

ANGUS COUNCIL
HOUSING COMMITTEE – 26th February 2004
Use of Sections 61D and 61E of the Housing (Scotland) Act 1987
(as amended)
REPORT BY DIRECTOR OF HOUSING

ABSTRACT

This Report advises Members of the applications to purchase Council houses that have been refused in terms of Sections 61D and 61E of the Housing (Scotland) Act 1987 (as amended).

1. RECOMMENDATION

Members are requested to note the contents of this Report.

2. INTRODUCTION

Report 17/03, which was presented to Housing Committee on 7th January 2003, advised Members of the introduction of new sections 61D and 61E into the Housing (Scotland) Act 1987, as amended ('the 1987 Act'). The new sections give Local Authority landlords the power to refuse an application to purchase in certain circumstances.

Section 61D entitles the landlord to refuse an application to purchase if the records show arrears of rent or other related tenancy charges, or outstanding Council tax or water and sewerage charges.

Section 61E places an obligation on Local Authority landlords to refuse an application to purchase where the tenant is the subject of proceedings for recovery of possession on conduct grounds.

Members approved the use of the following guidelines when considering applications where the applicant had outstanding 'housing –related' charges.

- Disregard arrears of rent if less than 4 times the weekly charge or if less than £75.
- Disregard arrears of rent under £20 if applicant is in receipt of Housing Benefit.
- Disregard any outstanding other tenancy-related charge where the amount is less than £75.00.

- Disregard arrears of Council tax or water/sewerage charges if an arrangement to pay is being maintained to the satisfaction of the Finance department.

This Report contains details of the applications to purchase that have been refused in terms of these sections between 30th September 2002 and 31st December 2003.

3. APPLICATIONS REFUSED

Details of the applications to purchase that have been refused are contained within Appendix 1.

A total of 27 applications were refused using the powers given to local authority landlords under Section 61D.

No applications were refused using the obligation on landlords contained within Section 61E.

A total of 10 re-applications were received after the original application had been refused. This means that the outstanding debts have either been repaid or arrangements to pay have been made to pay.

4. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

5. CONSULTATION

The Chief Executive, the Director of Finance and the Director of Law and Administration have been consulted in the preparation of this Report.

6. HUMAN RIGHTS ACT

This Report advises Members of applications to purchase Council houses which have been refused in terms of Section 61D and 61E of the Housing (Scotland) 1987 (as amended). The following articles of the European Convention of Human Rights are relevant to this Report: Article 1 of the first protocol, i.e. protection of property. The tenants of the properties are entitled to peace and full enjoyment of their possessions, in this case the right to live in their house and their right to purchase in terms of the legislation. However, this is subject to conditions provided for by law. Article 8 is also relevant, that is the right to respect for private and family life, home and correspondence. Angus Council is entitled to interfere with this right in accordance with the law and as is necessary for the economic well being of the Country.

7. CONCLUSION

It is recognised that procedures should be in place to ensure that all applications from tenants who have outstanding debt to the Council are dealt with consistently.

Reports will be presented to Housing Committee on an annual basis to advise Members of the number of Notices of Refusal issued within the previous year and of any subsequent re-applications.

Ron Ashton
Director of Housing

No background papers, as defined by Section 50 D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing this report.

APPENDIX 1

APPLICATIONS TO PURCHASE COUNCIL HOUSES THAT HAVE BEEN REFUSED THROUGH THE USE OF SECTION 61D OF THE HOUSING (SCOTLAND) ACT 1987 (AS AMENDED).

Council Tax Arrears	15
Rent Arrears	5
Previous Tenancy Arrears	1
Other Housing-Related Debt	1
Council Tax and Rent Arrears	2
Council Tax Arrears, Rent Arrears and Other Housing-Related Debt	3
TOTAL	27

APPLICATIONS TO PURCHASE COUNCIL HOUSES THAT HAVE BEEN REFUSED THROUGH THE USE OF SECTION 61E OF THE HOUSING (SCOTLAND) ACT 1987 (AS AMENDED).

NONE