



PRIVATE RENTED HOUSING PANEL

Annual Report 2014

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Laid before the Scottish Parliament by the Scottish Ministers under section 29(4) of the Housing (Scotland) Act 2006.

February/2016

SG/2016/12

President's Foreword



It is my pleasure to present the Annual Report of the Private Rented Housing Panel (prhp) for the year 2014.

The next few years will mark a period of change for prhp. The Tribunals (Scotland) Bill and the Housing (Scotland) Bill were passed into legislation in 2014. The Tribunals (Scotland) Act 2014 will create a tiered tribunal system within Scotland organised into specialist chambers with appeals to an upper tier tribunal. The assignment by The

Lord President of the Right Honourable Lady Anne Smith as President of the Scottish Tribunals is an important stage in the implementation of the Act. Prhp will transfer into the new tribunal structure with a proposed implementation at the end of 2016.

The Housing (Scotland) Act 2014 makes provision for the private rented housing cases which are currently considered in the Sheriff Court to be transferred to the new First-tier Tribunal which will lie within a Housing and Property Chamber. The Act also introduces a compulsory register and code of practice for letting agents in Scotland with the new First-tier Tribunal to determine complaints that the code of practice has not been complied with. It is proposed that these new jurisdictions will commence in December 2017.

Further changes to prhp took effect from 1 December 2015 with local authorities being entitled to make applications to determine if private rented houses meet the repairing standard; and the introduction of a new right for landlords to make applications to prhp for assistance to exercise their right of access to inspect private rented houses or to carry out works in these tenanted houses. There is also a change to the repairing standard effective from 1 December 2015 with a requirement that private rented properties have satisfactory provision for giving warning if carbon monoxide is present in a concentration which is hazardous to health. New statutory guidance has been issued by Scottish Government on electrical installations and appliances in private rented properties; and on carbon monoxide warning devices.

However, although we have been involved in planning future changes to the panel, it has been business as usual during 2014 in dealing with an increased workload of repairing standard applications. We also continued during the year to focus on initiatives for continuous improvements in our service and this report explains our activities.

During 2014 the panels held a series of well attended and well received user group events to raise awareness of the work of the panel and to provide an opportunity for user stakeholders to ask questions and find out about the prhp processes. We have also raised awareness of repairing issues in private rented properties including the amendment to the statutory guidance with regard to fire detection devices.

Finally, I acknowledge the commitment of our members and chairpersons, and of the administrative support staff of SCTS. Our members and chairpersons bring with them an impressive range of specialist skills and expertise. I am very grateful to each of them for their commitment, hard work and support. Our administrative staff are similarly committed to the work of the Panel and I thank them for their professionalism.



Mrs 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 3 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, and the cities tend to have higher levels of private rented housing.²

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 70% of landlords own one property, and the vast majority (95%) own between 1 and 5 properties. However, the 5% of landlords that own more than five properties account for around 40% of the

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>

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.³

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 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 67 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 has qualified as a solicitor, and a Vice President, who has qualified as 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 has qualified as a solicitor or an advocate
2. a surveyor member who has qualified as 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 Courts and Tribunals Service.⁴ During 2014, there were four caseworkers, who were responsible for case

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 Since 1 April 2015, following the merger of the Scottish Court Service and the Scottish Tribunals Service

management and scheduling hearings, as well as clerking and support for committees, finance and communications. The administration is supported by 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.

Our Funding

Prhp is funded by Scottish Government. This annual report covers the calendar year 1 January to 31 December 2014, 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 2014 at Appendix B include the actual costs 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.



Mould within property at time of inspection

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.

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.



Crack on ceiling caused by water damage

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.

