a justice system which is efficient, effective and user-focussed.

It stands as a great tribute to the skills and hard work of the Panel's judicial membership and the Panel staff that we have achieved all that we have during 2013. I thank them for their professionalism, commitment and support.



Aileen Devanny
President



1. The Role of the Panel

Background

The Private Rented Housing Panel (prhp) is a devolved Scottish tribunal established by the Housing (Scotland) Act 2006. It deals with three main private residential issues:

1. determining referrals from tenants concerning the landlord's duty to meet the repairing standard under the Housing (Scotland) Act 2006
2. objections to Fair Rents fixed by Rent Officers for regulated tenancies under the Rent (Scotland) Act 1984
3. determining market rents for short assured tenancies and terms and/or market rents for statutory assured tenancies under the Housing (Scotland) Act 1988.

Applications by tenants under the 2006 Act have become the primary area of work for the prhp, and have been increasing in recent years. The number of rent assessment applications received has been gradually declining in recent years, as discussed further in section 4.

Prhp is an independent and impartial judicial body separate from Scottish Government, Landlord Registration Services and Rent Service Scotland.

The private rented sector in Scotland has expanded significantly in recent years. In 1999, only 6.7% of all homes were privately rented. By 2013, an estimated 14.6% of the housing stock in Scotland was within the sector.¹ The proportion of privately rented homes varies across Scotland, ranging from 7% in Falkirk to 26% in Edinburgh. The cities tend to have higher levels of private rented housing.² In 2012, Glasgow City Council estimated that private rented housing accounted for 19% of all dwellings in the city.³

It is significant that the majority of landlords in the private rented sector in Scotland own a small number of properties. In 2009, 84% of privately rented dwellings were owned by 'individuals, a couple or a family', with 14% being 'owned by a company, partnership or property trust', and just 2% owned by an institution. Around 7 in 10 (70%) of landlords own one property, and the vast majority (95%) between one and five properties. However, the 5% of landlords that own more than five properties account for around 40% of the sector. Many landlords, in particular those entering the sector in recent years, might be letting a property they have inherited or have been unable to sell. There are also a significant number of 'buy-to-let' landlords within the sector.⁴

¹ Estimated figures as revised in August 2014. Note: Figures include accommodation tied to employment and others living rent free. Source: Scottish Government (2014) Housing Statistics for Scotland – Key Information and Summary Tables: <http://www.scotland.gov.uk/Topics/Statistics/Browse/Housing-Regeneration/HSFS/KeyInfoTables>

² Source: Scottish Government (2014) Housing Statistics for Scotland 2014: Key Trends Summary <http://www.scotland.gov.uk/Publications/2014/08/2448/5>

³ Source: Scottish Government (2013) A Place to Stay, A Place to Call Home: A Strategy for the Private Rented Sector in Scotland: <http://www.scotland.gov.uk/Publications/2013/05/5877/4>

⁴ Source: Scottish Government (2013) A Place to Stay, A Place to Call Home: A Strategy for the Private Rented Sector in Scotland: <http://www.scotland.gov.uk/Publications/2013/05/5877/4>

How We Work

As a tribunal, the objective of prhp is to resolve disputes between private tenants and landlords by providing informal and flexible proceedings.

Prhp is based in the Europa Building in Argyle Street, Glasgow alongside the Homeowner Housing Panel (hohp), where there are facilities for office accommodation and hearing suites.

Who We Are – Members and Staff

There are 68 Panel members, who are specialists in housing issues. They are appointed by Scottish Ministers, following an open and transparent public appointments process. There is a Panel President, who is a solicitor, and a Vice President, who is a surveyor. Details of the Panel membership can be found at Appendix A.

The Panel members are appointed to both the Private Rented Housing Panel and the Homeowner Housing Panel, and sit in both jurisdictions. They are responsible for the judicial functioning of the Panel Committees, which are called Private Rented Housing Committees. Applications which proceed for determination will be referred by the President to a Private Rented Housing Committee.

Each Committee usually comprises of three members:

1. a legal member who acts as chairperson and who is a solicitor or an advocate
2. a surveyor member (who is a chartered surveyor)
3. a housing member, who has experience of, or practical involvement in housing related issues.

A group of members from the Panel have been trained in mediation and this service is offered as an alternative means of dispute resolution for cases referred under the 2006 Act.

The administration of the Panel is provided by the Scottish Tribunals Service with four full time members of support staff, and an Operational Manager, who is responsible for prhp in addition to the Homeowner Housing Panel, the Additional Support Needs Tribunal for Scotland and the Council Tax Reduction Review Panel. The staff is responsible for case management and scheduling hearings, as well as clerking and support for committees, finance and communications.

Our Funding

Prhp is funded by Scottish Government. This annual report covers the calendar year 1 January to 31 December 2013, in terms of Section 29(5) of the Housing (Scotland) Act 2006. The financial year for the prhp, however, like all government sponsored bodies, runs from 1 April until 31 March. Since this annual report straddles two financial years, the accounting figures for the year 2013 at Appendix B include the budgets for both financial years.

Prhp responds to the number of applications received and is a demand-led service. It follows that the number of cases it considers during the year can be variable, and prhp has little control over service demand. However, year on year there has been an increase in repairing standard applications.

2. Our Aims and Values

Our Aims

Prhp will carry out its statutory functions in a fair and impartial manner, and will provide an accessible, high quality and effective service to the Scottish community through the committed and professional approach of its staff and members.



Prhp and hohp offices at Europa Building, Argyle Street, Glasgow

Our Values

- We are an independent body.
- We respect diversity and will provide fair treatment for everyone.
- We will be fair and unbiased in the decisions we make.
- We value our staff and members and will ensure that they are equipped with the training and information they require to fulfil their role most effectively.
- We will use our resources efficiently and effectively.
- We will continually strive to improve our processes and the service we provide to our users.
- We will seek to engage proactively with stakeholders and representatives of the Scottish Government.
- We will work as a team to meet the targets we set.
- We will provide clear and timely information on our decisions and activities.

Our Promise

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 or belief, age, relationship status or physical or mental ability. We will do all that we can to make our service efficient, accessible and user-focused.



A member of prhp staff answering a call



3. The Application Process

1. Repairing Standard Cases

The Housing (Scotland) Act 2006 introduced a mechanism for tenants in the private rented sector to seek to compel their landlord to carry out necessary repairs to ensure that the property meets the “repairing standard”. The Act 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.

In determining whether a house meets that repairing standard, the age, character and prospective life of the house and its locality can 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.

The repairing standard is set out in section 13 of the 2006 Act. A house meets the repairing standard if:

- a. the house is wind and water tight and in all other respects reasonably fit for human habitation;
- b. 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;
- c. 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;
- d. any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order;
- e. any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed; and
- f. the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.



Window defects at a property at time of inspection

The repairing standard applies to most tenancies in the private rented sector. Tenants cannot apply to prhp if their landlord is a local authority, registered social landlord, or Scottish Water. An application can only be accepted from a current tenant of a property.

