

THE FITRA GUIDE TO YOUR RIGHTS AS AN INVERCLYDE COUNCIL TENANT

Introduction

You have important rights as a secure tenant of Inverclyde Council.

This document tells you more about them.

It also tells you other things you might want to know about Council housing.

Please note that this is a general overview of housing law, and will not cover all circumstances.

If you want to know about housing law in more detail, contact the Legal Services Agency on 01475 553309.

Your rights as a secure tenant

In general:

- You can live in your home for the rest of your life as long as you do what your tenancy agreement says.
- You can buy your home at a discount, with some exceptions.
- You can “succeed” to the home of someone in your family if you are living with them when they die.
- You can take in lodgers and sub-let part of your home.
- You can get certain urgent repairs done quickly and at no cost to you.
- You can carry out improvements to your home.
- You can be paid for certain improvements you have made if you move home.
- You can help to manage your estate.

- You can exchange your property for another one.
- You must be consulted on housing management matters.
- You must be given information about how your Council runs the homes it owns.

How can I get an Inverclyde Council home?

- Simply apply to the Council, who will then put your name on our waiting list.
- You have a right to know how the Council decides to let the homes it owns so you can be sure you are treated fairly.
- The Council has published a short version of its rules for deciding who gets Council homes. Ask for a free copy. This will cover our rules about moving people who already have Council homes to other Council homes in Inverclyde.
- You have the right to look, free of charge, at the full rules for who gets Council homes at local Housing Offices during normal office hours.
- You also have the right to a copy of these rules but you may have to pay for it.
- There will always be someone at your local Housing Office who can tell you about the rules for getting a home.

How can I get a housing association home?

You may want to apply for a home from a housing association in Inverclyde. Contact the Council who can tell you how to get in touch.

What are my rights when I get my Council home?

- Once you are a secure tenant you have rights and responsibilities. The law sets out some of your rights.

- Others may be agreed by Inverclyde Council and put in your tenancy agreement.
- It is important to remember that you have responsibilities as well as rights, for example you must respect other tenants' right to live in peace and quiet.
- The Council should publish its tenancy agreement in plain, simple language.
- This will say what the Council has to do and what it expects you to do.
- It will set out your rights under the law, and the action the Council may take against you if you breach your tenancy agreement.
- The Council must keep this information up to date.
- The Council must give you your own written tenancy agreement when you agree to take your home, or as soon as possible after you move in.

Ask the Council about anything in the tenancy agreement you do not understand.

Security of tenure

As a "Secure" tenant you will be able to live in your home for the rest of your life if you want to, as long as you do what you agreed to do in your tenancy agreement.

This is known as "security of tenure".

If the Council needs to rebuild your house or flat or part of your estate, it must offer you another suitable home.

The Right of "Succession"

A tenant does not have the right to pass on their home to another person of their choice; rather the family of the tenant has the right to "succeed" it.

This is called the "right of succession".

A spouse will usually have the right to "outrank" children with competing interests.

When you die, your husband or wife or another person in your family will usually be able to take over the tenancy agreement from you.

If you have cohabited with the tenant, you must have been staying with them for at least six months

Lodgers and sub-letting

You may have some spare space in your home. You have the right:

- To take in lodgers;
- To sub-let part of your home.

You must get written permission to sub-let from the Council first.

You cannot usually sub-let the whole of your home or transfer your tenancy to someone else.

Repairs to your home

- The Council is responsible for most repairs to your home, but there are some types of repair which are your responsibility.
- Your tenancy agreement sets out which repairs you have to do and what the Council has to do.

The Council must ensure that your house is "reasonably fit for human habitation".

The Scottish Secure Tenants "Right To Repair" Regulations

Some repairs are covered by the Scottish Secure Tenants (Right to Repair) regulations.

This means that, by law, the Council must carry out certain small, urgent repairs which are likely to affect your health, safety, or security.

The Council must carry out these kinds of repairs quickly and at no cost to you.

Only certain types of repairs, called 'qualifying repairs' are covered by this law and there are different timescales allowed for different repairs.

FI TRA or the Council can give you a full list of these.

Ask for information on The Scottish Secure Tenants "Right to Repair" Regulations'.

Inverclyde Council must also make sure that gas appliances and pipe work are tested at least once every year.

A record of tests is kept and may be provided to a tenant on request.

If you need a repair to your home you should be told if it is covered by the Right to Repair Regulations and when you can expect it to be repaired.

If it is not covered by the Right to Repair Regulations, it may still be something which the Council is responsible for under other Acts like the Building Standards Regulations or The Occupier's Liability Act.

The Council will tell you how long it will take for them to carry out the work.

If your repair is covered by the Right to Repair Regulations, the Council will have to carry it out within a certain number of days.

But sometimes things will go wrong.