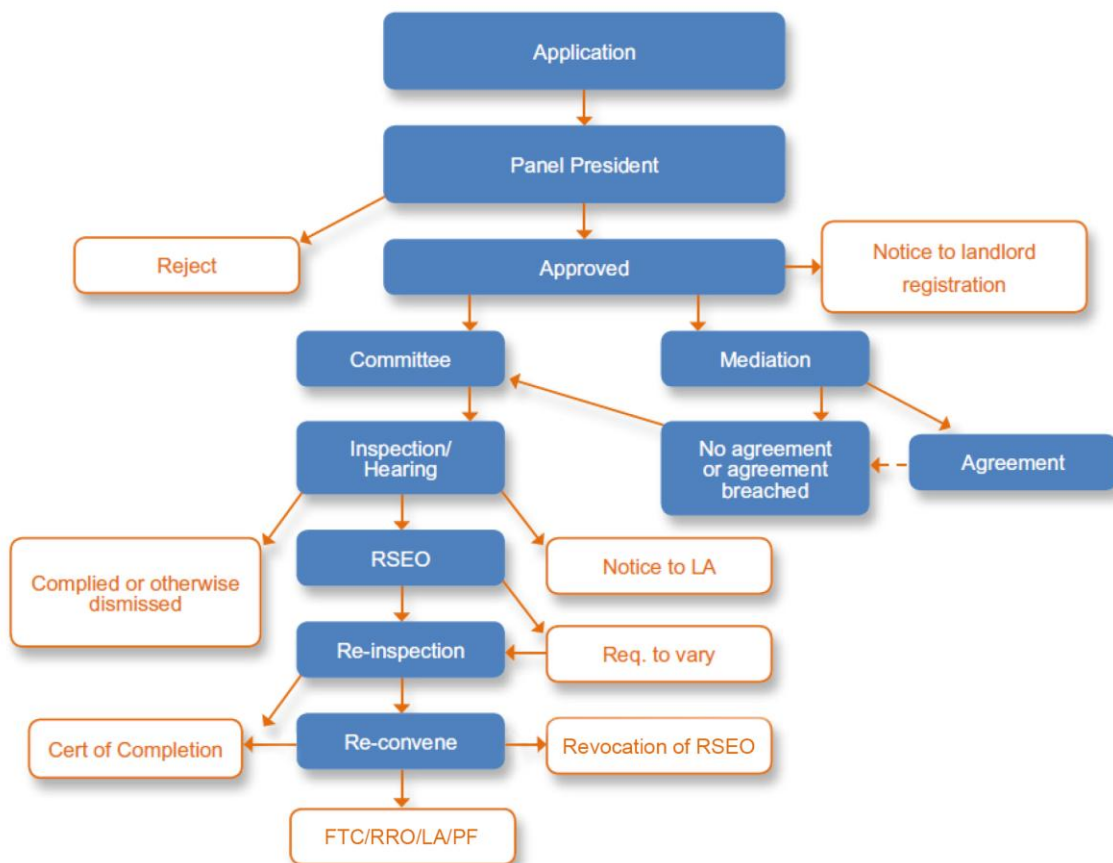


Condition of properties at time of inspection.

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	Notice to Local Authority
	PF	Referral to police/procurator fiscal for prosecution
	FTC	Failure to Comply

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 works. Whilst the works are outstanding and the RSEO is in place, it is a criminal offence to re-let 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 re-inspected by the surveyor member of the Committee or the full 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 by 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 the 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 2014⁵

Overview

In 2014, there was again an increase in the overall number of applications received by prhp. A total of 297 applications were received, an increase of 3% on the 2013 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- 2014

Year	Rent Assessment	Repairing Standard	Total
2007	165	28	193
2008	54	115	169
2009	71	124	195
2010	67	194	261
2011	47	229	276
2012	37	232	269
2013	30	257	287
2014	24	273	297

Repairing standard applications

In 2014, 273 repairing standard applications were received, a 6% increase on the number received in 2013. There are a number of possible reasons for the continuing increase in repairing standard applications.

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

⁵ Note; parts of the proceedings can occur over 2 calendar years – e.g. a hearing in 2013, with a decision issued in early 2014, or a hearing in 2014, with a decision issued in early 2015. We have recorded in this section only events occurring in 2014.

the private rented sector, up from 10.2% when the prhp was introduced in 2007.⁶ 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.⁷ These changes mean that there are more tenants living within the sector, and perhaps more of them are willing to complain about the conditions they are living in, because they want to live in the property for some time.

It is also possible that public awareness of the prhp has increased partly as a result of various recent public policy initiatives which have involved discussion about the role of the prhp. These include the introduction of the tenant information pack in 2013; the forthcoming changes to the Panel's jurisdiction in repairing standard cases (as discussed in more detail in section 7 of this report), and the forthcoming introduction of the new First-tier Tribunal (Housing and Property Chamber).