Before making an application to prhp, a tenant must notify their landlord of the works required to comply with the repairing standard. A pro forma application form and a notification of repairs letter are available from the Panel offices and can be downloaded from the website. It is fairly common for an application to be received from the tenant without notification having been sent to the landlord. In such a situation, the Panel writes to the tenant advising them that their application cannot be progressed until such a notification has been sent, and the landlord is given a reasonable opportunity to resolve the issues which are the subject matter of the complaint.

Once all the necessary information has been provided by the tenant, the President must decide within 14 days whether to refer the application to a Private Rented Housing Committee. The President can reject an application on the following grounds:

- it is deemed frivolous or vexatious
- the dispute to which the application relates has been resolved
- the tenant has made a similar application in relation to the same house and there has not been a reasonable period of time between applications.

If it appears that there is a reasonable prospect of the dispute being resolved by the parties, the President can delay referring the application to a Committee. The Panel provides a mediation service in appropriate cases. If the tenant or landlord does not wish to try mediation, or no agreement is reached at mediation or the mediation agreement is not implemented, the case is referred to a Committee. The mediation service is discussed in more detail in section 4 of this report.

If the tenant withdraws the application, or the tenancy is terminated before the application is referred to a Committee, the President can decide whether to abandon the application or to continue to determine the application. Where the withdrawal or termination of tenancy occurs after the application has been referred to a Committee, the Committee can decide whether to abandon the application or to continue to determine the application.

Before making such a decision, the President or the Committee will look at all the circumstances of the case, and in particular whether the repairs alleged in the application may give rise to health and safety issues for future occupants.

Where a decision is taken to continue to determine the application, the Committee may later abandon the application, where it is satisfied that it is not in the public interest to continue with it further.



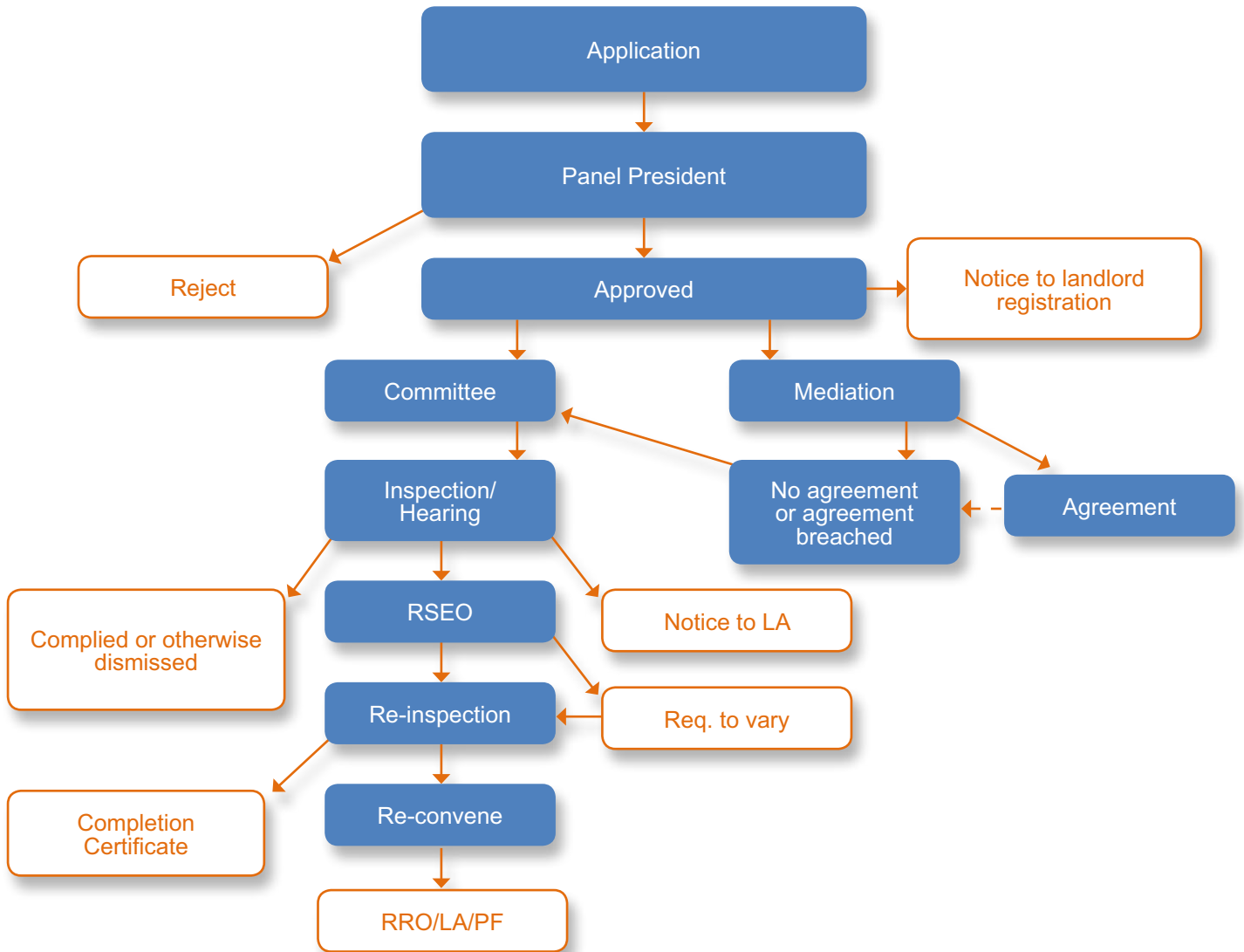
Damage caused by roofing issue at a property



Condition of properties at time of inspection

Prior to the inspection and hearing, the Committee can manage the progress of the case as it considers appropriate in the circumstances. It may issue one or more written directions to the parties relating to the conduct or progress of the case. It may, for example, require the parties to provide further information or documentation to the Committee – such as requiring the landlord to produce a gas safety certificate or an electrical inspection report or provide for a particular matter to be dealt with as a preliminary issue.

Progress of a Repairing Standard Application



Definitions:

RSEO Repairing Standard Enforcement Order

RRO Rent Relief Order

LA Local Authority

PF Procurator Fiscal

Inspections and Hearings

Before determining a repairing standard case, the Committee will usually inspect the house which is the subject of the application. 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 usually takes place in a nearby venue and both tenant and landlord are invited to attend. Hearings are open to the public. The Committee's written decision with its Statement of Reasons is not issued immediately after the hearing, but as soon as is practicable and in most cases within 3 weeks.

If the Committee decides that the property meets the Repairing Standard, it issues a 'complied' decision. If it decides after considering all the facts and evidence that there has been a failure by the landlord to comply with the repairing standard duty, the Committee will issue a Repairing Standard Enforcement Order (RSEO). This specifies the works which require to be carried out at the house and a time limit for completion of these. Whilst the works are outstanding and the RSEO is in place, it is a criminal offence to relet the property if it is vacated by the tenant.

When it is issued, an RSEO is registered by prhp in the Land Register (or Register of Sasines) against the title to the property, and if it is not complied with, it is transferred to any new owner on the sale of the property.

Compliance

Once the time has passed for completing the works, the property is reinspected by the surveyor member of the Committee, and if the works are completed satisfactorily, a Completion Certificate is issued.

