



PRIVATE HOUSING: STATEMENT OF ASSISTANCE

East Renfrewshire Council

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PRIVATE HOUSING: STATEMENT OF ASSISTANCE

INTRODUCTION

1. The Scheme of Assistance represents a change in the way the Council will help homeowners meet the challenge of improving the quality and management of housing in the private market in the 21st century.
2. Covered by Part 2 of the Housing (Scotland) Act 2006 (The 2006 Act), the scheme requires each local authority to set out in a statement the circumstances in which it will offer particular types of information, advice, practical support and financial assistance to private home owners in relation to works carried out to private houses. It is intended to permit better targeting of resources and to encourage owners to carry out more works.
3. Key to the scheme is the assumption that the primary responsibility for repairing and maintaining private sector housing rests with owners themselves. The basic premise of the Scheme of Assistance is that owners are responsible for the condition of their properties and that the Council will only intervene where this situation is failing. However, it is also acknowledged that some owners will need support and assistance to enable them to meet their responsibilities as homeowners.
4. Included within the scheme is help for people whose houses do not suit their own personal needs because they have a disability. Although the house may be in perfect condition, the person may encounter barriers to making effective use of it.
5. As the Scheme of Assistance does not necessarily mean providing financial assistance, it implies a change in outlook, away from a simple expectation that the local authority should pay grant.

CONTEXT

6. The Council's Single Outcome Agreement (SOA) determines the Council's priorities over the coming years. The Scheme of Assistance is designed to reflect the vision set out in East Renfrewshire's SOA:

'Together we strive to create a healthy, confident and successful population in East Renfrewshire, where everyone lives in a safe, attractive environment and benefits from an enhanced quality of life.'

In particular, the Statement links into two SOA outcomes:

- Our most vulnerable residents enjoy a better quality of life and live as independently as possible
- There are high quality and affordable housing opportunities for our residents

7. The Scheme of Assistance is also reflective of the aims and objectives set out in the Local Housing Strategy.
8. In light of the recent legislative changes regarding private sector housing, the Council carried out an option appraisal exercise to explore issues particular to East Renfrewshire, which was completed in June 2008. This work identified four areas of

priority around which strategic aims and objectives were established. The priority areas identified are as follows:

- Reducing the number of houses in East Renfrewshire that are either BTS or in serious disrepair;
- Reducing the occurrence of disrepair in mixed tenure areas;
- Improving standards in the private rented sector;
- Improving the quality of private sector housing for vulnerable residents.

The results of this work have been fed into the development of East Renfrewshire Council's Scheme of Assistance and the LHS 2012-17.

9. Since 2010-11, Private Sector Housing Grant is no longer a ring-fenced grant paid to the Council by the Scottish Government. Instead, it is for the Council to set the budget for private housing assistance, although the Government allocation will continue to be separately identified for the time being.

10. The resources available to the Council to improve property condition and suitability in housing in the private sector are limited. Their deployment through the Scheme of Assistance is intended to help generate a culture change, where owners see the benefit of investing in the condition of their homes; where more owners can access assistance to do so; and where more disabled people are given better choices to meet their needs.

11. During early 2012 a review of the Scheme of Assistance was carried out. This review was intended to identify areas of the statement that needed revising in order to reflect current legislation and to ensure best practice and value continue to be achieved.

CONSULTATION

12. East Renfrewshire's Scheme of Assistance has been informed primarily by the 2008 option appraisal work (which included consultation with a wide range of stakeholders), the private sector house condition survey, completed in 2006, and a private sector housing working group from within the Council.

13. A draft of the statement was sent out for consultation in December 2009. Feedback was sought from interested parties, including owners, landlords, tenants and anyone with an interest in private sector house conditions, the built environment of our communities, and barrier free living for disabled people.

14. Feedback received throughout the consultation process has been incorporated into this statement of assistance.

15. During the review of the Scheme of Assistance, carried out in early 2012, further consultation was carried out with stakeholders, including other Council Services, relevant agencies and service users.

EQUALITIES

16. The Council is strongly committed to equal opportunities and has made every attempt to incorporate equality measures into the Scheme of Assistance.

Furthermore, we will continue to review, consult upon, and monitor our services to ensure that they are non-discriminatory.

