

Members' Library Service Request Form

Date of Document	05/09/12
Originator	Ewan Ritchie
Originator's Ref (if any)	ER/ES
Document Title	Scottish Government Consultation on Private Rented Sector Tenant Information Packs

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Cabinet

Additional information:

Authorised By	Monica Patterson
Designation	Ex Dir - Services for Communities
Date	05/09/12

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REPORT TO: Members' Library Service

MEETING DATE:

BY: Executive Director (Services for Communities)

SUBJECT: Scottish Government Consultation on Private Rented Sector Tenant Information Packs

1 PURPOSE

- 1.1 To inform Cabinet of the Council's response to the Scottish Government's Consultation Paper on Tenant Information Packs.

2 RECOMMENDATIONS

- 2.1 Cabinet is recommended to note the contents of this Report and the Council's response to the proposals set out in the Consultation Paper, as detailed in the attached Appendix 1.

3 BACKGROUND

- 3.1 The Private Rented Housing (Scotland) Act 2011, which received Royal Assent on 20 April 2011, aims to support responsible landlords and address more effectively the problems caused by landlords who act unlawfully, by strengthening the regulation of the private rented sector.
- 3.2 Section 33 of the Act places a statutory duty on a landlord to provide specified documents and information (a tenant information pack) to a tenant at the beginning of an assured tenancy (a copy of Section 33 is contained in Appendix 2, below).
- 3.3 The Consultation sought view on 2 specific areas:
- What information should be contained within the pack; and
 - What the pack should look like and how it should work in practice.

Response Summary

- 3.4 The Council's response agreed with the proposed contents of the Tenant Information Pack, in respect of the information to be provided on tenancy types, documentation and the ending of tenancies.
- 3.5 The response highlighted a number of areas where consideration should be given to the level of information which should be required to avoid over-complication and confusion. In addition the response gave suggestions for information which it is considered should be included but was not mentioned in the Consultation Paper such as information on the importance of inventories, tenancy deposit schemes and exemptions from landlord registration.

4 POLICY IMPLICATIONS

- 5.1 None.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This Report is not applicable to the wellbeing of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – None.
- 6.2 Personnel – None.
- 6.3 Other – None.

7 BACKGROUND PAPERS

- 7.1 Consultation Paper on Tenant Information Packs can be located at : <http://www.scotland.gov.uk/Publications/2012/02/4519>
- 7.2 Appendix 1 (Attached) - East Lothian Council response.

NAME	Richard Jennings
DESIGNATION	Head of Housing & Environment
CONTACT INFO	Ewan Ritchie – Ext. 6763
DATE	5 September 2012

APPENDIX 1

Introduction of a Tenant Information Pack



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

East Lothian Council

Title Mr

Surname

Ritchie

Forename

Ewan

2. Postal Address

Penston House

Macmerry Industrial Estate

Macmerry

East Lothian

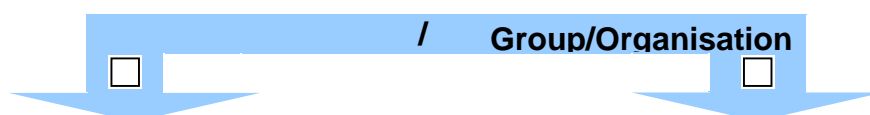
Postcode EH33 2QR

Phone 01620 828763

Email

eritchie@eastlothian.gov.uk

3. Permissions - I am responding as...



[Empty permission box]

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes

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

Please tick as appropriate Yes

Introduction of a Tenant Information Pack in the Private Rented Sector: Consultation – Questionnaire

Section One: Specifying the documents to be contained within a pack

Question 1

Do you agree that the following information should be included in a pack about the tenancy?

- The difference between assured and short assured tenancies
- What an AT5 form is?
- What to do if you want to end a tenancy

East Lothian Council agrees that this information should be included in a pack about the tenancy.

Question 2

Please list any other types of information you think should be included about the tenancy.

East Lothian Council suggests that general information about what should be included in a Tenancy Agreement, be contained within the pack.

Also information on Tenancy Deposit Protection, the current scheme providers, and general information on how the schemes operate.

Should not only contain information on when the tenant wishes to end the tenancy, but what a landlord must do in order to end a tenancy.

Question 3

Do you agree that the following information should be included in a pack about the property?

- Gas and electrical safety
- Energy Performance Certificate
- Council tax information
- Permitted level of occupancy
- Repairing Standard
- Inventories

East Lothian Council agrees that the majority of this information should be included in the pack.

However ELC suggests that reference is made to the Overcrowding Provisions of the 2011 Act, but at the same time this should be concise and to the point.

ELC has concerns over the wording in the first paragraph of the Permitted Level Of Occupancy Section in the example TIP. ELC would suggest that Overcrowding is more likely to be an indicator of wider social problems, rather than a contributing factor as is described.

ELC also suggests that the last sentence of the final paragraph of this section be altered to read “If you are concerned about overcrowding, you should seek advice from your landlord, or contact your Local Authority Housing Office to discuss your housing options.”

ELC suggests that the inventories section be expanded to give more information to the tenant about the importance of the inventory. This section should also encourage the tenant to check through the document and inform the landlord/agent of any discrepancies and/or omissions that they identify.