If the works have not been completed/are not completed to a satisfactory standard, the Committee can issue a Failure to Comply Notice. It can also decide to grant a Rent Relief Order, reducing the rent payable by the tenant 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 it is an offence not to comply with a RSEO without reasonable excuse. If the landlord has good reasons for not completing the works within the specified timescale, the Committee can vary the Order giving the landlord further time to complete the works.

If the Committee decides that the landlord has failed to comply with the Repairing Standard Enforcement Order, the tenant can ask the local authority to carry out the works. If the local authority does decide to carry out works, it has power to recharge the landlord for the costs of this.

2. Rent Assessment Cases

The Panel has jurisdiction in rent assessment cases under the Rent (Scotland) Act 1984 (the “1984 Act”) and the Housing (Scotland) Act 1988 (the “1988 Act”).

Regulated Tenancies

Under the 1984 Act, the Panel considers appeals by landlords or tenants against the rents registered by Rent Officers and determines 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 which is the most appropriate method based on the evidence available. Before making a rent assessment, the Committee will usually inspect the house which is the subject of the application. When 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, which may be lower or higher than the Rent Officer’s assessment, irrespective of whether the referral is made by the landlord or tenant.

Assured and Short Assured Tenancies

Under the 1988 Act, the Panel considers:

- (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.

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 involve completing a statutory form and sending it to the prhp.

The Committees provide an informal and inexpensive appeal route against the rental figure set by the Rent Officer or landlord. Legal representation is rare and parties are often unrepresented.

3. Appeals

Parties have a right to appeal to a court against a decision made by a Private Rented Housing Committee. 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. 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. Parties may wish to seek legal representation if they are considering appeal proceedings.

4. Key Statistics for 2013

Overview

In 2013, there was again an increase in the overall number of applications received by prhp. A total of 287 applications were received, an increase of nearly 7% on the 2012 total. This year saw a continuation of the trend noted in recent years towards an increasing number of repairing standard applications and at the same time an ongoing decline in the number of rent assessment applications received. The table below shows the total numbers of applications received each year since the prhp was established in 2007.

PRHP Applications received 2007-2013

Year	Rent Assessment	Repairing Standard
2007	165	28
2008	54	115
2009	71	124
2010	67	194
2011	47	229
2012	37	232
2013	30	257

Repairing standard applications

In 2013, 257 repairing standard applications were received, a 12% increase on the number received in 2012. There are a number of possible reasons for this.

Firstly, the number of people living in the private rented sector in Scotland has been growing in recent years. In 2013, 14.6% of the housing stock in Scotland was within the private rented sector, up from 10.2% when the prhp was introduced in 2007.⁵ Secondly, the profile of tenants within the sector is also changing. There has in particular been an increase in recent years in both the number of families with children living within the sector, and those wishing to stay in the sector longer term than previously.⁶ These changes mean that there are more tenants living within the sector, and that perhaps more of these are more willing to complain about the conditions they are living in, because they want to live in the property for some time.

⁵ Estimated figures as revised in August 2014. Note: Figures include accommodation tied to employment and others living rent free. Source: Scottish Government (2014) Housing Statistics for Scotland – Key Information and Summary Tables: <http://www.scotland.gov.uk/Topics/Statistics/Browse/Housing-Regeneration/HSfS/KeyInfoTables>

⁶ See e.g.: <http://www.scotland.gov.uk/Resource/0042/00423336.pdf>; <http://www.scotland.gov.uk/Publications/2014/10/9702/7>

Another possible contributory factor could be the recent introduction of the Tenant Information Pack. Since 1 May 2013, landlords have had a duty to provide the pack to new tenants by the tenancy start date. The pack includes information about the repairing standard and the prhp. It may be that the introduction of the pack is contributing towards an increased awareness of the prhp among tenants.

It is also possible that public awareness of the prhp has increased partly as a result of various recent public policy initiatives which involved discussion about the role of the prhp. These include the Scottish Government's 2013 consultation on options for improvement to the landscape for rented housing dispute resolution,⁷ and the consequent provisions within the Housing (Scotland) Act 2014 to introduce a new first-tier private rented housing tribunal.

Rent assessment applications

In 2013, rent assessment applications accounted for only 7.5% of all prhp applications. In 2007, there were 165 rent cases, while in 2013 there were only 30 rent applications. This trend is likely to continue, as fewer and fewer tenancies which fall within the 1984 Act provisions remain in existence.

Note: as the vast majority of applications which now come before the prhp are repairing standard applications rather than rent assessment cases, the discussion within this section of the report relates primarily to repairing standard cases.

Overall number of enquiries received

The prhp office received a total of 16,632 telephone, email and written enquiries in 2013, many of these from members of the public.⁸ Dealing with such enquiries represents a considerable proportion of the workload of the small team of prhp staff.

Applications received during 2013

A total of 287 applications were received during the year. The vast majority of these (257) were repairing standard cases. The remaining 30 cases were rent assessment cases, of which 21 were regulated tenancy cases, 5 were Assured Tenancy referrals and 4 were Short Assured Tenancy referrals.

Applications Received in 2013	
Repairing Standard Cases	257
Regulated Tenancy (1984 Act)	21
Assured Tenancy (1988 Act)	5
Short Assured Tenancy	4
TOTAL	287

⁷ Scottish Government (2013) Better Dispute Resolution in Housing: Consultation on the Introduction of a New Housing Panel for Scotland: <http://www.scotland.gov.uk/Resource/0041/00412508.pdf>

⁸ Note: It is not possible to separate out enquiries received from members of the public. The total number of enquiries also includes calls and emails from panel members, STS, Scottish Government etc.

On 1 April 2013 Section 11 of the Private Rented Housing (Scotland) Act 2011 commenced. This requires the Panel to provide the local authority for the relevant area with information when an application is received. The information which is to be disclosed includes details of the address of a house which is the subject of an application, name of the landlord, and, if known, the landlord's address, landlord's registration number and name and address of the landlord's agent. The purpose of this provision is to help local authorities identify unregistered landlords.

Nature of the applications received

There is a wide variation in the subject matter of repairing standard complaints. The lack of and/or cost of heating is a big issue. However, particularly in older houses, there are often complaints about ill-fitting single-glazed windows, draughts and a general lack of insulation. Broken appliances, dampness and condensation are also common complaints.

Unusual complaints have included bed bugs, a ceiling supported by props, a contaminated water supply, and a main door without a locking mechanism.

Repairing standard applications were received under all six of the grounds set out in the 2006 Act. In many cases, the application was brought on two or more different grounds under the Act. The most commonly stated ground (54% of applications) was that the property was not wind and water tight and in all other respects reasonably fit for human habitation. This was closely followed by complaints that the installations for the supply of water, gas and electricity and for sanitation, space heating and heating water were not in a reasonable state of repair and in proper working order (49% of applications).

The grounds least often stated related to provision for detecting and giving warning about fires (21%) and the safety of furnishings in the property (17%). While tenants do not often complain about the lack of fire detection provision, Committees often note that the properties they inspect have no/inadequate provision, in terms of the standard recommended in the Scottish Government's statutory guidance. The low volume of applications about furnishings reflects the fact that many privately rented properties are let on an unfurnished basis.

During inspections in regulated tenancy cases, Committees sometimes note repairing standard issues, which the tenant asks to be taken into account in assessing their rent. However, without a separate repairing standard application, the Committee is unable to consider making a Repairing Standard Enforcement Order for the repairing issues.