SERVICE DELIVERY

17. The Private Sector Housing Service have a lead and co-ordinating role in the delivery of the Scheme of Assistance. They can be contacted at:

Private Sector Housing Services
East Renfrewshire Council
Barrhead Council Offices
211 Main Street
Barrhead
G78 1SY

Telephone: 0141 577 8362

Email: privatesectorhousing@eastrenfrewshire.gov.uk

18. They will deliver assistance in conjunction with the following services and partners:

- ERC Housing Services
- ERC Environmental Health
- ERC Property Services
- ERC Building Control
- ERC Trading Standards
- East Renfrewshire CHCP
- ERC Money Advice
- ERC Finance
- Care & Repair
- East Renfrewshire Citizens Advice Bureau

19. An underlying objective for the Scheme of Assistance is to provide applicants with appropriate levels of information to allow them to make informed choices. This also extends to services commissioned and funded by the Council, such as Care & Repair.

SUMMARY OF ASSISTANCE AVAILABLE

20. Funding to implement this Statement of Assistance is a limited resource, therefore targeting of assistance is required to ensure that help goes to those most in need and that strategic objectives are met.

21. Furthermore, it is a principle of the 2006 Act that the primary responsibility for a privately owned property lies with the owner.

22. For the reasons outlined above, information and advice will always be provided in the first instance to enable owners to carry out the necessary repairs, maintenance or improvements themselves. Practical assistance may be provided where this cannot be achieved. With the exception of mandatory grants relating to disabled adaptations, financial assistance in the form of grant will only be given to

assist with the achievement of strategic priorities and will be dependent on the availability of finance.

ADAPTATIONS AND STANDARD AMENITIES FOR DISABLED PEOPLE

23. This section sets out East Renfrewshire Council's commitments to assisting disabled people with major adaptations to their homes.

24. It details the types of assistance available to residents in private housing to adapt their properties to meet their needs, the circumstances in which financial assistance will be made available, and the application and assessment process for assessing financial assistance.

25. Wherever possible, the Council will try to find a way of meeting the person's needs that allows them to continue living independently in their own home. This may involve installing equipment or carrying out a structural adaptation to the property.

Types of assistance

26. East Renfrewshire Council has a duty to provide certain services to people with disabilities.

27. The Council has a statutory duty to provide mandatory grant for specific types of works to meet the assessed need of disabled people.

28. There is also a general duty for local authorities to provide assistance to make a house suitable for a disabled person, where the house is or will be that person's only or main residence.

Financial Assistance

Mandatory Works

29. Works subject to mandatory grant provision will be the priority for financial assistance. Adaptation work covered by mandatory grant is as follows:

- The provision of access to a standard amenity which, in the opinion of the local authority, meets the need of the disabled person. A standard amenity is:
 - A sink with satisfactory supply of hot and cold water within the house;
 - A water closet available for the exclusive use of the occupant of the house and suitably located within the house;
 - A fixed bath or shower and wash-hand basin, each with a satisfactory supply of both hot and cold water and suitably located within the house.
- Structural work to the house to make a dwelling suitable for a particular disabled person. Some examples of common adaptations that attract grant funding are listed below:
 - Provision of ramped access
 - Installation of a level access or wet floor shower

- Widening doors for wheelchair access

30. Structural work excludes work to extend the structure and work to create additional living accommodation in a separate building from the current living accommodation.

31. Where an applicant is eligible for grant assistance, and has been prioritised for an adaptation as described in section 62 they will be entitled to a minimum grant of 80% of the total reasonable cost of the eligible works. Those applicants who are in receipt of one or more of the following benefits¹ will be entitled to a grant that is equivalent to 100% of the total reasonable cost of the works:

- Income support;
- Income based Jobseeker's Allowance;
- Pension Credit (Guarantee Element);
- Income Related Employment and Support Allowance.

32. The entitlement to 100% grant applies where any of the following persons is in receipt of one of the benefits listed above:

- The applicant;
- The applicant's spouse or civil partner;
- Anyone who is ordinarily resident with the applicant;
- Any person who the applicant is dependent on or who is dependent on the applicant.

33. Where an applicant eligible for 80% grant is not able to afford some, or all, of the outstanding element of the cost of the work, the Council will provide them with advice and assistance aimed at maximising their income and accessing other sources of funding.

