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<b>Report To:</b>	<b>Safe, Sustainable Communities Committee</b>	<b>Date:</b> 3 May 2011
<b>Report By:</b>	<b>Albert Henderson, Corporate Director Education &amp; Communities</b>	<b>Report No:</b> - SCS/62/11/AH/DH
<b>Contact Officer:</b>	<b>William Rice / Drew Hall</b>	<b>Contact No:</b> 01475 714228
<b>Subject:</b>	<b>Scheme of Assistance 2010/11 Outturn and 2011/12 Budget</b>	

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## **1.0 PURPOSE**

- 1.1 This report provides the Committee with information on the outturn of the 2010/11 Scheme of Assistance budget and a proposed 2011/12 Scheme of Assistance budget, subject to confirmation of the final outturn figures following completion of year end procedures and the subsequent carry forward of committed budgets into 2011/12.

## **2.0 SUMMARY**

- 2.1 The Scheme of Assistance is the replacement for the Private Sector Housing Strategy, funded from the PSHG, which came into force on 1 April 2010 following the removal of the ring-fenced PSHG budget. From this date, the PSHG allocation is included within the overall General Capital & Revenue Grant award to Inverclyde Council.
- 2.2 In the past, PSHG has been used to make improvements to private sector housing in Inverclyde through funding of a range of services and providing grant assistance to owners for a range of works within an overall strategic approach directed by the Local Housing Strategy. The Scheme of Assistance continues a strategic approach to improving private sector housing in Inverclyde and in meeting our statutory obligations through the provision of advice & information, practical assistance, and financial assistance.

## **3.0 RECOMMENDATIONS**

- 3.1 That the Committee:
1. Agree the proposed amendments to the Scheme of Assistance set out in para 4.3 and appendix I of this report;
  2. Agree the proposed review of funding arrangements for large-scale adaptations as set out in para 5.5;
  3. Note the outturn position of the 2010/11 budget and agree the proposed 2011/12 Scheme of Assistance budget as set out in appendix II of this report; and
  4. Note the response to Scottish Government consultation on The Right to Adapt Common Parts as set out in appendix III of this report.

**Albert Henderson**  
**Corporate Director Education and Communities**

## **4.0 BACKGROUND**

- 4.1 At the meeting of 31 August 2010, the Safe Sustainable Communities Committee agreed a revised Scheme of Assistance budget for 2010/11.
- 4.2 The Scheme of Assistance takes cognisance of the principles of the Housing (Scotland) Act 2006 and sets out the Council's position in terms of providing advice and information; practical assistance and financial assistance to home owners. It should be noted that the Scheme of Assistance defines an approach as opposed to simply a set of measures and is intended to match assistance to the barriers that owners may experience in exercising their rights and responsibilities.
- 4.3 The 2010 Scheme of Assistance has been updated in response to legislative and budgetary changes, with the following changes proposed;
1. A maximum approved expenditure limit of £10,000 set for grants for below tolerable standard housing;
  2. A maximum approved expenditure limit of £10,000 set for grants to owners in RSL schemes (outwith the Support For Owners fund);
  3. A means test be introduced for grants to owners in RSL schemes to direct grants at those most in need (outwith the Support For Owners fund); and
  4. A further grant condition which confirms the applicable period for grant conditions as 10 years, as per section 83 of the Housing (Scotland) Act 2006

[Min Ref:  
31/08/10,  
Para 464]

The changes are noted in the Scheme of Assistance document as per appendix I and Members are asked to approve points 1, 2, 3 and note point 4.

## **5.0 UPDATE & CURRENT POSITION**

### **5.1 Inverclyde Care & Repair**

Inverclyde Care & Repair is a partnership between the Scottish Government, Cloch Housing Association and Inverclyde Council. The service provides support to vulnerable clients in maintaining their homes or having their homes adapted to meet their need and is a key partner in the delivery of the advice & information and practical assistance elements of our Scheme of Assistance.

- 5.2 The revenue (salary and operational) costs of the Inverclyde Care & Repair Service, which incorporates the Small Repairs Service, are met in full by Inverclyde Council. The 2010/11 revenue budget was £256,907. For 2011/12 the proposed revenue budget available to Inverclyde is £256,900, which will allow for continued service delivery.

### **5.3 Small Repairs Service**

The Small Repairs Service is operated via Inverclyde Care & Repair. The service is available to elderly and/or disabled home owners to assist them in carrying out small repairs to their home where they would find it difficult or too costly to source contractors to carry out the work. The revenue (salary and operational) costs of this service are funded wholly from the Scheme of Assistance budget. These costs are included in the proposed revenue budget for Care & Repair as noted in para 5.2.

### **5.4 Adaptations**

The delivery of adaptations for home owners is on a needs-led basis with assessment and identification of priority carried out by an Occupational Therapist (OT) prior to any application for financial assistance. Upon confirmation of the individual's need, Care & Repair carry out a technical and financial assessment, organise quotes, architects

drawings and apply for permits as and when necessary. Care & Repair also assist the client in applying for financial assistance from Inverclyde Council in line with our statutory obligations to provide financial assistance to meet the needs of disabled people. The 2010/11 budget of £950,000, which includes an additional £200,000 per year (for 4 years) from reserves and capital approved by the Council in 2010, was fully committed, with £104,735 (subject to final confirmation) carried forward to meet ongoing commitments. It is proposed that a budget of £950,000 be set, which incorporates the additional £150,000 (for 2 years) from reserves allocated for adaptations as per the decision of the Inverclyde Council meeting of 10 February 2010.

5.5 The period 2010/11 saw 273 applications received for adaptations with 6 (2.2%) of these being for large-scale adaptations, such as extensions. The Housing (Scotland) Act 2006 removed the maximum approved expenditure limit in respect of adaptations and the 6 applications received for large-scale applications resulted in grant payments totaling £128,955 (13.6% of the adaptations budget). This is a 17% increase on the 2009/10 outturn for large-scale adaptations and it is likely that this will continue in an upward trend. Whilst the Council cannot set an upper limit on grant eligible works, it is clear that alternative options may have to be put in place to ensure that in the future the Council can meet its statutory obligations from the funding available. It is proposed that a review of the funding arrangements for large-scale adaptations be undertaken with a view to continuing to meet housing need against a backdrop of increasing demand and a pressured budget.

5.6 The Scottish Government consultation document 'The Right To Adapt Common Parts in Scotland' closed on 1<sup>st</sup> April 2011. The document proposed regulatory changes to give disabled people the right to make adaptations to common parts of the building they live in. Currently, disabled people can only adapt a common part if everyone who owns a share gives permission. It is proposed that other owners will not be able to withhold their permission unreasonably, thereby making it easier for disabled people to get adaptations made to common parts of their building. The consultation response confirms Inverclyde Council's support of this proposal and comments on operational delivery of the proposals to ensure maximum benefit for the disabled person and other owners. A copy of the consultation document and subsequent response is included at appendix III.

#### **5.7 Private Landlords Information & Advice**

The Inverclyde Council private landlords newsletter 'Letting You Know,' allows the Council to disseminate targeted information, promote good practice and provide landlords with information on recent and forthcoming legislative changes. A budget of £435 is proposed to allow for publication and delivery of a newsletter in 2011/12.

#### **5.8 Promotion of Scheme of Assistance**

The Scheme of Assistance defines an approach, not just a set of measures, and successful implementation requires a cultural shift in the attitudes of Inverclyde home owners with regards to property ownership and maintenance. To assist this, a budget of £1,000 is proposed for the creation of advice and information sources for owners as well as promotional materials for preparation and distribution throughout 2011/12.

#### **5.9 Lead Pipe Replacement Grants**

The Council provides prioritised financial assistance to households wishing to replace lead piping which supplies drinking water where the property is the main residence of one of the undernoted groups;

- children aged 16 and under

- a pregnant woman
- occupiers aged 60 years of age or over

A grant level of 50% has been set for all applications and it is estimated that the proposed budget of £4,000 will allow us to further reduce lead contaminated drinking water supplies. The 2010/11 budget experienced low demand and the proposed budget for 2011/12 reflects this position.

#### 5.10 **The Tolerable Standard**

Where a property is identified as being below the tolerable standard (BTS), financial assistance will be provided to encourage the owner to bring the property up to at least the tolerable standard. This financial assistance will be at a 50% flat rate of the cost of the works required to meet the tolerable standard subject to a maximum grant of £10,000. Prioritisation and allocation of the budget will be directed by the significance of the element which has led to failure and the findings of the forthcoming Private Sector Housing Condition Survey will inform the prioritization of investment. The 2010/11 budget was underspent by £54,458 due to limited take-up across a number of projects and the proposed 2011/12 budget of £33,000 takes account of this.

#### 5.11 **Energy Efficiency Measures**

The award winning service, LESS Inverclyde, offers insulation measures, free energy advice and a free home energy report to every private household in Inverclyde. Funded by a six-figure contribution from Scottish Hydro Electric, the scheme has made a significant contribution to reducing CO<sub>2</sub> emissions, reducing energy use and removing residents from fuel poverty and being at risk of fuel poverty.

5.12 In August 2010 the Council entered a competitive bidding process for a share of the Scottish Government's £10m Universal Home Insulation Scheme (UHIS) fund which, allowed for delivery of free insulation measures. In October 2010 Inverclyde Council were successful in their initial bid for £200,000 and as a result of this funding 662 thermal insulation measures were installed free of charge for 599 homeowners. This 6 month programme has delivered CO<sub>2</sub> savings of 12.2 tonnes and fuel bill savings of £122,470 this year, and is projected to deliver CO<sub>2</sub> savings of 488 tonnes and fuel bill savings of £4.89m over the 40 year lifetime of the measures. Subsequent efficient delivery of measures, utilising the existing LESS model, resulted in an additional allocation of £73,000 being made to Inverclyde Council and further free measures will be installed during April and May 2011.

5.13 The Scottish Government have confirmed their intention to proceed with the Universal Home Insulation Scheme in 2011/12 and it is proposed that Inverclyde Council develop a funding proposal which could see further free thermal insulation measures offered to home owners in Inverclyde with resultant CO<sub>2</sub> and fuel bill savings.

5.14 A nominal budget of £400 is proposed for 2011/12 to assist with promotional activities under LESS Inverclyde to encourage take up of energy efficiency measures and ensure maximum benefit for the residents of Inverclyde.

