



TPAS Members Enquiries Feedback

November / December 2021

Enquiry: Policy & Procedure

Q We are currently reviewing our supplier for former tenants' debt recovery; has anyone had a positive experience with any suppliers in the past?

Caledonia Housing Association

A Used a few over the years. None were successful.

- Hawthorn Housing Co-operative

A We re-advertised our former tenant debt recovery early this year and have appointed a new Debt Recovery Agency, we are happy with how this is progressing and due to them having an online portal we have saved staff time and we have also seen an increase in our debt recovered to date.

I am happy to speak to anyone who wishes some more information.

- Ochil View

Enquiry: Policy & Procedure

Q I wonder if you could ask members if any have a CCTV policy for tenants they would willing to share please?

Grampian Housing Association

A Hi there, I know Link has added the following to their ASB policy when I was there (which is on their website <https://linkhousing.org.uk/media/4578/anti-social-bahaviour-policy-feb-2019-2.pdf>), not sure about WSHA as yet.

The Link stuff was on the back of a lot of issues and felt to be a balanced approach.

- Whiteinch & Scotstoun Housing Association

A DOMESTIC CCTV CAMERAS Link recognises that some of our tenants may feel more secure if they install external CCTV to deter crime or if they have been experiencing problems of ASB. In contrast we also recognise that some tenants may find the installation of a CCTV camera on their neighbour's home a breach of their privacy. Tenants who wish to erect a CCTV camera to their property

must apply for permission in writing, before installation, clearly stating the reasons for the request. We will consider requests to install CCTV on a case-by-case basis and will consider the views of other neighbours or others who may be affected by this installation, before deciding on whether permission should be granted or withdrawn. However, permission will only be given where the CCTV camera is positioned to only capture images of their own property, e.g., anything in the curtilage of their property. Tenants seeking to install domestic CCTV will be advised to read the Information Commissioner's website for guidance on the Code of Practice on domestic CCTV. Should CCTV become the implicated reason in a neighbour dispute, a complaint, or an allegation of harassment, then Link reserve the right to withdraw permission and to require that the CCTV is removed.

“The recent English case of Fairhurst v Woodard highlights the ongoing conversation surrounding the privacy implications of domestic surveillance. The Information Commissioner’s Office has stated that “...lots of people use domestic CCTV and video doorbells. If you own one, you should respect people’s privacy rights and take steps to minimise intrusion to neighbours and passers-by.”

In this case the Claimant, Dr Fairhurst, raised legal proceedings against her neighbour, Mr Woodard, in respect of a smart doorbell camera and several CCTV cameras located on his property. Dr Fairhurst claimed that her privacy had been compromised. Mr Woodard argued that the cameras installed were in connection with the prevention of crime.

The County Court determined that Mr Woodard’s use of a video doorbell camera and CCTV both harassed the Claimant and breached the Data Protection Act 2018 (“DPA”) and the UK GDPR. They stated that while Mr Woodard might have been justified in installing the cameras for crime prevention reasons, his use of CCTV did breach both the DPA and UK GDPR. The question for the Court was not whether the installation of CCTV would require compliance with data protection laws, but whether Dr Fairhurst’s personal data had been processed lawfully.

Transparency is key to ensuring personal data is lawfully processed. The ICO has described transparency as “...being clear, open and honest with people from the start about who you are, and how and why you use their personal data.” The court found in this case that Mr Woodard had failed to collect the personal data in fair or transparent manner due to consistently misleading Dr Fairhurst as to how and whether the cameras operated and what they captured.

What can tenants do to comply with the UK GDPR?

This case reminds us of the need for transparency and compliance with data protection laws. Many individuals, including tenants wish to install CCTV devices. The ICO has advised that if an individual's CCTV system, which includes smart doorbells, records images of people beyond the boundary of their home, the UK data protection legislation is applicable.

As such, questions that should be considered by tenants before installing CCTV include:

- 1. Do I really need CCTV or a smart doorbell? If there a clear and justifiable reason for capturing footage of neighbouring properties and residents?**
- 2. Are there other things that could be used to protect the property, such as better lighting?**
- 3. What is the most privacy-friendly way to set up the CCTV system?**
- 4. What areas do I need the cameras to capture? Can I position the cameras to avoid intruding on neighbouring properties or any shared/public spaces?**
- 5. Has the CCTV to be installed got audio-recording facilities? Audio recording is found to be very instructive to privacy and so it is advised that CCTV holders disable any audio recording.**

The above questions may help tenants to consider whether CCTV is required in every case, or what steps they can take to make their CCTV system more privacy friendly.