34. The ongoing servicing and maintenance of an adaptation is not eligible for grant assistance.

35. In dealing with applications relating to adaptations for the benefit of a disabled occupant the Council will make a judgement as to the reasonable cost for the work and will use that cost as the basis for the calculation of grant. In deciding what is reasonable the Council will generally benchmark costs for comparison but will assess each application individually.

36. If the applicant wants to make additional improvements including providing additional living accommodation or to upgrade the specification of works, the cost of meeting the essential adaptation will be funded as above, with the applicant meeting the full amount of any additional cost.

37. Private landlords have a duty to take reasonable steps to help tenants with a disability. This could involve undertaking small adaptations or installing equipment. Private landlords have a duty to make reasonable adjustments in terms of the Disability Discrimination Act 1995. These adjustments include such items as

¹ Imminent changes to the benefits system as a result of the Welfare Reform Act 2012 mean that these benefits will be changing. The statement will be updated once their successor benefits are known.

furniture and equipment, signs or notices, taps, door handles, door or bell entry systems and changes to the colours of surfaces.

38. Section 52 of the Housing (Scotland) Act 2006 prohibits private landlords from unreasonably withholding consent where a tenant seeks permission to carry out essential structural adaptation work.

39. In these circumstances, the landlord has no obligation to contribute to the cost of the adaptation work, but the tenant can apply for a grant by following the procedure outlined in section 64.

Non-Mandatory Works

40. Work to extend the original structure of a property to provide additional living accommodation or to create additional living accommodation in separate buildings does not fall into the category of mandatory grant. East Renfrewshire Council will not generally provide grant assistance for such works.

41. In very exceptional circumstances, and only where all other options, including altering the existing internal structure and/or redesignating the use of rooms and possible rehousing or house purchase have been fully exhausted and have not been found to be feasible will the provision of any financial assistance to extend the structure of existing accommodation be considered. Such applications will be referred to a panel of officers from the CHCP and the Housing Service (Adaptations Review Panel) and only where approved will grant funding be agreed.

42. The level of discretionary grant available in these circumstances will be subject to the availability of resources.

43. Additional facilities will not be provided purely on the grounds of overcrowding and the need for space more generally for the family.

44. If the proposed extension to the original structure of the building includes the provision of standard amenities and the Adaptations Review Panel agrees that this is the only feasible way of making such provision, grant funding will be available for this element of the work as described in section 30.

45. If the Adaptations Review Panel determines that an alternative to an adaptation may provide a better housing solution, and ensure that best value be considered, assistance can be given to explore other options, such as those below, to establish if they could be a more effective way of meeting the assessed need:

- Finding alternative, more suitable rented accommodation;
- Helping an owner with the actual or proposed sale of a house;
- Helping with the cost of house purchase or construction, for example, by providing assistance to incorporate an adaptation at build stage.

46. All non-mandatory grant assistance will be at the discretion of the Adaptations Review Panel and is subject to the availability of financial resources. The cost of the financial contribution to house purchase, and any subsequent adaptations to the new property, must be considered reasonable.

47. Where requested, the Council will provide advice and assistance to owner occupiers or private landlords with the reinstatement of any of their property which has been adapted to meet the needs of a previous or outgoing tenant. Local authority funding will not be provided to assist with reinstatement of major adaptations.

Non-Financial Assistance

48. If the most appropriate way to meet the assessed needs of a disabled person does not fall into a mandatory grant assistance category, or the assessed need is not high enough to be eligible for grant assistance, the Council will provide a range of information, advice and practical assistance to help the applicant carry out the work.

Care & Repair

49. The Council commissions care & repair services to provide free and confidential advice and assistance to older people and people with disabilities with the aim of enabling repairs, improvements and adaptations to be carried out to allow clients to maintain their independence and remain in their own homes comfortably and securely.

50. The Care & Repair service provides practical support to owners to carry out work that is grant funded by the Council. They offer different levels of support to suit each individual case – from project managing the work to offering advice on approaching contractors. They can co-ordinate with consultants if drawings or statutory approvals are required, prepare specifications, arrange estimates for the work, assist in applying for grants, arrange for work to be carried out and visit throughout the course of the work to advise and assist.

51. Assistance to owners who want to adapt their home but do not qualify for financial assistance as described above can also be provided.