Rent assessment applications

In 2014, rent assessment applications accounted for only 8% of all prhp applications. In 2007, there were 165 rent cases, while in 2014 there were only 24 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 approximately 18,000 telephone, email and written enquiries in 2014⁸, many of these from members of the public.⁹ Dealing with such enquiries represents a considerable proportion of the workload of the small team of prhp staff.

⁶ These are 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>

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

⁸ Note: this is an estimated figure, based on monthly statistics

⁹Note: 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.

Applications received during 2014

A total of 297 applications were received during the year. The vast majority of these (273) were repairing standard cases. The remaining 24 cases were rent assessment cases, of which 15 were regulated tenancy cases, 5 were Assured Tenancy referrals and 4 were Short Assured Tenancy referrals.

Applications Received in 2014

Repairing Standard Cases	273
Regulated Tenancy (1984 Act)	15
Assured Tenancy (1988 Act)	5
Short Assured Tenancy	4
TOTAL	297

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 related complaints.

Unusual complaints have included bed bugs, bats in a loft and a contaminated water supply.

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, as can be seen from the table on the next page. There was an increase in the number of applications brought under each of the six grounds compared with the previous year.

As in 2013, the most commonly stated ground (63% 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 (1) 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 (57% of applications) and (2) fixtures, fittings and appliances provided by the landlord under the tenancy were not in a reasonable state of repair and in proper working order (55% of applications).

The grounds least often stated concerned provision for detecting and giving warning about fires (27%) and the safety of furnishings in the property (20%). The low volume of applications about furnishings reflects the fact that many privately rented properties are let on an unfurnished basis. There was a noticeable increase in the number of complaints about a lack of fire detection provision in 2013. Panel members have also noticed a recent increase in the number of complaints received about the lack of carbon monoxide detection provision. While this is not currently required as part of the repairing standard, this will become a requirement from 1 December 2015.

There has also been an increase in the number of applications where the tenant complains about the lack of a gas safety certificate or an energy performance certificate. One likely explanation for this is the introduction of the tenant information pack. Since 1 May 2013, landlords have had a duty to provide the pack, which includes information about the obligations on landlords to deliver these documents, to new tenants by the tenancy start date.

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 in respect of the repairing issues.

PRHP Repairing Standard Applications

Analysis of Section 13 (1) Issues

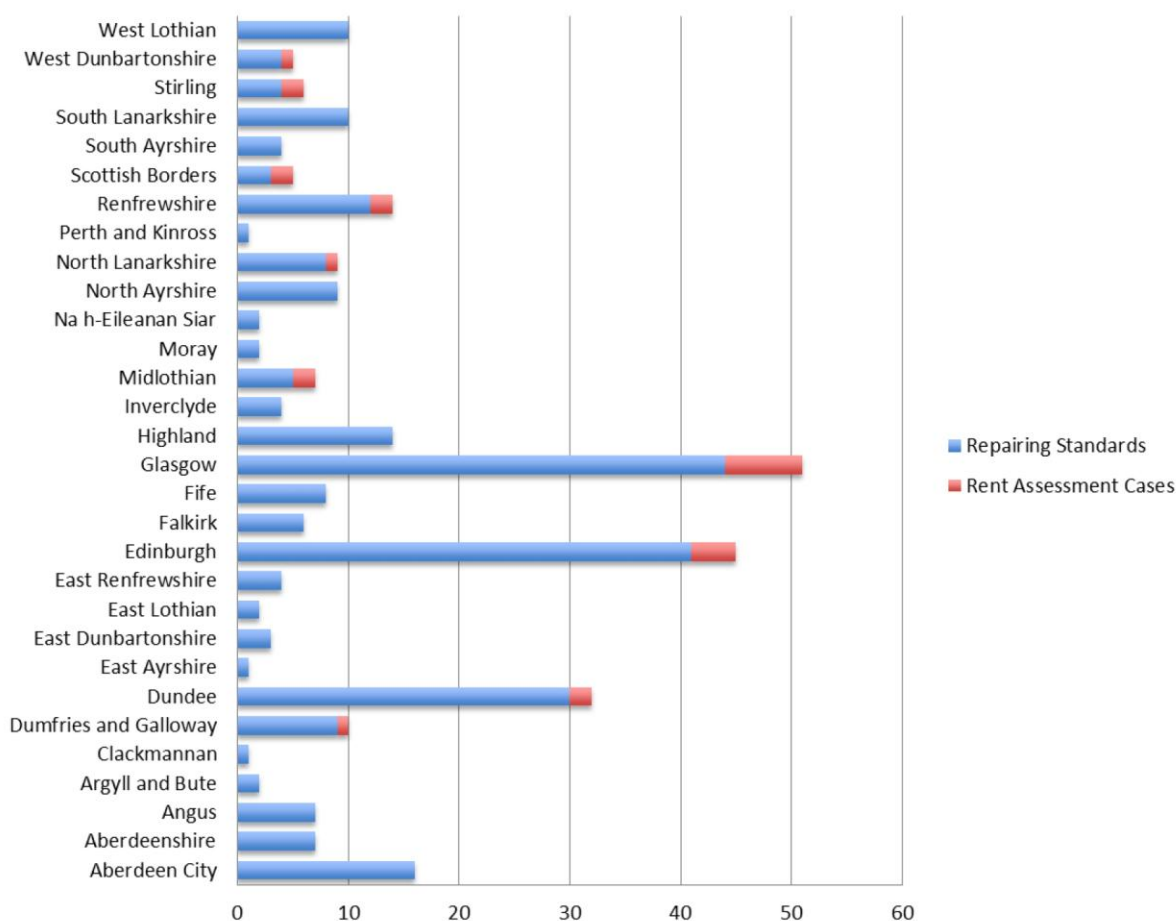
	Number	As % of Applications
Wind and Watertight	171	63
Structure and Fabric	115	42
Water, Gas and Electrical Installations	155	57
Fixtures, Fittings and Appliances	149	55
Furnishings Provided By Landlord	55	20
Fire Detection Provision	73	27