What can landlords do to assist?

Both the UK Government and ICO have released guidance surrounding the use of domestic CCTV systems. Whilst landlords should avoid becoming embroiled in disputes over CCTV installations, it is important that you have a clear process regarding requests for installation of CCTV devices. It would be appropriate to make the tenant seeking to install a CCTV device aware of:

- (a) any nuisance obligations in the tenancy agreement and**
- (b) ICO/government guidance.**

Additionally, tenants concerned with a neighbour's use of CCTV should be signposted to information from the ICO, court action option and potential escalation as anti-social behaviour in extreme cases.

Should you have any queries or require further guidance, please contact a member of our team."

- Angus Housing Association

Enquiry: Policy & Procedure



Does anyone have a policy for community food growing on HRA land, that they would be willing to share?



We don't have a policy, but we have entered into an agreement with a local organisation that allows them to use our vacant garage sites as growing areas for free vegetables for local people. I've attached one of the working plans – prob nothing new but it was how we developed the work.

The idea was that volunteers would create small growing areas; this was curtailed by Covid but pre Covid we had three areas in use.

We consulted any tenants/residents adjacent to the sites identified, the group explained the proposals, no one raised any objections.

The group were provided with maps, and they produced a plan for each site which they stuck to, we also had agreement around things like noise control, clearing up the area regularly etc.

- East Renfrewshire Council



Enquiry: Policy & Procedure

Q

BHA are reviewing their Rechargeable Repairs Process so I wondered if other members might share what process they use.

BHAs current Recharge Policy focuses mainly on vandalism and forced entries, and the relative responsibilities of BHA as Landlord and the tenant responsibilities re repairs, and BHA have noted some issues have arisen due to interpretation

How do others 'publicise/tell' customers what their policy is?

Berwickshire Housing Association

A

In my old place if a tenant reported a CTR then a Housing Officer had to speak to them about what caused it and decide if they were to be charged. The policy was then explained to them and 50% had to be paid in full before any contractors were sent out.

An information sheet about CTR was developed and given to tenants at the time of the interview.

If the CTR was reported during an emergency out of hours the housing officer visited the person to explain if it was chargeable and arranged to repay it.

Changes to the policy was made available on our website and in our newsletter.

- Leza (TPAS)



Highland Council's repair recharge policy can be found in the Repairs Policy at: [Housing policies | Repairs policy \(highland.gov.uk\)](#) – see Section 3.1 which details what is the Landlord's responsibility and what is the tenant's.

Section 4 clarifies what items will be re-charged i.e., those repairs which are necessary because of wilful damage or negligence by the tenant, anyone living in the house or a visitor to the house as well as work that may be required when moving out of a house to bring it up to the Highland Council's agreed "Empty Homes Standard".

New tenants are advised of their responsibilities as a tenant at the start of their tenancy, along with the requirement to look after the property and how to report repairs. They are issued with the "Guide to a Successful Tenancy with the Highland Council" booklet as well as a booklet detailing types of repairs with helpful info-graphics, how to report repairs, if they are rechargeable etc. They are also informed about the "empty homes standard" and that they are expected to return their property at this standard when they leave. They can also find information on our website by searching on "Council house repairs". Tenants can also find a list of our standard charges there too. They have the option to have rechargeable repairs carried out by their own contractor, but we would inspect these repairs to ensure they meet our standards, and many opt to have us do the work.

We also pick up any rechargeable repairs which have not been reported to us at our void inspection stage.

If we must force entry to a property to carry out a gas inspection, we also recharge the tenant for this. In some cases, we also work with Police Scotland to recharge damage to property caused by the police serving warrants – costs added to the case – and we have had some success in the past with people making "reparation" payments through the courts for vandalism.

Our Housing Debt Team then issue the relevant invoices and any debt is pursued by our Sundry Debtor Team.

- Highland Council

Enquiry: Policy & Procedure

Q

We are coming across an increasing number of tenants that don't have and/or can't afford equipment to help them maintain their homes e.g., set of steps to help decorate or gardening equipment to do work in the garden.