52. A Small Repairs Service and Handyperson Service is available through Care & Repair to assist older people and people with disabilities to undertake minor works that they would be unable to carry out themselves, or where the relatively low cost of the works would make it difficult to attract a contractor.

Occupational Therapy Advice & Support

53. A member of the occupational therapy service will be able to take the client through the assessment process and provide advice and information on the most suitable course of action, taking into consideration an individual's circumstances.

Housing Options

54. Regardless of eligibility for financial assistance, a member of the housing service will be able to provide individual information, advice and practical assistance to disabled persons, on the full range of housing options available to them to meet their needs. They may assist in identifying suitable housing for applicants with disability related housing needs, and/or liaise with Care and Repair, technical staff

and/or external contractors over the specification of housing adaptations to meet the needs of disabled people.

Alternative Funding

55. East Renfrewshire Council are not in a position to provide independent financial advice, however, we will offer information on how to source such advice in the commercial market. Information on how to find a financial adviser can be obtained from the Financial Services Authority (FSA) website at www.fsa.gov.uk or on the consumer helpline 0845 606 1234.

Access to Assistance

56. If an owner feels that their home may require an adaptation or the installation of equipment they should in the first instance contact the Occupational Therapy Service and request an assessment of their circumstances. Requests may be made in writing, by telephone or in person using the following details:

Occupational Therapy Team
East Renfrewshire CHCP
213 Main Street
Barrhead
East Renfrewshire
G78 1SW

Telephone: 0141 800 7850

57. Applications for assessment and assistance with major housing adaptations may be made by, or on behalf of, disabled persons who are ordinarily resident in East Renfrewshire.

58. The assessment will be carried out by an occupational therapist, or other appropriately trained employee of the Community Health and Care Partnership (CHCP). It will take into account the needs the person, others living in the same property and carers, along with advice from health, housing and social care professionals.

59. All requests for assessment will be prioritised as being either urgent, in which case the assessment will take place as quickly as is practically possible, or non urgent, where the assessment will be held on a register and attended to in date order.

60. Urgent referrals will include situations where, without intervention:

- the individual would be at risk;
- the service user may require admission to a care situation or would be unable to be discharged home from a care situation; or
- where the service user's main carer is under severe stress.

The Application Process

61. The assessment will allow the occupational therapy service to determine the most appropriate course of action for the client, as well as assessing the eligibility and relative priority for financial assistance with a major adaptation.

62. Eligibility for financial assistance will be determined on the basis of an individual score against a number of criteria. A full list of the criteria and their relative weightings is available from the CHCP on request.

63. The level of priority will be set by the Adaptations Review Panel and will be subject to continual review.

64. If an applicant's score is above the priority level set a referral will be made to the Housing Service. On receipt of the referral, the housing service will determine if the required work falls into the scope of mandatory grant as described in section 29.

65. If an applicant's need is determined as eligible and a priority for assistance, and they are entitled to a grant, the necessary work will be approved and the mandatory grant paid within a reasonable timescale. In determining reasonableness account will be taken of the relative need of the individual requiring the adaptation, as well as of the budget available at that time.

66. After the work is approved in principle, the client will be invited to submit an application for grant, along with a minimum of two quotations from suitable contractors. Assistance from Care & Repair may be available to complete grant applications as well as with the project management of the adaptation work itself. The grant will be paid out after completion of the work on receipt of a final invoice.

67. If the necessary work does not fall into the scope of mandatory grant, a member of housing services will work with the client to examine their housing options and determine the most suitable course of action for each individual. Potential outcomes are as follows:

- Information on alternative methods of funding adaptations work
- Information and advice on how to carry out work independently
- Referral to Care & Repair for practical assistance
- Referral to the Adaptations Review Panel for discretionary grant

68. Where following an assessment an applicant's need is not determined as eligible and a priority for assistance, and they are not entitled to a grant, they may be offered a range of advice and practical assistance as outlined in sections 47-53 above.

HOUSE CONDITION WORKS

69. This section details the forms of assistance that are available to home owners in East Renfrewshire to assist them with carrying out maintenance, repairs, and improvements to their homes.

70. When a household contacts the Council to seek assistance, the Council will provide information and advice, and, resources permitting, practical assistance, particularly where common works are required. Financial assistance will not generally be available.