Where the applications came from

Applications were received from across Scotland in 2014, with at least one application from 30 of the 32 Scottish local authority areas. As in 2013, the highest overall number came from Glasgow with 51 cases, closely followed by Edinburgh with 45 and then Dundee with 32. This is perhaps not surprising, given that there are higher population densities in the cities, and 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 a high population density, a considerable number came from rural areas of Scotland.

Applications Received From Each Local Authority Area



Rejected applications

Of the 297 applications received, a total of 56 were rejected by the president before being referred to a Committee in accordance with section 23 of the 2006 Act. The grounds on which the President may reject an application are set out on pages 11 and 12.

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

Reasons for Rejection	
(a) that it is vexatious or frivolous	8
(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.	1
(d) that the dispute to which the application relates has been resolved.	47
TOTAL	56

Vexatious or frivolous

Eight applications were rejected on the grounds that they were ‘vexatious or frivolous’. 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)¹⁰. 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”¹¹. 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.

Dispute resolved

In 47 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

¹⁰ Definition of “vexatious” found in the following cases: 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

¹¹ Lord Bingham (as Lord Chief Justice) in R V North West Suffolk (Mildenhall) Magistrates Court [1998] Env LR 9 at Page 16

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. Alternatively, tenants sometimes contact the Panel by telephone to confirm that the required works have been completed but do not withdraw the application in writing and the President then takes the view that the application should be rejected.

Mediations

In 2007, Prhp became the first tribunal body in Scotland to introduce an in-house mediation service as an alternative form of resolving disputes. The Panel has 19 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 can leave 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.

In early 2014, a pilot mediation service was introduced into the Homeowner Housing Panel's procedure. The early indications are encouraging, with uptake beginning to increase, and more details about this can be found in the 2014 Annual Report of the Homeowner Housing Panel. Mediation has been more successful in hohp cases, perhaps because of the nature of the disputes, as well as the ongoing relationship between the parties.

A total of 4 repairing standard applications went to mediation in 2014. A mediation agreement was reached in all of these cases. In 3 of these 4 cases, the agreements were complied with by the parties, and the application was dismissed. In the remaining case, there was no compliance and the application was referred to a Private Rented Housing Committee.

Applications withdrawn by the tenant

The total number of applications withdrawn by tenants in 2014 was 43. In 39 cases, the tenant withdrew their application because the matter had been resolved. In three cases, the tenant withdrew the application because they had left the property, and in the remaining case, no reason was given.

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 11, where an application is withdrawn or a tenancy is lawfully 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 2014, 66 applications were deemed to be withdrawn because the tenancy had been lawfully terminated. Of these, a total of 34 applications were continued by the President or the Committee 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.