If they do, you should tell the Council. You can tell them to get another contractor to do the work.

If the second contractor still does not do the repair on time, the Council may have to pay you up to £100 compensation.

In a dispute using the Building Standards Regulations or the Occupiers Liability Act the Council may have to pay you thousands of pounds in compensation

Sometimes there may be a good reason why a repair can't be completed on time.

For example, if you did not keep your appointment to let the contractor in, and they therefore could not carry out the repair, the Council won't have to pay you any compensation.

If the Council have told you it will carry out a repair that is not covered by the Right to Repair Regulations, but they fail to do so on time, you should tell them.

If you want to complain the Council has a Complaints Procedure and you should ask to see a copy of this,

If, after you have complained, the Council still does not carry out the repair, you can take them to court.

This can be expensive and you should seek independent advice, such as from the Legal Services Agency before making a decision.

Improvements to your home

You may make improvements to your home, including a new kitchen, bathroom and toilet, and outside painting.

You must get the Council to agree to any of these changes in writing first.

You may wish to fix a television aerial or satellite dish. You may need planning permission from your Council for this.

Compensation for improvements

If your tenancy is coming to an end, you may be able to get compensation for the improvements you have made.

You have the Right to Compensation for certain improvements, such as a new bathroom, toilet, kitchen, central heating, and energy efficiency and home security improvements.

You may also be able to get compensation for other improvements you have made.

Ask us if the improvements are eligible for compensation. You must apply for compensation when your tenancy ends – which is usually when you move.

You will need to show the Council bills for the work done as well as written proof that the Council agreed to let carry out the work.

They will work out how much compensation to pay you.

You must submit a claim at least 28 days before you give up a tenancy and no later than 21 days after you give it up.

This will depend on the work you have had done, and how long ago the work was done.

Things we need to know about you

When you become a tenant, the Council needs to know your details and keep a record of them.

Under the Data Protection Act (1998) you have the right of access to your personal housing file so that you can check the details to make sure they have got it right.

If you are not satisfied with a certain piece of information in your file, you should seek advice from the Data Protection Commissioner.

If you claim housing benefit, you have the right to know how your benefit has been worked out. If your claim is refused, you have the right to know why.

If you are disabled

All disabled people, including Council tenants, can apply for a disabled facilities grant to help them to carry out necessary adaptations to their homes.

The grant is subject to a test of resources to work out the amount that you can afford to contribute.

As an alternative, they may be able to fund adaptations for you from our own housing budget, or offer you a more suitable property.

You may find this more convenient, and less costly, than applying for a grant.

How can I move?

There are a number of ways in which you might be able to move home:

Exchanges

If you want to move to a Council or housing association home in another Council area, you may be able to do so. You will need to find someone to exchange with. You have the right to exchange.

You and the tenant you exchange with must both have the written permission of the Council or housing association.

The Council can only say 'no' for certain reasons; for example, if they think the home is too big or too small for the person who wants it.

An organisation called HOMES helps to arrange exchanges between tenants who want to move to another part of the country.

Transfers

If you want to move to another property owned by the Council or a housing association in Inverclyde you may be able to do so.

We will be able to tell you what the chances are of being able to move to a new home and what its rules are about transfers.

Moving from a home that is too big for you

Some tenants, particularly older people, live in homes that are too big for them.

This can happen when children grow up and leave home. We have schemes to help people to move to smaller homes if they wish, so that the larger ones can be used for families.

Ask the Council what they can do to help you to move to a smaller property.

Can I buy my home?

Most people who are secure tenants and have had public sector tenancies for five years have the right to buy the homes they rent.

But there are some exceptions.

You may not be able to buy your home if, for example, you live in sheltered (warden-assisted) housing or if your home is particularly suitable for elderly people.

If the Council agree that you do have the right to buy your home – and you ask to buy it – they must sell it to you.

You will get a discount on the price depending on how long you have been a public sector tenant.

What kind of service can I expect from my Council?

You should get good service from Inverclyde Council.

Staff in the Housing Services should be polite and helpful to you. They should make sure that everybody is treated equally, regardless of their sex, colour, creed or disability.

They have a duty to ensure that we do not discriminate either directly or indirectly on the grounds of race in the letting or management of housing they own.

They also have duties to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups.

Each year Inverclyde Council will publish performance standards which contains information about how well they have looked after your home, including their performance in collecting the rent, getting repairs done and bringing empty homes back into use.

They also produce a separate Annual Report for Council tenants.

If you want to know more about how the Council make their decisions on housing, you have the right to go to public meetings of the Council and the right to see the records (minutes) of its meetings.

What happens if I have problems with my neighbours?

Sometimes things will go wrong with your home or your estate. Some of these will be small things to do with the way your home is looked after by the Council.