PRHP Repairing Standard Applications

Analysis of Section 13 (1) Issues

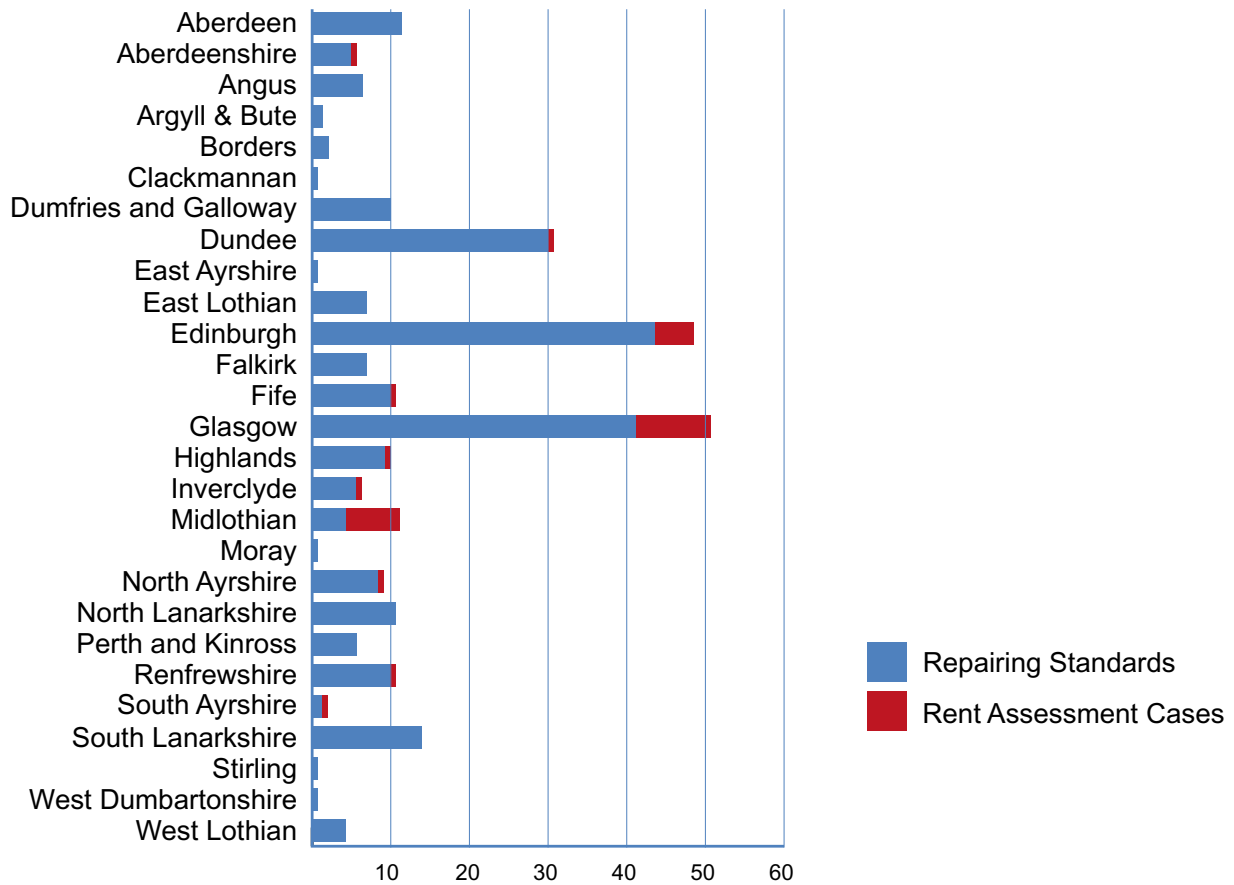
	Number	As % of Applications
Wind and Watertight	140	54
Structure and Fabric	106	41
Water, Gas and Electrical Installations	126	49
Fixtures, Fittings and Appliances	105	41
Furnishings Provided By Landlord	43	17
Fire Detection Provision	53	21

Where the applications came from

Applications were received from across Scotland in 2013, with at least one application from 30 of the 32 Scottish local authority areas. The highest overall number was from Glasgow with 49 cases, closely followed by Edinburgh with 47 and then Dundee with 31. This is perhaps not surprising, given the higher population densities in the cities, and that, as noted in section 1, the proportion of private rented properties is generally higher in the cities than elsewhere.

The chart below shows the geographical distribution of the applications received. This shows that, while the majority of applications came from urban areas with high population density, a considerable number came from rural areas of Scotland.

Geographical Distribution of Applications Received



Rejected applications

Of the 287 applications received, a total of 46 were rejected by the President, in accordance with section 23 of the 2006 Act, before being referred to a Committee. The grounds on which the President may reject an application are set out on page 8.

A breakdown of the reasons why these applications were rejected can be found in the table below.

Reasons for Rejection	
(a) that it is frivolous or vexatious	5
(b) where the tenant has previously made an identical or substantially similar application in relation to the same house, that a reasonable period of time has not elapsed between the applications	0
(d) that the dispute to which the application relates has been resolved	41
TOTAL	46

Frivolous or vexatious

Five applications were rejected on the grounds that they were ‘frivolous or vexatious’. In all of these cases, the application was considered to be frivolous, rather than vexatious (which means habitually and persistently instituting proceedings without any reasonable grounds usually with an improper motive).⁹ The decision to reject an application is not taken lightly, and a number of court judgements have observed that the statutory test for ‘frivolous’ is intended to set a low threshold for applicants.

The test of ‘frivolous’ has been interpreted as applying to an application made in good faith but which is “futile, misconceived, hopeless or academic”.¹⁰ The 2006 Act does not specifically state that an application can be rejected on competency or jurisdictional grounds, but the definition of ‘frivolous’ provides a basis for such rejections.

In two of the cases rejected on these grounds, the applicant was not a tenant at the date the application was submitted. In one case, the matter complained of was not a repairing standard issue. In another case, the landlord was a local authority and the prhp did not therefore have jurisdiction. In the final case, the application was not submitted by the tenant of the property.

Dispute resolved

In 41 cases, the application was rejected on the basis that the dispute appeared to have been resolved. This often happens when the tenant is asked for further information before their application can be progressed, such as where they have not sent a written notification to the landlord setting out details of the repairs issues, as required under the 2006 Act. The prhp will usually write to the tenant advising them what is required in terms of the Act and stating that their application will not be progressed until this has been done. In some cases, however, despite considerable correspondence back and forth, this does not happen, and the President eventually takes the view that the application should be rejected on the basis that the dispute is assumed to have been resolved.

Mediations

A total of 5 repairing standard applications went to mediation. In 2 of these cases, the mediation resulted in settlement. The other 3 mediations were unsuccessful, and the applications were referred to a Private Rented Housing Committee.

In 2007, Prhp became the first tribunal body in Scotland to introduce an inhouse mediation service as an alternative form of resolving disputes. The Panel has 20 trained mediators amongst its membership, who have all undertaken accredited mediation courses.

