

Housing, Regeneration and Planning

Tenant Information Packs: Analysis of Consultation Responses

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The Private Rented Housing (Scotland) Act 2011 places a duty on private landlords to provide new tenants with a Tenant Information Pack (TIP). Scottish Ministers were given powers to make regulations to specify the documents to be provided to tenants under an assured tenancy. A stakeholder working group developed a draft TIP on behalf of Ministers. The Scottish Government sought views on the draft TIP and consulted with tenants, landlords, agents and others in focus groups, in-depth interviews and a written consultation to which 80 responses were received.

Main Findings

- The TIP received broad cross-sector support as providing a consistent and reliable source of reference for tenants. Despite the initial expectations of some that the pack might be overwhelming in its complexity, the general view was that it managed to present useful, robust information without over-burdening the reader.
- The pack was widely praised for what was perceived to be its clear layout, use of headings and sub-headings and bite-size information. The document was welcomed as being in plain English, and on the whole, avoiding legal jargon.
- There was widespread support for the inclusion within the TIP of information on type of tenancy, the tenancy agreement and ending a tenancy. The bulleted, checklist style format of the section on tenancy agreement was particularly welcomed by tenants as alerting them to what to expect from landlords and how to assess whether a landlord is meeting requirements.
- Majority support was expressed for the inclusion in the TIP of information on gas and electrical safety, the Energy Performance Certificate, council tax information, permitted level of occupancy, Repairing Standard and inventories. There were mixed views on whether information on testing electrical appliances should be included considering that this is not a legislative requirement.
- There were mixed views on the inclusion of landlord registration information in the TIP. Whereas tenants felt that this would help them to identify if their landlord is registered, landlords and agents were anxious that landlord registration databases be kept up-to-date and be easy to search. Likewise, mixed views were expressed on the inclusion of information on HMO licences, with some feeling that this should be provided only for those tenants living in such properties.
- The information on rights and responsibilities of tenants and landlords was welcomed as bringing together in one place, simple information on what is expected from tenants and landlords.
- A common view was that the usefulness of the contact information could be enhanced by inserting details on the reason for making contact. One recurring request was for the provision to be made for customising the pack to include local contacts.
- The majority view was for the pack to be available in hard copy, backed up with an online version.

Background

The private rented sector is playing an increasingly important role in the Scottish housing market, partly as result of current constraints in accessing home ownership and social housing. A review of the private rented sector (March 2009¹) highlighted pre-tenancy arrangements as an area which could be enhanced to promote tenants' knowledge about their rights and responsibilities. The Scottish Private Rented Sector Strategy Group established in October 2009 took forward recommendations from the review, focusing on pre-tenancy arrangements and tenants' knowledge of their rights and responsibilities.

A public consultation on the proposed Housing Bill (March 2010) revealed strong support for the idea of an information pack for tenants². The subsequent Private Rented Housing (Scotland) Act 2011 placed a duty on private landlords to provide new tenants with a Tenant Information Pack (TIP). Scottish Ministers were given powers to make regulations to specify the documents to be provided to tenants under an assured tenancy. Regulations may make further provision about the form and content of the documents.

A stakeholder working group involving key public sector, consumer and professional bodies considered options for the introduction of the TIP and concluded that the pack should consist of a booklet accompanied by a covering checklist, both easily accessible for download from the internet. A draft TIP was developed based upon the 2010 consultation findings, discussion with the Scottish Private Rented Sector Strategy Group and discussions that took place in the Scottish Parliament during the passage of the Private Rented Housing (Scotland) Bill.

The Scottish Government wished to seek views on the draft TIP and consulted in 3 ways:

- Written consultation.
- 3 focus groups with tenants, student tenants and small landlords.
- In-depth telephone interviews with 5 large landlords and 5 private letting agents.

Overview of written respondents

80 responses to the consultation were received in time to be analysed. 67 responses (84%) were submitted by organisations, with 13 (16%) submissions from individuals. The largest respondent category was local authorities, 24 of whom provided submissions. A summary of views from the written consultation, the focus groups and interviews follows. The full analysis of views is provided in the main report.

Views on the purpose and presentation of the pack

The TIP received broad cross-sector support as providing a consistent and reliable source of reference for tenants. Other purposes were highlighted including exposing rogue landlords and improving the relationship between landlord and tenant.

The pack was widely praised for what was perceived to be its clear layout, use of headings and sub-headings and bite-size information. Most considered that the pack struck a good balance between providing robust information yet not overburdening landlord or tenant with complex information.

The document was welcomed as being largely in plain English and avoiding legal jargon. However, it was suggested that the drafting could be tightened in places to make it more accessible.

Information about the tenancy

There was broad support for the inclusion within the TIP of information on the type of tenancy although views were mixed on whether the TIP should restrict information to the type of tenancy relevant to the recipient (usually a short assured tenancy). Those who were not in favour felt that including details of tenancy types other than that held by the tenant may create confusion.

1 <http://www.scotland.gov.uk/Topics/Built-Environment/Housing/privaterent/government/prsreview>

2 Consultation analysis report is at: www.scotland.gov.uk/Publications/2010/06/21135047/2

The inclusion of reference to the AT5 notice³ was well received, with some calling for more information on its purpose.

The bulleted, checklist style format of the section on Tenancy Agreement received praise particularly from tenants who considered the section useful in alerting them to what to expect from landlords and how to assess whether a landlord is meeting requirements.

