



STIRLING TENANTS ASSEMBLY
MEETING HELD ON
TUESDAY 11TH OCTOBER 2012
IN MAYFIELD CENTRE
AT 10.30AM

1. Present: Michael Griffiths, Richard Waddell, Moira Robertson, Cathy Brown, Alec Lamb, Philomena McClung, Dolly Gemmell, Thomas Brown Hugh McClung, Maria Balfour June Higgins, George Keenan, Peter Palgrave, Anna Johnston, Meg Amasi

Apologies: Mary Rainey, Cathy Traynor, Emma Meldrum STP

Election of Office Bearers

The Election of the position of Chair was conducted by Meg Amasi; then the Chair conducted the rest of the Elections.

<u>Position</u>	<u>Nomination</u>	<u>Proposed</u>	<u>Seconded</u>	<u>Accepted</u>
Chair	Hugh McClung	Michael Griffiths	Thomas Brown	Yes
Vice-Chair	Michael Griffiths	Philomena McClung	Moira Robertson	Yes
Secretary	Philomena McClung	Moira Robertson	Michael Griffiths	Yes
Minute Secretary	Moira Robertson	Michael Griffiths	Thomas Brown	Yes
Treasurer	Moira Robertson	Philomena McClung	Michael Griffiths	Yes
Assistant Treasurer	Mary Rainey	Philomena McClung	Michael Griffiths	Yes

Hugh thanked Richard for his effort last year as Vice-Chair and Michael proposed a vote of thanks to the Executive Committee for all their hard work.

George asked what other groups the STA was involved in and the roles of HAG, TLI and the Repairs Group were explained.

Housing Advisory Group [HAG]; meetings between Local Councillors and tenants; the number of tenants involved is designated by SC [at present 7], the STA put forward 2 tenant representatives, but the majority of tenants were asked by SC to represent different areas of Stirling District.

Moira is an RTO representative from Strathfillan Housing Group.

Repairs Group; there are 4 meetings a year between officers from Technical Services. Discussions take place about proposed changes in policy, budget and proposals for capital programmes and occasions where policy has not worked. It is an opportunity for individuals to talk directly to the officers either before or after the meeting about specific problems that they or neighbours are having. This meeting is open to any tenant.

Tenant Led Inspections [TLI]; members of the STA are in this group which is run by the members of the TLI assisted by Emma Meldrum STP. It is open to all tenants to apply and they all receive training. The group looks at particular aspects of the Housing Service to see if policy is being carried out, notes any problems and recommends actions for improvement.

AOCB

It was agreed that moving the day of STA meeting to a Thursday was not working, and it was proposed by Michael Griffiths and seconded by George Keenan to meet on the 3rd Tuesday of the month. This was agreed.

It was proposed by Philomena McClung and seconded by Michael Griffiths that Meg Amasi be co-opted onto the committee. This was agreed.

2. Speaker Gregor Wightman Property and Private Sector Housing Manager, Factoring Services in Stirling

2.1 Gregor started his presentation by explaining the legalities of a tenant erecting a 7ft. high fence on his side of the boundary lines when the neighbouring tenant had refused to agree.

If they are both tenants then it is up to the tenants to agree about the erection of a fence.

If the dispute is between a tenant and an Owner Occupier [OO] then it is decided on title deeds and 9 out of 10 times there is a shared boundary.

For back gardens, the erection of a 7ft high fence would need planning permission, except for a tenant to tenant problem when no planning permission is needed but permission from SC is required and Gregor can check if permission had been granted.

The tenant did not agree to the boundary fence being removed, so the neighbour nailed the new fence to the boundary fence.

Even though the tenant doesn't need planning permission, they do need to get the permission of the occupier next door; they are not allowed to remove the fence without permission.

The tenant can put a fence up but it must be on his own property, must be under 1.8m high and he must have received permission from the landlord [SC].

2.2 Gregor gave a bit background to the Private Sector Housing Team.

It covers 4 sub-teams

[1] Asset Management; there is a solicitor on this team and it deals with property, acquisition, RTB and HRA details.

This year Housing Services acquired a number of properties under the Council's 2nd Homes Acquisition Strategy (14 units) . This is a strategy for acquiring properties on the open market to meet a specific demand for certain property types, sizes and by location where the Housing Service has a shortage of specified properties. This year the focus has been to acquire:-

1-bedroomed flats to enable people to downsize due to Welfare Reforms or having a disability which needs a ground floor flat or properties in the rural area. This compliments our new build scheme that has included 10 units at Torbrev, with a further 6 under construction in Killearn and 3 under construction in Riverside.

[2] Private Sector Housing Grants Team; this team allocates grants for OO and private tenants under Occupational Therapy recommendation for Social Work adaptations.

[3] Private Rented Team; this team deals with a lot of legislation under Scottish Government [SG] such as landlord registration and for, 3 or more tenants sharing a property, issuing a Multiple Licence.

[4] Owner Management Service Team; Council houses have reduced from 14000 to 5000 with the RTB. Housing services carry out repairs on a regular basis on former council houses which is costed to OO; this dedicated team is the link to make sure that the money comes into HRA.

4a Historically factoring was carried out in Edinburgh, Glasgow, and Dundee; it was written into the title deeds that a person is appointed as factor, and all residents were legally obliged to pay a specific amount to the factor to maintain the building.

4b SC did not regard itself as a factor for former council house properties purchased under the RTB, but in the title deeds it states that SC has right to do any common repairs to a housing property which SC has any interest in and all OO must pay a share.