The take-up of mediation to date has, however, been very disappointing. There are a number of possible reasons for this, including the termination of tenancies before the application progresses, which is fairly common. This invalidates any attempt to resolve the dispute by agreement, as there are no longer two parties involved. Even where there has been a successful mediation, the tenant often leaves before the agreement has been implemented, which makes it difficult to find out whether the landlord has carried out the actions set out in the mediation agreement.

⁹ Lady Paton in *Lord Advocate v AB* (2012) CSIH31. Lord Bingham (as Lord Chief Justice) in *John Jarvis Ltd v Rockdale Housing Association* (1986) 36BLR 48

¹⁰ Lord Bingham (as Lord Chief Justice) in *R v North West Suffolk (Mildenhall) Magistrates Court* [1998] Env LR 9 at Page 16

In February 2014, a mediation service was introduced into the Homeowner Housing Panel's procedure. The early indications are encouraging, with uptake beginning to increase. It is possible that mediation in hohp cases may be more successful, given the nature of the disputes, as well as the ongoing relationship between the parties.

Applications withdrawn by the tenant

The total number of withdrawn applications in 2013 was 105. In 39 cases, the tenant withdrew their application prior to the inspection and hearing, because the matter had been resolved. In the remaining 66 cases, the application was deemed to be withdrawn in terms of the 2006 Act, because the tenancy had been lawfully terminated, either because the tenant has left voluntarily or as a result of a Notice to Quit.

In many cases, tenants report that writing to their landlord advising that they propose to submit an application to prhp is sufficient to encourage the landlord to carry out the required work.

Abandoned and continued applications

As explained in more detail on page 9, where an application is withdrawn or a tenancy is terminated (deemed withdrawal), the President or Committee (depending on the stage at which the tenancy was terminated) has the power either to abandon the application or to continue to determine it. In 2013, from the 66 cases which were deemed to be withdrawn because the tenancy had been lawfully terminated, a total of 20 applications were abandoned but the majority (46) were continued.

Continued applications

In the remaining 46 cases where there was a deemed withdrawal, the President/Committee decided to continue the application for determination, despite the tenancy having been terminated. This was usually because the President/Committee considered that the repairing standard issues alleged in the application may give rise to health and safety issues for future occupants.

Of the 46 continued applications, 12 were later abandoned by the Committee, because it was satisfied that it was not in the public interest to continue it further. This was usually because the landlord had provided proof that the necessary work had been done. Of the remaining 34 continued cases, 13 resulted in a determination that the landlord had complied with the repairing standard. In the other 21 cases, either an RSEO was issued or the application was still to be determined at the end of 2013.

Case study – case continued after tenancy terminated

This case study is based on an actual application dealt with by prhp in 2013.

An application was received from a tenant complaining that the house that she lived in did not meet the repairing standard. She complained of disrepair due to a damaged wall and floor which appeared to have been caused by a water leak within the vicinity of the bath which over time had resulted in rotten timbers at the internal wall separating the kitchen and bathroom and water damage extended into the sub-floor area and affected the joists.

The tenant vacated the property and the application was deemed as withdrawn. Given the health and safety issues arising from the alleged repairs, the Committee decided to continue to determine the application in terms of Schedule 2 Paragraph 7 of the Act.

The inspection of the property by the Private Rented Housing Committee revealed that the ceilings in the kitchen, bathroom and hall were supported by props which had been sunk into the solum through holes which had been made in the floors. The floor was covered in vinyl tiles and according to a report the tiles contained asbestos and the report made recommendations regarding the containment or specialist removal of these vinyl tiles. There had been movement in the internal wall between the bathroom and the kitchen. There were rotten timbers visible and reports, which were not disputed by the landlord, referred to the supporting joists being affected with timber rot. Visible inspection of the sub floor area by the Committee was not possible due to lack of access. The suspected cause of the timber rot was a water leak from the bath or pipe work. It would appear that the props are supporting the brick wall on upper floors although without more investigation on the structure of the house it was not possible for the Committee to definitively state whether the affected wall was a supporting wall or not.

Photos taken at initial inspection



Kitchen looking to rear showing propping and cracks at the wall and ceiling



Kitchen showing lower wall at the corner

Photos taken at initial inspection



Bathroom looking to hall showing propping and cracking



Bathroom showing floor at bath

The Committee issued a Repairing Standard Enforcement Order to the landlord requiring that he carried out works (1) to the water supply and plumbing pipe work and drainage system to ensure that there were no water leaks; (2) to carry out works to eradicate rotten timbers and dry rot; (3) to carry out such works as are required to ensure that the structure of the house is in a reasonable state of repair; (4) to encapsulate and monitor the tiles or to remove them under controlled conditions by a licensed asbestos removal contractor; and (5) to produce a satisfactory electrical safety report from a qualified electrician including a report on the electrical fittings and a Gas Safe certificate.

After the time period for completion of works, a re-inspection of the house was carried out by the surveyor member and this revealed that the existing breeze block wall between the kitchen and the bathroom had been removed and replaced with a timber stud partition wall and redecorated. The kitchen and bathroom fittings on the replacement wall have been refitted and the floor tiles in the kitchen had been removed and the flooring replaced. An electrical certificate and Gas Safe certificate were provided with the invoice pertaining to the removal of the asbestos tiles. As a result a Certificate of Completion was issued by the Committee.

Photos taken at re-inspection



Kitchen looking to rear



Kitchen showing lower wall at corner



Bathroom looking to hall



Bathroom from hall

Inspections and hearings

A total of 124 Committee inspections and hearings took place in 2013. Following an inspection of the property, the hearing was held in a venue close to the property and convenient to the parties.

Case outcomes

A total of 124 Committee decisions were issued following an inspection and hearing. In 91 cases, the Committee determined that there was a failure to comply with the repairing standard. The Committee therefore issued a Repairing Standard Enforcement Order (RSEO) in those 91 cases. In the remaining 33 cases, the Committee found that the landlord had complied with the repairing standard.

Repairing Standard Enforcement Orders

In many cases the RSEO related to more than one ground where there had been a failure to comply with the repairing standard. The most common ground (71% of RSEOs) in respect of which an RSEO was granted was that that the property was not wind and water tight and in all other respects reasonably fit for human habitation. The other most common reasons for making an RSEO were that the structure and exterior of the house was not in a reasonable state of repair and in proper working order (56%) and that the installations in the house for the supply of water, gas and electricity etc. were not in a reasonable state of repair and in proper working order (54%). The grounds which appeared least frequently were those relating to provision for detecting and giving warning about fires (21%) and the safety of furnishings in the property (17%).

PRHP Repairing Standard Enforcement Orders (RSEOs)		
Analysis of Section 13 (1) Issues		
	Number	As % of RSEOs
Wind and Watertight	65	71
Structure and Fabric	51	56
Water, Gas and Electrical Installations	49	54
Fixtures, Fittings and Appliances	42	46
Furnishings Provided by Landlord	7	8
Fire Detection Provision	16	18

Common actions which the landlord was required to carry out in terms of the RSEO in order to bring the property up to the repairing standard included one or more of the following:

- Obtain dampness reports
- Obtain an Electrical Inspection Certificate
- Obtain a Gas Safety Certificate
- Carry out roof repairs
- Carry out repairs to windows and/or doors.

