



PRIVATE RENTED HOUSING PANEL

ANNUAL REPORT

2011



Contents

President's Foreword	3
Our Aims and Values	5
The Panel and its Workload	6
▪ Rent Assessment Cases	
▪ Repairing Standard Cases	
▪ Application Procedures	
▪ Inspections and Hearings	
Mediation – an alternative way to resolve disputes	19
Appeals	20
Website	20
Finance	21
Public Service Reform (Scotland) Act 2010 Report	21
Tenancy Management Complaints	23
Working With Others	24
Initiatives for service improvement	26
Looking to the Future	27
How to contact us	28

Appendices

Appendix A: Panel members during 2011	29
Appendix B: Expenditure and Management Statement for 2011/2012	30
Appendix C: Glossary of Terms Appearing in this Report	31

President's Foreword



I am pleased to present this fourth Annual Report of the Private Rented Housing Panel (prhp) covering the work of the Panel for the year January to December 2011. The financial year for the Panel, in common with government sponsored bodies, runs from 1 April until 31 March, and since this Annual Report straddles two financial years, the accounting figures for the year 2011 at Appendix B states the budgets and actual spend for both financial years.

This has been a year of significant operational change for the Panel with responsibility for the Panel's administrative support transferring to Scottish Tribunals Service (STS) on 1 April 2011. The existing prhp staff transferred to STS and this ensured continuity of service delivery. A review of staffing structures at the summer resulted in the existing Panel Secretary, Sara James, assuming additional responsibilities as Operational Manager for Additional Support Needs Tribunal Scotland (ASNTS) as well as prhp. As part of the overall operational efficiencies, the Panel moved offices at the end of the year to Europa Building, Argyle Street, Glasgow. This allowed considerable cost savings to be made in the prhp budget as well as providing accommodation expansion opportunities with the formation of a Glasgow base for STS. Located on the ground floor of the Europa Building, prhp as well as other STS served tribunals have their own dedicated hearing rooms with video conferencing facilities, a suite of offices and "touch down" centre with IT facilities for all STS staff operating in the Glasgow area. There is access to on-site conference facilities which can be used by prhp for member and staff training resulting in further cost savings and avoiding the need for the hire of accommodation for training and conference events.

Considerable work has been undertaken this year in preparation for the implementation of the Property Factor (Scotland) Act 2011 which received royal assent on 7 April 2011. The Act establishes a register of property factors and requires factors to be registered; it provides for the introduction of a Code of Conduct with which all registered factors must comply; and it establishes a new Panel called the Homeowner Housing Panel (hohp) to resolve disputes. Both jurisdictions will operate side by side with the Panel members of prhp also becoming Panel members of hohp and STS will provide the administrative support for both Panels. The Act will come into force on 1 October 2012. As President of prhp, I have been involved in arrangements for establishing the new Panel. Support has been given in the task of implementing the Act by the STS policy division as well as Scottish Government legal services and I would like to thank them for their significant contributions. There is considerable uncertainty about the number of applications which will come to hohp and statistical analysis has been undertaken by Scottish Government Communities Analytical Services Division to produce caseload estimations for the new tribunal on which operational assumptions have been made. However, the demand levels and resource requirements for hohp will only be able to be accurately measured after the

commencement of the Act.

Despite the considerable additional workload created by the implementation of the new Act, it has been business as usual in the prhp jurisdiction. 2011 saw an 18% increase in repairing standard applications with a slight increase in rent assessment references. More Repairing Standard Enforcement Orders were issued in 2011 than during any previous year and we also recorded more outcomes where repairs were carried out either as a consequence of an application to the Panel or as part of the enforcement proceedings following Panel decisions. Where possible, we encourage tenants and landlords to access our mediation service which provides an alternative way of resolving disputes. During the year we have made efforts to raise awareness of the work of the Panel as this is an important element of ensuring access to justice. All this is only achievable due to the commitment of Panel Members and the efforts of the Panel Secretary and her administration staff, and I would like to take this opportunity of thanking them for their dedication in delivering an efficient, effective and user focussed service despite an ever increasing volume of business.



Aileen Devanny
President

Our Aims and Values

Our Aim

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



prhp 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 cost effectively.
- 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 Pledge

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, age, or physical or mental ability may be. We will do all we can to make our service efficient, accessible and user friendly.



A member of prhp staff answering a call

The Panel and its Workload

The Private Rented Housing Panel is a devolved Scottish Tribunal set up under the Housing (Scotland) Act 2006. It deals with 3 main private residential issues - objections to Fair Rents fixed by Rent Officers under the Rent (Scotland) Act 1984; determining market rents for short assured tenancies and terms and/or market rents for statutory assured tenancies under the Housing (Scotland) Act 1988; and for determining referrals from tenants concerning the landlord's duty to meet the repairing standard under the Housing (Scotland) Act 2006. Applications by tenants under the 2006 Act have become the main area of involvement for the prhp.

The Panel is an independent impartial judicial body separate from Scottish Government and Rent Service Scotland. It consists of a total of 40 members who are specialists in housing issues and who have been appointed by Scottish Ministers. It has 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. A group of members from the Panel have been trained in mediation and this service is being offered as an alternative means of dispute resolution for cases referred under the 2006 Act. There is a specific section later in this report which expands on the mediation process.

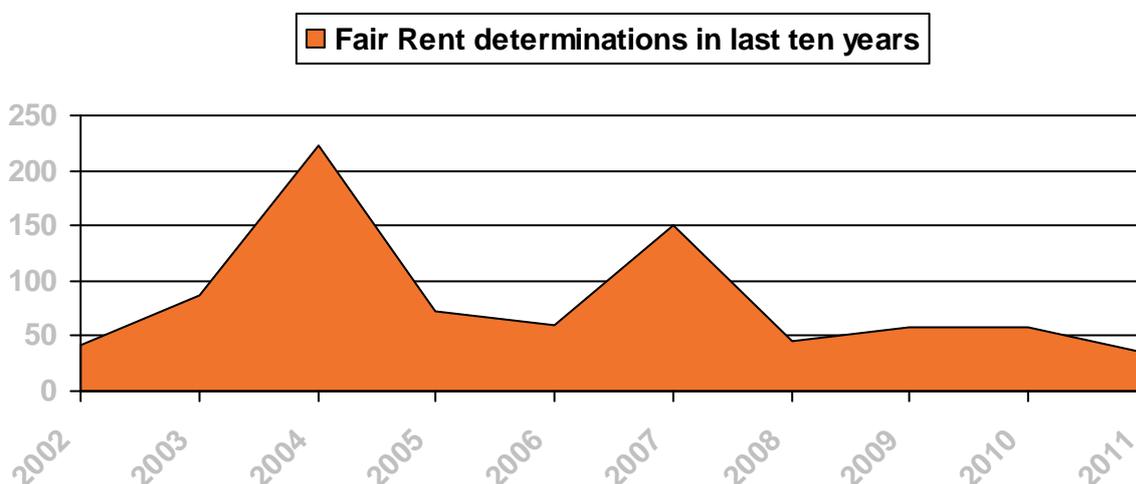
Since 1 April 2011 the administration of the Panel has been provided by Scottish Tribunals Service with 3 full time members of support staff and a Panel Secretary, who fulfils a joint role as Operational Manager for Additional Support Needs Tribunal Scotland. The staff are responsible for case management, scheduling hearings as well as clerking and support for Committees, finance and communication.