#### 5.15 **Central Heating Grants**

Means tested central heating grants are delivered by the Care & Repair Service for applicants who do not qualify for the Scottish Government's Energy Assistance Package (EAP), irrespective of age, who are in Fuel Poverty and are without heating, who have a heating system that is broken beyond economical repair, or who have a heating system that is inefficient and contributing to their fuel poverty status. Where gas central heating is being grant funded, the applicant must install an energy efficient condensing boiler. The installation of a condensing boiler will benefit the householder

with lower fuel bills and assist in moving them out of fuel poverty, a key aim of the Council. It is estimated that replacing a 15 year old inefficient boiler (G rated) with an A rated condensing boiler could reduce heating bills by £235 per year and save 1,260kg of CO<sub>2</sub> in the same period. (*Energy Savings Trust, Nov 2009, based on 3 bedroom semi-detached property*). The boiler scrappage scheme will be factored into Central Heating Grants to ensure that there is no duplication of available services and that the full benefits of the scrappage scheme are factored in for the benefit of Central Heating Grant recipients. The 2010/11 budget was underspent by £6,298 due to limited take-up, despite extensive promotion of availability. The proposed 2011/12 budget of £35,000 takes account of this.

#### **5.16 Support For Owners**

Whilst the approach and policy for the Support For Owners fund is set out within the Scheme of Assistance, this is a ring-fenced budget and, as such, is the subject of a separate report to Committee.

#### **5.17 Owners in RSL Programmes**

Improving house condition is a key tenet of the Local Housing Strategy and a number of owners are affected where communal works are required by Housing Associations. Owners within River Clyde Homes factored properties can access financial assistance through the Support For Owners fund however, the owners in properties of other Housing Associations cannot access the Support For Owners fund.

5.18 Investment plans submitted by the local Housing Associations form part of the Strategic Housing Investment Plan 2010/11 – 2014/15 (SHIP) and indicate projects which may have a significant financial impact upon owners where common works are required. The 2010/11 budget was overspent by £2,082 and the proposed 2011/12 budget of £25,000 is reflective of the future programmes and progress made in SHQS attainment by local RSLs, outwith Support For Owners. To encourage take up of the financial assistance available to resident owners affected by the common works of local Housing Associations, it is proposed that the grant be offered on a full means tested basis with a maximum grant limit of £10,000.

#### **5.19 Regeneration Enabling**

A budget of £75,000 is proposed for the purpose of regeneration enabling to facilitate ongoing security works (£10,000) and establish a suitable funding arrangement for regeneration (£65,000). Discussion is ongoing with the Scottish Government with regards to utilising appropriate legislation, powers and funding mechanisms to address poor housing conditions.

#### **5.20 Empty Homes Initiative**

The Scottish Government, in conjunction with Shelter Scotland, have created the Scottish Empty Homes Partnership to assist local authorities in identifying and bringing back into use empty homes in the area. Inverclyde Council have signed up to this partnership and have used existing records and the 'report empty homes' website to identify empty homes that may be suitable for bringing back into use to increase house supply and Council Tax income.

5.21 It is proposed to establish a grant based fund to provide financial assistance to owners of empty homes in order that they are encouraged to bring their properties back into use. The proposed Empty Homes Initiative would be based on the conditional offer of a grant for works to properties of particular sizes and/or in particular locations where a housing need has been identified. The works would ensure that minimum standards are met and the grant conditions would ensure that the property would be available for social rent for a fixed period. The property and the tenancy would be managed by a

local Housing Association and at the end of the agreed period the property would be returned to the owners and made available for sale or let in the private rented sector or continued rent in the social sector. It is proposed to set a budget of £30,000 to facilitate the offer of conditional grants.

## 6.0 IMPLICATIONS

### Strategic

6.1 The delivery of services to vulnerable client groups, both in partnership and directly from Inverclyde Council allows the Council to deliver the aims of several key documents and strategies, as does the inclusion of owners within refurbishment schemes and communal works. In addition to the Local Housing Strategy and Strategic Housing Investment Plan 2010/11 – 2015/16, the Scheme of Assistance will make a valuable contribution to several strategic aims and objectives as set out in the:

- Single Outcome Agreement;
- Joint Community Care Strategy;
- Community Plan;
- Corporate Plan; and
- Directorate Plan.

### Financial

6.2 In 2011/12 PSHG funding has been split 70% Capital and 30% revenue. The proposals in Appendix 1 can be contained within the overall approved budget.

Cost Centre	Budget Heading	Budget Year	Proposed Spend This Report	Virement From	Other Comments
PSHG	PSHG Capital	2011/12	530,000	n/a	As set out in appendix I
PSHG	PSHG Revenue	2011/12	433,000	n/a	As set out in appendix I
PSHG	Adaptations Capital	2011/12	200,000	n/a	As set out in appendix I
PSHG	Additional Adaptations Capital	2011/12	150,000	n/a	As set out in appendix I
PSHG	Carry forward	2011/12	104,735	n/a	As set out in appendix I

### Legal

6.3 There are no Legal implications arising from this report as the estimated demand for statutory adaptations can be met from the proposed budget.

### Personnel

6.4 There are no Personnel implications arising from this report.

### Equalities

6.5 When delivering services to our customers, full cognisance is taken of equality and diversity processes and procedures.

## **7.0 CONSULTATIONS**

7.1 This report has been prepared in consultation with the Chief Financial Officer.

## **8.0 LIST OF BACKGROUND PAPERS**

- Local Housing Strategy 2004-2009 – Monitoring and Update Report 2009
- Scheme of Assistance (Section 72 Statement) – SSC Committee 27 Oct 2009
- Strategic Housing Investment Plan 2011/12 – 2015/16 (November 2010)
- Private Sector Housing Grant: 2008/09 Update - ECP/Plann/WR09/002
- Scheme of Assistance: PSHG Budget Proposal 2010/11 – ECP/Plann/WR10/006
- PSHG 2009/10 Outturn and Scheme of Assistance Update – ECP/SCS/JA/10

### **Attachment**

Appendix I: Scheme of Assistance 2011

Appendix II: 2010/11 budget Outturn & 2011/12 budget proposal

Appendix III: Right To Adapt Common Parts in Scotland – Consultation Response

6<sup>th</sup> April 2011

SSC/Scheme Of Assistance/WR





# **Housing (Scotland) Act 2006**

## **Scheme of Assistance (Section 72 Statement)**

## Introduction

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## INTRODUCTION

The Housing (Scotland) Act 2006 is based upon the key principle that owners have primary responsibility for the maintenance of their property. However, there will still be a continued role for Inverclyde Council in private sector housing as the Act places an obligation on Local Authorities to provide information, advice and assistance to home owners.

## VISION

In response to the Housing (Scotland) Act 2006 Inverclyde Council has developed a Scheme of Assistance which sets out the information, advice and assistance that will be made available to home owners to assist them in maintaining their properties to an appropriate standard. The Scheme of Assistance defines an approach not just a set of specific measures and is intended to match assistance to the barriers that owners may experience in exercising their rights and responsibilities as an owner of property in Inverclyde. This assistance will take the form of information, advice, practical assistance and financial assistance.

It is intended that this approach will allow Inverclyde Council to assist a greater number of home owners in Inverclyde and overall, improve the housing quality in the private housing sector by:

- Raising awareness amongst home owners of their rights and responsibilities;
- Providing a fair and reasonable approach to the provision of advice, information and assistance which will help homeowners repair, improve and adapt their homes;
- Identifying and tackling disrepair in private housing;
- Maximising the impact of the Council's housing budget through PSHG and the owners contributions; and
- Helping older and disabled home owners live independently in their home for as long as they chose to do so.

To deliver this vision, the Scheme of Assistance has three main sequential strands:

1. Advice & Information – We will offer general advice and information on a range of repairs, maintenance, improvements and/or adaptations to all homeowners in Inverclyde.
2. Practical Assistance – We will offer services which provide help with practical issues to assist owners in exercising their repair and maintenance rights and responsibilities and effecting repairs to their property.
3. Financial Assistance – We will make financial assistance available to those qualifying homeowners who require adaptations or who require repairs identified in our priority categories.

## CONSULTATION

## Appendix I

A draft consultation version of the Scheme of Assistance was issued to relevant services, agencies, organisations and individuals in July 2009 for their comment. The Scheme of Assistance was approved by the Safe, Sustainable Communities Committee in October 2009 for implementation on 1st April 2010.

### EQUALITIES

When delivering services to our customers, full cognisance is taken of equality and diversity processes and procedures. Equality measures have been incorporated into the proposed Scheme of Assistance, including:

- Providing free and easily accessible advice, information and assistance to any home owner who requires it.
- Ensuring that literature is made available in alternative languages, large print and Braille upon request.
- Ensuring that awareness of the availability of advice, information and assistance is increased through engagement with a range of community groups.
- Regularly reviewing our strategies and policies to ensure that they are non-discriminatory.

### BACKGROUND

#### National Policy

The introduction of the Scottish Government and Local Authority Concordat in 2007 saw Local Authorities commit to delivery of services against fifteen national outcomes which would be set out in the local Authority's Single Outcome Agreement. These national outcomes are that:

- We live longer, healthier lives.
- We have tackled the significant inequalities in Scottish society.
- We live in well-designed, sustainable places where we are able to access the amenities and services we need.
- We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others.
- We value and enjoy our built and natural environment and protect it and enhance it for future generations.
- Our public services are high quality, continually improving, efficient and responsive to local people's needs.

#### Legislative Framework

In March 2003, the Housing Improvement Task Force published its final report '*Stewardship and Responsibility – a policy framework for private housing in Scotland.*' This was followed up in July 2004 by the Scottish Executive's consultation paper '*Maintaining Houses – Preserving Homes,*' which in turn led to the Housing (Scotland) Bill which, upon receiving Royal Assent in January 2006, became the Housing (Scotland) Act 2006.

## Appendix I

The Housing (Scotland) Act 2006 has far reaching implications for Local Authorities and homeowners alike and implementation of the Act will see a change in the ethos of assistance to private housing, moving away from a culture of financial assistance and dependency on Local Authorities towards a culture where it is accepted that the owner has primary responsibility for maintaining their home.

