

# Renting Matters in Falkirk

No.5



# Welcome

## to the 5th edition of Renting Matters in Falkirk, a newsletter for Private Sector Landlords and Letting Agents

This edition includes an update on the key developments affecting the private rented housing sector, an update on the Private Sector Teams 2023/24 activities, as well as highlighting our Rent Deposit Assistance Scheme, Homeless Prevention and Energy Efficiency developments.

We have partnered with the Scottish Association of Landlords and Under One Roof to provide updates in areas they specialise in.

We hope you find our newsletter informative and useful.

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# Sector Information



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# New Housing Bill published



**Article by  
John Blackwood,  
Scottish Association  
of Landlords**

The government has recently published a Housing Bill to progress plans originally set out in its [New Deal for Tenants](#) consultation in 2021. The Bill is proposed legislation which, if approved by MSPs, will become an Act of parliament.

The primary measures set out in the Bill are as follows:

- 1. Rent control** - requires local authorities at least every 5 years to assess rents in their area and recommend whether Scottish Ministers should impose rent controls. If rent control areas are designated, annual rent increases on private residential tenancy (PRT) tenancies would be restricted by a percentage or formula for mid-tenancy increases and between tenancy increases in those areas for up to 5 years. This would remove landlords' rights to reset rents to market level between tenancies but only within designated rent control areas. There would be limited exceptions where higher increases would be allowed, such as for properties where improvement works have taken place. Exceptions have yet to be determined and will be set out in future legislation.
- 2. Changes to rent increase procedures** - out with rent control areas there would be no restrictions on rent increase amounts but rent increases could no longer take place during the first 12 months of a PRT tenancy (as they can at present). A change is also proposed to the rent adjudication process to prevent the rent officer or tribunal from setting the rent at a figure higher than that the landlord has requested.
- 3. Ending joint tenancies** - changes the PRT regime to prevent tenants being trapped in a joint tenancy they no longer wish to be part of. This would allow one tenant to give notice to end the tenancy for all tenants after a two-month consultation period. Joint tenants who wish to stay could try to negotiate terms for a new tenancy with the landlord.
- 4. Personalisation of property** - allows for PRT tenants to make certain minor modifications without consent such as putting up pictures and posters. They would also have the right to request consent to undertake more major alterations (e.g. painting walls) that a landlord could not unreasonably refuse, although it would be possible to apply conditions when giving consent, such as that the property should be reinstated to its original condition at the end of the tenancy and/or requiring a higher deposit.

**5. Pets** - allows for PRT tenants to have the right to request permission to keep a pet. A landlord could not unreasonably refuse permission, although it would be possible to apply conditions when giving consent, such as requiring a higher deposit. A reasonable ground for refusal could be that the property is unsuitable for the type and number of pets requested.

**6. Greater protection during eviction** - requires the tribunal to consider whether it is reasonable to delay the enforcement evictions to prevent particular hardship or harm to tenants. Some grounds would be exempt from this requirement such as anti-social/criminal behaviour and abandonment. The tribunal has always had the power to delay the enforcement of evictions but has rarely used that power in the past.

**7. Phasing out assured/short assured tenancies** - the Bill contains a discretionary power to enable the Scottish Ministers, through Regulations, to set a date on which assured/short assured tenancies convert to PRTs.

A Bill follows a 3-stage scrutiny process through parliament, during which the wording of the proposed legislation can change with amendments to the legislation being suggested by MSPs from any political party. Typically, it can take around 2 years for proposed legislation to work its way through parliament and come into force, so the measures set out in the Bill will not apply to tenancies in Scotland for the time being.



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# Update on EPC Reform and Heat in Buildings Legislation

Article by  
Under One Roof Scotland

Last year, the Scottish Government launched a consultation on legislation to reform Energy Performance Certificates (EPCs). The drivers for reforming EPCs were based on the following recommendations from the Climate Change Committee:

- The ratings currently on EPCs are an important policy tool used to define standards and targets for reducing emissions from homes but they are poorly suited to this role;
- The ratings do not appropriately incentivise the energy efficiency and heating solutions required to deliver net zero homes;
- The presentation of metrics and ratings should be improved, so they are easier to understand, can be compared with actual performance, and enable policies to be better targeted;
- Reforms to EPC metrics should be applied alongside wider improvements to the EPC system to improve the quality of assessments and use of data.