The Panel are now based in the Europa Building in Argyle Street, Glasgow where there are facilities for office accommodation and hearing suites.

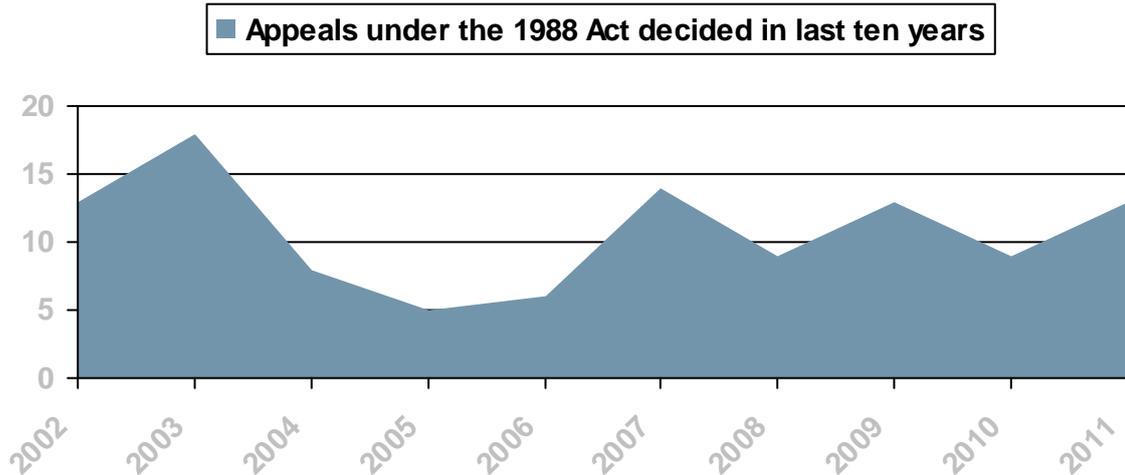
Rent Assessment Cases

The jurisdiction of the Panel in rent assessment cases is contained in the Rent (Scotland) Act 1984 (the “1984 Act”) and the Housing (Scotland) Act 1988 (the “1988 Act”). Although the Panel has various statutory functions, the primary work of the Panel in this area is:-

- Under the provisions of the 1984 Act, to consider appeals made by landlords or tenants against the rents registered by Rent Officers and to determine 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 based on the evidence available, which is the most appropriate method to use. The first method of calculating fair rent is to consider the open market rent and then to make a deduction from this to take account of any inflation in rental levels caused by a shortage of houses available for rent. This is known as the scarcity deduction. The second method involves deciding a Fair Rent after comparing registered rents for similar houses in an area, and the third method involves calculating an appropriate level of return on the value of the property. In 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 and that rent may be lower or higher than the Rent Officer’s assessment irrespective of whether the referral is made by the landlord or tenant. The Committee can bring their own knowledge and experience to the valuation judgement.



- Under the provisions of the 1988 Act-
 - (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.



Procedure for applying for a rent assessment

- Appeals against the Rent Officer's decision under the 1984 Act are referred from Rent Service Scotland to prhp.
- Appeals under the 1988 Act are started by the completion of a statutory form and sending it to prhp. The statutory forms can be obtained from the prhp office.

The Committees provide an appeal route which is informal and inexpensive against the rental figure set by the Rent Officer or landlord. Legal representation is rare and parties are often unrepresented. There is a further right of appeal, on a point of law, to the Court of Session for a party who is unhappy with the Committee's decision



Committee members leaving a Rent inspection

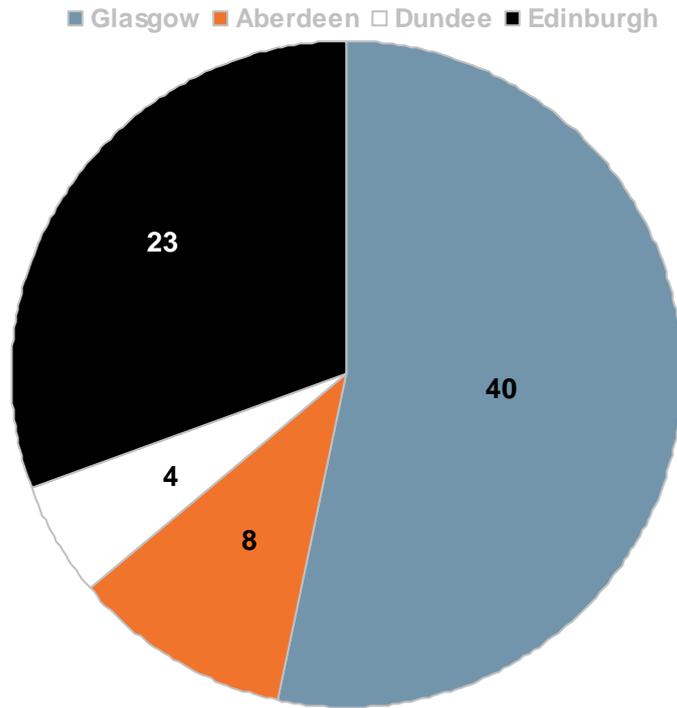
During 2011 the Panel received 75 applications of which 50 were Fair Rent cases and 25 Assured Tenancy referrals. A breakdown of the number of cases decided by the Panel's Committees over the ten year period to 2011 can be found below