Part 2 of the Act replaces the system of improvement and repair grants which were delivered under the 1987 and 2001 Housing (Scotland) Acts. Section 72 of the 2006 Act places a responsibility on Inverclyde Council to publish a Scheme of Assistance which sets out our priorities and approach to improving house conditions in the private sector including the resourcing of these priorities.

The Scheme of Assistance Regulations (November 2008) set out an approach for the introduction of the new duties and powers during the transitional year from 1st April 2009 to 31st March 2010. This transitional year would give Local Authorities the necessary time required to prepare, consult and introduce their Scheme of Assistance. However the revision of grant assistance for adaptations and the introduction of two new elements to the Tolerable Standard were not considered to be transitional and were introduced on 1st April 2009.

### Planning Framework

The Inverclyde Alliance Community Plan '*Inspiring Inverclyde*' sets out the long-term goals for the communities of Inverclyde. The Single Outcome Agreement, agreed with the Scottish Government as part of the Concordat, can be seen as an intermediate delivery plan for the Community Plan. The intermediate outcomes for the Single Outcome Agreement 2008 - 2009 are:

- Tackle poverty and deprivation
- Achieve Social Justice
- Promote Fairness and Equality
- Improve the area's Economic Performance
- Develop Socially Inclusive Communities

In 2007 the Scottish Government indicated that local authorities should work together to assess housing need and demand at a regional, as opposed to local, level and that these assessments should become the basis of local housing strategies and housing requirements in development plans. This change was confirmed by new guidance for LHSs as well as *Scottish Planning Policy 3: Planning for Homes (SPP3, Revised 2008)*, which established the basis for housing and planning to become more closely integrated than in the past.

### Local Housing Strategy

The '*Inverclyde Local Housing Strategy 2004-2009*' assessed housing requirements across Inverclyde and guided action towards meeting these. In doing so it set out five strategic aims that were to be pursued by housing-related agencies in the area. These were:

- restructuring tenure balance,
- widening housing choice,
- improving housing quality,
- responding to particular needs and
- improving information and advice

## Appendix I

The next Local Housing Strategy (LHS) for Inverclyde will be founded on the findings of the Glasgow and the Clyde Valley Strategic Development Planning Authority Housing Need and Demand Assessment (HNDA). The next five year Inverclyde LHS will be published in Autumn 2011 to allow for analysis of the HNDA outcomes and the relationship to housing supply and the associated land supply.

The LHS Monitoring and Update Report 2009 assesses the achievements of the *LHS 2004-2009*; considers the impact of recent changes in Scottish housing policy; looks forward to the 2011-2016 LHS and confirms that the five strategic aims listed above will continue to be relevant and valid in the intervening period.

The Scheme of Assistance will contribute to the strategic aims of the LHS by establishing approaches to improving housing quality, providing adaptations and making available advice and information to all homeowners in Inverclyde.

### **Strategic Housing Services**

Preparation, delivery, monitoring and evaluation of the LHS is carried out by the Strategic Housing Team which forms part of the safer and Inclusive Communities Service under the management of the Community Safety & Wellbeing Service Manager.

### **Scheme of Assistance**

The Inverclyde Council Scheme of Assistance seeks to provide the advice and information, the practical assistance and the financial assistance that owners require to allow them to exercise their rights and responsibilities relative to the maintenance of their property.

### **Types of Assistance**

As previously stated, the Scheme of Assistance has a 3-strand approach to delivery, namely;

- Advice & Information
- Practical Assistance
- Financial Assistance

The approach that is relevant to each homeowner will be dependant upon the their ownership status, the repair or improvement that is required to the property and the budgets available to the Council.

### **Ownership Status**

For the purposes of assessment there are considered to be 5 main groups of ownership that may seek advice, information, practical assistance and/or financial assistance from Inverclyde Council and these are;

- Owner-Occupiers
- Private Landlords
- Developers
- Owners/Leasees of commercial properties in residential blocks
- Tenants of Private Landlords

## Appendix I

Owner-Occupiers will be able to access advice & information, practical assistance and financial assistance subject to the repairs or improvements that are required to their property. Owner-Occupiers can be further sub-divided into 2 distinct groups, namely those in former Council or RSL properties that continue to be factored or included in estate management and those in the traditional private sector. This distinction will influence the level of advice, information and assistance that owners can access. Further details on this are included in the section on Scottish Housing Quality Standard works.

Private landlords will be able to access advice & information and particular elements of practical assistance. Practical assistance for private landlords will be provided subject to availability, with owner-occupiers taking priority. Owners or leasees of commercial properties within predominantly residential buildings will be given the same access to assistance as private landlords. Private Rented Sector tenants will be able to access advice and information, the thermal insulation element of practical assistance and adaptation improvements in partnership with their landlord.

### Priorities

To ensure that the Council meets its obligations and delivers on the objectives of the LHS the following categories of repair or improvement will be given priority.

- Work to meet the needs of a disabled person
- Houses in significant breach of the Tolerable Standard
- Tackling fuel poverty
  - Improving thermal insulation
  - Improving energy management
  - Maximising household income
- Replacing lead pipe supplying drinking water
- Communal Scottish Housing Quality Standard works

### Advice & Information

All home owners in Inverclyde will be able to access free advice and information. This will take the form of online advice and information and access to a range of printed information as well as front line contact with relevant Council staff and key partners, such as Inverclyde Care & Repair. We have identified a need for the following information requirements:

- Inverclyde Care & Repair Service
- Inverclyde Small Repairs Service
- The Centre for Independent Living
- Ownership & Repair Responsibilities -  
including legal rights and responsibilities
- Maintaining Your Home
- Repairs in Common Properties –  
including legal rights and responsibilities
- The Scottish Housing Quality Standard
- Making Your Home Warmer
- Dealing With Home Repair Emergencies

## Appendix I

- Choosing An Appropriate Trader
- Planning Permissions & Building Warrants
- The Private Rented Repairing Standard
- Living in an HMO
- Good Landlord Guide
- Enforcement

This information will be developed throughout 2011/12 and will involve input from partner services and agencies.

Advice on tackling disrepair is delivered by Care & Repair and is aimed at providing owners with an opportunity to identify issues of disrepair in and around their property and take the most appropriate course of action.

### Practical Assistance

The Small Repairs Service, operated through Care & Repair, will assist elderly home owners with a range of small repairs that are required around the home and will continue to build on the success of the existing service.

### Financial Assistance From Inverclyde Council

To ensure that the Council achieves maximum output for the budgets available for private sector housing in Inverclyde financial assistance will be available for the previously noted priority works as set out below.

#### Equipment and Adaptations Required To Meet The Needs of Disabled People

Delivery of equipment and adaptations is on a needs-led basis with assessment and identification of priority carried out by the Occupational Therapist prior to any application for financial assistance. After the needs-led assessment has been completed a technical and financial assessment is carried out by the Inverclyde Care & Repair Service to ensure that the works comply with the relevant planning and building regulations.

Works that are eligible for financial assistance are noted below. This is not an exhaustive list, simply a guide to the most common type of works that are eligible for mandatory financial assistance.

- Stairlift
- Level access shower
- Clos-o-mat
- Tracking hoist
- Access ramp
- External stairlift
- Doorway widening
- Through-floor lift
- Overbath shower
- Formation of downstairs bathroom from/in existing room



## Appendix I

- Construction of an extension to provide accessible standard amenities such as a bathroom or walk-in shower

All eligible works will receive a minimum grant of 80%. Where the Care & Repair financial assessment suggests that the application of a means test would lead to a higher level of financial assistance this will be applied.

Works for the construction of an extension to provide additional living accommodation are not considered to be eligible works for mandatory financial assistance. However, financial assistance for these Occupational Therapist approved works can be provided at the Council's discretion. Inverclyde Council believe that the construction of an extension to provide additional living accommodation is often an important factor in a persons or family's ability to remain in their own home and within their community with existing family and friends support networks. It is recognised that there is often a significant cost attached to this as well as a significant saving to other Council budgets. Therefore works of this nature will be considered as discretionary eligible works and applicants will receive financial assistance on a full means tested basis meaning that financial assistance can range from 0% up to 100%.

### Adaptations in Private Sector Tenancies

Since December 2006 tenants of private landlords have had the right to adapt their home with the prior approval of their landlord. Their landlord cannot unreasonably refuse consent to appropriate adaptations being made for the benefit of the tenant but may attach conditions to the approval, such as reinstatement of the property to its original condition. The removal of previously approved adaptations is considered as discretionary eligible works and it is hoped that funding the removal of these adaptations when they are no longer required will encourage landlords to give their consent to the original installation. Financial assistance for the removal of adaptations in the private rented sector will be provided at the same level as the assessed grant level at the time of installation or at the minimum 80% level if the assessed grant level was lower than 80% and assessed prior to 1st April 2009. Where possible the landlord will be encouraged to retain any adaptation for the use of another tenant with similar needs. Consideration will also be given to the adaptation being reused at the applicant's new address if this is required and if this proves to be a cost effective option.

### Houses in significant breach of the Tolerable Standard (BTS)

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 supply of piped wholesome water available within the house
- Has a suitably located toilet available for the sole use of the occupants
- Has a fixed bath or shower and a wash-hand basin each with an adequate supply of hot and cold water
- Has an effective system for the drainage and disposal of foul and surface water
- Has a supply of electricity which is adequate and safe to use
- Has satisfactory facilities for the cooking of food within the house
- Has satisfactory access to all external doors and outbuildings.

## Appendix I

The status of each of these elements will require to be assessed and confirmed by the relevant Council Officers

Where an assessment of a property confirms it as being BTS financial assistance will be provided to incentivise the owner to carry out works and bring the property up to at least the Tolerable Standard. This financial assistance will be at a 50% flat rate of the cost of the works required to meet the Tolerable Standard up to a maximum grant of £10,000. Where additional priority works are being carried out e.g. lead pipe replacement, thermal insulation, etc. additional financial assistance will be made available in line with the current policy. Prioritisation of funding will be directed by the 'significance' of the element which has led to failure and the findings of the 2011 Private Sector House Condition Survey. Applications where it could be considered that the BTS status is as a result of negligence or criminal activity will be assessed on an individual basis and may warrant further investigation. Where financial assistance is provided it will be at the Councils discretion as to whether or not a maintenance plan should be put in place and monitored to prevent future disrepair. Where a privately rented flat is found to be BTS, consideration will be given to a Closing Order until the property is brought up to the private rented repairing standard. Outwith the current BTS policy there will be no additional funding available for landlords to meet the private rented repairing standard.