I know there is the Glasgow Tool Library, and I am going to one of their seminars in February to see how they operate but that's ages away. Are any other association operating a scheme whereby the loan gardening or DIY equipment to tenants? I'd be interested in hearing from them about:

How it works?

Set up costs?

What if the equipment isn't handed back?

And good old insurance and H&S in relation to loaning out the equipment.

East Kilbride Housing Association

A

We have done this in the past through RTOs - supported them to set up tool clubs, which they then manage, and we provided tools and a grant to cover insurance. Unfortunately, we don't have any running now but it's something we are looking at again, especially in the light of so many community growing projects springing up!

- Highland Council

A

We have introduced a hardship fund for tenants in the last 2 years to help tenants when things break, or situations arise such as this.

We have also applied to the community innovation fund in Dundee to start a pilot project of starter packs so when tenants sign up or move into a tenancy, we have funds to help support them buy items that they might not have.

We have seen a lot of tenants reduce from 2/3 bedrooms to a 1 bedroom due to age or bereavement and having been in a home for many years don't have the finances to make their new house as homely.

We also have an organisation called wellbeing works in Dundee where you can borrow or trade items for a loan or trade a sewer for someone who can cut your garden etc.

- Angus Housing Association



This is an interesting one, due to the profile of our tenant's demand for this type of service would be limited, however, for a more general needs based RSL, it might be worth approaching National or even Local providers, (e.g., Tool Hire, Screwfix etc.) or better still their own maintenance contractors, highlighting their Community Benefit/ Corporate responsibility. In return for providing access to tools and possibly even materials (this would get round the H&S issues) It could provide them with positive PR, imagine the stories which could be published! It would still need someone from the RSL to manage it, but to keep it as simple as possible you could negotiate a maximum annual loan/ material value from the company, which is then advertised by the RSL on a first come basis(I wouldn't implement a suitability criteria as this could get complicated and open to criticism) with maximum tool hire of two weeks (with a menu of available tools/ materials, and simple disclaimer form) Housing Officers could promote the service to tenants within their patches and if appropriate the overall annual budget could be split by Housing Officer patch).

- Viewpoint Housing Association



Enquiry: Policy & Procedure

Q

We have some parking bays that are owned by the RSL and are considering the feasibility of allocating spaces to specific tenants.

I would be grateful if people could share their experiences of doing this and whether there have experienced any difficulties where tenants park in spaces not allocated to them.

Hawthorne Housing Association

A

We have discussed/tried this at a few sheltered complexes where parking is limited – two main issues are

1 – people visiting will use the parking spaces whether designated or not – especially if there is a lack of parking – in our case we were trying to ensure residents would get parked, but this was often not the case

2 – we were told emphatically by planning it is not enforceable and we were creating a rod for our own back by creating residents parking which cannot be policed

Residents are constantly telling us people are using the spaces inappropriately – for example someone parked an untaxed car in the space and sorned it – believing it was private land due to the signage we erected. Carers used the spaces to visit residents – because they were guaranteed spaces in the parking area, someone placed an advert board in one of the spaces, lastly someone used the space to park in daily and take train into Glasgow for work – it was a nice wee safe place to park. But unfortunately, there is little we can do to enforce it.

Frustrating for the residents living there and a constant source of enquiries for our Housing officers around enforcement.

I know it's not that positive, but it has been our ongoing experience.

- East Renfrewshire Council



In my experience, allocating parking spaces within a scheme only causes problems as we cannot police 24 hours a day if a visitor to a neighbour or someone outwith the scheme parks there, then there are all sorts of complaints and phone calls, neighbours falling out etc.

In schemes where there is no allocated parking, we advise tenants from the off at sign up that there is no allocated parking to anyone so that they are aware of this.

- Hjaltland Housing Association



Yes, I have had experience of doing this and would counsel strongly against it. The minute they are allocated to one or other tenant they become a management issue and HOs become embroiled in the who and why but with absolutely no authority or power to do anything about it.