71. Council priorities identified for this Statement of Assistance are as follows:

- To reduce the number of houses in significant breach of the Tolerable Standard in East Renfrewshire;
- To encourage mixed tenure owners to participate in the Council's housing capital investment programmes;
- To assist owners in communal blocks to carry out essential repairs and maintenance to their properties;
- To work with private landlords and tenants to improve standards in the private rented sector;
- To provide assistance to vulnerable households to identify, appoint and manage tradesmen / contractors;
- To improve levels of energy efficiency within East Renfrewshire.

BTS Properties

72. The Tolerable Standard has been the principal measure of housing quality in Scotland for almost 40 years. The Tolerable Standard is a condemnatory standard; houses that fall below this standard are known as Below Tolerable Standard (BTS) housing.

73. Under the terms of the Housing (Scotland) Act 2006, the Council is required to include a strategy for identifying and dealing with BTS housing within the Local Housing Strategy.

74. The 2006 Act also extended the definition of the Tolerable Standard to ensure that it remains relevant today. According to the current definition a house meets the Tolerable Standard if it:

- Is structurally stable;
- Is substantially free from rising or penetrating damp;
- Has satisfactory provision for natural and artificial lighting, for ventilation and for heating;
- Has satisfactory thermal insulation;
- Has an adequate piped supply of wholesome water available within the house;
- Has a sink provided with a satisfactory supply of both hot and cold water within the house;
- Has a water closet or waterless closet available for the exclusive use of the occupants of the house and is suitably located within the house;

- Has a fixed bath or shower and a wash hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house
- Has an effective system for the drainage and disposal of foul and surface water
- In the case of a house having a supply of electricity, complies with the relevant requirements in relation to the electrical installations for the purposes of that supply;
 - “the electrical installation” is the electrical wiring and associated components and fittings, but excludes equipment and appliances;
 - “the relevant requirements” are that the electrical installation is adequate and safe to use
- Has satisfactory facilities for the cooking of food within the house; and
- Has satisfactory access to all external doors and outbuildings

Advice and Assistance

75. Where a property has been identified as failing the Tolerable Standard the Council will offer information & advice on how to rectify the situation. Where appropriate, the Private Sector Housing Team will signpost customers to Environmental Health Services for more specific advice and assistance.

76. Home owners can contact the Council for advice by email, letter, telephone, or by appointment to enable advice to be given face-to-face.

77. The Council cannot recommend particular contractors or tradesmen but can signpost to where this information can be found.

78. If the householder is over 60 years of age or has a disability, Care & Repair can provide advice and information on how to proceed.

Financial Assistance

79. If requested, the Council will provide information on where owners can obtain loans or obtain more information and advice on loans, for example, by supplying details of services available from local credit unions. The Council itself is not in a position to offer financial advice. Furthermore, the Council strongly recommends that owners should always seek independent financial advice before taking on a loan. Information on how to find a financial adviser can be obtained from the Financial Services Authority (FSA) website at www.fsa.gov.uk or on the consumer helpline 0845 606 1234.

80. The Council may, in exceptional circumstances, and where all other options have been explored, offer discretionary financial assistance with the repair of a property below the Tolerable Standard.

81. If deemed appropriate by the Director of Environment, assistance, financial or otherwise, may be made available on a pilot basis to assist in carrying out major repairs works in an identified BTS project area.

82. Where work is deemed as a priority and eligible for financial assistance, the home owner will be invited to submit an application for grant, along with a minimum

of two quotes from suitable contractors. In dealing with applications the Council will make a judgement as to the reasonable cost for the work and will use that cost as the basis for the calculation of grant. In deciding what is reasonable the Council will generally benchmark costs for comparison but will assess each application individually. Assistance will be available from our private sector housing team to complete and submit the supporting documentation.

Repairs

83. One of the principles of the Housing (Scotland) Act 2006 is that the responsibility for the repair of a house lies with the owner, and the Council will actively promote this message and a culture of responsibility in relation to private sector property maintenance. The Council recognises, however, that where a property is already in disrepair owners can face a number of barriers to progressing repairs, particularly where common repairs are concerned.

84. In most cases where an owner contacts the Council for assistance the Council will provide information and advice designed to enable owners to carry out the works themselves. In cases involving priority work or areas, the Council may provide practical assistance where information or advice alone would not be sufficient. The provision of such assistance will be dependent on available resources.