### Scottish Housing Quality Standard Works

All Registered Social Landlords (RSLs) in Scotland are obliged to bring the properties they let up to the Scottish Housing Quality Standard (SHQS) by 2015. This means that a range of communal works will be required, to which home owners within common blocks factored by RSLs may have to contribute financially.

Within Inverclyde a distinction is made between the owners within properties factored by River Clyde Homes and owners within properties factored by Cloch Housing Association, Larkfield Housing Association, Link Housing Association and Oak Tree Housing Association. The reason for this distinction is that River Clyde Homes, having inherited a significant proportion of the former Council stock have considerable investment to make to achieve the SHQS and, as such, a separate funding stream is available. The remaining RSLs have a large proportion of stock which already meets the SHQS and as such, lower levels of investment are required which, in turn means a lower financial impact on the owners in these communal properties compared to those in communal properties factored by River Clyde Homes.

Owners within a communal property where SHQS works are being carried out by River Clyde Homes will be eligible for financial assistance from the Support For Owners fund which is expected to be available until 2015/16. River Clyde Homes will contact owners to assist in applying for financial assistance from Inverclyde Council. The financial assistance that is available to homeowners in this situation is a 50% minimum grant with a means tested top-up where it is considered that this would benefit the owner and facilitate participation. The owner is required to sign a mandate confirming their participation and agreement that any grant that is payable will be made directly to River Clyde Homes on the owners behalf and the owner will be responsible for making arrangements directly with River Clyde Homes to pay any remaining balance. Financial assistance for landlords will be on the basis of a 50% minimum grant with no means tested application.

Owners within a communal property where SHQS works are being carried out by an RSL other than River Clyde Homes will be eligible for financial assistance directly from Inverclyde Council. The financial assistance that is available to homeowners in this

## Appendix I

situation is a 50% minimum grant, up to a maximum grant of £10,000. The owner is required to sign a mandate confirming their participation and agreement that any grant that is payable will be made directly to the relevant RSL on the owners behalf and the owner will be responsible for making arrangements directly with the RSL to pay any remaining balance. Financial assistance for landlords in these circumstances will be at the discretion of Inverclyde Council and subject to the availability of funding.

### Thermal Insulation

Inverclyde Council is able to offer all home owners in Inverclyde access to a free home energy report, free independent energy efficiency and billing advice and subsidised rates for the installation of home energy efficiency measures as part of our drive to tackle fuel poverty. Any homeowner wishing to take advantage of this should contact the Councils local energy savings scheme, LESS Inverclyde on 08000 19 82 20. Where appropriate Government funded schemes will be factored into LESS Inverclyde to maximise the benefits and negate any duplication of effort.

### Central Heating

In addition to improving thermal insulation levels in the home as one of our approaches to tackling Fuel Poverty, Inverclyde Council will also provide home owners with financial assistance for the installation of central heating systems. This approach will complement the Scottish Governments Energy Assistance Package (EAP), which provides free central heating for households eligible for the stage 4, enhanced measures package. The EAP is a 4 stage package, stage 4 of which offers the installation of a new heating system or new boiler to eligible applicants.

Eligibility for stage 4 of the EAP is as follows:

Home owners or private rented sector tenants where they or their partner are;

- Aged 60 or over and have no central heating system in the home

Home owners or private rented sector tenants living in an energy inefficient home (i.e. SAP score of 54 or below as defined by an energy audit) where they or their partner are;

- Aged 75 or over
- Aged 60 or over and receives one of the 12 qualifying benefits
- Has a child under 5 and receives one of the 12 qualifying benefits
- Has a disabled child under 16 and receives one of the 12 qualifying benefits
- Is pregnant and receives one of the 12 qualifying benefits

If the applicant is not entitled to the enhanced measures package through EAP but is in fuel poverty and has a partial, broken beyond economical repair, ineffective or no heating system then they will be offered means tested financial assistance via Inverclyde Care & Repair to install either a replacement system or replacement boiler of an appropriate specification. The replacement system must contribute to lowering fuel consumption for heating to fit with the fuel poverty reduction aim of this budget. Where households have no operational heating system consideration will be given to fuel cost projections to obtain an accurate estimate of the households status in terms of fuel poverty.

A Central Heating Grant from Inverclyde Council is only available for those homeowners who meet the 3 criteria of;

## Appendix I

- a) not qualifying for stage 4 of the Energy Assistance Package (irrespective of age), **and**
- b) having a partial, broken or inefficient system or no system at all, **and**
- c) being in Fuel Poverty (i.e. spending 10% or more of their income on heating their home)

### **ALL 3 CRITERIA MUST BE MET**

Applicants must install a condensing boiler in their new, grant assisted, central heating system to assist with lower fuel bills and moving out of fuel poverty.

Any enquirers who appear to qualify under the 3 criteria will be directed to Care & Repair who deliver the central heating grants. All applicants, irrespective of qualifying for either the EAP or central heating grant will be offered the freephone number for LESS Inverclyde (08000 19 82 20) to ensure that they have access to thermal insulation improvement measures which can also reduce heating costs.

### Lead Pipe Replacement

Inverclyde Council provides financial assistance for the replacement of lead pipe which supplies drinking water to households whereby;

- There are children aged 16 or under in residence
- There is a pregnant lady in residence
- There are occupiers aged 60 years of age or over

For each of these eligible persons the property subject to drinking water supplied by lead pipe must be their main residence. Financial assistance will be provided at a flat rate of 50% for all homeowners with an affected supply. Assessment and delivery is via Inverclyde Care & Repair.

### The Assessment Process

Assessment for eligibility and access to levels of assistance and priority works will be carried out by Council Officers and Officers of Inverclyde Care & Repair as necessary in line with the criteria and policy as previously noted, except for the insulation measures provided through LESS Inverclyde. In this instance eligibility and access assessment will be carried out by staff of SOLAS Insulation Ltd who are the Council's installers through the LESS Inverclyde initiative.

A summary flowchart has been included at appendix I to assist applicants in identifying the level of assistance that will be available to them and the most appropriate route to accessing services. Similarly, applicants may find the 'sources of information' appendix to be of use in identifying the parts of the Scheme of Assistance that is most relevant to their circumstances.

### Non-Council Financial Assistance

Outwith the previously noted situations where financial assistance is available from Inverclyde Council, owners have a further 3 sources of finance for house condition works. These are commonly, the owners own financial resources, such as savings and/or

## Appendix I

investments; loans, which are normally secured against the property; and assistance from within the wider family unit.

In terms of assistance from within the wider family unit, it is often the case that owners view their home as their main asset which will provide for other family members in terms of accommodation or financial security for the future. With this in mind it is not unusual to find situations where other family members, who are perhaps not resident in the property, are willing to make a financial investment in the property to ensure that the lifespan and the value of the property is extended beyond its current terms.

A range of loans may be available to owners to help finance works to their houses, these are normally as follows;

**Commercial loan products** – In many circumstances these may provide a satisfactory solution for owners seeking financial assistance to maintain their home. An owners existing lender will often be prepared to make a further loan against home improvements or repairs, particularly where these improvements or repairs safeguard or increase the value of the property which is security for the original loan.

**Credit Unions** – Credit Unions may be able to provide access to low cost loans. However, this is normally only available to existing customers and owners may have to satisfy specific criteria, such as local residence, existing customer status or have savings of a specific level with the Credit Union.

**The National Lending Unit** - The Scottish Government intend to establish a National Lending Unit (NLU) which will provide a range of loan and/or equity release based products to assist owners who are unable to access affordable commercial loans. Access to the NLU is likely to be on a referral basis for specific priority group applicants. Further information on this will be made available when work on establishing the NLU is progressed by the Scottish Government.

**Support For Owners** – The limitations of the Support For Owners fund have been recognised in terms of projected reductions in Right-To-Buy sales as a result of the current economic climate. Inverclyde Council, in partnership with RCH, will seek to develop alternative funding packages which may, ultimately, benefit the wider range of home owners in Inverclyde.

### Enforcement

The Scheme of Assistance is based on the ethos that owners, who have primary responsibility for their property, may require assistance from the Local Authority to exercise the rights and responsibilities that come with ownership. However, it is recognised that there are owners who are unwilling to maintain their property as opposed to unable. In these cases Inverclyde Council has a range of existing and new powers that can be utilised to ensure owners take on their responsibilities.

### Housing Renewal Areas, Work Notices and Maintenance Orders

The Housing (Scotland) Act 2006 introduces new powers for Local Authorities to make owners maintain their property to an appropriate standard.

## Appendix I

The first of these new powers is the creation of Housing Renewal Areas where there are a significant number of sub-standard houses and/or a house, or where housing is adversely affecting the amenity of an area. The improvements under a Housing Renewal Areas are enforced by the issuing of work notices or demolition notices which state the extent of the works that the owner must undertake and the timescale in which they must do so. Failure to comply with the terms of the Notice may result in the Council undertaking works and recovering all costs and fees from the owner.

Work Notices can be served on sub-standard housing outwith a Housing Renewal Area on the same basis that they will state the extent of the works that the owner must undertake and the timescale in which they must do so.

Maintenance Orders can also be served on the owners of property and these require the owner to prepare a maintenance plan for the property covering a period of up to 5 years. These can be used where the owner has failed to maintain their property to an appropriate standard or where it is considered that the owner is unlikely to maintain the property to an appropriate standard. Maintenance Orders can also be used to ensure that the raised standard of housing as a result of the serving of a Works Notice is maintained.

Access to assistance as a result of the serving of a Works Notice or Maintenance Order will be on the same basis as access to all other forms assistance as previously noted except in circumstances where a Works Notice or Maintenance Order is required due to a lack of maintenance since previous public sector investment. In these cases financial assistance will be decided at the discretion of the Local Authority.

The Council will also make use of existing legislation in the form of the undernoted Acts as and when appropriate, all within the aim of improving house conditions in Inverclyde.