The EPC consultation was intended to support a future Heat in Buildings Bill, which would introduce regulations for domestic buildings to meet minimum energy efficiency standards equivalent to EPC C and rules around zero-carbon heating systems. The consultation on a Heat in Buildings Bill closed earlier this year.

Legislation implementing the Heat in Buildings Bill is expected to be brought before the Scottish Parliament in the autumn, and the Scottish Government have now said they will respond to the consultations together “later this year”. To stay up to date on legislative issues related to tenements, [subscribe to the Under One Roof newsletter](#). For support with tenement maintenance and repair management, check out the [Under One Roof website](#).

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# Tenemental Repair Legislative Update

Article by  
Under One Roof Scotland

## Have your say: Compulsory Owners' Associations

In 2019, the Scottish Parliament's Tenement Maintenance Cross-Party Working Group made three legislative proposals to Scottish Government: compulsory owners' associations, mandatory five-year building inspections, and mandatory building reserve funds. The Scottish Government agreed to these proposals, and it is recognised that these changes need to be implemented in order to tackle the issue of tenement building disrepair in Scotland.

The Scottish Law Commission recently released a discussion paper on compulsory owners' associations that explores how the legislation would work in practice and the potential legal issues. The discussion paper is open for consultation, closing 1st August 2024. If you would like to find out more and respond to the consultation, you can do so via the [Scottish Law Commission's website](#).

The Scottish Law Commission has also posted a webinar on their [YouTube](#) page, where Professor Frankie McCarthy, lead Commissioner for the project, talks through the most important aspects of the paper.

A more detailed description of the recent legislative efforts and proposals focused on tenement maintenance can be found on [the Built Environment Forum Scotland website](#). The Scottish Government has previously indicated that they will not be bringing forth legislation on these matters until after the next election, which means 2025-26 at the earliest.

To stay up to date on legislative issues related to tenements, [subscribe to the Under One Roof newsletter](#). For support with tenement maintenance and repair management, check out the [Under One Roof website](#).

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# Repairing Standard Common Area changes from 1 March 2024

Article by  
Under One Roof Scotland

The Scottish Government announced a [series of updates](#) to the existing Repairing Standard that will be enforceable from 1st March 2024. The Repairing Standard covers the legal and contractual obligations of private landlords to ensure their property or properties meet the minimum physical standard of repair.

There are important parts concerning common areas of buildings that will require collaboration and consent amongst owners to achieve.

The updates that apply to landlords of tenement flats include:

- **Safe access to common parts**

The tenant must be able to safely access and use any common parts of the tenement, such as common closes, common stairs, common lifts, bin stores, and drying areas. See [Repairing Standard: Statutory Guidance - Annex H](#) for more information.

- **Safe and secure common doors**

Common doors must be secure and fitted with satisfactory locks and must allow users to open them from the inside without a key so that they do not inhibit exit in the event of a fire. See [Repairing Standard: Statutory Guidance - Annex I](#) for more information.

- **Consent to work on common parts**

A landlord or letting agent will not fail the Repairing Standard if work otherwise needed to comply cannot be carried out because a majority of owners in the tenement have refused consent to carry out the work. See [Repairing Standard: Statutory Guidance - section 7](#) for more information.

All tenement flat owners, including landlords, have [maintenance obligations](#) to keep their building in reasonable condition. If you are struggling to get the co-owners in your building to agree to a common repair, find out about the steps you can take to [enforce the repair](#).

As always, it's important to follow [proper procedures](#) when organising common repairs, which includes informing owners, making decisions, and paying the correct share for work carried out. Following these procedures is imperative to achieving a safe and sustainable building and compliance with the Repairing Standard. To find out more about the Repairing Standard updates, check out the full article on the [Under One Roof website](#).



