

Item: 8

Education, Leisure and Housing Committee: 5 February 2020.

Council House Rents.

Report by Executive Director of Education, Leisure and Housing.

1. Purpose of Report

To consider Council House rent levels from April 2020, following consultation.

2. Recommendations

The Committee is invited to note:

2.1.

That a consultation, undertaken in December 2019, in relation to the annual increase for Council House rent levels to take effect from 1 April 2020, proposed an increase of the Consumer Price Index as of September 2019, namely 1.8%.

2.2.

The results of the consultation on the annual increase for Council house rent levels, as detailed in section 4 of this report.

It is recommended:

2.3.

That, with effect from 1 April 2020, Council house rents should increase by 1.8%.

3. Proposed Rental Increase

3.1.

A long-term financial model has been developed which looks at the Housing Revenue Account over a 40-year period. Projections require to be regularly reviewed in light of actual spending against budget and changes to other key variables, including the rate of inflation. Rental income is a key part of this process.

3.2.

Additional analysis must also be completed in respect of works still required to ensure all properties meet the Energy Efficiency Standard for Social Housing by December 2020 and the second challenging target of 2032, as well as maintaining the Scottish Housing Quality Standard and the impact of the House Build programme. Refinement to the assumptions on the costs of carrying out this work is fed into the financial model as a matter of course. Work is currently underway in respect of a written Business Plan which will include financial assumptions for the coming years.

3.3.

Following discussions between Housing and Finance Services on the level of rent rise required to meet the spending requirements of the Housing Revenue Account, the proposed rental increase to take effect from 6 April 2020 should keep pace with inflation and, accordingly, in line with the Consumer Price Index which, for September 2019 was 1.8%.

3.4.

The average Council house rent in Orkney in the 2019 to 2020 financial year is £79.72. This compares to an average Council house rent of £81.43 in Scotland.

3.5.

Orkney currently has the sixth highest rent in Scotland. The previous five financial years are in the table below for comparison.

Year	Ranking within Scotland
2018 to 2019	6th highest rent
2017 to 2018	7th highest rent
2016 to 2017	7th highest rent
2015 to 2015	5th highest rent
2014 to 2015	4th highest rent

3.6.

In financial year 2019 to 2020, all Scottish local authorities with social rented housing raised their rent levels. The average across local authorities was 2.97%, in line with the 2.4% increase approved by the Council.

3.7.

Following any Council decision to increase rent levels, a 28-day prior notification of rent increases and charges must be sent to all tenants. The Council charges rent over 48 weeks of the year with four weeks being referred to as “free weeks” – one at the beginning of each year, two over the festive break and one at the end of the year. The first chargeable rent week for financial year 2020 to 2021 starts on 6 April 2020 allowing a 28-day notification period should the Council adopt any proposed rental increase on 3 March 2020.

4. Tenant Consultation

4.1.

The Scottish Social Housing Charter states that “Social landlords set rents and service charges in consultation with their tenants and other customers so that a balance is struck between the level of services provided, the cost of the services, and how far current and prospective tenants and service users can afford them”.

4.2.

Tenant consultation in respect of the proposed annual increase to Council house rent levels was undertaken during December 2019. This involved a letter and survey being sent to all tenants. The survey was also publicised through Housing Services tenants’ newsletter. The Council is required to consult with tenants and take account of their views.

4.3.

Tenants were advised that the proposed rental increase would be limited to the September 2019 Consumer Price Index, resulting in a proposed rental increase of 1.8%.

4.4.

Each property is assigned an individual points value based on its features. Tenants have consequently been advised of the proposed charge which would apply to their property from April 2020.

4.5.

A total of 895 surveys were sent out to tenants and 117 surveys were returned, equating to a 13.07% return rate, which is slightly lower than last year’s response of 14.75%. Feedback from the survey indicates a slightly higher proportion of tenants agreeing with the proposal however this is by a narrow margin. The results are shown in the table below with data from the previous six financial years for comparison.