- Environmental Protection Act 1990, Section 80
- Building (Scotland) Act 2003, Section 28
- Civic Government (Scotland), Act 1982 Section 87

### Grant Conditions

To ensure that the maximum benefit is derived from the public monies that fund the financial assistance element of the Scheme of Assistance, the following grant conditions will apply for a period of 10 years from grant payment being made:

- A. The house must be used as a private dwelling, although part of it can be used for other purposes.
- B. The house must be the main residence either of the owner or a member of their family.
- C. The owner must seek to ensure that the premises or land is kept in a good state of repair.
- D. The grant will be repayable in reducing tranches of 10% per year if the owner sells the property within 10 years of the grant being paid.\*
- E. The local authority can require the owner to certify that the above conditions are being met.

\* excluding adaptations and sales being completed by an executor on behalf of the deceased owner

# Appendix I

## Comments, Compliments and Complaints

If you would like to make a comment about a Council service, if you have a suggestion for improvement or if you would like to compliment one of our services, please contact Corporate Communications and Public Affairs via the following methods.

Write to:

InForm  
Corporate Communications and Public Affairs,  
Inverclyde Council,  
Municipal Buildings,  
Greenock  
PA15 1LY

E-mail - [inform@inverclyde.gov.uk](mailto:inform@inverclyde.gov.uk)

## Complaints

If you are unhappy about the service you have received from the Planning & Housing Service you should in the first instance try to resolve this with the Planning & Housing Service.

## Appendix I

Your complaint can be submitted in writing, by e-mail, by telephone or in person at the public reception of the Planning & Housing Service.

If you are not satisfied with the response you receive or find it difficult to complain directly to those involved there are two other ways to make your complaint:

Write to:

InForm  
Communications and Public Affairs,  
Inverclyde Council,  
Municipal Buildings,  
Greenock  
PA15 1LY

E-mail - [inform@inverclyde.gov.uk](mailto:inform@inverclyde.gov.uk)

Your letter or e-mail will then be sent to the relevant service for investigation. If you are unable to submit your complaint in writing or by e-mail you can present yourself in person to any public reception of a Council building or contact us by telephone where a member of staff will be able to take a note of your complaint. When you complain, your complaint will go through a four-stage process, starting at Stage 1.

### Stage 1

Your complaint will be acknowledged in writing within 3 working days by the relevant service. An investigation to establish the facts will be undertaken and a response will be sent to you within 10 working days. If, for any reason, your complaint cannot be resolved within 10 working days you will be contacted within this time to explain the reason for the delay and an expected timescale for a response.

If you remain unhappy with the response you receive at the end of this process you will be given the option of writing to the appropriate Head of Service to have the complaint investigated further.

### Stage 2

Your complaint will be acknowledged in writing within 3 working days by the relevant Head of Service. An investigation to establish the facts will be undertaken and a response will be sent to you within 10 working days. If, for any reason, your complaint cannot be resolved within 10 working days you will be contacted within this time to explain the reason for the delay and an expected timescale for a response.

If you remain unhappy with the response you receive at the end of this process you will be given the option of writing to the Head of Corporate Communications and Public Affairs to



## **Appendix I**

have the complaint investigated further on behalf of the Chief Executive and Corporate Directors of Inverclyde Council.

### **Stage 3**

Your complaint will be acknowledged in writing within 3 working days by the Head of Corporate Communications and Public Affairs. An investigation to establish the facts will be undertaken and a response will be sent to you within 10 working days. If, for any reason, your complaint cannot be resolved within 10 working days you will be contacted within this time to explain the reason for the delay and an expected timescale for a response.

If you remain unhappy with the response you receive at the end of this process you will be given the option of writing to the Scottish Public Services Ombudsman who will take a decision as to whether an independent investigation can be carried out.

### **Stage 4**

Independent investigation by the Scottish Public Services Ombudsman.

## **Monitoring, Evaluating, Reporting and Reviewing**

It is important for Inverclyde Council to have in place robust and reliable monitoring, evaluation, reporting and review arrangements to ensure that the Scheme of Assistance is able to deliver in line with the strategic aims of the Local Housing Strategy.

Over and above the output and outturn information of no. of service users by type of assistance and expenditure by type of assistance we intend to monitor and evaluate outcome based information such as the type of practical assistance sought, common problems and defects within the private sector housing stock, demand for assistance and barriers to carrying out home repair/improvement works.

We will also obtain information from other Council Services and our partners, such as the Occupational Therapists and Inverclyde Care & Repair to enable us to develop an overview of the impact of the Scheme of Assistance.

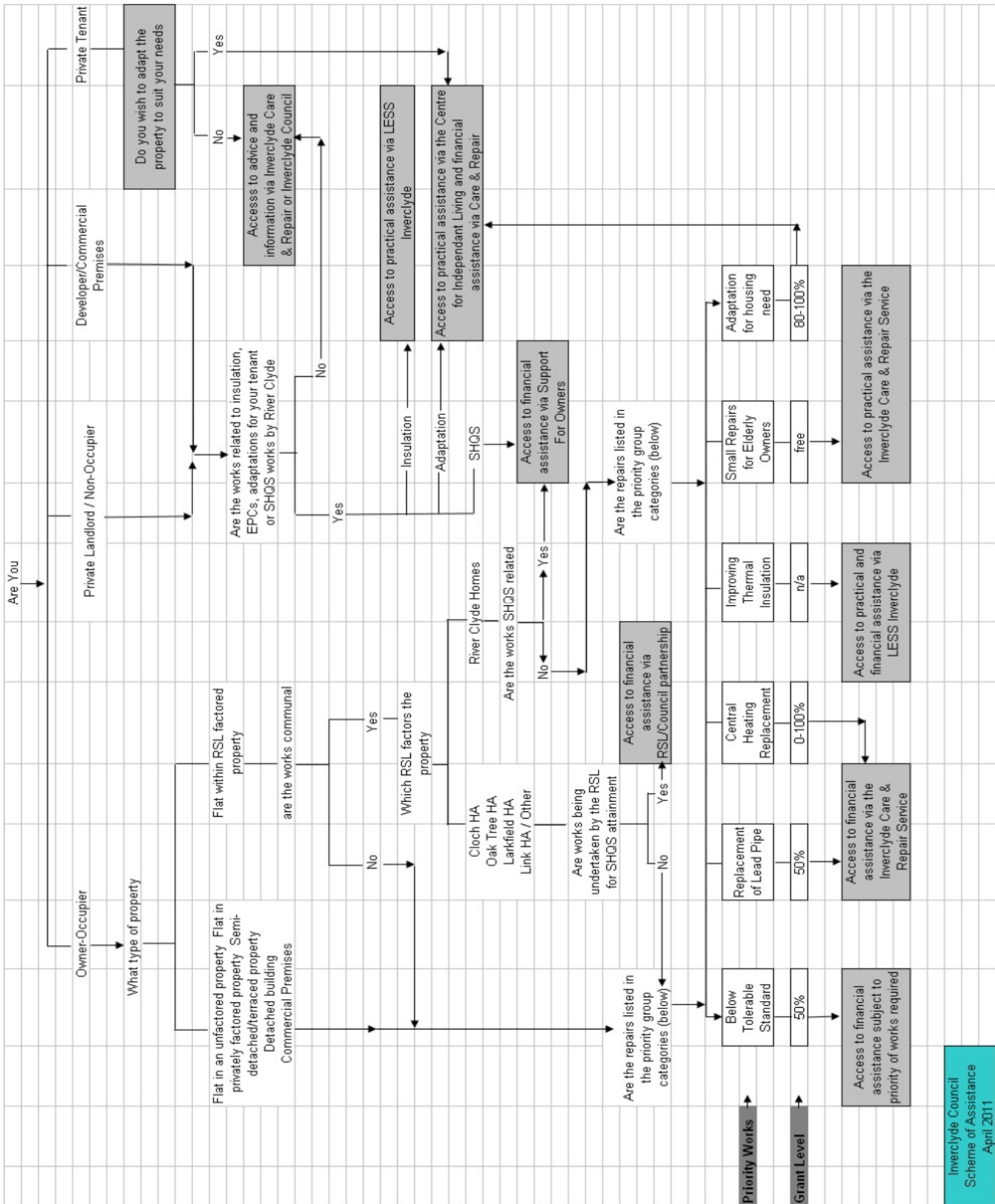
The outputs, outturns and outcomes of the Scheme of Assistance will be reported to the Safe, Sustainable Communities Committee on at least an annual basis in line with current reporting procedures for Private Sector Housing Grant.

## **Appendix I**

The Scheme of Assistance will be updated annually via the annual review of the Local Housing Strategy. We will identify the progress made to date and set out further developments of the Scheme of Assistance and prepare appropriate Committee reports for the future.

Inverclyde Council  
Scheme of Assistance  
April 2011  
Appendix I

# Appendix I



## Appendix I

### Sources of Information and Advice

This section of the Scheme of Assistance provides contact details of various services and partners of Inverclyde Council that you may find to be of use.

General information on the Scheme of Assistance can be found on our website at [www.inverclyde.gov.uk](http://www.inverclyde.gov.uk) or by contacting the Strategic Housing Team at:

Safer & Inclusive Communities  
Strategic Housing Team  
Inverclyde Council  
40 West Stewart Street  
GREENOCK  
Inverclyde  
PA15 1YA  
**Tel: 01475 714223**

#### Advice, Information and Practical Assistance

The Inverclyde Care & Repair can provide advice, information and practical assistance on property maintenance. Care & Repair can be contacted by telephone at: Tel: **01475 787975**

#### Financial Assistance

Owners who qualify for financial assistance should contact the Strategic Housing team at the above address, or by telephone at: Tel: **01475 714223** or **714228**

Elderly and/or vulnerable owners who require assistance in organising eligible works should contact the Inverclyde Care & Repair Service at:

Inverclyde Care & Repair  
6 Regent Street  
Greenock  
PA15 4PL

Tel: 01475 787975

#### Equipment & Adaptations

Elderly and disabled home owners and private tenants who require their home to be adapted to suit their needs should, in the first instance, contact the Centre for Independent Living to arrange a suitable appointment for assessment by an Occupational Therapist. The Centre for Independent Living can be contacted at:

Tel: **01475 714350**

## Appendix I

### Energy Efficiency

Home owners and private tenants can access free, independent expert energy efficiency and billing advice via the Councils local energy savings scheme LESS Inverclyde. A free home energy report is also available through LESS Inverclyde and home owners can also arrange for the, sometimes free, installation of insulation measures such as loft insulation and cavity wall insulation. LESS Inverclyde can be accessed by calling the freephone number at:

**Tel: 08000 19 82 20**

### Legal Advice

The Inverclyde Housing Rights Project can advise and assist private tenants in exercising their rights in terms of their tenancy and repair rights and responsibilities. The project, delivered by the Legal Services Agency, can be contacted on: **Tel: 01475 725665** or by e-mail at [greenock@lsa.org.uk](mailto:greenock@lsa.org.uk)

### Easy Reference Guide

The undernoted guide will help home owners identify the most relevant service or agency from which to seek advice, information, practical assistance and/or financial assistance.