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# Repairing Standard Internal Area changes from 1 March 2024

In addition to the Repairing Standard changes affecting common areas, the following changes to internal elements of a property, which make up the Repairing Standard, became a requirement and enforceable from 1st March 2024.

This means that the properties that you rent should comply with all these elements in order to meet the Repairing Standard. If your property does not, your tenant will be able to apply to the First Tier Tribunal to enforce the Repairing Standard.

## 1. Safe Kitchens

The repairing standard will be amended to include a requirement to have safely accessible food storage and food preparation space in a private rented house. See [Repairing Standard: Statutory Guidance - Annex G](#) for more information.

## 2. Fixed Heating Systems

The existing duty to ensure that installations for the supply of heating are in a reasonable state of repair and in proper working order will be amended to specify that there must be a fixed heating system in a private rented house. See [Repairing Standard: Statutory Guidance - Annex D6](#) for more information.

## 3. Residual Current Devices

The existing duty to ensure that installations for the supply of electricity in a private rented house are in a reasonable state of repair and in proper working order will be amended to specify that these must include a residual current device (a device to reduce the risk of electrocution and fire by breaking the circuit in the event of a fault). See [Repairing Standard: Statutory Guidance - Annex D3](#) for more information.

## 4. Free of Lead Pipes

The existing duty to ensure that installations for the supply of water are in a reasonable state of repair and in proper working order, now specifies that to meet the Repairing Standard the house must be free of lead pipes. See [Repairing Standard: Statutory Guidance - D1](#) for more information.

## 5. Other Fuels

The existing duty to ensure that installations for the supply of gas and electricity in a private rented house are in a reasonable state of repair and in proper working order will be extended to any other type of fuel. See [Repairing Standard: Statutory Guidance - Annex D4](#) for more information.

# Falkirk Council: PST Update

Our Private Sector Team continues to assist landlords and tenants, engage with and if required, enforce landlord registration, management and property standards across the Falkirk Council area.

This section outlines our 2023/24 actions and highlights our 2024 events.



# Key Statistics and Enforcement Information for 2023/24

Area	Number	Trend from 2022/23
The number of landlords	4,616	↓
The number of let properties	6,268	↓
The number of unregistered landlords identified (includes PRD)	23	↓
The number of unregistered properties identified (includes PRD)	90	↓
The number of Rent Penalty Notices issued	2	↑
The number of Rent Penalty Notices enforced	0	—
The number of Adverts identified with missing information	274	↓
The number of action plans	205	↑
The number of 3rd party HPC referrals made	28	↑
The number of RSEO's	12	↑
The number of Notice of Directions from PI's issued:	10	<b>new</b>
The number of landlords reported (Police Scotland/ Procurator Fiscal)	0	—
Number of landlords revoked	0	—



# Prescribed Information Pilot

## Overview

When landlords complete the registration form via the Scottish Government system it requires the Landlord to confirm that they have a number of certificates in place, but there is no requirement to submit copies of certificates as proof. From the 1/3/23 the Private Sector Team implemented a pilot scheme to verify that all Registered Landlords had the correct certification for all new and renewed registration applications. Landlords were contacted by email and asked to submit copies of the Electrical Condition Installation Report (EICR) and Gas Safety certificates. They were also asked to confirm they had the required smoke, heat, and Carbon Monoxide (CO) detection in place. If the landlord did not engage with requests, this was followed up by a Third-Party Application to The Housing and Property Chamber, for enforcement action.

## Results

The table below outlines what we found from this pilot:

Property Certificates requested	To date, non-compliance cases	Non-compliance %
803	366	47%

*(1/3/23 - 31/5/24 (15 months))*

The following actions were taken in relation to the non-compliance cases:

- Certificates not in place prior to enquiry: 366
- Moved to Action Plans: 204
- Housing Property Chamber applications: 34

47% of Landlords who advised they have valid certificates on their Registration did not hold these.