If all residents in the building are OO and the matter could not be resolved amongst themselves it would go to the Sheriff.

4c SC does not insist on the OO carrying insurance etc. but a private members bill in SG has changed some of the parameters.

On new private estates with shared garden areas and car park which are maintained commonly at a cost to the owners, often the contracted work was not carried out properly. The Bill gives a wide definition of a property factor and now Local Authorities are regarded as property factors/managers and must register with SG.

4d A responsible person must be named and for SC this is Tony Cain. Registration had to be by 1st October and a list of all the properties that SC are the factor for must be loaded on-line.

SC must follow a code of conduct and within the next 12 months write and let every person know that SC is their factor, the services SC provides and how the cost is apportioned.

It must also state how it will respond to a repair issue, the complaints procedure and ultimately, if OO think that SC has abused its power, then the OO can go to the Home Owners Housing Panel.

There is also a Private Rented Housing Panel for tenant to take complaints to and force the landlord to do repairs.

These 2 panels have the same chair and it is likely that they will be joined in the future.

4e SC will still be the factor even if the house has been rented out or sold several times, providing they have an interest there.

Surely if it is rented out under a letting agency then the agency is responsible? Legally OO are responsible for keeping the property safe and the letting agent may help to maintain an individual property, but for common repairs the factor is responsible.

4f Where there is no provision for common repairs, then an owner can call a meeting to decide on the repair required and how the cost is proportioned, but it can be difficult to get all owners to agree and even more difficult to get the money, so having a factor is an advantage.

4g The guidance states that if OO demands a written statement now which SC says they are still writing and have 12 months to complete, then the OO can go to panel, but common sense should hopefully prevail.

4h The statement will be similar to a Tenancy Agreement.

4i Why will it take 12 months? SC has to go through all properties and see what is in the title deeds; there is a property data base and a land data base, so SC could control land such as car park and OO would have to lease it.

4j The Registration fee is £370.

4k SC must have on the Register every property sold under RTB and send a letter out to say that SC is either the factor now or could be in the future.

Hopefully the OO is happy with this, but there could be problems because SC has had no dealings with them previously.

4l The money collected for any repairs goes back into HRA and was £180,000 last year; but SC did not charged for common electricity, which it will in the future. This includes close lighting, which could be on either a metered supply or an unmetered supply. For unmetered supplies, the annual usage is calculated by a national body that oversees unmetered supplies to ensure that the estimated consumption is based on the electrical devices running off the supply e.g. how many close lights, external lighting, door entry system, communal TV aerials etc.

SC pays about £40,000 a year to electricity companies.

The cost will be apportioned to OO and work out at about £3 month.

Only OO pay for this.

4m There could be a problem in 20 years' time; legislation abolished fee superiors because the system was being abused but factors were written into title deeds and could not be removed. In 20 years' time, LA being the appointed factor comes off the title deeds, and OO will be able to appoint a private factor.

4n SC want to be able to make sure that all properties are of good quality; e.g. SC installs door entry system which are robust, have braille, illuminated buttons and a handset for tenants and is rolling this out to all common doors. It also incorporates a means of entry for the emergency services without them kicking the door in. It may be dearer but is a saving in the long run.

4o SC doesn't charge a factor management fee, but private factors do. SC doesn't ask for money up front for repairs, and do offer a payment plan for OO who are unable to afford the repair. Private factors require the money up-front.

4p HA have to offer contract for garden maintenance and also for repairs, and this is charged to tenants over and above rent. In Scotland, charges for ground maintenance, common closes etc. differs across Scotland and in one area it is £185 month for common close and in another £35 month. There is no consensus for what landlords can charge to a tenant.

4q Tenants will not be hit for any of these charges; the only exception is district heating system, but there are none in this area now.

4r OO get grass cutting in communal areas but can only be charged if it is specified in the title deeds. SC is looking at this street by street, if it is not on any OO title deeds, then it is funded by HRA. SC took a conscious decision that if there are more owners than tenants, the money comes from Council Tax.

4s Examples for charging are:-

A drying green for 1 owner and 3 tenants, one of whom is elderly, then grass is cut for elderly tenant.

Close Cleaning; in a pilot in Cowane Street, SC dictates and sets rota, and if OO or tenant does not take his turn, then SC put in cleaner and charge OO or tenant who was responsible for cleaning the close that week. This could be rolled out.

Dog fouling; SC would put up fencing to make the drying green area secure. If dogs continue to foul the drying green then all are billed. All residents must keep the gate closed.

4s OO must tell SC if they spot a common repair and let SC do the repair; they cannot do it themselves and then send an invoice to SC.
SC needs to get the message out to OO so they know what to do if a repair is required.

Gregor thanked us for inviting him along and informed us that his team can also tell us about energy efficiency.
Gregor was thanked in the usual manner for his presentation. .

Date, time and place of next meeting.

Tuesday 20th November 2012 at 10.30am in Hillview Centre. This will be a business meeting.

Abbreviations

AGM Annual General Meeting
ASB Anti-Social Behaviour
CC Community Council
CRN Central Regional Network
FV Forth Valley
HAG Housing Advisory Group
HRA Housing Revenue Account
LA Local authority
LAs Local authorities
LG Local Government
RN Regional Networks
RTO Registered Tenants Organisation
SC Stirling Council
SHG Strathfillan Housing Group
SHQS Scottish Housing Quality Standard
SG Scottish Government
STA Stirling Tenants Assembly
TLI Tenant Led Inspection
TP Tenant Participation
TPAS Tenant Participation Advisory Service