85. Care & Repair may be able to offer information and advice on the process of organising a repair if the home owner is over 60 years of age or has a disability.

86. Given the important health benefits associated with the removal of lead plumbing, the Council may, resources permitting, periodically run a fixed term lead pipe replacement grant programme.

87. Financial assistance will not generally be available direct from the Council to fund repairs to private sector property.

88. The Council cannot provide legal or financial advice but can signpost people to where this kind of advice may be available. Under no circumstances can we make recommendations with regards to specific contractors or tradesmen.

Mixed Tenure Repairs

89. The Scottish Housing Quality Standard (SHQS) is a standard for housing that the Scottish Government requires local authorities to ensure that all rented housing they own meets by 2015. It is not a statutory requirement for home owners in the private housing sector, however, East Renfrewshire Council is keen to promote the achievement of the standard as widely as possible.

90. Information and advice for home owners on how to achieve the SHQS will be available from East Renfrewshire Housing Services on request.

91. Given that, under Right to Buy, many previously owned Council properties have been sold and are now in the private market, it will be difficult for the Council to achieve the required standard in mixed tenure areas without the cooperation of owner occupiers. For this reason, assistance for repair works will be prioritised

towards owners of properties which fall within the boundaries of the Council's Housing Capital Investment Programme.

92. Subject to resources, financial assistance may be available as an incentive to home owners to participate in the Council's capital investment programmes. No such financial assistance will be available for non-resident owners.

93. Where work is deemed as eligible for financial assistance, the home owner will be invited to submit an application for grant. Assistance will be available from our private sector housing team to complete and submit the necessary supporting documentation.

Common Repairs

94. Common parts of a property are those which are jointly owned by two or more properties. Owners have rights and responsibilities related to common repairs and maintenance, for example, owners can be obliged to pay a share of certain work agreed by a majority of owners within a block of flats. These obligations do not necessarily include improvements to meet the Scottish Housing Quality Standard, unless the work falls within the provisions of the title deeds or the Tenements (Scotland) Act 2004.

95. Information and advice on the responsibilities faced by owners in communal blocks, and the Tenements (Scotland) Act more generally is available from the Council on request.

96. Home owners who live in properties where the Council still owns flats may be able to receive assistance to help organise common repairs. The assistance provided will depend on the level of priority of the repair and how many properties the Council owns in the block.

97. In particular circumstances, where the majority of owners have agreed to carry out the necessary common repairs and cannot gain the co-operation of a particular owner, the Council has the power to cover the cost of the 'missing share'. If approached by a group of owners, the Council will consider on a case by case basis if available resources and legislative restrictions will allow them to assist.

Maintenance

98. For the purposes of this Statement "maintenance" will be defined according to the Housing (Scotland) Act 2006 as follows:

"maintenance includes repairs and replacement, cleaning, painting and other routine work, gardening, and the reinstatement of part (but not most) of premises (but does not include demolition, alteration or improvement, or any internal decoration of any part of premises which are not owned in common, unless reasonably incidental to any such repairs etc.)."

99. The 2006 Act formalises the idea of a 'maintenance plan' as a document which sets out a programme of works to secure the maintenance of a house to a reasonable standard.

100. The plan should specify:

- What maintenance is to be carried out throughout the period of the plan;
- Any steps to be taken to carry out this maintenance;
- When these steps are likely to happen; and
- An estimate of the likely costs.

101. Where a homeowner approaches the Council regarding the maintenance of a property information and advice will be offered on how to go about drawing up a suitable maintenance plan.

102. Practical assistance may be available, subject to the availability of resources, to assist home owners to develop a maintenance plan suitable for their property. This resource will be targeted at owners of premises with common areas.

Energy Efficiency

103. Improving the energy efficiency of the existing housing stock is a key national priority, and the Council will continue to work to identify areas and properties which are least efficient and / or in risk of fuel poverty.

104. Energy Savings Scotland Advice Centre provides free, independent and impartial advice to households and businesses in West Central Scotland, drawing on government funding through the Energy Savings Trust and a variety of other sources.

Enforcement

105. The Housing (Scotland) Act 2006 includes various statutory powers that the Council may use where it is apparent that owners are failing to maintain or repair their properties.