CASES DECIDED BY RENT ASSESSMENT COMMITTEES 2007-2011

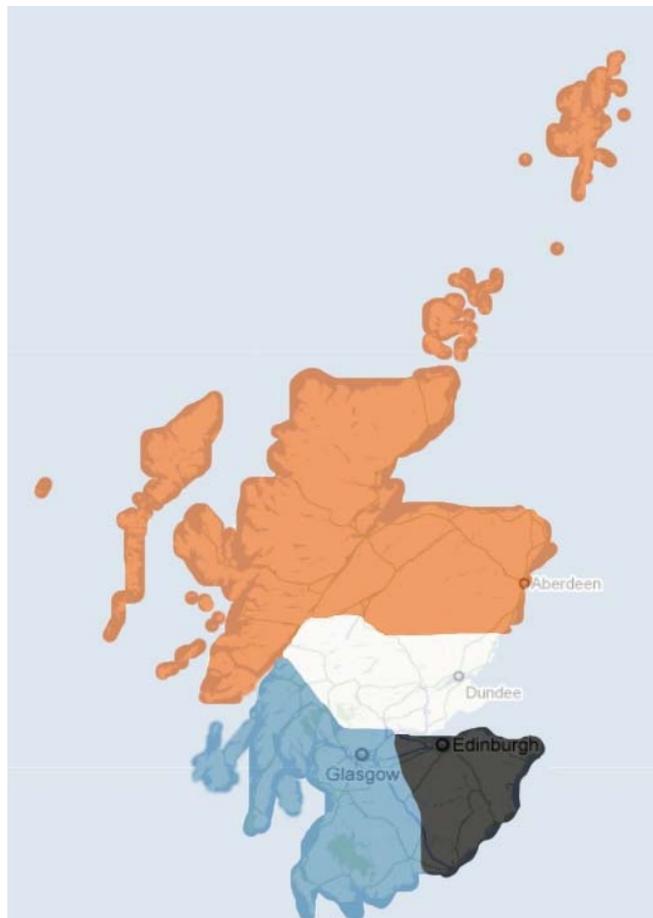
	2002	2003	2004	2005	2006
Fair Rent cases	41	87	223	73	59
Assured Tenancies	13	18	8	5	6
Part VII Contracts	-	1	1	1	-
TOTAL	54	106	242	78	66

	2007	2008	2009	2010	2011
Fair Rent cases	151	45	58	58	34
Assured Tenancies	14	9	13	9	13
Part VII Contracts	-	-	-	-	-
TOTAL	165	54	71	67	47

Breakdown of Rent applications by area for 2011



Approximate areas used for breakdown



Repairing Standard Cases

The Housing (Scotland) Act 2006 sets a mechanism for tenants in the private rented sector to seek to compel a landlord to carry out necessary repairs to a standard called 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 should 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.



Complaint relating to a tenement entrance door

The repairing standard is set out in section 13 of the 2006 Act. This section states that 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.*

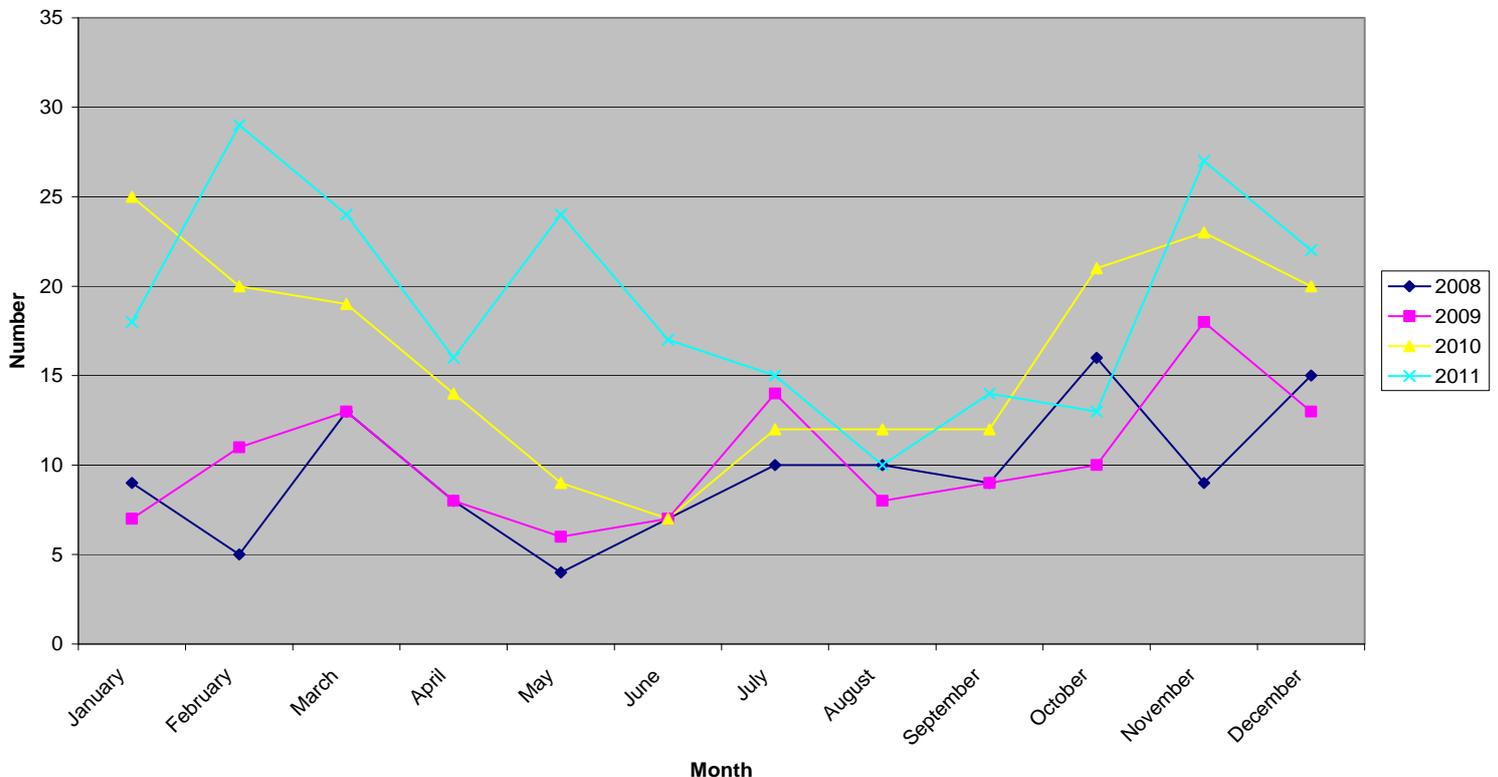
The repairing standard applies to most tenancies in the private rented sector. However, tenants cannot apply to prhp if the landlord is a local authority, registered social landlord, or Scottish Water.