## Outcomes

- Ensure and improves private tenants' safety and interests by ensuring a good property standard
- Helps create a level playing field for landlords
- This initiative has been presented at The Scottish Housing Network Forum to demonstrate its success
- So far, eight Local Authorities have contacted us for further information on our procedure and are considering adopting our process
- Due to the number of referrals made as part of this pilot, the Housing and Property Chamber (HPC) have changed their procedures and now issue Notice of Directions to landlords requesting copies of safety documentation. This has increased efficiencies for both the HPC and the Private Sector Team
- We are continuing with Prescribed Information actions moving forward

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# Tenant Engagement Survey

During 2023/24 we issued a Tenant Engagement Survey to 6,488 private sector tenants. The purpose of the survey was to:

1. Raise awareness of the Private Sector Team
2. Provide information on Property Conditions and ensure the relevant safety checks have been carried out
3. Provide Renting Rights information
4. Engage with private tenants to better understand the private rented sector

We fed back initial findings of this survey in our Renting Matters in Falkirk (December 2023) Newsletter. We wanted to share the final results with you.

We received 254 responses to the survey, which represents a response rate of 4%. This was the first time we have issued this survey to private sector tenants. We plan to engage more with private rented tenants moving forward, this will involve issuing a private tenants survey every 2 years.

Feedback from returned surveys highlighted 39 separate health and safety issues. As a result, 8 Action Plans have been created to address these issues directly with landlords. 2 of these properties were found to be Below Tolerable Standard.

We also asked tenants to rate the condition of their Private Let, as part of the survey. The table below shows the received findings.

	Tenant Engagement Survey 2023
Very Good	45%
Good	36%
Fair	11%
Poor	6%
No answer	3%
Responses received	254

*(please note: percentages don't add up to 100 due to rounding)*

Overall, 81% rated the condition of their property as very good or good.

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# Landlord and Letting Agent Forum: Wednesday 2/10/24

Our next Landlord and Letting Agent Forum has been arranged for Wednesday 2 October 2024, 4pm - 7pm. This forum will be held in person at Falkirk Stadium with a virtual attendance option for part of the forum.

We are still finalising the forum agenda at this time, however, can confirm that John Blackwood from SAL will be in attendance. We also hope to cover sessions Energy Efficiency and the planned EPC rule changes, offer a selection of sector relevant stalls as well as including time to network.

We will update our [Landlord and Letting Agent Forum](#) page with booking details shortly.

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## Participate+

Participate+ is Falkirk Council's new online platform which aims to support engagement, participation and community empowerment. We will be using this platform to run our next Landlord and Letting Agent Forum as well as future events and surveys.

All active engagement opportunities, shared by Falkirk Council, can be accessed via this platform. For further information about the platform and how to register, please visit [participateplus.falkirk.gov.uk](https://participateplus.falkirk.gov.uk).

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## Tenement Maintenance and Repairs Webinar: Tuesday 29/10/24 October 2024

Under One Roof are running a webinar on Tuesday 29 October 2024 at 3pm for flat owners, landlords and letting agents across the Falkirk area. The webinar will cover tenement maintenance, organising common repairs and includes a Q & A session. Booking information will be added to this page, closer to the event.

# Falkirk Council: Private Sector Information



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# Rent Deposit Assistance Scheme - now live

Our Rent Deposit Assistance Scheme is now live. This scheme may be able to help prospective tenants on a low income and unable to raise a deposit, to secure a private rented property in the Falkirk Council area. This includes pre-approving people for assistance before they have identified a property, which they will be able to evidence to prospective landlords. For more details please see [Rent Deposit Assistance Scheme](#) .

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## Homeless Prevention Team

Our Homeless Prevention Team, within the Housing Needs Service, are working hard to help as many people as possible. The Team aims to help prevent people becoming homeless, by helping them to sustain their current homes, or to move house in a planned way.

The team provide a wide range of assistance, including issues such as:

- Helping people stay in their current home
- Money worries and rent arrears
- Making a house a home, for example, help with household goods
- Hoarding
- Help to find other suitable accommodation if their current home is not suitable
- Helping people to access other services which can provide help and support. If there is a waiting list for help, then the team will keep in touch until this is available

Becoming homeless can be disruptive to people's lives, and we want to ensure that people are aware that there is a range of help available to prevent this.