A total of 32 applications were abandoned. In 20 cases this was after the matter had been resolved, and the other 12 applications were abandoned because the tenant had left the property and the President/Committee was satisfied that it was not in the public interest to continue further with the application. This was usually because the landlord had provided proof that the necessary work had been carried out.

Inspections and hearings

A total of 158 committee inspections and hearings took place in 2014¹². 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 155 decisions were issued by Committees in 2014.¹³ Of these, 17 related to rent cases. In 49 of the 138 repairing standard cases where a decision was issued, the Committee decided that there was no failure to comply with the repairing

¹² Note: this figure includes both repairing standard cases and rent cases

¹³ Note: there are a number of possible reasons as to why the number of decisions issued differs from the number of inspections and hearings carried out. Not all inspections and hearings result in complied decisions or RSEOs – while this is very unusual, there are some cases where directions or minutes of abandonment are issued as a result of an inspection and hearing. It could also be the case that where an inspection and hearing took place in December, the decision was not issued until January 2015, or that some decisions issued in 2014 followed an inspection and hearing in late 2013.

standard. In the other 89 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 89 cases.

Repairing Standard Enforcement Orders

In many of these 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 (64% of RSEOs) in respect of which an RSEO was made 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 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 (57%) and that the structure and exterior of the house was not in a reasonable state of repair and in proper working order (51%). 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 (10%).

PRHP Repairing Standard Enforcement Orders (RSEOs)

Analysis of Section 13 (1) Issues

	Number	As % of RSEOs
Wind and Watertight	57	64
Structure and Fabric	45	51
Water, Gas and Electrical Installations	51	57
Fixtures, Fittings and Appliances	46	52
Furnishings Provided By Landlord	9	10
Fire Detection Provision	19	21

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 the prhp in 2014.

An application was received from a tenant complaining that the house that he lived in did not meet the repairing standard. He complained of dampness and of defective windows in the house which were draughty, had rotten frames and lost heat and generally lacked maintenance, with some windows unable to be opened.

A private rented housing committee duly inspected the property and the inspection revealed that the house had the original timber sash and case single glazed windows. It was obvious from the condition of the windows that no maintenance work had been carried out on them for years.

Externally the window decoration was very poor and the windows required painting; repairs to the mastic were required in a number of windows; putty was missing around the glass of some windows; the sills and lower frames were soft or rotten to some degree in most of the windows; and, in one case, it was apparent that, with any pressure, a finger could be pushed right through the frame.

Internally it was noticed that some cords were broken; there was a crack in the window in the second bedroom; some windows could not be closed properly and some were ill fitting. One was stuck open and one had been nailed shut. All windows were substandard.

In the kitchen, apart from condensation causing rot in the frame, the sill was rotten and there was water penetration which had resulted in rot in the area below the window extending onto the worktop and kitchen unit.

High moisture meter readings were found in the interior around some windows, particularly the windows in the second bedroom, due to missing seals and the windows generally were suffering from the effects of heavy condensation. High moisture readings were also found in the plasterwork at the doors and gaps were noticed between the door frames and the walls.

At the hearing, the tenant pointed out that in 10 years some £80,000 in rent had been paid but, despite repeated requests to the landlord, no maintenance or repair work of any kind had been carried out.

Photos taken at initial inspection



Photos taken at re-inspection



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 all of the windows had been replaced with new upvc framed double glazed windows. The rotten kitchen window sill, kitchen sink and work top had been replaced.

However, high moisture meter readings were noted indicating that dampness persisted and it was apparent that remedial works would be more extensive than at first thought. The Committee considered the representations of the parties and decided to vary the RSEO in terms of Section 25(1) (a) of the Act. The variation provided for extension of the time period for completion of work in the RSEO.

Following upon expiry of the timescale for completion of works specified in the notice of variation of the RSEO, the Committee asked for information from the parties as to whether the remaining works had been completed. The tenant indicated that works were still ongoing and had not been completed.

Intimation was sent that the Committee intended to carry out a re-inspection of the house, and thereafter hold a hearing which the parties were invited to attend to lead evidence and make representations.

The Committee noted that the replacement of the windows had only served to highlight the extent of dampness throughout the interior due to a variety of other factors linked to the prolonged lack of maintenance and that extensive work still required to be carried out to eradicate the dampness in the property.

