

**Working Group on Maintenance of Tenement Scheme Property
Minutes of Meeting 2 – Thursday 31 May 2018
5:30pm in The Scottish Parliament, Committee Room 1**

Attendance

Ben Macpherson MSP
Graham Simpson MSP
Andy Wightman MSP
Daniel Johnson MSP
Rob Munn, Senior Caseworker for Ben Macpherson MSP
Euan Leitch, Director, Built Environment Forum Scotland
Hew Edgar MCIPR, Policy Manager, Scotland, RICS
Dave Gibbon, Tenement Action Group
David Stewart, Scottish Federation of Housing Associations
Alison McDiarmid, CEO, Property Managers Association Scotland
Professor Douglas Robertson
Dr James Simpson OBE, Tenement Action Group
John Blackwood, Chief Executive, Scottish Association of Landlords
Jocelyn Cunliffe, Convenor of the RIAS Conservation Committee
Jackie Timmons, City of Edinburgh Council
Dr Andrew Steven
Scott Geekie
Annie Flint

Apologies

Sandra White MSP, Ivan McKee MSP, Kezia Dugdale MSP, Claudia Beamish MSP
John Mason MSP, Gordon Lindhurst MSP, Jeremy Balfour MSP
Andrew Milne, DM Hall, Rob Gowans, Citizens Advice Scotland, Elizabeth Leighton,
Existing Homes Alliance, Neil Watt, former President of the Property Managers
Association Scotland, David Bookbinder, Glasgow and West of Scotland Forum of
Housing Association

1. Minutes of 22.03.17 Meeting

Agreed.

2. Sub Group reports

[Resourcing for local authorities to utilise powers](#) – Graham Simpson MSP

Survey of local authority use of statutory enforcement powers for common repairs under the Housing (Scotland) Act 2006:

Section 30 Work Notice

Unused by 50% LAS in the last 5 years, predominantly used in Glasgow (550 2016/17). 30-year repayment deemed too high a risk to bear.

Section 42 Maintenance Orders

Only issued 4 times in the last 5 years, deemed onerous and difficult to implement.

Section 114 Closing Order

Unused by 56% LAs in the last 5 years. 158 issued in 2012/13, but only 40 in 2016/17
Often not used as boarded up homes unpopular or because it makes resident homeless.

Discussion suggested information on the use of Charging Orders would be useful, a tool available to both local authorities and housing associations. City of Edinburgh was issuing 300 Statutory Notices (Confirmation Act 1991) a year, now only 10. Missing Shares option proving successful in CEC. 8 LA can use Missing Shares, 7 utilise it, and use recently made available to housing associations but only likely to be utilised by larger associations. CEC responds to 15 emergency repairs per month.

ACTION: Graham Simpson MSP

- **query whether tenement data can be identified regarding above common repair stats**
- **survey local authorities and housing associations on use of Charging Orders and Missing Shares**
- **survey local authorities on number of emergency repairs undertaken (tenement stats if available)**

Standard entity for owners to organise works – Annie Flint

Development Management Scheme (DMS) almost perfect option and should maybe be mandatory for new build although setting up costs a likely barrier for existing tenements. Survey suggests the main barrier to maintenance and repair is other owners' ability to pay. Therefore, introducing statutory sinking fund possibly a priority. Options around who collects funds and where held, from local authority to model on Tenancy Deposit Scheme discussed, with links to the Land Register mentioned.

ACTION: Annie Flint, Scott Geekie, Alison McDiarmid, Andrew Steven

- **Further investigate potential of DMS and relationship with sinking fund**
- **Identify quick wins possibly through imminent legislation (Warm Homes/Fuel Poverty)**

Building inspection –Hew Edgar

To be discussed at next meeting with time for further refinement.

3. General Discussion

Working Group should be thinking long term and led by public interest.
Shifting attitudes to responsible ownership likely to require compulsion: see seatbelts, smoking, MOT.
Apply the Scottish Quality Housing Standards to all properties.

4. Scottish Government review

ACTION: Ben Macpherson MSP, Graham Simpson MSP, Daniel Johnson MSP and Andy Wightman MSP

- Follow up on how the working group can collaborate with Scottish Government.

5. AOCB

Agreed that minutes and papers of the group will be published on BEFS website.

For Circulation:

Final Report of the Housing Improvement Taskforce [Stewardship and Responsibility: A Policy Framework for Private Housing in Scotland](#) 2003

Final Report of the [Glasgow Factoring Commission](#) 2014

6. Next Meeting

Thursday 13th September 2018, 5.30-8pm, Scottish Parliament