If you think that you or your tenant could benefit from this kind of support, please contact the team on 01324 503600 or by email [preventionteam@falkirk.gov.uk](mailto:preventionteam@falkirk.gov.uk) (please seek permission from your tenant, before making a referral). Information is also available online at: [Housing Options and Homeless Prevention](#) .



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# LEEHS: Energy Efficiency in Your Property



**Home Energy Scotland can offer you free, bespoke advice on what options you have contact Home Energy Scotland 0808 808 2282**

An energy efficient rental property can provide the following benefits:

- Higher value property when renting and selling
- Reduce issues of damp
- Meeting current and future government requirements for landlords
- A more comfortable, warm home for tenants
- Lower energy bills for your tenants

There are different options for you depending on your tenants and the property type. If your home and the tenant fits the criteria for either the Warmer Homes Scotland (see [here](#)) or ECO4 Flex schemes (see [here](#)), you could be eligible for fully funded energy efficiency improvements such as:

- Wall insulation
- Loft insulation
- Draught-proofing
- Central heating (inc. air source heat pumps)
- Renewables

If these don't apply to your property or the tenant, there are other options for landlords, including interest free loans. [Home Energy Scotland](#) can help find the right solution for you.

The recent consultation for the [Heat in Buildings Bill](#) from Scottish Government proposed that “at the end of 2028, private landlords will need to have met the minimum energy efficiency standard”. The minimum standard requires that polluting heat systems such as gas boilers and bioenergy will not be permitted. Whatever the final version requires, landlords will need to consider moving away from polluting heat systems soon.

If you have any questions, please email Falkirk Council's Energy and Climate Change team via [climatechange@falkirk.gov.uk](mailto:climatechange@falkirk.gov.uk).

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# Financial & Practical Support

Our [Financial and practical support](#) webpage provides information about available services and assistance. These include areas of financial support, practical support, advice as well as useful information which may help increase or manage income. This information may be of use to your tenants and help them manage their tenancy - please consider sharing this information.

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# Novoville Shared Repairs App

The Novoville Shared Repairs App is now live across the Falkirk Council area and is available for all homeowners to use. A new fees arrangement is now in place (1/4/24). Please see our [Novoville Shared Repair app](#) page for more information.

If Falkirk Council owns a property in the block, please invite us into the virtual block so we are aware of repair discussions. You should be able to do this directly from the app or by emailing an invite code to [MixedTenureTeam@falkirk.gov.uk](mailto:MixedTenureTeam@falkirk.gov.uk).

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# Renting Privately: Rental Information

To help inform our Local Housing Strategy, the Strategy, Development and Community Engagement Team maintain a Private Rented Database. Collecting information rental adverts helps us build a picture of the private rented sector across Falkirk.

The following information is shared online quarterly:

- Average rents by size and housing sub market area
- Number of lets by size and housing sub market area
- Number of lets, by property type and housing sub market area
- Numbers of lets covered by the Local Housing Allowance (LHA) by housing sub market area

The most recent quarter information can be accessed at: [Renting privately: rental information \(current\)](#)

Previous years and quarter information can be accessed at [Renting privately: rental information \(previous\)](#)

We hope you find this information helpful.

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# Local Housing Strategy 2023-2028

We have received feedback from the Scottish Government and are now finalising our Local Housing Strategy 2023-2028: we hope to publish this online soon.

In the meantime, working continues towards achieving the outlined outcomes and actions over the next 5 years. For more details, please see [Local Housing Strategy 2023-2028](#).



## Privacy Statement

The council must comply with Data Protection Legislation as defined by the Data Protection Act 2018. If you supply personal information to us you can find out how we handle personal data at [www.falkirk.gov.uk/privacy](http://www.falkirk.gov.uk/privacy)

If you would like this information in another language, Braille, LARGE PRINT or audio tape please contact the Private Sector Team.

If you have any queries regarding this newsletter, please contact the Private Sector Team:

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