106. The use of enforcement powers will be subject to the Council's discretion and the availability of resources.

Maintenance Orders

107. Section 42 of the 2006 Act gives local authorities the power in certain circumstances to serve a Maintenance Order on the owner of a residential property. A Maintenance Order requires the owner to develop a Maintenance Plan for the property covering a period of up to five years. If the owner fails to develop a satisfactory Maintenance Plan, the Council has the power to produce a Plan which the owner will be required to implement. Should the owner fail to carry out the work required by the Plan, the Council has the power to undertake the work and recover the costs of doing so from the relevant owners.

108. If there are two or more houses in any premises, the Maintenance Order can require the owners to produce a joint maintenance plan. The plan can cover any part of the premises, including, but not restricted to, parts which the owners own in common. In this situation, the maintenance plan must also apportion the liability of each joint owner in respect of the costs of implementing the plan.

109. It is proposed that Maintenance Orders may be used:

- Where the Council has previously provided grants to assist with the repair of a property and it is subsequently discovered that the benefit of that repair is being lost as a result of a lack of maintenance. In this situation, owners will be given the opportunity to agree to a voluntary Maintenance Plan prior to a Maintenance Order being served;
- Where the Council becomes aware of serious problems that are the result of a lack of maintenance to common parts of a particular property;
- In response to requests from a majority of owners with shared common repair obligations or in response to a request for a property factor or manager representing such owners;
- Where lack of maintenance to a non-flatted property is causing damage to an adjoining property.

110. The use of Maintenance Orders will be subject to the availability of resources.

Work notices

111. Section 30 of the 2006 Act gives local authorities the power to serve a Work Notice on the owner of a house that is sub-standard. The Council may issue Works Notices on individual or multiple properties where serious disrepair is adversely affecting the amenity of an area or where the disrepair posed a threat to an adjoining building.

112. For the purposes of this Statement, a house is sub-standard if it is:

- Below the tolerable standard;
- In a state of serious disrepair; or
- In need of repair and is likely to deteriorate rapidly or damage other premises if nothing is done to repair it.

113. In all areas where a Work Notice is served, the Council will provide the property owner with information, advice and assistance as detailed above. Grants will not be available but the Council may be able to direct owners to other sources of financial assistance.

114. A Work Notice will specify both work that is required and the timescale within which the owner(s) must complete the specified works. The time allowed to comply with the Work Notice will be dependent on the extent of the works.

114. If owners fail to make reasonable efforts to comply with the terms of a Work Notice, the Council may elect to undertake the works and recover the full costs including administration costs and professional fees. The recovery of such costs may involve the use of Repayment Charges (see section 117 below).

Housing renewal areas

116. The Housing (Scotland) Act 2006 contains powers to designate Housing Renewal Areas. These powers are designed to allow local authorities to deal with poor quality housing on an area basis.

117. East Renfrewshire Council does not intend to proactively seek the designation of Housing Renewal Areas at present. The Council, however, may choose to utilise these powers if a situation arises in future that could be addressed most effectively through the designation of a Housing Renewal Area.

118. Nonetheless, the Council may prioritise the use of resources, the provision of advice, support or practical assistance and the enforcement powers available, such as Maintenance Orders and Work Orders, on an area basis.

Repayment charges

119. In certain circumstances, the Council has the power to use Repayment Charges to secure the recovery of costs associated with carrying out work. If an owner fails to pay the amount due, the Repayment Charge is registered against the property with the Keeper of the Land Registers of Scotland and remains in place until it is paid off.

120. A Repayment Charge specifies that the amount due is repayable in 30 equal annual instalments. An owner may choose to pay off an outstanding balance at any time, and, if the property is sold, the amount due will automatically be deducted from the proceeds of the sale.

CONDITIONS OF GRANT

121. To receive financial assistance, the applicant must give their consent to be bound by the following conditions for ten years from the date on which, in the Council's opinion, the applicable work is satisfactorily completed:

- The house must be used as a private dwelling (this does not prevent the use of part of the house as a shop or office, or for business, trade or professional purposes;
- The house must not be occupied by the owner or a member of the owner's family except as his only or main residence (within the meaning of Part vii of the Taxation of Chargeable Gains Act 1982);
- All such steps as are reasonably practicable must be taken to secure the maintenance of the house in a good state of repair.

122. If the applicant moves or sells the property while work is being carried out a grant would not be payable.

123. If any of the conditions detailed in Section 82 of the Housing (Scotland) Act 2006 are breached the local authority may demand repayment, as specified in Sections 86 and 87 of the Act.

