

**Working Group on Maintenance of Tenement Scheme Property  
Minutes of Meeting 3 – Thursday 13 September 2018  
5:30pm in The Scottish Parliament, Committee Room 1**

**Attendance**

Graham Simpson MSP, Andy Wightman MSP, Daniel Johnson MSP, Stuart McMillan MSP, Maureen Watt MSP, Gordon Lindhurst MSP, Alexandra Herdman, Matthew Leitch, Euan Leitch Built Environment Forum Scotland, Hew Edgar RICS Scotland Dave Gibbon Tenement Action Group, David Stewart Scottish Federation of Housing Associations, Alison McDiarmid, Property Managers Association Scotland, Professor Douglas Robertson, James Simpson, Tenement Action Group, Jocelyn Cunliffe RIAS Conservation Committee, Jackie Timmons City of Edinburgh Council, Andrew Steven Scott Geekie, Tenement Action Group, Andrew Milne DM Hall, David Sinclair Tenement Action Group

**Apologies**

Sandra White MSP, Kezia Dugdale MSP, Claudia Beamish MSP  
John Mason MSP, Jeremy Balfour MSP  
Annie Flint Tenement Action Group, John Blackwood Scottish Association of Landlords, 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. Ben Macpherson MSP**

Resigned as convener following appointment as Minister for Europe, Migration and International Development, letter of thanks to be sent. **ACTION Euan Leitch**

**2. Election of Convener**

Graham Simpson MSP proposed as convener by Andy Wightman. Seconded by James Simpson. Welcomed Maureen Watt MSP and Stuart McMillan MSP to the group.

**3. Minutes of 31.05.18 Meeting**

Agreed.

**4. Sub Group reports**

Alexandra Herdman on behalf of Graham Simpson. Queried local authorities use of Missing Shares option (Section 50 Housing (Scotland) Act 2006) since 2012. 10 LAs have used it, Aberdeen and Glasgow to a more significant extent. [Full breakdown](#).

Clarified question for FOI on emergency works. **ACTION: Graham Simpson**

**Hew Edgar - [Tenement Inspection](#)**

Tenement inspection on 5 yearly cycle on British Standard Survey (BS 7913:2013, B.5 Inspection reports).

Proposed inspection is industry standard. Should be undertaken by an architect or chartered building surveyor but not a structural engineer. The Home Report should reference

existence of, and link to, the 5 yearly survey. Registers of Scotland see opportunity for reports to be linked to ScotLIS.

**ACTION: Hew Edgar, Euan Leitch, Andrew Milne, David Gibbon, Neil Watt, Jocelyn Cunliffe**

#### **Alison McDiarmid – [Sinking Funds](#)**

Constructive meeting with UK Finance. [Safe Deposit Scotland](#) proposed as a template, suggestion of exploring options through credit unions. GL question of getting the money where property held by limited company, attaching debt to property an option? Further discussion with UK Finance necessary. Acknowledgment that any proposal will have exceptions but does this capture the majority of issues?

Would local authorities and housing associations be required to contribute to sinking funds? Must be directly linked to Development Management Scheme.

Ireland's Multi-Unit Developments Act 2011 recommends €200 per annum, or other amount as agreed by owners. Other anecdotal examples ranged from £144 to £720 per annum. Consult with the RICS on market impact of sinking funds.

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

#### **Alison McDiarmid- [Development Management Scheme](#)**

GL – would require to be mandatory with new build initially (as pilot?) before extending to existing tenements. Require independent tribunal.

JS –looking for something simple, easier access to owners contact details and owner education through publicity. No further burden on local government.

AS -DMS increasingly being used in new build

2011 – 1

2012 – 6

2015 – 8

2016 – 13

2017 – 12

2018 – 19

DMS could be imposed by legislation upon all tenements without the need for conveyancing. The Tenement Management Scheme could be amended to more closely resemble DMS and include requirement for sinking funds.

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

#### **Douglas Robertson – Draft Common Repair Provisions Report**

Comments received from NW acknowledged. Issues discussed remain similar to those looked at by the Housing Improvement Taskforce in 2002. The sample size of the Scottish House Condition Survey is not robust. Final version of report to be published by next meeting with case studies (including good examples). DR thanked by group for work this far.

### **5. Timescale of Group**

Common Repair Provisions Report and sub group recommendations to be published in December. Public Events in early 2019 with Final recommendations in May 2019.

## **6. AOCB**

Opinion from Homes for Scotland, Citizens Advice, Which Scotland and Justice Directorate:

**ACTION: Euan Leitch**

SG consideration of Common Housing Quality Standard for all tenures. **ACTION: David Stewart**

CEC discussion with ICO about releasing owners contacts details. **ACTION: Jackie Timmons**

Issue of owner contact details **ACTION: Andy Wightman**

## **7. Next Meeting**

**Thursday 15<sup>th</sup> November 2018, 5.30-8pm, Scottish Parliament, Committee Room 3**