Others could be more serious, such as crime, violence, drugs, vandalism, harassment or racial abuse.

Inverclyde Council will not tolerate anti-social behaviour by tenants and will take action against them. Changes to the housing law now offer better protection for tenants against nuisance neighbours.

The Council can tackle anti-social behaviour in a wide variety of ways.

An example could be to use either mediation services to resolve disputes before they get out of control or by using injunctions to prevent unruly behaviour.

In the most serious cases this could result in a maximum sentence of five years imprisonment.

The Council also have a duty under the Crime and Disorder Act 1998 to establish partnerships with the police and others to reduce crime and disorder.

Ask the Council for information on how they deal with nuisance neighbours and anti-social behaviour.

Noise is sometimes a problem, particularly loud music and noisy parties. The Council will let you know about its noise complaints services and what counts as unacceptable neighbour noise.

They have a policy for dealing with racial harassment on our estates.

This may include putting a clause in its tenancy agreements to prohibit harassment. Ask for details.

If you feel you have been racially harassed by one of your neighbours, it is open to you to report the incident either to your local Housing Office, or to the local police if you prefer, and ask them to investigate your concerns.

What happens when things go wrong?

Use Inverclyde Council's complaints procedure. You may think they are stopping you from using the rights described in this document. You may think they have treated you wrongly or not behaved properly. There are several ways in which you can take action.

Contact your Housing Office

First, go to or phone your Housing Office (see below) and talk to the staff there. If you do not want to talk to officers, you could try talking to your local Councillor and asking him or her to contact the Council on your behalf.

If the people at your local Housing Office do not solve your problem, you should use the Council's own complaints procedure. They should tell you about this when you become a tenant.

You should be able to make a formal complaint if you think they have done something wrong.

Your Housing Office will tell you where you can go to see your Councillor, or you can write to him or her.

Local Housing Offices list

Write to the Local Government Ombudsman

If you think the Council has treated you unfairly, you can write to the Local Government Ombudsman. The Local Government Ombudsman for Scotland is a woman).

The Ombudsman is independent and can investigate complaints about Councils and other public bodies, with the aim of putting things right if they have gone wrong.

The Ombudsman can recommend that the Council pays you compensation if he or she finds that you have been badly treated and it is the Council's fault.

They will not take up your complaint unless you can prove that you have given the Council a chance to respond to your complaint through their internal complaints procedure.

Go to court

You may wish to seek independent advice from a solicitor. You can contact the Legal Services Agency on 01475 553309

How can I be more involved?

Your views matter because if the Council are to improve housing services.

Inverclyde Council need:

- To know what you think;
- To know about the changes you would like to see and which might influence the type and quality of service being provided;
- Your feedback on whether changes are meeting the needs of local people and making things better on the ground for you.

While you do not have to offer views if you do not want to, they should at least give you the chance to offer your views on housing issues.

Tenant Participation Strategy

To make sure you have the chance to have a proper say in how the Council manages your home, they have developed a Tenant Participation Strategy.

What is a Tenant Participation Strategy?

A Tenant Participation Strategy is an agreement between Inverclyde Council and its tenants.

It sets out:

- How you can get involved with other tenants in local decisions on housing matters which affect you;
- what you and Inverclyde Council want to achieve locally through such a strategy, such as better ways of working together, improving local services or a better quality of life; and,
- How the strategy will work and be checked to make sure it is working properly.

What should a Tenant Participation Strategy mean for me?

- You get the information you need on all aspects of our housing services. Inverclyde Council should make sure that the information is clear and accessible;
- You become aware of the opportunities to get involved in local decisions, including tenant management, and understand the benefits and responsibilities;
- You can have a role in important decisions on housing issues and your views are taken into account and can influence final decisions;
- You get clear information on our policies about equality issues including race equality; and
- You have the opportunity to get involved whether you are old, young, come from an ethnic minority group, are disabled, or English is not your first language.

How can I help improve housing services in my area?

There are several ways you can do this.

For example, you can join a local tenants' or residents' group or ask us to help you start one.

Tenants' and residents groups are one way in which you can make your views known to the Council on local housing problems or issues affecting the quality of life in their area.

The Tenant Participation Strategy should help with this.

If you want to find out more about ways of getting involved in running your estate, including taking over the running of your housing services from the Council under the Right to Manage, you should discuss this with us. Ask to see the Council's Tenant Participation staff.

You may also be able to get free independent advice and support.

You don't have to get involved at all if that's what you prefer - but you should take this decision on the basis of clear information from us, knowing the range of opportunities that are available to you and why your views matter.

How do I find out more?

If you would like to know more about what's happening in your area, get in touch with your local tenants' or residents' group or FI TRA, The Federation of Inverclyde Tenants and Residents Associations.

FI TRA Contact details etc.