Making a Repairing Standard Application

An application form and guidance booklet is available from the prhp offices or may be downloaded from the website www.prhpscotland.gov.uk. The form guides tenants through the information which is required for a valid application. There are actions which a tenant must take before the application can be treated as valid and referred to a committee for a determination. The tenant will be asked to confirm that the landlord has been notified of the works required to comply with the repairing standard; and in addition, the tenant will also be asked to attach to the application documentation to support that there is a valid tenancy in place. An application can only be accepted from a current tenant of a property.

The application will be checked when it is received, and if it does not provide the necessary details then the tenant will be asked for additional information. Once all the necessary information has been provided, it will be treated as a valid application and the President must decide within 14 days whether to refer the application to a Private Rented Housing Committee or whether to reject the application in certain very limited circumstances. The President can reject an application if she deems it frivolous or vexatious; or if the dispute to which the application relates has been resolved; or where a tenant has made a similar application in relation to the same house and there has not been a reasonable period of time between applications.

PRHP Repairs Applications Received 2008 to 2011



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 provide a mediation service in appropriate cases but both parties must be willing to engage in mediation for this to proceed. There is a pamphlet available from the prhp offices or from the website describing the mediation process. If no agreement is reached at mediation or the tenant or landlord do not wish to try mediation, then the case is referred to a Committee.



Drainage issue in a back garden

The prhp website contains information on a number of repair issues and it also has information as to how to go about making an application to the Panel. A pro forma notification of repairs letter is available from the Panel offices and can be downloaded from the website. In many cases, tenants report that indicating to the landlord that they propose to submit an application and sending this letter is sufficient to encourage landlords to carry out the required work. During 2011 we noticed that in 46 cases out of a total of 229 applications received, the dispute has been resolved after the involvement of the Panel but before referral to a committee. This figure may indeed be higher as in a further 20 cases the tenants withdrew applications but did not provide a reason in their withdrawal letter. If the tenant withdraws the application or the tenancy is terminated before the application is determined, then the President or if at a later stage the Committee can decide whether to abandon the application or to continue to determine the application. If the decision is taken to continue to determine the application, then a Committee will decide if the house meets the repairing standard and if it does not, then a repairing standard enforcement order will be issued which will prevent a vacant house being re-let without the permission of a Committee, otherwise a criminal

offence is committed by the landlord.

Before making a decision to abandon or continue with a case to determination, the President or a Committee will look at all the circumstances of the case and in particular whether the repairs alleged in the application may give rise to issues of health and safety for future occupants. It is common for additional information and in some



Condition of a property upon inspection by the Committee

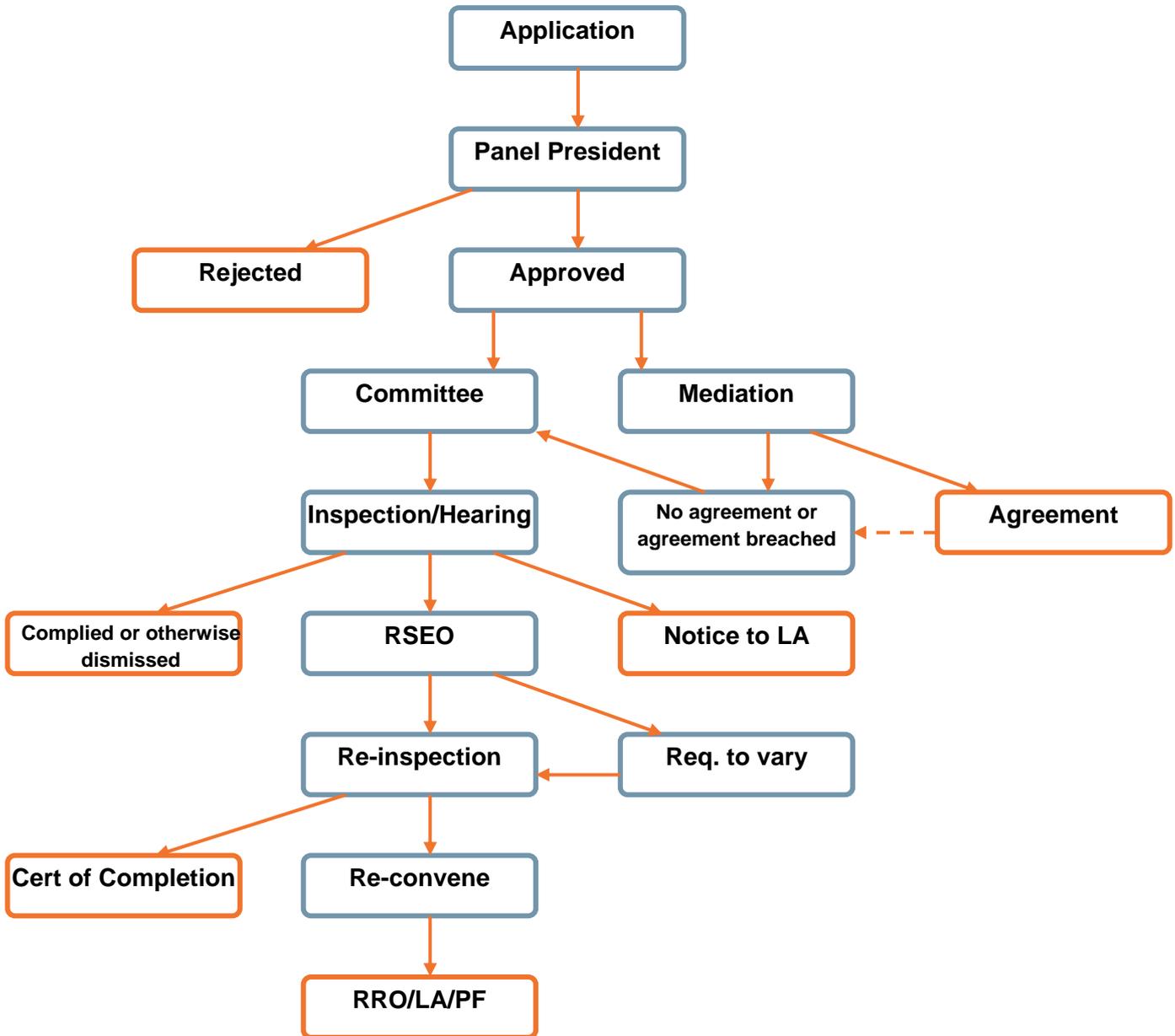
instances third party reports relating to aspects

of the condition of the house to be requested from a landlord before a decision is made to abandon an application in these circumstances. During 2011 the President and Committees abandoned 33 applications following upon withdrawal of applications by tenants or termination of the tenancy agreements. In a significant number of these cases the landlord provided certificates, payment receipts for works carried out or third party reports before a decision was made to abandon these applications.