Year.	Return Rate.	Agreed.	Neither.	Disagreed.
2020 to 2021	13.07%	36.75%	27.35%	35.90%
2019 to 2020	14.75%	32.03%	25.78%	42.19%
2018 to 2019	16.65%	25.18%	27.34%	47.48%
2017 to 2018	17.01%	32.39%	29.58%	38.04%
2016 to 2017	17.72%	34.46%	23.65%	41.89%
2015 to 2016	25.33%	27.88%	31.25%	40.87%

4.6.

For the fourth year as part of this process tenants were also asked if they thought the Council should continue to develop new build housing. 113 tenants responded with the vast majority supporting continued housing development as shown in the table below:

Year	Return Rate	Agreed	Neither	Disagreed
2020 to 2021	12.63%	63.72%	26.55%	9.73%
2019 to 2020	14.98%	68.46%	22.31%	9.23%
2018 to 2019	16.05%	68.66%	23.13%	8.21%
2017 to 2018	16.41%	70.80%	20.44%	8.76%

4.7.

Detailed feedback from the rent review will be published in the next edition of Housing News, due to be published in Spring 2020, to inform tenants of the responses to and results of the consultation.

5. Corporate Governance

This report relates to the Council complying with its financial processes and procedures and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

6. Financial Implications

6.1.

Local Authorities which own and lease residential property are required to maintain a separate Housing Revenue Account.

6.2.

Income to this account comes principally from tenants' rents, Housing Benefit subsidy, Universal Credit housing costs and interest on any balances.

6.3.

Rental income requires to be set at a level which ensures an adequate income to cover supervision and management expenses and the cost of repairs and maintenance.

6.4.

The budget for Housing Revenue Account rental income for 2019 to 2020 is £3,785,700. Tenants were advised that the proposed rental increase would be in line with the September Consumer Price Index figure of 1.8%. The resultant proposed rental increase would generate additional income of £68,100.

6.5.

The principal driver for the over-inflationary rental increases of recent years has been the additional requirements and costs associated with the Scottish Housing Quality standard and now the Energy Efficiency Standard for Social Housing. In addition, the affordability of the House Build Programme has put further pressure on the sustainability of the Housing Revenue Account. As at 31 March 2019 the outstanding loan debt stood at £12,606,548.33.

6.6.

With the average rental levels rising significantly in recent years the proposal seeks to balance the need to ensure that the rent levels charged ensure the ongoing sustainability of the Housing Revenue Account with the need to apply rent levels which are fair and affordable to the tenants.

7. Legal Aspects

7.1.

In terms of section 210 of the Housing (Scotland) Act 1987 a Council, may charge such reasonable rents as they may determine for the tenancy or occupation of houses provided by them. A council shall from time to time review such rents and make such charges either of rents generally or of particular rents as circumstances may require. In determining standard rents to which their housing revenue account relates, a council shall take no account of the personal circumstances of the tenants. The rent is increased by notice to the tenant in terms of section 212 which must be given at least four weeks before the increase takes effect.

7.2.

Similar provisions are contained within the terms of section 25 of the Housing (Scotland) Act 2001 in connection with Scottish secure tenancies as regards notice, but with a specific duty to consult those of its tenants who would be affected by the proposal and have regard to the views expressed by those tenants.

7.3.

As with all consultations, the Council cannot reach a determinative view until the Council is satisfied that:

- Consultation must be at a time when proposals are still at a formative stage.
- Sufficient reasons must be given for any proposal to enable intelligent consideration and response.
- Adequate time must be given for such consideration and response.
- The product of consultation must be conscientiously taken into account in finalising any proposals.

7.4.

When taking the product of consultation conscientiously into account in finalising proposals, the decision report must include relevant representations made to the authority. It is essential that the Authority takes representations conscientiously into account and avoid any appearance of bias.

8. Contact Officers

James Wylie, Executive Director of Education, Leisure and Housing, extension 2401, Email james.wylie@orkney.gov.uk.

Frances Troup, Head of Housing, Homelessness and Schoolcare Accommodation Services, extension 2177, Email frances.troup@orkney.gov.uk .

Lesley Mulraine, Service Manager (Housing and Homelessness), extension 2174, Email lesley.mulraine@orkney.gov.uk.