Following the inspection, a hearing took place. The landlord candidly admitted that the house had not been inspected as often as it should have been, and indeed in 25 years there had been no roofing check.

The Committee considered that ample opportunity had been provided to the landlord to carry out the works. The landlord accepted that there had been a failure to carry out the works in the RSEO. As a consequence the house remained damp, and this would have a detrimental effect on the health of the occupants of the house.

Accordingly the Committee unanimously decided in terms of Section 26(1) of the Act that the landlord had failed to comply with the RSEO and directed that a notice of the failure be served on the Local Authority on which the house is situated.

The Committee then considered if a reduction in rent was appropriate, and if so, the appropriate level of reduction. Given the delays in carrying out the works; the disruption to the tenant of the ongoing works which involved furniture being stored in a living area; the impact of the defects on the tenant's enjoyment of the house; the associated health risks caused by the nature of the defects; and the complete lack of urgency displayed by the landlord in completing the RSEO, and balancing these

factors against the completion of some works, such as the window and flooring repairs, and the costs incurred to date by the landlord, the Committee considered that a 70% reduction in the rent was appropriate in the circumstances and the Committee made a Rent Relief Order in terms of Section 27 of the Act.

Compliance by landlords

In 48 cases, the landlord complied with the RSEO within the stated timescale, and the Committee duly issued a completion certificate. A total of 80 re-inspections were carried out by surveyors. In 26 cases, the Committee varied the RSEO, usually to give the landlord further time to complete the repairs. No RSEOs were revoked because the Committee no longer considered the Order necessary. In 32 cases, the Committee issued a Failure to Comply Notice, and virtually all of these cases were referred to the police for prosecution. A total of 17 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

Five appeals from landlords against prhp decisions were lodged in the sheriff court in 2014. Of these, two were dismissed in 2014 and a further three were dismissed in 2015.

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 Panel¹⁴ 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, but there were no tenancy management complaints recorded during 2014. This should not be regarded as evidence that problems relating to the landlord's management of the tenancy do not exist. It is clear from the terms of some of the applications received 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

¹⁴ Whether valid or invalid within the terms of section 22

in Scotland from 1 December 2016, and will allow both tenants and landlords to apply to the new First-tier Tribunal Housing and Property Chamber in respect of any alleged failure to comply with the code of practice.

5. Continuous Improvement Within Prhp

Overview

One of the key objectives of the wider Scottish Tribunals Service¹⁵ is the ongoing effort to improve processes and services by the use of Continuous Improvement techniques. The administration staff within prhp have further strengthened their commitment to Continuous Improvement, and were involved in a number of areas of development and improvement of services during 2014. These include the drafting of a number of quality checklists, which both staff and management use to ensure accuracy and consistency. A quality checklist is a tool used to aid staff in ensuring they consider all aspects of the process quality. The purpose of a well-planned quality management system is to ensure the delivery of services to an agreed consistent standard. These checklists are also used to provide positive feedback for new and existing staff, helping them to become familiar with best practice during the process of an application.

The prhp has continued to update and utilise a database of standard operating procedures (desk instructions) to ensure consistency of practice. The staff have found that having standard operating procedures gives them confidence in the building of their knowledge and also increased job satisfaction, allowing them to provide the best service that they can. STS and staff within prhp continue to encourage and embrace the use of multi-skilling throughout the teams, and the use of Standard Operating Procedures allows for a better informed workforce across all of the tribunals within Glasgow.

Prhp staff have worked together to identify key areas of improvement within our Case Management System (CMS) This has led to increased functionality within CMS, including a helpful calendar page, which instantly allows staff to see what is coming up and to plan ahead. There is also a facility which allows staff to view an easy to read notes page. Further developments include an increased facility for the provision of a number of statistical reports at the touch of a button.

In 2014, staff within prhp and the wider STS benefited from a number of internal and external training courses. Within prhp, staff have undertaken a call handling training course, an online Data Protection course, and an online Health and Safety Course. Managers within prhp and the wider STS also benefited from a Coaching Skills course, allowing for increased development in managerial and leadership skills.

¹⁵ Note: as from 1 April 2015, the Scottish Tribunals Service merged with the Scottish Court Service to form the new Scottish Courts and Tribunals Service

Training for 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. A members' training committee has been set up to provide support and deliver training to panel members. In addition, the Panel continues to circulate information to members on jurisdictional issues, and circulates committee decisions to help maintain consistency of decision making. This ensures that members are equipped with relevant knowledge to help them to decide cases brought before the Panel.