Withdrawn and Rejected Applications in 2011

Abandoned by President or Committee	33
Withdrawn by tenant (states works are completed)	11
Withdrawn by tenant (no reasons given)	20
Rejected by President as dispute has been resolved	35
Rejected by President for jurisdictional reasons	3

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 or making a rent assessment, the Committee will 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 takes place in a nearby venue and both tenant and landlord are invited to attend. There is no need for legal representation as these hearings are conducted in a relatively informal manner. Efforts are made by the Panel to cater for any special needs at these hearings with interpreters being provided if required, and efforts are made to



Front view of prhp "home" venue

ensure that venues are compliant with the Disability Discrimination Act 2005. The Committee's written decision with their Statement of Reasons for that decision is not issued immediately after the Hearing, but will be issued as soon as is practicable and in most cases within 3 weeks.

If the Committee decide that the property meets the Repairing Standard then they will issue a Complied decision. If the Committee decide after considering all the facts and evidence that there has been a failure on the part of the landlord to comply with the duty to ensure that the property meets the repairing standard, the Committee will issue a Repairing Standard Enforcement Order (RSEO) which will specify the works which require to be carried out at the house and a timescale for completion of the works. Whilst the works are outstanding and the Repairing Standard Enforcement Order is in place, the property cannot be re-let if it is vacated by the tenant; otherwise an offence is committed by the landlord.

Once the time has passed for completing the works, the property will be re-inspected and if the works are completed satisfactorily, a Completion Certificate will be issued.

If the works have not been completed or not completed to a satisfactory standard, then the Committee can, after considering any further representations from the landlord or tenant, issue a Failure to Comply Notice and can decide to reduce the rent payable for the house 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 is an offence not to comply with a Repairing

Standard Enforcement Order without reasonable excuse. If the landlord has good reasons for not completing the works within the timescale given, then the Committee can vary the order giving the landlord further time to complete the works.

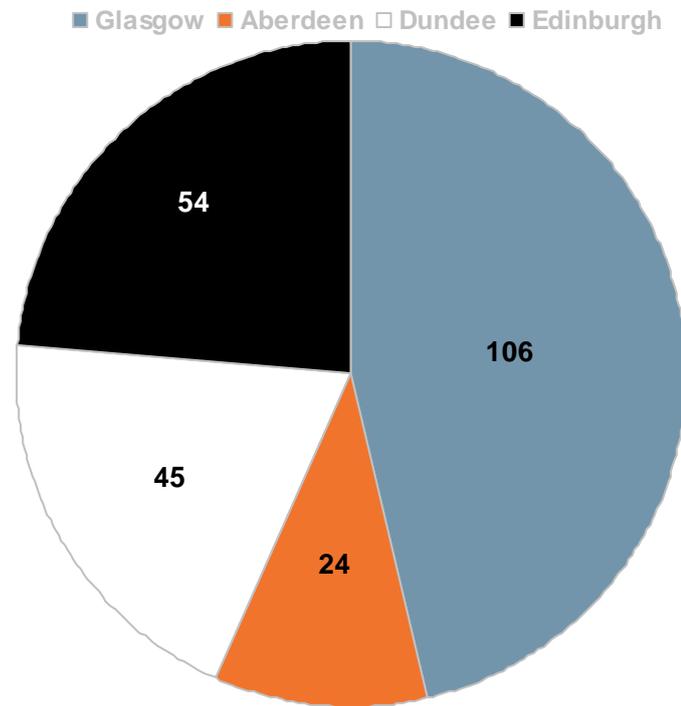
Repairing Standard Cases	2011	2010
Applications Received	229	194
Mediations which resulted in Agreements	10	4
Withdrawn and Rejected (see table on page 14)	102	88
Complied (Committee decision that house complies with Repairing Standard)	11	19
RSEO's issued (Committee decision that house does not comply with Repairing Standard)	82	59
Reinspections by surveyors (to check if RSEOs have been completed)	115	Not recorded
Certificates of Completion and decisions to revoke RSEOs	64	26
Failures to comply with RSEO's and referrals for Prosecution	30	17
Rent Relief Orders issued by Committees	23	14
Cases carried forward (this figure includes applications still to be determined as well as cases where RSEOs have been issued and cases where enforcement proceedings are pending)	172	120

Rent Relief Orders (RRO's) are granted in fewer cases than Failure to Comply Notices as in some cases the tenancies had been terminated prior to the Committee considering a Rent Relief Order.

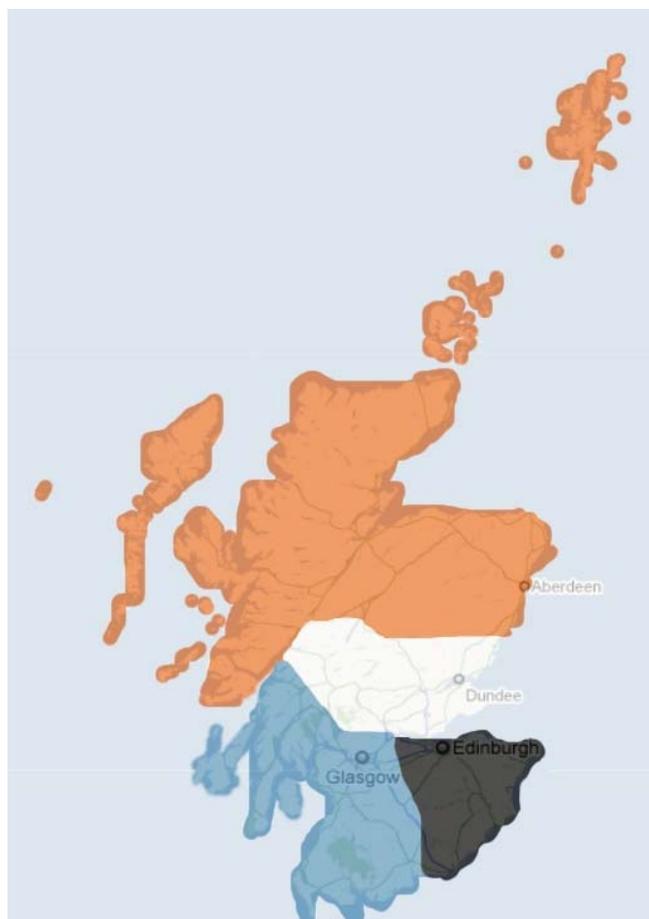
If the committee decide that the landlord has failed to comply with the Repairing Standard Enforcement Order, then a tenant can ask the local authority for the area in which the house is situated to carry out the works detailed in the Order in terms of Section 36 of the Act. The decision as to whether or not a local authority will carry out works rests with the local authority. If the local authority does decide to carry out works then they have powers to recharge the landlord for the cost of works and the other expenses.