Scheme of Assistance: Easy Reference Guide		
Private Tenant	Adaptations	Centre For Independent Living: 714350
	Repair issues	Strategic Housing Team: 714223 & 714228
	Legal Advice	Legal Services Agency: 725665
Private Landlord & Commercial Enterprise	Adaptation (for tenants)	Centre For Independent Living: 714350
	Energy Efficiency/EPCs	LESS Inverclyde: 08000 19 82 20
Owner-Occupiers	Advice, Info and Practical Assistance	Strategic Housing Team: 714223 & 714228
	Priority Repairs (without assistance)	Strategic Housing Team: 714223 & 714228
	Priority Repairs (inc. elderly assistance)	Inverclyde Care & Repair: 787975
	Small Repairs (elderly owners)	Inverclyde Care & Repair: 787975
	SHQS works by an RSL	Strategic Housing Team: 714223 & 714228
	Thermal Insulation/ Energy Efficiency	LESS Inverclyde: 08000 19 82 20

## Glossary

Term	Descriptor
BTS	Below Tolerable Standard: Housing that does not meet the statutory minimum physical quality standard.
Care & Repair	A service that helps older and disabled homeowners to repair and maintain their homes.
Energy Efficiency	A house is energy efficient when it retains a high level of the heat produced by its heating system.
Factoring	A property management system whereby a nominated party organises the repairs of common parts and manages the financial aspects of this. Properties can be self factored or employ a private company to carry out factoring services.
Fuel Poverty	Where a household has to spend 10% or more of its income on heating its home.
Housing Association	A not-for-profit social landlord providing mainstream and/or particular needs housing.
HNDA	Housing Needs and Demands Assessment: An assessment of the current and future housing needs, demands and market activity in a specific area. These are to be carried out by local authorities, usually in partnership within the city regions of Scotland.
HRA	Housing Renewal Areas: A designation that can be given to a particular area of a locality which has high concentrations of substandard housing. Councils should prepare action plans for improving these areas.
Housing (Scotland) Act 2006	Legislation introducing new housing standards and mechanisms for privately owned and rented houses, including housing renewal areas.
LESS Inverclyde	Inverclyde Councils Local Energy Savings Scheme, which offers the installation of energy efficiency measures to all home owners at a subsidised rate.
LHS	Local Housing Strategy: A local authority area's strategy for providing housing of all tenures to meet identified housing need and demand, covering a five-year period.
NLU	National Lending Unit. A lending unit which is being proposed by the Government to provide access to loan products for repairs/improvements for owners who are unable to access commercial loan products
Owner-Occupier	Where the resident of a dwelling is also the owner, either outright or by having a mortgage.
Private Renting	Where a resident is not the owner but rents the dwelling from an individual or business which is not a social landlord. These individuals and businesses are known as private landlords.
Private Sector Housing	Where a resident is not the owner but rents the dwelling from an individual or business which is not a social landlord. These individuals and businesses are known as private landlords.

## Appendix I

Private Tenant	Someone who rents a property from a private landlord.
RSL	Registered Social Landlord: Housing owned and managed by housing associations and housing co-operatives, and built using public money.
RTB	Right-to-Buy: The right, as stated in law, which allows tenants of social landlords to buy their homes under certain conditions.
Scheme of Assistance	The information and services that a local authority must provide owner occupiers and private landlords to help them improve the quality of housing in the private sector. The local authority decides in which circumstances it will provide assistance.
SHQS	Scottish Housing Quality Standard: A common standard covering the physical quality of houses and the areas around them that should be met by all social landlords by 2015/16.
Stock Transfer	The transfer of the ownership and management of houses from one landlord, such as a local authority, to another landlord, such as a housing association. Stock transfer can be either in full or in part (sometimes referred to as partial transfer).
Tenure	A description of the basis of occupation of a house, e.g. an owner-occupier, a tenant of a social landlord, or a tenant of a private landlord.

Safer & Inclusive Communities  
Strategic Housing Team  
40 West Stewart Street  
Greenock  
PA15 1YA

Scheme of Assistance

31st March 2011/WR

## Appendix II

Category	Sub heading	2010/11 Budget	2010/11 Outturn	2010/11 Variance	2011/12 Budget
<b>Assistance To Support Independent Living</b>					
Care & Repair	Care & Repair Revenue (inc. Small Repairs Service)	256,907	256,907	0	256,900
Grant Assistance	Adaptations (inc. additional funding)	950,000	985,949	-35,949	950,000
<b>House Condition Works</b>					
Advice & Info	Private Landlord Advice	1,500	0	1,500	435
	Implement Scheme of Ass	1,000	48	952	1,000
Sub-Standard Housing	Lead Pipe Replacement	10,000	6,195	3,805	4,000
	BTS Housing	73,600	19,142	54,458	33,000
Other Condition Works	Energy Efficiency	1,000	165	835	400
	Central Heating grants	75,000	68,702	6,298	35,000
	RSL Owners	30,000	32,082	-2,082	25,000
	Empty Homes Fund	n/a	n/a	n/a	30,000
Other	Regeneration Enabling	103,993	59,075	44,918	75,000
	Salary Costs	30,000	0	30,000	7,000
Totals		<b>1,533,000</b>	<b>1,428,265</b>	<b>104,735</b>	<b>1,417,735</b>
<b>Funded by:</b>					
PSHG Capital Block Grant					530,000
Adaptations Capital / Reserves					200,000
Adaptations Additional Reserves					150,000
PSHG Revenue Block Grant					433,000
Carry Forward of Commitment from 10/11*					<b>104,735</b>
					<b>1,417,735</b>

\* carry forward to be confirmed following completion of year end procedures



**Scottish Government Consultation:  
The Right to Adapt  
Common Parts in Scotland**



**Scottish Government Consultation:  
The Right to Adapt  
Common Parts in Scotland**



## PURPOSE

The Scottish Government is consulting on regulations which will give disabled people the right to make adaptations to common parts of the building they live in. Common parts are those parts of a building that are not owned by any one person, like the stairs or the front door in a block of flats. At the moment, disabled people can only have adaptations made to common parts if everybody who owns a share of the common parts gives permission. The Scottish Government is proposing that other owners will not be able to withhold their permission unreasonably. This should make it easier for disabled people to get adaptations made to common parts of their building.

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ISBN: 978-0-7559-9664-3

The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

Produced for the Scottish Government by APS Group Scotland  
DPPAS11146 (01/11)

Published by the Scottish Government, January 2011

The text pages of this document are printed on recycled paper and are 100% recyclable



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## RESPONDING TO THIS CONSULTATION PAPER

### Consultation on Right to Adapt Common Parts in Scotland

We are inviting written responses to this consultation paper by 1 April 2011.

**Please send your response with the completed Respondent Information Form (see "Handling your Response" below) to:**

[simon.roberts@scotland.gsi.gov.uk](mailto:simon.roberts@scotland.gsi.gov.uk)

or

Simon Roberts  
House Condition Team  
Highlander House  
58 Waterloo Street  
Glasgow G2 7DA

If you have any queries please contact Simon Roberts on 0141 271 3786.

We would be grateful if you would use the consultation questionnaire provided or could clearly indicate in your response which questions or parts of the consultation paper you are responding to as this will aid our analysis of the responses received.

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at <http://www.scotland.gov.uk/consultations>.

The Scottish Government has an email alert system for consultations, <http://register.scotland.gov.uk>. This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). It complements, but in no way replaces Scottish Government distribution lists, and is designed to allow stakeholders to keep up to date with all Scottish Government consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

### Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form** which forms part of the consultation questionnaire enclosed with this consultation paper as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.



All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

### **Next steps in the process**

Where respondents have given permission for their response to be made public and after we have checked that they contain no potentially defamatory material, responses will be made available to the public in the Scottish Government Library, and on the Scottish Government consultation web pages. You can make arrangements to view responses by contacting the Scottish Government Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

### **What happens next?**

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us reach a decision on the regulations. We aim to issue a report on this consultation process by 27 May 2011, and to introduce regulations to the Scottish Parliament after the election in May 2011.

### **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to Simon Roberts at the contact details above.

## chapter one: introduction





## 1.1 Background

There are an estimated 2,200 homes in Scotland where a disabled person needs an adaptation to make full use of spaces which are jointly owned (“common parts”) – see page 20. But if other owners do not agree to the work, the disabled person is prevented from making changes that they need to access their own home.

## 1.2 The Equality Act 2010

The Equality Act 2010 is an Act of the UK Parliament which brings together separate legislation, simplifying and strengthening the law to help tackle discrimination and inequality. It includes powers to improve the rights of disabled people to improve access to their own homes throughout Great Britain.

The Scottish Government intends to introduce regulations under the Equality Act 2010 to provide a right to adapt common parts of shared property to meet the needs of disabled people in Scotland. Housing legislation is devolved to the Scottish Parliament, but equality legislation is reserved to the UK Government in Westminster. Consequently, it was necessary to include a regulation making power for Scottish Ministers in an Act of the UK Parliament.

The Equality Act uses the expression “relevant adjustments” rather than the more familiar “adaptations”. This is defined in the Act as “alterations or additions which are likely to avoid a substantial disadvantage to which the disabled person is put in using the common parts in comparison with persons who are not disabled.”

An absolute right to adapt would conflict with owners’ right to the use of their property. We propose that regulations will require a disabled person to seek the consent of owners of common parts, but will also provide that owners cannot unreasonably refuse to consent.

## 1.3 Common parts

Common parts include the structure, exterior and any common facilities of a building which are not solely owned. This might include, for example, a shared stairway, an entrance, or a car park.

In England and Wales, the Commonhold owner or freeholder will have responsibility for common parts but in Scotland the owners of different homes in the same building have joint responsibility for common parts.





## 1.4 Current rights to adapt

The following table summarises the current rights in Scotland.