124. For each grant awarded we will complete and register a Notice of Grant in the Land Register.

125. Grants awarded will be subject to an administration fee. This fee will be subject to review on an annual basis.

126. There may be times when situations arise that have not been covered in the Scheme of Assistance or where there are special mitigating circumstances which

require discretion on the part of the Head of Housing or as delegated by his authority. The Council reserves the right to exercise its discretion in these circumstances.

APPEALS

127. East Renfrewshire Council offer the opportunity for any applicant to appeal or seek a review of a decision made in relation to their application for assistance with a housing repair.

128. Similarly, East Renfrewshire Council and East Renfrewshire CHCP offer the opportunity for any applicant to appeal or seek a review of a decision made in relation to their application for assistance with a major housing adaptation.

129. An applicant seeking a review of any decision taken should write to:

Private Sector Housing Services
East Renfrewshire Council
Barrhead Council Offices
211 Main Street
Barrhead
G78 1SY;

explaining why they think our decision was wrong. An appeal or review request should be submitted within 28 days of receipt of the decision letter issued. We will then look again at the decision, and will use a different person to look at it independently.

130. Applicants will be given the opportunity to meet with the staff reviewing their application and may be accompanied by a friend or adviser at such a meeting. If an applicant would like assistance with their appeal a list of organisations who may be able to help is provided at the end of this document.

131. Complaints relating to this Statement of Assistance should be made in the first instance to Private Sector Housing Services using the address above. If we cannot make a full response within 5 working days, an acknowledgement will be sent. A detailed response will be sent within 15 working days.

132. East Renfrewshire Council operates a scheme which offers everyone the opportunity to comment on, or complain about, any aspect of the Council's services. A leaflet explaining how this system operates is available from all Council offices.

133. If you require independent advice or assistance, you may wish to contact: the Scottish Public Service Ombudsman using the details at the end of this document.

MONITORING

134. The Council will closely monitor the operation of this Statement, through the scrutiny of the applications received and decisions made and by gathering and analysing service user feedback.

135. This Statement of Assistance will be kept under continual review and any necessary changes included as appropriate.

136. If you have any views on the Statement, please make them known to the Principal Housing Officer (Private Sector) using the contact details below.

CONTACTS

137. For further advice, assistance, or general information on any of the above, please contact the following:

Private Sector Housing Services
East Renfrewshire Council
Barrhead Council Offices
211 Main Street
East Renfrewshire
G78 1SY

Telephone: 0141 577 8362

Email: privatesectorhousing@eastrenfrewshire.gov.uk

Other Useful Contacts

East Renfrewshire Council Customer Service Team

Council Buildings
211 Main Street
Barrhead
G78 1SY

Council Headquarters
Eastwood Park
Rouken Glen Road
Giffnock
G46 6UG

Telephone: 0141 577 3001

Web: www.eastrenfrewshire.gov.uk

East Renfrewshire Community Health & Care Partnership (CHCP)

Occupational Therapy Team
East Renfrewshire CHCP
213 Main Street
Barrhead
East Renfrewshire
G78 1SW

Telephone: 0141 800 5570

Care & Repair Renfrewshire

1st floor, Bridgewater Shopping Centre

Erskine
PA8 7AA

Telephone: 0141 812 4111
Email: enquiries.carerepair@bridgewaterha.org.uk
Web: www.carerepairenfrewshire.org.uk

Scottish Public Services Ombudsman

4 Melville Street
Edinburgh
EH3 7NS

Telephone: 0800 377 7330
Text: 0790 049 4372
Email: ask@spsso.org.uk

Housing Options Scotland

The Melting Pot
5 Rose Street
Edinburgh
EH2 2PR

Telephone: 0131 247 1400
Email: info@housingoptionsscotland.org.uk

Advice Service Capability Scotland

11 Ellersly Road
Edinburgh
EH12 6HY

Telephone: 0131 313 5510
Text: 0131 346 2529
Email: advice@capability-scotland.org.uk

Financial Services Authority (FSA)

Telephone: 0300 500 5000
Web: www.fsa.gov.uk

Energy Savings Trust

Telephone: 0800 512 012
Web: <http://www.energysavingtrust.org.uk/>