Decisions and Orders issued by Committees in both rent assessment and repairing standard cases are published on the Panel's website. It is possible for members of the public to access these details using the postcode of the property.

Breakdown of Repairing Standard applications by area for 2011

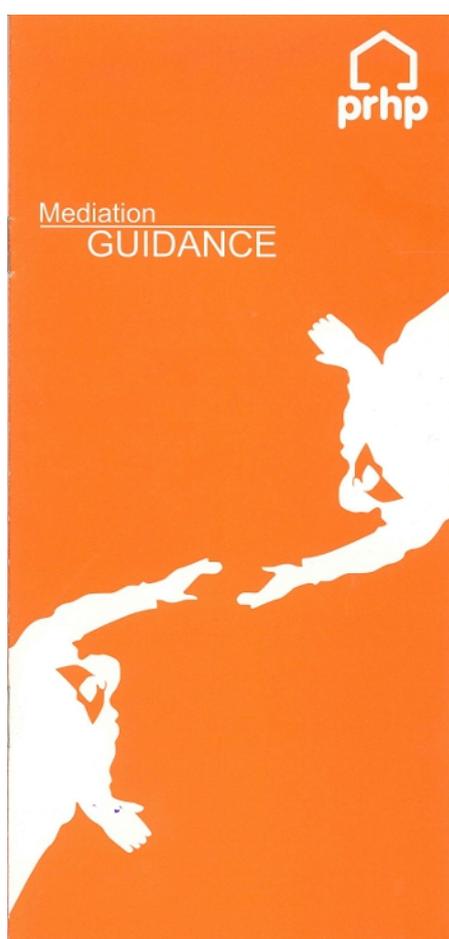


Approximate areas used for breakdown



Mediation – an alternative way of resolving disputes

Mediation is a way of settling disputes informally without the expense, time and bad feeling often involved in using formal procedures. Many people find the idea of going to a hearing before a Committee daunting, and mediation can often resolve the problem without the need for a Committee to become involved.



The prhp mediation booklet

Parties must opt-in to mediation, but, if they do, mediation has many advantages. The mediation service is free of charge, flexible and confidential, and is staffed by trained mediators. Choosing mediation allows the tenant and landlord to work out a solution best suited to their needs, instead of having a solution imposed upon them by a Committee. Because people have found their own solution to their problems, they are more likely to carry out what they have agreed to do. Mediation can often improve the relationship between the landlord and tenant. Once people have had the opportunity to talk through the issues, each party is better able to understand the other person's point of view. If mediation is successful, then the parties will sign up to an agreement which removes the prhp's further involvement in the repairing standard case unless either party complains that the agreement has been breached.

The Private Rented Housing Panel was the first tribunal body in Scotland to introduce an in-house mediation service as an alternative form of resolving disputes. The Panel mediators are trained impartial people who are skilled in helping establish common ground in even the trickiest of situations. We have 15 trained mediators amongst our membership who have all undertaken a 40 hour course of training provided by SACRO, a Scottish Government sponsored organisation which specialises in a wide range of mediation services.

During 2011, there were 11 mediations in total with 10 reaching agreements between the landlord and tenant. We were subsequently advised by parties to the mediation agreements that 5 of these agreements were breached. In these circumstances the original applications are referred to Private Rented Housing Committees for determination. In the 5 cases where it was

complained that agreements were breached, Committees decided to issue a Repairing Standard Enforcement Order in four cases and a Committee decided in the remaining case to issue a complied decision.

Appeals

Parties have a right to appeal to a Court against a decision made by a Committee. 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. 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.

There were no appeals from rent determinations in 2011.

During 2011 there were four appeals to a Sheriff in relation to cases under the Repairing Standard jurisdiction. One appeal related to a decision of a Private Rented Housing Committee to issue a Repairing Standard Enforcement Order and the appeal was eventually abandoned by the landlord and the works have since been completed. In the second appeal against a failure to comply with the Repairing Standard Enforcement Order, the appeal is still pending. The two other appeals involve landlords who were appealing Panel decisions to issue Repairing Standard Enforcement Orders. In one appeal the Sheriff reversed the decision of the Committee without evidence being led. No further information on the reasons for the decision is available and a request to the court by the Panel President for a short note of the Sheriff's reasons for the decision was declined. In the other case the tenant received legal aid and was represented and in that case the appeal was sisted (held in abeyance for a period) to allow the implementation of an agreement reached between the landlord and tenant. When the case returned to court the Repairing Standard Enforcement Order was quashed in the absence of an appearance from the tenant.

Website

We have made efforts to provide tenants and landlords with more information about the work of the Panel and have expanded our website. We find increasingly that tenants and advisers download our application form from the website and during 2011 there were 9,452 unique visitors to 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.

In the June 2011 issue of the Journal of the Law Society of Scotland the websites of the tribunals administered by Scottish Tribunals Service were reviewed and here is the comment which appeared in the article about the prhp website:

“The pick of the bunch this month, this website is everything you’d want from a tribunal website, delivering all the information and resources you’d need to bring a claim and have seen in other websites, but delivering it in a very attractive package and making it very easy to navigate as well. The search function of the decided cases is easily the best of all those reviewed.”

Finance

The Panel is funded by Scottish Government. As outlined previously the Annual Report for 2011 covers the calendar year 1 January to 31 December 2011 in terms of Section 29(5) of the Housing (Scotland) Act 2006 whereas the financial year for the Panel, like all government sponsored bodies, runs from 1 April until 31 March. Since the Annual Report straddles two financial years, the accounting figures for the year 2011 at Appendix B states the budgets for both financial years.