	Adaptations to own home (other than common parts)	Adaptations to common parts
Home Owners	Home owners can adapt their own homes, subject to planning and building rules	Home owners require 100% consent of other owners to adapt common parts
Private Rented Tenants	Private rented tenants can adapt their own homes subject to their landlord's consent (see section 52 of the Housing (Scotland) Act 2006)	The landlord cannot consent to adapt common parts without the agreement of any other owners
Social Rented Tenants	Social rented tenants can carry out work on their own homes subject to their landlord's consent (see section 28 and Schedule 5 of the Housing (Scotland) Act 2001)	The landlord cannot consent to work on common parts without the agreement of any other owners

We propose to use the current right of private rented tenants to adapt their homes as a general model for regulations providing a new right to adapt common parts.

## 1.5 The current right to adapt private rented property

Private tenants have a right to adapt their property to meet the needs of a disabled person, and landlords cannot unreasonably refuse consent to the work.

This legislation also says that –

- Owners can make consent subject to reasonable conditions (for example, that an adaptation should be removed at the end of a tenancy),
- Landlords can take account of specific factors when deciding whether consent is reasonable,
- If a landlord fails to respond to a written request within 1 month they will be treated as refusing to consent,
- There is a right of appeal to the Sheriff.

The right to adapt rented property extends to common parts, but a landlord must seek the consent of other owners and they could refuse to agree to the work.



The disabled tenant is responsible for the cost of carrying out the work. They may be able to claim a grant to help with some or all of this cost.

## 1.6 Guidance on current rights

Chapter 19 of the Equality and Human Rights Commission's Code of Practice on Rights of Access gives guidance on the right to adapt rented property. See **Rights of Access: services to the public, public authority functions, private clubs and premises** ([www.equalityhumanrights.com/advice-and-guidance/your-rights/disability/access-to-services/](http://www.equalityhumanrights.com/advice-and-guidance/your-rights/disability/access-to-services/)).

The Code of Practice on Rights of Access describes what the current provisions mean in practice –

**“The tenant must apply for consent to carry out work on his home. His application must detail the work to be carried out. .... The landlord must reply to that application within one month. If the landlord fails to reply to the tenant's request to carry out work within one month, he will be taken to have refused consent. The tenant therefore cannot proceed with the work without applying to a court for permission”**

The right to adapt is not automatic and while consent cannot be refused unreasonably, there are circumstances in which refusal of consent is considered reasonable. Also, some premises may not be suitable for adaptation.



## **chapter two: proposal for regulations**

## 2.1 Proposed regulations for the right to adapt common parts

We propose to use section 52 of the Housing (Scotland) Act 2006 as a general model for regulations under section 37 of the Equality Act 2010. The 2006 Act already provides a right to adapt private rented property. The regulations would provide a new right for owners and tenants to adapt common parts.

The relevant parts of the 2006 and 2010 Acts are set out in Annex A.

## 2.2 Differences between the two kinds of right to adapt

The right to adapt rented property in the 2006 Act could provide a general framework for a right to adapt common parts but respondents should note that the wording of the legislation is different.

### *Adaptations to rented property in section 52 of the 2006 Act*

The kind of work that is covered by the current right to adapt private rented property is any work which a tenant considers necessary for the purpose of making their home suitable for –

- accommodation,
- welfare or
- employment

of any disabled person who lives there or who is planning to live there.

### *Adaptations to common parts in section 37 of the 2010 Act*

The kind of work that is covered by the new right to adapt common parts is any alteration or addition which is likely to avoid a substantial disadvantage in a disabled person's use of common parts compared to someone who is not disabled.

Regulations to provide a right to adapt common parts will have to follow the scope of section 37 and, to that extent, will be different from the right to adapt rented property.



**Question 1****Do you agree with the proposal to use the current right to adapt rented property as a general model for a right to adapt common parts?**

(There is a form for responses at the end of this consultation. We also invite any general comments on issues raised by questions. See page 32 below).

## 2.3 Applications

We propose that the disabled person, or someone acting on their behalf, will be responsible for arranging adaptations to common parts of their home. This means that they will consult the owners, get quotations from suppliers, organise the work and apply for grants. This is the current position for other kinds of work on homes in Scotland. Local authorities and other organisations can assist disabled people who need help with this process.

This is a significant difference to the position for England and Wales, where responsibility for arranging an adaptation will fall on the person who lets premises, or the Commonhold association, but they will be able to insist that the disabled person pays the cost of the adaptation. Under Scottish property law, common parts are jointly owned, so it is unlikely that there will be a single person or legal entity who could be made responsible.

There is more detail about the differences between the new rights in Scotland and in England and Wales in section 2.10 on page 17 below.

**Question 2****Do you think that there are any alternatives to placing responsibility on the disabled person which should be considered in Scotland?**

We propose that regulations will provide rules to clarify the disabled person's responsibilities. For example, these rules could set out the circumstances in which a disabled person should be treated as having sought consent. This would be useful when an owner is away and has left no forwarding address.

The Scottish Government recognises that it can be difficult in practice for disabled people to access support services and that action will be needed to make sure that they have the maximum opportunity in practice to ensure that their rights are met.

Local authorities have a statutory duty to provide assistance in connection with work to adapt a house to meet the needs of a disabled person. People who need help in making an application and dealing with the process may also be able to get help from organisations such as Citizens Advice Bureau, Care and Repair Services, and local initiatives.

**Question 3**

**What rules should be included in the regulations to ensure that disabled people are able to exercise their right to adapt common parts?**

**Question 4**

**What additional practical measures should the Scottish Government put in place to ensure that disabled people are able to exercise their right to adapt common parts?**

## 2.4 What can be taken into account?

We propose that owners' consent will be required to adapt common parts. We also propose that owners cannot unreasonably withhold consent.

We propose that the regulations will specify some of the factors that owners can take into account when deciding whether it is reasonable to consent. We think that this should include -

- The disabled person's disability
- Whether the work proposed is necessary to meet the disabled person's needs
- The safety of the people who live in the building
- Any cost to the owner
- Whether the adaptation would reduce the value of the owner's property
- Whether the adaptation would make it harder to rent or sell the owner's property
- Whether the building can be reinstated to its previous condition
- Whether consent would make the owner liable under any other rule or remedy
- Any Code of Practice issued by the Commission for Equality and Human Rights.

For the existing right to adapt private rented property, the Code of Practice on Rights of Access says that the following additional issues should be given due weight. These might be set out in guidance rather than legislation, but we would expect similar factors to be relevant to common parts.



- The nature of an individual's disability
- The effect upon them of that disability
- The relationship between the work which the tenant has applied to carry out and the disability
- The disabled occupant's needs
- The effect upon the wellbeing of the disabled person of carrying out or not carrying out the work
- The impact upon the disabled person of any refusal of consent
- The ability of the tenant to pay for the work
- The scale of the proposed adaptations
- The feasibility of the works
- The length of the term remaining under the letting
- The type and length of the tenancy
- The type, design, age and quality of the premises
- The extent of any disruption and the effect on other occupiers of adjoining premises
- The effect of, and compliance with, planning and Building Regulations requirements.



### **Question 5**

**Are there any other factors that an owner might want to take into account before agreeing to work to adapt common parts?**

We also propose that an owner should be able to make consent subject to reasonable conditions. These might be set out in guidance rather than legislation.

For the existing right to adapt private rented property, the Code of Practice on Rights of Access says that it is likely to be reasonable for a landlord to insist on the following conditions.

- That a tenant obtains any necessary planning permission and other statutory consents
- That work is carried out in accordance with the plans and specifications approved by the landlord
- That the landlord is allowed a reasonable opportunity to inspect the work
- That the tenant is responsible for paying for and arranging ongoing maintenance.

**Question 6**

**Are there any other conditions that an owner might want to make before agreeing to work to adapt common parts?**

In addition to specifying factors that an owner can take into account, the regulations may specify factors that should be disregarded in relation to consent to adapt common parts.

**Question 7**

**Do you think that there are any specific factors which an owner should not take into account?**

## 2.5 Appeals

We propose to provide a right of appeal against refusal of consent to adapt common parts. There would also be a right of appeal if a disabled person objected to any conditions attached to an owner's consent.

This appeal would be made to the Sheriff by summary application. The Sheriff would either refuse the appeal or allow the disabled person to make the adaptation. A Sheriff could impose conditions if they allow an adaptation to go ahead.

We propose that the disabled person should be able to make one appeal to deal with any question of consent or conditions from different owners.

**Question 8**

**Do you agree with the proposed approach to appeals?**

We also propose that owners should be treated as refusing to consent if they do not respond to a written request within one month.



**Question 9**

Do you agree with the proposal to treat non-response as refusal?

## 2.6 Maintaining an adaptation

In some cases, an adaptation may be for the benefit of different disabled people with access to the same common parts, who may need joint use of an adaptation and may be jointly responsible for maintenance. Other kinds of adaptation might be useful to occupiers generally, and all the owners would share responsibility for maintenance. Because circumstances will vary, arrangements for maintenance will differ in different cases.

We propose that a disabled person should be able to make a written agreement with owners about the ongoing maintenance of an adaptation. We propose that an owner should be able to insist on a written agreement about ongoing maintenance as a condition of their consent to adapt common parts.

**Question 10**

Do you agree with the proposed approach to the maintenance of adaptations?

We think that there should be a default rule which comes into effect if there is no written agreement. We propose that if there is no written agreement owners should be jointly responsible for maintenance costs, subject to any other arrangement set out in their title deeds.

**Question 11**

Do you agree that owners should be jointly responsible for maintaining an adaptation if there is no written agreement in place?

## 2.7 Removing an adaptation

Consent to an adaptation may include a condition on the removal of an adaptation which is no longer needed. A written agreement could provide that the disabled person is responsible for removing an adaptation which is no longer needed and any necessary reinstatement of property. A written agreement on the use of an adaptation might also allow a disabled person to remove an adaptation and take it with them if they move to a new home.

We think that there should be a default rule which comes into effect if there is no written agreement. We propose that if there is no written agreement owners should be jointly responsible for removing an adaptation.



### **Question 12**

**Do you agree with the proposed approach to removing adaptations?**

## 2.8 Registration of an adaptation

Where a disabled person's home has been adapted, there should be some protection for their continued use of it. We do not think that there should be a need to renew consent when a new owner buys a home in which common parts are adapted. We propose that regulations should include provisions to make sure that adaptations are recorded in a land register so that subsequent owners are aware of any consent to adapt common parts.