Case study – Repairing Standard Enforcement Order

This case study is based on an actual application dealt with by prhp in 2013.

An application was received from a tenant complaining that the flat she lived in did not meet the repairing standard. She complained of:

- Inadequate ceiling repairs, including a bare electrical wire hanging from the ceiling
- A gap in a skylight, which was causing water leaks
- Windows in various rooms letting in draughts and water
- Damp and rotting floorboards in one bedroom
- A faulty gas-fired hot water boiler, which had been turned off on safety grounds
- Bare electrical wires at an electrical socket.

The inspection of the property by the Private Rented Housing Committee revealed that the property suffered from various defects. It was clear that there had been water ingress through various windows and window surrounds, as well as from the badly fitting roof skylight in the attic. The Committee also considered it probable that the lead flashings on the roof and vegetation in the guttering were contributing to the water ingress problems. Several of the windows were clearly not fit for purpose, in terms of being wind and watertight or being capable of being safely opened and closed. The lack of a safe and properly operating boiler and an accompanying gas safety certificate was of particular concern.

The Committee issued a Repairing Standard Enforcement Order to the landlord requiring that he carry out the following works:

- Overhaul the roof of the whole tenement building, including fixing the lead flashings, cleaning out the guttering and repairing the skylight, so that the roof is wind and watertight
- Remove the loose wire hanging from the ceiling or affix it to an operational light fitting
- Carry out repairs to, or replace, the various faulty windows to ensure that they are wind and watertight and capable of being safely and properly opened, closed and locked
- Remove and replace all floor timbers in the second bedroom which showed signs of rot, and eradicate all rot
- Repair or replace the wood panelling around the window in the second bedroom, and ensure that the window is wind and watertight and capable of being safely and properly opened, closed and locked
- Re-affix the loose electrical box socket and make it safe
- Have the gas boiler inspected and repaired or replaced as necessary by an appropriately qualified and registered Gas Safe engineer, and obtain and produce to the tenant an up to date gas safety certificate for the appliance.

After the time period for completion of works, a re-inspection of the house was carried out by the surveyor member and this revealed that the Landlord had carried out works to the house beyond the requirements of the RSEO.

Compliance by landlords

In 37 cases, the landlord complied with the RSEO within the stated timescale, and the Committee duly issued a completion certificate. A total of 98 reinspections were carried out by surveyors. In 26 cases, the Committee varied the RSEO, usually to give the landlord further time to complete the repairs. In one case the Committee revoked the RSEO as circumstances had changed and the Committee no longer considered the Order necessary. In 21 cases, the Committee issued a Failure to Comply Notice, and 16 cases were referred to the police for prosecution. A total of 11 Rent Relief Orders (RROs) were granted by Committees. RROs were granted in fewer cases than Failure to Comply Notices, as in some cases the tenancies had been terminated prior to the Committee considering an RRO.

Appeals

Four appeals from landlords against prhp decisions were lodged in the sheriff court in 2013. Two related to decisions of Committees to make a Repairing Standard Enforcement Order (RSEO) and two related to decisions that the landlord had failed to comply with an RSEO. All of these appeals were decided in 2013, and all were dismissed by the sheriff. The landlords carried out the works required in all these cases and Certificates of Completion were issued by the Committees.

Tenancy management complaints

Under section 29 of the Housing (Scotland) Act 2006, the prhp must record and report the frequency with which applications to the Panel¹¹ include complaints about the landlord's management of the tenancy. However, the prhp has no power to deal with complaints about the landlord's management of the tenancy. This is made clear in the information leaflets which give details of the services provided by the Panel.

There is a tenancy management complaint form on our website, and two forms were returned to prhp during the period from 1 January–31 December 2013. The small numbers of such complaints which are recorded should not be regarded as evidence that problems relating to the landlord's management of the tenancy do not exist. It was clear from the forms submitted, and from the terms of some of the applications, that some tenants have experienced problems with letting agencies acting on behalf of landlords, even if they have not specifically reported this as a problem.

Forthcoming changes introduced by the Housing (Scotland) Act 2014 are likely to have a major impact as regards complaints about the management of tenancies. The Act will introduce a compulsory register and a code of practice for letting agents in Scotland, and will allow both tenants and landlords to apply to the new first-tier housing tribunal in respect of any alleged failure to comply with the code of practice.

¹¹ Whether valid or invalid within the terms of section 22

5. Continuous Improvement within prhp

Continuous improvement – overview

Prhp and the Scottish Tribunals Service (STS), which is responsible for providing administrative support to prhp, are committed to continuous improvement. This focuses on finding the most efficient way to meet the needs of those who use prhp, and continually striving to improve the way in which prhp and STS work.

Training – members

We are committed to relevant and high quality training of members to equip them to carry out their roles effectively and efficiently as members of decision-making Committees.

The new members appointed to the ho hp were given training on the prhp jurisdiction in the spring of 2013. During 2013, we prepared for a one-day prhp/ho hp members' conference in Glasgow which took place in February 2014.

In addition to training meetings, the Panel circulates information and guidance to members in order to improve and update their knowledge on current repairing and rental issues. Rental and letting statistics are issued to members as well as information on topical repairing and housing issues. This ensures that members are equipped with relevant knowledge to decide cases brought to the Panel.

Administration improvements

The continuous improvement initiative within STS looks at the functions of the processes the Secretariat (support staff) carry out, rather than the judicial functions exercised by individual Committees. The staff of prhp actively participates in these initiatives, with the aim of improving our processes and services to Panel users, by identifying and implementing value added enhancements to services, processes or the Panel. During 2013 staff within prhp took part in a Value Stream Mapping exercise which involved all team members sitting as a group and detailing each part of the process from the point where an application is received to the conclusion of the case. This detailing or 'mapping' of the process gave them the opportunity to look at each step of the process and raise any areas where there may be duplication of tasks or waste, and to remove those areas and identify improvements and efficiencies for the benefit of both staff and Panel users.

Prhp is committed to continually re-evaluating our ways of working with the objective of increasing quality, and the staff has been trained in a number of continuous improvement tools and techniques, such as problem solving loops, to further increase efficiency and service. A problem solving loop is a useful tool which is a structured pathway similar to a desk instruction of how to break down the problem to identify the root cause, highlight ideas to address the cause and recognise any benefits resulting from the solution. Doing this as a team allows us to use the expertise of the staff to identify improvements from the very heart of the process.

There is a continuing commitment by the STS to increase key skills of staff through the use of structured training programmes, including relevant internal and external courses in areas such as leadership and development and effective use of IT systems, amongst others. STS also encourages the use of multi-skilling of staff across teams and during 2013, staff within the housing jurisdictions, including prhp, began producing a database of standard operating procedures, which will build into a complete manual of comprehensive desk instructions. These are being continually developed and updated and will sustain a better informed and skilled workforce.

Website

We have made efforts to provide tenants and landlords with more information about the work of the prhp and have expanded our website. We find increasingly that tenants and advisers download our application form from the website and during 2013 there were 35,620 visitors on the prhp website seeking information. All decisions of the Panel in repairing standard and rent assessment cases are published on the website and can be accessed by the public using the property postcode.