ELC also suggests that the Repairing Standard section be expanded to include more information on the requirement for hard-wired smoke detectors.

Question 4

Please list any other types of information you think should be included about the property.

ELC suggests that information about the following, also be included in the pack:

- **Details about refuse / recycling / garden waste collections, including where and when to leave the items for collection.**
- **Details of the utility providers and contact details.**
- **Emergency contact numbers for gas and electricity and water issues.**
- **Emergency contact numbers for other situations; and**
- **Locations of stop-cocks, fuse boards, and gas shut off valves.**

Question 5

Section 2.2 provides information about electrical safety. Do you think the pack should include more detailed information about the condition and safety of the electrical installation in the property? *(For example, age of the electrical installation; when was the last inspection and testing done (electrical condition report); is an RCD fitted in the fusebox; covering socket circuits only or on a socket outlet dedicated for outdoor use).*

Q 5, 6 & 7

ELC suggests that this is overcomplicated and may lead to confusion. The language is far too technical. Would be best to limit this section giving general advice and details on where to contact if concerns arise.

Perhaps the current PIR/EICR or equivalent Certificate should be included for information.

Should also be made clear to the tenant that any PAT testing will only apply to items left in the property by the Landlord and not to their own appliances.

Question 6

Do you think there should be more information included about the condition and safety of electrical appliances in the property? *(For example, details (item and age) of the appliances supplied as part of the rental agreement; what steps have been taken to ensure they are safe for use etc).*

As in Answer 5

Question 7

Do you think there should be more information included about the general safety of the property? *(For example, Residual Current Device (RCD) protection; carbon monoxide detectors etc).*

As in Answer 5

Question 8

Do you agree that the following information should be included in a pack about the landlord?

- Landlord registration information
- HMO licence information

ELC suggests that some reference be made to those landlords and properties that are exempt for Landlord Registration, in order that confusion is avoided.

The relevant LA Landlord Registration contact details should be inserted here also.

References to the landlord being Registered in the HMO section should be replaced with the word licensed.

Question 9

Please list any other types of information you think should be included about the landlord.

ELC suggests that the following is also included about the landlord:

- Full Name
- Registration Number (for that LA)
- Contact Address
- Details of any Voluntary Accreditations (eg. Landlord Accreditation Scotland)

Question 10

Do you agree that the following information should be included in a pack about the rights and responsibilities of tenants and landlords?

- Tenants and landlords responsibilities
- Harassment and unlawful eviction
- Information about the tenancy deposit scheme(s)
- Tenant's obligations under antisocial behaviour legislation

ELC agrees that the stated information be included. ELC would suggest that the reference to Rent Books and Receipts for Rental Payments be amended to take account of the fact that most tenants pay their rent by Standing Order, and as such there is no requirement in those circumstances for a Rent Book or Receipt.

Question 11

Please list any other types of information you think should be included about the rights and responsibilities of tenants and landlords.

ELC suggests that there be an expanded explanation upon the rights of the landlord or representatives to gain access to the property in order to carry out repairs and maintenance and in the case of emergencies.

Also a clause on the retention of keys to the property, by the landlord or agent, when this can be done and what the landlord is allowed to use those keys for.

Question 12

What are your views on the way the example pack contained in this consultation document is presented? For example, is it 'fit for purpose', clear, understandable, and easy to interpret?

ELC agrees in the principle that the example pack is fit for purpose. However a danger that it becomes so detailed that it will put off the tenant from reading it should also be taken into consideration to ensure it is a useful resource for tenants.

ELC also suggests to consideration being given to developing standard documents / information in languages other than English. This would provide a valuable resource for landlords who may be dealing with tenants for whom English is a second language. These tenants may also be particularly vulnerable to not having a full understanding of their rights and responsibilities.

Question 13

What are your views on the proposed process outlined in this consultation document for managing the content and for accessing the pack?

ELC believes that it is essential to have a central hub that a landlord can access to download the template document. The Pack is so complicated and contains so much regulation that the majority of landlords would really struggle to comply without the central hub.

Draft TIP contains a number of hyperlinks – useful up to a point but extremely prone to becoming out of date. Care will need to be taken:

- a. to update hyperlinks in TIP whenever that happens and
- b. to ensure a redirect is available from the original hyperlink and that these will also need to be updated, possibly through several iterations – it must be remembered that some tenants will remain in the property for years, and the TIP is no use if the key info is not easily available after only a few months.

ELC has identified a number of issues:

- The consumer focus hyperlink re Electrical Safety provided in the draft is already redundant,
 - The link to Corgi is to the wrong organisation (Corgi hasn't provided that service for some time), this should be Gas Safe Register (<http://www.gassaferegister.co.uk/>, 0800 408 5500, PO Box 6804, Basingstoke, RG24 4NB)
 - The link to Shelter is wrong (should be <http://scotland.shelter.org.uk/>)
 - There are details of SAL but no details of the other Landlord Organisations such as Scottish Land and Estates, National Landlords Association etc.
- c. There are no details for Landlord Accreditation Scotland

Question 14

Does the process outlined in this consultation document provide adequate confirmation that the pack has been provided to the tenant before the tenancy has begun? If not, can you explain why?

ELC believes that the process seem sufficient.