There was much support for the inclusion in the TIP of information on ending a tenancy. However, calls were made for improvements in the clarity of this section, in particular to highlight that different tenancy agreements may stipulate different arrangements for ending tenancies.

Some written respondents suggested that further work is required before the TIP achieves an acceptable balance between being accessible and simple, yet also conveying accurate, legal information.

Information about the property

Majority support was expressed for the inclusion in the TIP of information on gas and electrical safety; the Energy Performance Certificate; Council tax information; permitted level of occupancy; Repairing Standard; and inventories. It was felt that this information will be of particular help to make tenants aware of property standards and safeguards. There were mixed views on whether information on testing electrical appliances should be included considering that this is not a legislative requirement.

Students in particular welcomed the information on Council tax as some had experienced difficulties in accessing clear information about this previously. A re-focus to tenants' needs and simplification of the information on permitted level of occupancy were called for to make the information more useful. Tenants in particular welcomed the inclusion of information on the Repairing Standard as the issue of speed of repairs had emerged as problematic for many over the previous year.

The information on inventories was broadly welcomed, with an acknowledgement that this will need to be updated to accommodate the latest information on tenant deposit schemes.

Student tenants requested that the TIP include a section on personal safety encompassing communal door entry systems, hallways, lighting and conditions of locks. Large landlords, however, felt that this was generally outwith their remit and more a responsibility of the tenant.

A recurring recommendation was for the TIP to cover fire safety issues, including the location of fire safety equipment and fire escape routes, more comprehensively.

Information about the landlord

There were mixed views on the inclusion of landlord registration information in the TIP. Whereas tenants felt that this would help them to identify if their landlord is registered, landlords and agents were anxious that landlord registration databases should be kept up-to-date and be easy to search.

There were mixed views on whether information about HMO licences should appear in the TIP. Whilst the balance of views favoured its inclusion, some felt that it should be provided only for those tenants living in such properties.

Rights and responsibilities of tenants and landlords

The information on rights and responsibilities was welcomed as bringing together in one place, simple information on what is expected from tenants and landlords. Some expressed concern about what they perceived to be the overlap of information with that contained in the lease, and it was recommended that this be addressed by referencing the lease for more specific information.

Key contacts for help and advice

A common view was that the usefulness of the contact information could be enhanced by inserting details on the reason for making contact. Some recommended re-ordering the list of contacts to make it more topic-focused and logical. One recurring request was for the provision to be made for customising the pack to include local contacts.

Some agents recommended that more emphasis be placed on the role of the landlord as the first point of call rather than resorting immediately to wider contacts.

³ In the case of Short Assured Tenancies, landlords must give a special notice (called an AT5 Notice) before the lease is signed, or before the tenant moves in, stating that it is a Short Assured Tenancy.

Operation of the pack

The majority of those who commented argued for the pack to be available in hard copy form, backed up with access to an online version, held on the Scottish Government website.

The main benefits of hosting the pack on the Scottish Government website were seen as: information will be managed well; updating will be carried out promptly; information will be presented consistently across locations and landlords; and landlords will be less likely to issue out-of-date information. A few respondents recommended that a bespoke web portal be developed to host the pack and supporting information and advice documents.

Many respondents queried how landlords and tenants will be informed about newer versions of the pack and updates. It was commented that parts of the draft pack are already out of date.

Views were divided on whether the pack should be provided in advance of signing a lease. Providing the pack beforehand was seen as advantageous in giving the tenant informed choice about property and landlord standards. However, providing the pack to prospective tenants who may or may not take on the tenancy was viewed by landlords as potentially expensive. Clarity was requested on references within the TIP to timing of the distribution of the pack.

With only a few exceptions, participants in focus groups and interviews preferred to have a hard copy signature from tenants to confirm that the TIP has been received. Concerns were raised by some of the written respondents regarding the proposal for email confirmation of receipt by tenants. One key disadvantage was seen as the burden on landlords and agents faced with chasing up confirmation which had not

been submitted. Amongst suggestions made to address this potential problem were replacing the need to confirm *receipt* with the need to confirm *issue* of the pack by landlords and agents.

Some written respondents sought details on how the scheme will be enforced and what the penalty will be for not providing the pack.

Variation in sector views

Some variation in views emerged between the key respondent sectors. **Local authorities** in particular emphasised the importance of following common protocol and ensuring safety issues are addressed comprehensively in the pack.

A key focus of attention for **agents and large landlords** was the extent to which the TIP could be tailored to meet local needs. They could see benefits in inserting local contact information and placing more emphasis on the role of the landlord as the first port of call for queries and emergencies.

Small landlords were cautious in welcoming the introduction of the TIP. Some of the information contained in the draft TIP was new to them, and exposed a general lack of knowledge about their responsibilities as landlords.

Tenants provided views from a practical perspective and welcomed in particular the information on liability for council tax and checking inventories. They perceived the pack to be very informative and pitched at a helpful level. The TIP had the potential to empower them to make more informed choices about taking on future tenancies, and made them more confident about negotiating and communicating with their landlord.

This document, along with full research report of the project, and further information about social and policy research commissioned and published on behalf of the Scottish Government, can be viewed on the Internet at: <http://www.scotland.gov.uk/socialresearch>. If you have any further queries about social research, please contact us at socialresearch@scotland.gsi.gov.uk or on 0131-244 7560.



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