An all members' one day conference was held in Glasgow in February 2014. This allowed all member types to come together and reflect on experiences of both the Private Rented Housing Panel (prhp) and the Homeowner Housing Panel (hohp). The conference included sessions on the Housing (Scotland) Bill, tribunal reform, smoke detector guidance, electrical safety and energy efficiency. Various workshop sessions were available for members to attend delivered by speakers from external organisations. For example: tackling problems of common repairs in private housing, the role of housing benefit, the best way to approach dispute resolution and information around landlord registration.

A mediation training day was also held in January 2014 for prhp panel members who are trained as mediators. The training, on the topic "mediating within a statutory scheme", was delivered by Professor Charlie Irvine from the University of Strathclyde.

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 2014 there were 83,669 unique page views on the prhp website. 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. The website was upgraded in 2015.

Complaint handling procedure

During 2014, STS continued to comply with the complaint handling procedures 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

The Scottish Courts and Tribunals Service

The Scottish Courts and Tribunals Service (STS)¹⁶ 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).¹⁷

It is recognised that 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 and processes of the Panel

During the year the Panel President welcomed Judge Siobhan McGrath, President of the First-tier Tribunal (Property) Chamber for England and Wales, to the Panel's offices to meet prhp staff and to explain the workings of the Panel. The Panel President was invited to the office of the Scottish Legal Complaints Commission in Edinburgh to discuss approaches to mediation and alternative dispute resolution. The Panel President also attended seminars on merit and diversity organised by the Judicial Appointments Board; on administrative justice organised by Scottish Tribunals & Administrative Justice Advisory Committee (STAJAC); on informal dispute resolution at Queen Margaret University. She was invited to give presentations at the Scottish Housing Best Value Network conference on factoring, and on tribunal reform at the Shelter conference and at the National Landlord's day conference. The Panel President was also invited to outline the Scottish approach to dispute resolution in the private rented housing sector at the "Making Northern Ireland Private Rented Sector Bigger and Better" Conference in Belfast. In attendance at the Northern Ireland conference was the Social Development Minister, Mervyn Storey MLA, who announced at the event a review that aims to enhance the private rented sector in Northern Ireland.

¹⁶ Since 1 April 2015, following the merger of the Scottish Court Service and the Scottish Tribunals Service.

¹⁷ Note: the SCTS now also supports the Tax Tribunals for Scotland, which were established in April 2015.



The President of the Panel and other speakers with the Minister at the Northern Ireland Conference

In November 2014, the Panel President held a series of successful and well attended prhp User Group Events, designed for organisations which represent landlords, tenants, local authorities and other relevant stakeholders. The purpose of the event was to give the Panel's stakeholders the opportunity to meet the President, and members of the secretariat and to learn more about the repairing standard and prhp process; changes to be brought about by the Housing (Scotland) Act 2014 and tribunal reform; and there was an opportunity for questions to the President.

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

There is a statutory requirement on landlords through circulation of the tenant information pack to bring the existence of the Private Rented Housing Panel to the attention of their tenants.

The Scottish Government amended the statutory guidance for smoke and fire detection devices with effect from November 2013 and during 2014 the panel provided information to users on the amended requirements with information posted on the website and presentations given at the user events and landlord forums.

Scottish Tribunals Forum

During the course of the year the Panel 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 and to discuss the implementation of tribunal reform following the passing in 2014 of the Tribunals (Scotland) Act and the Housing (Scotland) Act. More details in relation to this are provided in section 7 of the report.

7. Looking to the Future

Tribunal reform

1. The next few years will mark a period of major change for prhp and hohp. In April 2015, the STS was merged with the Scottish Court Service to form the Scottish Courts and Tribunals Service. The new body is 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 hohp.