The prhp responds to the number of applications received and is a demand led service. It follows that the number of cases the Panel considers during the year can be variable and the prhp have little control over service demand. However, year on year the Panel have noticed an increase in repairing standard applications.

The prhp budget for the financial year to 31 March 2012 was £428,000 whilst the actual spend for that period was £432,453. An over spend of £4,453 but these figures represent an increased workload of 18% in repairing standard applications and a slight increase in the number of rent assessment cases for the year 2011. We have noticed that a higher proportion of applications proceeded to a determination by a Private Rented Housing Committee in 2011 than in 2010. Despite the increased workload in repairing standard applications and more applications proceeding to a Committee determination, the actual spend for the financial year to 31 March 2012 represented a reduction of £11,864 on the previous year to 31 March 2011. It should also be highlighted that our budget outturn for 2011/12 included a higher than estimated figure for accommodation costs. This included dilapidation costs and costs associated with the early termination of the lease for the former Panel offices at 140 West Campbell Street, Glasgow.

Public Service 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 financial years 2010/11 and 2011/12 with the exception of the following items:

TYPE OF COST	AMOUNT PER FINANCIAL YEAR (£)	
	2010/11	2011/12
Accommodation costs for Panel Office at 140 West Campbell Street	58,840	92,483
Hospitality in the form of tea and coffee at Committee Hearings and to visitors at the Panel Offices	128	85

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 Tribunal and its 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 has increased the use of the Scottish Government and local authority venues for Hearings, provided it does not involve the need for participants to travel long distances. The Panel use the conference facilities in Scottish Government venues for training events.

- The production of this Annual Report by prhp staff in-house, thereby avoiding professional printing costs.
- To improve Panel 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 Panel 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 explore and encourage members and staff to make more use of public transport and car share options when attending hearings, inspections and training events. However, because of the extensive jurisdiction of the Panel which can often involve rural destinations, public transport to hearings and inspections is not always an option. The surveyor members of the Panel are normally the appointed drivers for a Committee if car-sharing is possible
- 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 to our application and case management processes

Tenancy Management Complaints

In terms of section 29 of the Housing (Scotland) Act 2006 the prhp must record and report the frequency with which applications to the Panel (whether valid or invalid within the terms of section 22) include complaints about the landlord's management of the tenancy.

There is a tenancy management complaint form on our website but no forms were returned to prhp during the period from 1st January - 31st December 2011. However it was clear from the terms of some of the applications that some tenants have experienced problems with management companies.

It should be noted, however, that the prhp has no power to deal with complaints about the landlord's management of the tenancy, and this is made clear in the information leaflets which give details of the services provided by the Panel. The nil recording of such complaints, therefore, should not be regarded as evidence that problems relating to the landlord's management of the tenancy do not exist.

Working with Others

Scottish Tribunals Service

The start of the year saw considerable work carried out to agree the prhp budget transfer which was a necessary preliminary to Scottish Tribunals Service (STS) assuming responsibility for delivery of administrative services to prhp. Since 1 April 2011, Scottish Tribunal Services, under the leadership of its Chief Executive Mr Norman Egan, have provided combined administrative support for six Scottish devolved tribunals, namely, Mental Health Tribunal for Scotland (MHTS); the Additional Support Needs Tribunal for Scotland (ASNTS); Pension Appeal Tribunal Scotland (PATs); Lands Tribunal for Scotland (LTS); and Scottish Charity Appeal Panel (SCAP); and the Private Rented Housing Panel (prhp). As the various tribunal administrations joined STS, sponsorship functions for the tribunals transferred from their associated policy departments to the STS policy team within the Justice Directorate. This is consistent with the Scottish Government agenda for a modern administrative justice system to support the planned implementation of the report of Lord Philip on tribunal reform for Scotland.

It is envisaged that the creation of STS will lead to benefits such as a modern streamlined service for users with the avoidance of unnecessary duplication of certain services common to all tribunals leading to the advantages of 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; an improvement in the governance of tribunals; and a clear demonstration of the independence of tribunals with separation from the policy related functions of the sponsoring divisions of Scottish Government. However, it is important to acknowledge the need to preserve the identity and ethos of the individual tribunals and the retention within each individual tribunal of the existing staff with specialist knowledge and experience of the jurisdiction of each tribunal.

Chief Fire Officers Association Scotland

The Housing (Scotland) Act 2006 which introduced the repairing standard includes a requirement at Section 13(1) (f) that a privately let house must have satisfactory fire detection devices. It further states at Section 13(5) of the Act that, in determining if the house meets the repairing standard in Section 13(1)(f), regard has to be had to any building regulations and any guidance issued by Scottish Ministers. Schedule 2(4) of the Act places a duty on a Private Rented Housing Committee, when considering an application which relates to a complaint concerning a fire detection device, to consult with the Chief Fire Officer for the area in which the house concerned is situated.

To comply with the requirement for consultation and to ensure that Private Rented Housing Committees have necessary guidance and that there are existing procedures in place to help Committees meet statutory requirements, a Memorandum of Understanding was signed on 1 April 2011 with the Chief Fire Officers Association Scotland (otherwise known as CFOAS) providing for a protocol for a Committee to seek advice on request from Scottish Fire and Rescue Services (SFRS) and to ensure that CFOAS will issue up to date guidance to prhp on the provision of fire detection devices.



The signing of the Memorandum of Understanding between the CFOAS and prhp on 1 April 2011

User Groups And Local Authorities

During the year efforts have been made to increase public awareness of the Panel particularly among advice organisations, local authorities, user groups and professional organisations. The President and Vice President attended and gave presentations on the work of the Panel to a number of interest groups including Citizens Advice Bureau, Royal Environmental Health Institute for Scotland, local authority environmental health and housing departments, landlord registration teams and representatives of service user groups.

Scottish Tribunals Forum

In the course of the year the President attended regular meetings of the Scottish Tribunals Forum and Judicial Heads Group of the devolved 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 forthcoming proposed legislation on tribunal reform in Scotland. This followed in the wake of a discussion paper issued in 2010 by the Scottish Committee on the Administrative Justice and Tribunals Council (AJTC) which explored proposals for Scottish tribunal reform in line with the review by Sir Andrew Leggatt and the report by Lord Philip.

A framework document was finalised for governance of the devolved Scottish Tribunals and sets out the roles and responsibilities of STS, the Scottish Government Policy Divisions and the Judicial Heads of the devolved tribunals.

Initiatives for Service Improvement

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.