Complaint-handling procedures

During 2013, STS reviewed its complaint-handling procedures to ensure compliance with the new model provided by the Scottish Public Services Ombudsman (SPSO). Complaints relating to the administration of prhp are handled in the first instance by prhp itself. If the complainer remains dissatisfied with the prhp's decision on the complaint or the way it has been handled, they can then take the complaint to the SPSO. Complaints about the conduct of a panel member are referred to the President or Vice President of prhp for investigation.



6. Working with Others

Scottish Tribunals Service

The Scottish Tribunals Service (STS) provides combined administrative support for seven Scottish devolved tribunals. These are: Mental Health Tribunal for Scotland (MHTS); Additional Support Needs Tribunal for Scotland (ASNTS); Pensions Appeal Tribunal Scotland (PATS); Lands Tribunal for Scotland (LTS); Scottish Charity Appeal Panel (SCAP); Council Tax Reduction Review Panel (CTRRP); Homeowner Housing Panel (hohp); and the Private Rented Housing Panel (prhp).

The creation of STS in 2011 marked the beginning of a phased programme of tribunal reform, which follows a number of independent expert reports, which concluded there was a need for such reform in Scotland. Its creation ensures that tribunals are administered and run independently of government providing separation from the policy related functions of the sponsoring divisions of Scottish Government. This has led to benefits such as a modern streamlined service for users, avoiding unnecessary duplication of certain services common to all tribunals and providing a number of advantages. These include economies of scale, cost savings and better use of tribunal resources; the creation of a centralised specialist team to provide support to tribunal members and staff in key areas such as finance; and an improvement in the governance of tribunals.

However, there is a need to preserve the identity and ethos of the individual tribunals and to retain within each individual tribunal the existing staff with specialist knowledge and experience of the jurisdiction of each tribunal.

Increasing public awareness about the work of the panel

During the year, the President gave presentations at the Care and Repair conference and at the Scottish Association of Landlords' conference on Landlords' Responsibilities.

The President welcomed Lady Anne Smith, an Inner House judge of the Supreme Courts for Scotland (now assigned by the Lord President as the first President of the Scottish Tribunals); and Mr Eric McQueen, Chief Executive of the Scottish Courts Service, to the Panel's offices to meet prhp staff and to explain the workings of the Panel.

In addition, articles provided by the President on topical issues relating to the repairing standard were published in Landlord Registration Services newsletters. Updates on the work of the Panel were also published in Just News, the Scottish Government's administrative justice newsletter.

We have over the year provided more information for users on the prhp website about Panel procedures and a pamphlet on the hearing procedure was published.

All decisions of the Private Rented Housing Committees are published on the prhp website.

There is a statutory requirement on landlords to bring the existence of the Private Rented Housing Panel to the attention of their tenants by the issue at the start of every tenancy of a Tenants Information Pack.

Scottish Tribunals Forum

In the course of the year the President attended regular meetings of the Scottish Tribunals Forum for senior office holders of the devolved and reserved tribunals to explore best practice with other Scottish tribunal presidents, members of the judiciary and senior civil servants.

The work of the Forum discussed the options for the reform of tribunals in Scotland and a consultation on the Tribunals (Scotland) Bill on tribunal reform in Scotland. The President submitted written responses to the consultation papers on the proposal for a new tribunal system for Scotland and on the proposed merging of the Scottish Tribunals Service and Scottish Court Service.



7. Looking to the Future

Tribunal reform

1. The next few years will mark a period of major change for prhp and ho hp. In April 2015, the STS will be merged with the Scottish Court Service (SCS) to form a merged Scottish Courts and Tribunals Service. The new body will be fully independent of Government, with a board chaired by the Lord President as head of the courts and tribunals judiciary. It is not envisaged that the front-line operational delivery of tribunals will be affected, as the current specialist staff and venues for tribunals will remain. The reforms should therefore have little direct impact on users of prhp and ho hp.
2. The Tribunals (Scotland) Act 2014 will introduce major tribunal reform in Scotland. The Act will:
 - Create two new tribunals – the First-tier Tribunal for Scotland and the Upper Tribunal for Scotland – to be known collectively as the Scottish Tribunals.
 - Allow for the creation of Chambers to house the tribunals in the First-tier – grouped by similar subject jurisdiction and led by Chamber Presidents, who will have responsibility for business within their Chamber.
 - Allow for the creation of Divisions in the Upper Tribunal.
 - Make the Lord President of the Court Session, Head of the Scottish Tribunals, bringing judicial leadership of the Scottish Tribunals within his remit.
 - Establish a new office – President of the Scottish Tribunals – with powers delegated from the Lord President.
 - Give responsibility for welfare, training and discipline to the Lord President.
 - Bring tribunal appointments under the remit of the Judicial Appointments Board for Scotland.
 - Give responsibility for making tribunal rules to the Scottish Civil Justice Council.
3. The creation of the Scottish Tribunals and the new chambers will be phased. The first chamber will be occupied by the Private Rented Housing Panel and the Homeowner Housing Panel, which are currently expected to transfer in by December 2016. This Chamber will also house the new jurisdictions created by the Housing (Scotland) Act 2014, as discussed below.
4. The Housing (Scotland) Act 2014 will introduce a new First-tier Tribunal jurisdiction which will deal with private rented housing cases which are currently dealt with in the sheriff court. These will include repossession cases under the Housing (Scotland) Acts 1984 and 1988; various non-repossession cases under the 1984 and 1988 Acts; cases relating to other landlord-tenant disputes about compliance with individual tenancy agreements; and civil cases relating to landlord registration under the Antisocial Behaviour etc. (Scotland) Act 2004.
5. The Housing (Scotland) Act 2014 will also introduce a compulsory register and a code of practice for letting agents in Scotland. The Act provides for applications to be made by a tenant or landlord to the new First-tier housing tribunal in respect of failure to comply with the code of practice. The tribunal will also hear appeals in respect of a decision by Scottish Ministers to refuse to enter a prospective letting agent onto the register, or to renew or revoke a letting agent's registration. The Act also provides that Scottish Ministers may transfer the jurisdiction of the sheriff in relation to actions involving letting agents and tenants or landlords to the First-tier Tribunal.

Additional responsibilities for prhp

- We will be involved in the implementation of additional responsibilities which will fall to the prhp as set out in the Private Rented Housing (Scotland) Act 2011. These responsibilities involve the introduction of a system to allow a landlord to make an application to prhp for assistance in exercising their right of access to a property for the purpose of carrying out an inspection or for the completion of works.
- We will also be involved in the implementation of additional responsibilities which will fall to the prhp as set out in the Housing (Scotland) Act 2014. The Act will introduce a right for a 'third party' to make an application to prhp in respect of the repairing standard. A 'third party' is defined as a local authority or other person who may be specified by order of the Scottish Ministers.

Other developments

- In the course of the year, the President will maintain links with other Scottish tribunals through regular engagement in discussions with other judicial members and attendance at the Scottish Tribunals Forum.
- The Panel will continue to seek ways to raise the awareness of service users to the work of the Panel and continue to expand the prhp website to include more information on our jurisdiction and relevant housing issues for service users.