2. The Tribunals (Scotland) Act 2014 will introduce major tribunal reform in Scotland. It:

- Creates two new tribunals – the First-tier Tribunal for Scotland and the Upper Tribunal for Scotland – to be known collectively as the Scottish Tribunals.
- Allows 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.
- Allows for the creation of Divisions in the Upper Tribunal.
- Makes the Lord President of the Court Session Head of the Scottish Tribunals, bringing judicial leadership of the Scottish Tribunals within his remit.
- Establishes a new office – President of the Scottish Tribunals – with powers delegated from the Lord President. The Rt. Hon. Lady Anne Smith was assigned the first President of the Scottish Tribunals in July 2014.
- Gives responsibility for welfare, training and discipline to the Lord President, including the power to suspend a tribunal member, if considered necessary in the public interest.
- Brings tribunal appointments under the remit of the Judicial Appointments Board for Scotland.
- Gives responsibility for making tribunal rules to the Scottish Civil Justice Council.

3. The establishment of the Scottish Tribunals and transfer-in of jurisdictions into the new chambers will be phased. A number of Chambers are expected to be in place next year including a Housing and Property Chamber. The first jurisdictions to transfer-in will deal with Housing and Property matters, specifically the prhp and the hohp. These tribunals are currently scheduled to transfer-in to the Chamber at the end of 2016. The new jurisdictions created by the Housing (Scotland) Act 2014, as discussed below, will be added to the chamber in 2017.

4. The Housing (Scotland) Act 2014 will introduce a new tribunal jurisdiction within the First-tier Tribunal Housing and Property Chamber, 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

Two sets of additional responsibilities will fall to the prhp from 1 December 2015, as set out in amendments made to the Housing (Scotland) Act 2006 by the Private Rented Housing (Scotland) Act 2011 and the Housing (Scotland) Act 2014. These are:

1. The introduction of a new right for landlords to make an application to prhp to authorise, arrange and, if necessary, observe access to a property for the purpose of carrying out an inspection or for the completion of works.
2. The introduction of a new 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. There will be a phased implementation of this new right across the various local authority areas, starting on 1 December 2015.

Changes to the repairing standard

From 1 December 2015, the repairing standard in terms of section 13 (1) of the 2006 Act will be amended to include a requirement for rented properties to have satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health. In determining whether a property meets the standard of repair in this respect, regard is to be had to building regulations and relevant guidance issued by Scottish Ministers.

From the same date, section 13 will also be amended to provide that, in determining whether a property meets the standard of repair in sections 13 (1) (c) and (d) in

relation to installations for the supply of electricity and electrical fixtures, fittings and appliances, regard is to be had to any guidance issued by the Scottish Ministers on electrical safety standards. New statutory guidance by the Scottish Government on electrical installations and appliances in private rented property will come into force on 1 December 2015. This applies to new tenancies from that date and to existing tenancies from 1 December 2016.

8. How To Contact Us

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

Telephone 0141 302 5900

Fax 0141 302 5901

Email prhpadmin@scotcourtstribunals.gov.uk

Web: www.prhpScotland.gov.uk

APPENDIX A

MEMBERS OF THE PRIVATE RENTED HOUSING PANEL AND HOMEOWNER HOUSING PANEL

Chairperson
Mr David Bartos- LLB (hons) FCI Arb
Mr Jim Bauld- LLB (hons) Dip L.P NP
Mr George Clark- LLB (hons) Dip LP
Mr Andrew Cowan- LLB(hons) Dip LP
Mrs Aileen Devanny- PRESIDENT- LLB NP DCPPDip
Mr Pino Di Emidio- LLB (hons) LLM
Mr Paul Doyle- LLB Dip LP NP
Mr Ron Handley- BA LLB
Mrs Judith Lea- LLB Dip L MBA MSC WS
Mr Martin McAllister- LLB NP
Mrs Anne McCamley- BA LLB
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

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 Members

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 Numbers:

President and Vice President comprising 1 female and 1 male

23 Legal Chairpersons comprising 8 female and 15 male

19 Surveyor Members comprising 4 female and 15 male

25 Housing Members comprising 14 female and 11 male

APPENDIX B

Expenditure and Management Statement for the Financial Years 2013/14* and 2014/15

Expenditure Item	Actual 2013/14 £'000's	Actual 2014/15 £'000's
Staff Salaries and Expenses (Figure includes staff salaries and expenses)	99.6	113.0
Members Expenses (Figure includes Members Fees, Members expenses & training expenses)	219.7	270.0
Central Costs (Figure includes accommodation costs, general expenses, postal costs, and computer/website charges.)	56.5	61.0
TOTAL	375.8	444.0

* The above expenditure is shown on the basis of the financial years 1st April to 31 March.

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 2014 until 31 December 2014.

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. 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.