To this end, we provided induction training over several days at the start of the year for new members appointed at the end of 2010. These new members had to successfully complete this training before they were scheduled to sit on any Private Rented Housing Committees.

In September the legal chairpersons met for a full day training event and this provided a valuable opportunity for members to discuss practice and procedure and reflect on the nature of cases before the Panel. The Panel have arranged training events for 2012 to cover specific specialist surveying issues and a one day conference is arranged for all members.

In addition to training meetings, the Panel circulate information and guidance to members to improve knowledge on current repairing and rental issues. Quarterly rental and scarcity 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.

Training - Staff

We will continue to ensure adequate and appropriate training for staff and provide opportunities for members of staff to use their initiative and individual skills for the benefit of the Panel. The staff dealt with increased enquiries in 2011 from service users seeking information about the Panel's application procedure, mediation and the inspection and hearing procedures. A referral process exists where staff can seek support and specialist input if required to answer these enquiries. Because of the specialist nature of the work of the prhp, it is more appropriate to undertake on-the-job training to meet the needs of staff. However, staff members have been involved in training events of a generic nature involving reporting on service delivery standards and data handling.

Data Protection and Member's Code of Conduct

The President issued guidance to members on data handling and all members were asked to complete a data handling on-line course to raise awareness of the importance of observing good practice in this area.

During the year a Code of Conduct was issued to all members which provides guidance on acceptable standards of conduct for the Panel judiciary in accordance with the Bangalore Principles.

Service Questionnaires and Reporting of Service Standards

We will continue to strive for continuous improvement by meeting our key performance targets for acknowledging applications within 3 working days, meeting statutory timescales, and issuing written decisions within 3 working days of their receipt from committees. For 2011 the rate of compliance with these deadlines was as follows:

Acknowledging applications: 98%

Issuing decisions: 99%

The target for these performance indicators was 95%

Following upon the completion of the case and at the end of the parties' involvement with the prhp, a service questionnaire is forwarded to service users for their views on the service received during the administrative process and they have an opportunity to suggest any areas for administrative improvement.

Looking to the Future

- During 2012, we will be involved in the implementation of the Property Factors (Scotland) Act 2011. The Homeowner Housing Panel (hohp)

- We will be involved in the implementation of additional responsibilities which will fall to prhp as detailed 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 to authorise, arrange and, if necessary, supervise access to a property for the purpose of carrying out an inspection or for the completion of works.
- 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.
- We 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. We will also review our guidance booklets for tenants and landlords on the repairing standard.
- STS and prhp will explore the use of electronic methods for distributing papers, of recording member's availability for hearings and the administration of the payroll system for members.
- During 2012, STS and prhp staff will explore and apply a framework for business improvement along best value principles through the operation of "Lean". This will allow analysis, evaluation and refinement of administrative processes to maximise the efficient use of resources.

How To Contact Us

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

Telephone 0141 242 0142

Fax 0141 242 0141

Email prhpadm@scotland.gsi.gov.uk

Web: www.prhpscotland.gov.uk



MEMBERS OF THE PRIVATE RENTED HOUSING PANEL DURING 2011

CHAIRMEN
Mr David Bartos
Mr Jim Bauld
Mr Andrew Cowan
Mr George Clark
Mrs Aileen Devanny (President)
Mr Paul Doyle
Mr Ron Handley
Ms Judith Lea
Mrs Anne McCamley
Mr Ewan Miller
Mr David Preston
Mrs Jacqui Taylor
Mr Steven Walker

SURVEYORS
Mr Angus Anderson
Mr Mark Andrew
Mr Kingsley Bruce
Mr Robert Buchan (Vice President)
Mr George H Campbell
Mr Alan T English
Mr David Godfrey
Mr Colin Hepburn
Mrs Sara Hesp
Ms Carol Jones
Mr Mike Links
Mr Donald Marshall
Mr Ian Mowatt
Ms Geraldine Wooley

HOUSING MEMBERS
Mrs Christine Anderson
Mr John Blackwood
Mrs Susan Brown
Mr Scott Campbell
Mr Chris Harvey
Mr Tom Keenan
Ms Irene Kitson
Mr Andy McKay
Ms Liz Nicholson
Mr Jim Riach
Mrs Linda Robertson
Mr Michael Scott
Mr John Wolstencroft

APPENDIX B

PRIVATE RENTED HOUSING PANEL

Expenditure and Management Statement for the financial year 2011/12*

Panel and Staff Numbers:

President and Vice President
Members (as at 1st January 2011)

13 Legal Chairpersons comprising 4 female and 9 male
14 Surveyor Members comprising 3 female and 11 male
13 Housing Members comprising 5 female and 8 male

Support Staff 4

Expenditure Item	Actual 2010/11	Budget 2011/12	Actual 2011/2012	Variance
Staff Salaries and Expenses:				
Support Staff	108655	112000	86557	-25443
Staff Expenses (T&S)	4895	4000	3884	-116
Members Expenses:				
Members Fees	209319	191000	186646	-4354
Members Expenses	27675	20000	25017	5017
Committee Costs:				
Legal Expenses	88	2000	8099	6099
Training	5840	5500	879	-4621
Venue & Hearing Costs	12993	14500	15087	587
Central Costs:				
Accommodation	58840	63000	92483	29483
General Expenses	8703	8000	6633	-1367
Postal Costs	2912	3000	3882	882
Computer charges/Website	4397	5000	3286	-1714
TOTAL	444,317	428,000	432453	-4453

* The above expenditure is shown on the basis of the financial year 1st April 2011 to 31st March 2012.

Glossary Of Terms Appearing In this Report

Appellant – the person who makes the appeal

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

Corporate governance – the set of processes, customs, policies, laws and institutions affecting the way the organization is directed.

Court of Session – the supreme civil court of Scotland

Diversity – the state of being varied

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.

Part VII Contract – a contract between a tenant and a landlord who lives in the same house and has it as his principal home.

Protected tenancy – a tenancy where the contract between the tenant and the landlord is still in force.

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 - 1st January – 31st December in any year.

Respondent – the party against whom an application or appeal is made

SACRO – A Scottish organization which provides amongst other things mediation services and training for mediators.

Seconded – temporarily transferred to another position or role

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.

Sisted – held in abeyance until the parties to the action are ready to proceed.

Statutory Tenancy – the tenancy created when the contractual assured tenancy is brought to an end by the landlord serving a notice to quit, or where a tenant has succeeded to the tenancy.

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

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

“The 2006 Act” - The Housing (Scotland) Act 2006