

REPORT TO: HOUSING COMMITTEE – 16 DECEMBER, 2002

REPORT ON: TENANT PARTICIPATION PROVISIONS OF THE HOUSING
(SCOTLAND) ACT 2001

REPORT BY: DIRECTOR OF HOUSING

REPORT NO: 843-2002

1. PURPOSE OF REPORT

- 1.1. To advise the Committee on the Tenant Participation provisions of the Housing (Scotland) Act which directly involve the Committee at this stage and recommend a course of action to be adopted in light of Scottish Executive guidance.

2. RECOMMENDATIONS

- 2.1. It is recommended that the course of action outlined in Section 11.0 (para.11.3)

3. FINANCIAL IMPLICATIONS - None.

4. LOCAL AGENDA 21 IMPLICATIONS

- 4.1. Implementation of the tenant participation provisions of the Act, in accordance with the proposed course of action will strengthen the role of tenants and local tenant organisations in the provision and development of the Housing service.

5. EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1. Implementation of the tenant participation provisions of the Act, in accordance with the proposed course of action, will help to ensure the Council's participation arrangements are wholly inclusive of its tenants.

6. BACKGROUND

- 6.1. The Housing (Scotland) Act 2001 (the Act) contains provisions relating to tenant participation. The key features which require the involvement of the Committee at this stage are:
- a. A duty on local authority landlords and registered social landlords to prepare a tenant participation strategy (to be in place by March 2003).
 - b. The introduction of the concept of "registered tenant organisations" (RTO's), with the register being maintained by the landlord and made available for public inspection (with effect from 30 September 2002).

7. **TENANT PARTICIPATION STRATEGY**

- 7.1. Section 53 of the Act requires that landlords should have in place a tenant participation strategy that should specifically include:
- a. Provision as to:
 - i. the arrangements for obtaining and taking into account the views of tenants and RTO's on proposals relating to all key aspects of the housing service and the nature and content of such proposals.
 - ii. notifying RTO's and tenants of the matters on which the landlord expects to be making such proposals.
 - iii. the information to be provided to RTO's about such proposals and their likely effect; and
 - b. An assessment of the resources (including financial and other assistance to bodies comprised of or representing tenants) required and a statement of resources proposed, to give effect to the strategy.

8. **REGISTERED TENANT ORGANISATIONS**

- 8.1. The Scottish Executive consider the concept of registered tenant organisations is central to the tenant participation process, including the tenant participation strategy, as stated in the Act. The Scottish Executive have stated that an RTO will be an independent organisation primarily to represent tenants' housing and related interests. The aim is to give tenant organisations which meet criteria set out in Scottish Statutory Instrument 2002 No.416 a recognised role in the tenant participation process.
- 8.2. The Scottish Executive state that the register is a public document and should be available for public inspection.

9. **PROCEDURES FOR REGISTRATION**

- 9.1. The Scottish Executive state that:
- a. the landlord should have available information which sets out the criteria for registration and de-registration of groups and how this will be implemented;
 - b. its guidance on the criteria for registration should be made available to tenant groups seeking registration;
 - c. it is for landlords to decide on the internal procedures to manage the registration process and where the final decision will rest. However, the Scottish Executive also state that, in most cases, this will require a Committee decision by elected Council members;
 - d. there should be a procedure for appeals to the landlord over registration, but this would not supersede the right to appeal to Scottish Ministers over registration

issues;

- e. the formal appeals process will be considered by the Regulation and Inspection Division of Communities Scotland, on behalf of Scottish Ministers.

10. ACTIONS TAKEN/REQUIRED IN RESPONSE

10.1. Tenant Participation Strategy

In line with the current Tenant Participation Policy, Dundee Federation of Tenant Associations (DFTA) was invited to participate in a tenant/officer 'working group' established to review the TPP and current consultation arrangements, in light of the Act. The working group has been asked to report its findings to Housing Department Management Team and DFTA's executive by the end of this calendar year. These findings will form the basis of a report to Housing Committee early next year, setting out what changes, if any, are required to the current TPP. The role of RTO's will form a key part of this report.

11. REGISTERED TENANTS' ORGANISATIONS

- 11.1. A leaflet and application form targeted at tenants' organisations and tenants wishing to establish a group has been prepared, in consultation with Dundee Federation of Tenants' Associations, and in light of Scottish Executive guidance.

These documents contain:

- A description of the concept of RTOs.
- Advice on how to apply.
- A description of the Registration Criteria.
- A description of the Appeals Procedure.

- 11.2. It is planned to issue these documents during December 2002 to all existing tenant organisations currently supported by the Council.

- 11.3. In line with Scottish Executive guidance it is proposed that:

- a. Applications for registration are considered by the Housing Committee, in light of an assessment of the application by the Director of Housing.
- b. A sub-committee of the Housing Committee is established to consider any appeals which may be made following an application for registration being refused.

12. CONSULTATION

- 12.1. The Chief Executive, Director of Support Services and Dundee Federation of Tenants Associations have been consulted in the preparation of this report.

13. **BACKGROUND PAPERS**

- 13.1. Housing (Scotland) Act 2001
Guidance on Tenant Participation – SE DD Circular 7/2002.
- 13.2. Scottish Statutory Instrument 2002 No.416.

ELAINE ZWIRLEIN
DIRECTOR OF HOUSING

8 NOVEMBER, 2002