Car parking is always an issue in some developments, but I would always leave them as unallocated, unless you are charging extra for the service and provide a mechanism for stopping people parking in other's spaces. But even that rarely works, I've worked where they use lockable posts, fobs, painted numbers, had warning notices, even approached someone like these guys who put signs up and manage the car park, but they can't really enforce either <https://horizonparking.co.uk/>

The only sensible approach in my view is to leave as is and have a clear policy on how the spaces are managed i.e., letter to neighbours to say please be a courteous neighbour and clarity on what action is available to the landlord (e.g., nothing!)

- Whiteinch & Scotstoun Housing Association

Enquiry: Tenant Consultations

Q I wondered if you could possibly provide us with some advice regarding our tenant participation. It hasn't always been great, but it's been particularly poor this year and we're thinking it's mainly a result of the pandemic and the office being closed.

Our tenants panel meetings haven't been well attended which have mainly been via Zoom. We offered a hybrid meeting at the office recently however attendance still wasn't great. We usually run a few drawing competitions for the children throughout the year but haven't really had many entries for this in the past year, again likely due to the office being closed and not having that face-to-face contact when the children are popping into the office.

There isn't an issue when phoning round for feedback or getting access for our Tenant Satisfaction Surveys. Also, if there are incentives for tenants who take part i.e., competitions or raffles, then we find participation increases.

We have our website and Facebook which are both updated regularly. We can also send out bulk text messages to all tenants and have recently started using SurveyMonkey for consultations.

We're not sure when we will be re-opening the office to the public now. We have our Tenant Participation Policy and may look to draft a Tenant Participation Strategy in the meantime to try and look at ways to improve tenant participation.

Have any of your other members had the same issues? Happy to set up a meeting if you would like to have a chat.

Drumchapel Housing Co-operative

A This hasn't been our experience. We have had some challenges with Zoom but have managed to have residents group meetings, scrutiny group meetings and board meetings on Zoom which have been well attended. We've also done a few informal TP sessions, one of them called "Cafe Conversations" we trialled for the first time online. I'm not sure what we are doing differently from the other RSL or if it's down to the individual preferences of tenants but I'm happy for me contact details to be passed on if they would like to set up a meeting or call.

- Queens Cross Housing Association



We have experienced similar issues however, it started pre-pandemic and got worse throughout. We have recently undertaken the Healthy Engagement review with TPAS, completed tenant consultation and awaiting approval for our strategy for TP. Happy to share and discuss.

- Caledonia Housing Association



We would write a similar account for TP this past 18moths. The housing team worked in partnership with the council and other bodies at the beginning of the pandemic to identify vulnerable people/families who needed food packages, assurance calls or other assistance. The Financial Wellbeing Team helped those in need financially to access the correct benefits.

The Senate (our scrutiny group) have met via TEAMS, and we provided some tablets for a couple of members to enable them to join in, in this way. It has carried out two small investigations and although we contacted other organisations for comparable information, we did not get responses or people did not call back. We believe this was due to people being on furlough or off sick.

Two of our own members were hospitalised having had strokes and we had one member pass away unfortunately. Recruitment has been very poor with only one new member joining during this time.

I have contacted the RTOs on several occasions Zoom etc and the response has been very poor. We have had some online policy reviews and consultations but again response has been great.

Hopefully when we start to meet face to face these areas might recover.

- River Clyde Homes

Q We recently underwent an IT Audit, and a recommendation was for external penetration testing to be done to our website. I was just wondering if any other RSL's carry out external penetration testing and if they could provide more information on this e.g., which provider and the costs.

Cathcart & District Housing Association

A We in the past have used Curious Frank after a previous IT audit recommendation.

- Craigdale Housing Association

A I'm not long in post at Almond HA but we have had in place for the past 2 years DigitalXRaid (DigitalXRAID - Cyber Security Experts | Cyber Security Service Providers). They have provided a both internal and external Pen Tests for us and give us extensive reports back to enable us to fix any issues. Unfortunately, I'm unable to give you specific costs as we've utilised a pool of days for various work up till now.

I'm currently looking at The SBRC as a local alternative and engaging with them as a member, this was something I had started at my previous post. Unfortunately, other than initial engagement, I'm unable to give any recommendation but they seem to be bringing a lot of resource together in one place and are aiming their help towards SME's (Home - Scottish Business Resilience Centre (sbrcentre.co.uk)).

- Almond Housing Association

If you would like more information on any of the answers in this document, please do not hesitate to contact us.