8. How to Contact Us

Address: Europa Building, 450 Argyle Street, Glasgow G2 8LH

Telephone: 0141 242 0142

Fax: 0141 242 0141

Email: prhpadmin@scotland.gsi.gov.uk

Web: www.prhpScotland.gov.uk



APPENDIX A

Members of the private rented housing panel and homeowner housing panel

CHAIRMEN
Mr David Bartos – LLB (Hons) FCI Arb
Mr Jim Bauld – LLB (Hons) Dip LP NP
Mr George Clark – LLB (Hons) Dip LP
Mr Andrew Cowan – LLB (Hons) Dip LP
Mrs Aileen Devanny – LLB NP DCPP Dip – PRESIDENT
Mr Pino Di Emidio – LLB (Hons) LLM
Mr Paul Doyle – LLB Dip LP NP
Mr Ron Handley – BA LLB
Mr Derek Hogg – *
Mrs Judith Lea – LLB Dip LP MBA MSC WS
Mr Martin McAllister – LLB NP
Mrs Anne McCamley – LLB BA
Mr John McHugh – LLB (Hons) Dip LP NP
Mr Richard Mill – LLB Dip LP NP
Mr James Millar – LLB NP
Mr Ewan Miller – LLB (Hons) NP
Mrs Karen Moore – LLB
Mr Maurice O'Carroll – LLB (Hons) Dip LP LARTPI
Ms Sarah O'Neill – LLB (Hons) Dip LP NP MBA
Mr David Preston – LLB NP
Mrs Patricia Pryce – MA LLB Dip LP NP
Miss Simone Sweeney – BA (Hons) LLB Dip LP NP
Mrs Jacqui Taylor – LLB (Hons) Dip LP NP MBA TEP
Mr Steven Walker – LLB (Hons) Dip LP

*Until October 2013

SURVEYORS

Mr Angus Anderson – MRICS

Mr Mark Andrew – FRICS FAAV

Mr Kingsley Bruce – MRICS

Mr Robert Buchan – VICE PRESIDENT – BSc FRICS

Mr Richard Burnett – MA FRICS FIRPM

Mr George Campbell – DPA MSc CEng CEnv MICE FRICS

Mr Alexander Carmichael – FRICS

Mr David Godfrey – MRICS

Mr Colin Hepburn – MRICS

Mrs Sara Hesp – LLB (Hons) BA (Hons) MRICS ACI Arb

Ms Carol Jones – MA MRICS

Mr Mike Links – FRICS

Mr Donald Marshall – BA (Hons) FRICS

Mr Ian Mowatt – BSc FRICS

Mr Ian Murning – TD LLB (Hons) LLM DPA FRICS MCI Arb MInst RE

Mrs Susan Napier – BSc FRICS

Mr Andrew Taylor – MRICS

Mr Charles Reid Thomas – MSc Med MRICS MIED

Ms Geraldine Wooley – MA Med MRICS MIED

HOUSING

Mrs Christine Anderson – BA

Mrs Helen Barclay – Dip Hsg CIHCM

Mr John Blackwood – LLB BD

Mrs Susan Brown – BA (Hons) Dip Hsg Dip Human Resource Management, Dip Youth and Community Work

Mr A Scott Campbell – Dip Public Health Inspection REHIS

Mr Colin Campbell – FCIH

Mrs Elizabeth Dickson – HNC in Building with Building Regulations, Law and Administration

Mr David Hughes Hallett – FRICS

Mr Christopher Harvey – BA (Hons) MA (Hons)

Mrs Brenda Higgins – CIXHM MBA BA Dip Housing Administration

Ms Carolyn Hirst – BSc (Hons) MBA CIHM FRSA

Mr Tom Keenan – BA DPA

Mr Ahsan Khan – MA BSc (Hons) MPhil MCIH

Ms Irene Kitson – BA CFCIPD

Mrs Mary Lyden – Bed PG Dip Housing Studies

Mrs Ann MacDonald – MA MCIH

Mr Douglas McIntyre – BSc (Hons) MCIOB Cert CIH

Ms Elaine Munroe – FCIH MBA ICIOB

Mr James Riach – MREHIS

Mrs Linda Robertson

Mr Mike Scott – BSc (Hons) MSc MRTPI FCIH

Mrs Susan Shone – CICHM PG dip

Mrs Jean Thomson – DHS CBA FCIH

Mrs Sally Wainwright – BA (Hons)

Mr John Wolstencroft – BSc (Hons) PG Dip CIHM

Panel and Staff Numbers:

President and Vice President

Three full-time members of administration staff

23 Legal Chairpersons comprising 7 female and 16 male

19 Surveyor Members comprising 4 female and 15 male

25 Housing Members comprising 14 female and 11 male

APPENDIX B

Expenditure Statement for the Financial Year 2013/14

Expenditure Item	Actual 2012/13 £'000s	Budget 2013/14 £'000s	Actual 2013/14 £'000s
Staff Salaries and Expenses:			
Staff Salaries*	126	70.7	97.8
Staff Expenses (T&S)	2.3	4.0	1.8
Members Expenses:			
Members Fees**	172.3	207.4	194.7
Members Expenses***	23.7	32.4	18.7
Committee Costs:			
Training & Expenses****	15.8	27	4.3
Venue & Heating Costs	10.2	16	2.0
Central Costs:			
Accommodation	0	0	0
General Expenses*****	9.9	26	23.3
Postal Costs	5.3	4.7	6.8
Computer charges/Website***	12.6	19.3	26.4
TOTAL	377.8	407.5	375.8

* The expenditure for staff costs reflects a number of vacancies arising during 13/14.

** This expenditure reflects an increase in hearing days in 2013/14.

*** This expenditure is lower than previous year despite an increase in hearings due to an increase in the scheduling of multiple hearings in one day.

**** This expenditure reflects a longer-term programme of focussed training for the specialisms of each group of members. Training during 13/14 included legal members and mediation specialists with a rolling programme planned for surveyor members and housing members which includes appraisal training into 14/15. Due to cross working of PRHP members within HOHP general training costs have been shared with HOHP and the conference costs in February 2014 were allocated to the HOHP budget. Members' costs for training is included under members' fees and expenses.

***** General expenses include legal costs, photocopy costs for rental, printing, stationery, publications, telephone charges.

***** This expenditure includes the hosting of the Tribunal Website and decisions database, computer equipment costs and case management development costs. No single payment within these costs was over £25,000.

APPENDIX C

Public Services 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 accounting period 1 January 2013 until 31 December 2013.

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 Panel and the Panel 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 electronic sending of paper records and documents.
- The Panel administration has increased its use of Scottish Government and local authority venues for hearings, provided it does not involve the need for participants to travel long distances. The Panel uses the conference facilities in Scottish Government venues for training events.
- Working to improve prhp 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 prhp 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 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).
- To evaluate and explore refinements within the statutory framework to our application and case management processes. We have carried out various continuous improvement tools such as process mapping to improve efficiency within our processes.

APPENDIX D

Glossary of Terms

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

Court of Session – the supreme civil court of Scotland.

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 and land related issues.

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.

Regulated tenancy – a tenancy which gives security of tenure and also protects the tenant from inflated rents arising 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 – 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 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 January–31 December in any year.

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.

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

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

“**The 2006 Act**” – The Housing (Scotland) Act 2006.