There would be a fee for registering information and documents giving notice of an adaptation in the relevant property register. The fee for a registration of this type would be £60 per title sheet in the Land Register of Scotland, or £60 per document recorded in the Register of Sasines.



### **Question 13**

**Do you agree with that future owners should be bound by agreements about adaptations to common parts?**

**Question 14**

**If future owners are bound by such agreements, do you agree that a record in the relevant property register is needed to give them notice of their obligations?**

## 2.9 Costs

We propose that the disabled person should be responsible for the cost of work to adapt common parts. We also propose that grants for adaptations to common parts should be provided in the same way as for other kinds of adaptations to meet the needs of disabled people.

Grants and other kinds of assistance are provided by local authorities to help home owners and private tenants adapt houses to meet the needs of disabled people.

Most adaptations attract a grant of 80% of the cost of the work if they are essential to a disabled person's needs. The rate of grant is 100% for someone who receives an income-related social security benefit. There is no limit to the cost of the work which will attract grant funding.

Statutory grants are not provided for work to create additional living accommodation (for example, a home extension) and would not cover adaptations to common parts which are used in connection with a building but are not part of a house (for example, a car park). When a statutory grant is not available or does not cover the whole cost of work, local authorities have discretion to offer additional finance or other kinds of assistance.

The rules on statutory grants for adaptations say that the local authority should record a grant in a land register and that conditions should be attached. Typical conditions include how an adapted house is used and a duty to keep it in good repair. These conditions apply to the current owner of the house.

**Question 15**

**Do you agree with the proposed approach for dealing with the costs of adaptations to common parts?**

## 2.10 Differences between Scotland and England and Wales

The Equality Act 2010 provides for a right to adapt common parts in Scotland and in England and Wales. But there are some differences in the way the right to adapt will work. The following table summarises these differences.

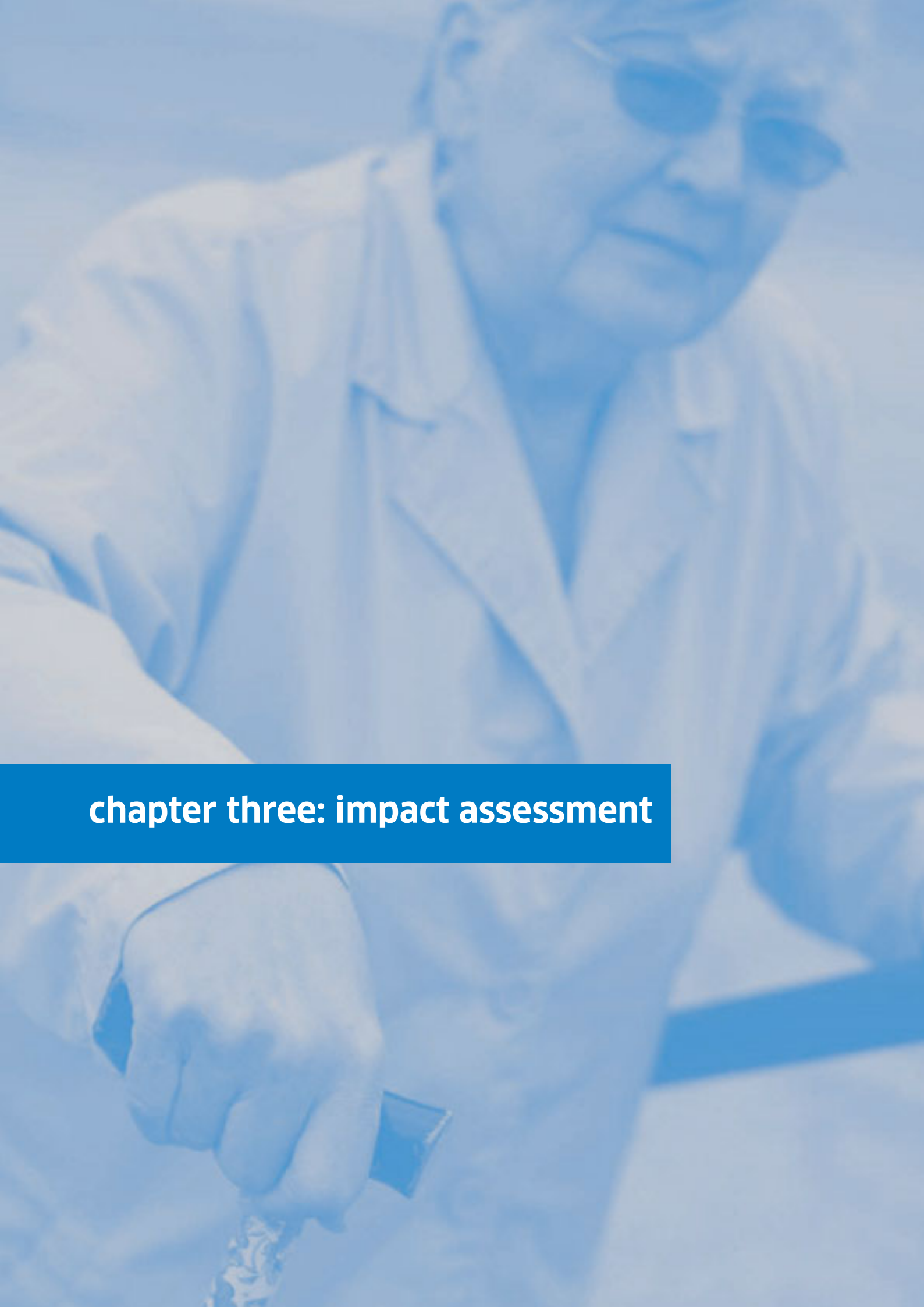
England and Wales	Scotland
1. Duty to adapt common parts comes into effect directly from the Act	1. The right to adapt common parts may be introduced by Regulations
2. There is an identifiable individual ("Person A") who is responsible for the common parts of premises, this will be the person who lets premises, or the Commonhold association	2. Common parts may be jointly owned by several people
3. Person A has a duty to consult all people who would be affected by the alteration	3. The disabled person will be responsible for seeking the consent of all the owners
4. There is an exception to the duty to adapt common parts for "small premises" (see Schedule 5, para 4, of the Equality Act)	4. The exemption for small premises will not apply in Scotland
5. The disabled person and Person A must agree in writing their respective responsibilities for the adaptation (see Schedule 4, para 7, of the Equality Act)	5. The Act does not require a written agreement, but regulations can make provision about agreements
6. Person A is responsible for adapting the premises, although they can delegate this responsibility to the disabled person and they can insist that the disabled person covers the cost of the work	6. The disabled person, or someone acting on their behalf, would control and be responsible for the organisation and funding of adaptations
7. The Equality Act does not set a specific time limit for Person A to make a decision on an adaptation.	7. Scottish Regulations modelled on the current right to adapt rented property would treat anybody who does not respond to a written request within one month as if they had refused consent.

Our intention is to make sure that Scottish regulations provide effective rights for disabled people in Scotland to make reasonable adaptations to common parts of their homes. Despite the differences, the legislation should have a comparable effect in all parts of Great Britain.



### **Question 16**

**Are any other provisions needed to ensure that disabled people have a comparable right to adapt common parts in Scotland?**



**chapter three: impact assessment**

Note: In estimating the impact in Scotland, Costs have been rounded to the nearest £100,000.

### **3.1 UK Government's assessment of the impact of common parts provisions in the Equality Act**

The Equality Act 2010 is UK legislation made by the Westminster Government. As part of the Parliamentary process of the Act, the Government Equalities Office prepared an Impact Assessment. Overall the Act is considered to have a positive economic impact – it is estimated that over 10 years, the Act could produce a net benefit of £39 million to £674 million.

Creating a right to adapt common parts will benefit disabled people because it will help to remove barriers to fuller participation in society and independent living and reduce the risks of accidents. It will also help landlords and co-owners to deal with issues affecting common parts, which can lead to acrimonious and long running disputes.

It is estimated that there are 57,000 disabled people in England and Wales who face difficulties because of inaccessible common parts.

The UK Impact Assessment estimated that additional grants to cover the costs of adjustments would cost local authorities in England and Wales up to £27 million in the first year of the right to adapt common parts. However, in the same year these local authorities would be expected to save up to £15 million from the reduced need for home care and £40 million from the reduced need for residential care.

On this basis the UK Government estimated an annual saving of £13 million from the right to adapt common parts, benefiting local authorities in England and Wales. It is also likely that this measure will benefit carers, local communities and the housing market. It is not considered that it will adversely affect other tenants or lessees.

### **3.2 Impact on disabled people in Scotland**

The 2008 Scottish House Condition Survey found that 36% of the 2.3 million households in Scotland reported at least one member with a disability or long-term illness. These households are less likely to belong to the private or private rented sectors. 59% of these households are owner-occupiers or privately rented, compared to 73% of all households.

- Analysis of the Scottish House Condition Survey shows that there are around 80,000 private sector households in Scotland where a long-term sick or disabled person lives in a flat in a tenement, tower block or converted house in which the common circulation space is not barrier-free.



- The Scottish Household Survey suggests that of those people who consider they have a health problem or disability that limits daily activities or work, 16% consider that they need an adaptation to their houses. Of that group, 12% consider they need a stairlift and 5% one or more ramps, being the more significant works in terms of adaptations to common parts. These needs can overlap, and there can be double counting for some households.

Taking these two sets of statistics together suggests that around 2,200 households consider that they need a significant adaptation to the common parts of residential premises ( $80,000 \times 16\% \times 17\%$ ).

23% of Scottish homes are tenements (535,000 households). The tradition of tenement living is well established in Scotland and this involves owners seeking consent from neighbours before carrying out any work. The experience of local authorities suggests that there are relatively few cases where a person has been prevented from carrying out adaptation works to common parts by an unreasonable refusal of consent by a neighbour. The Department for Work and Pensions undertook research into attitudes, as part of the impact assessment of the Equality Act, which suggests that non-disabled people are positive about the adaptation of premises to help disabled people.

A disabled person is usually responsible for the cost of adaptations to their own home, whether as an owner or tenant. Statutory grants are paid by local authorities for most kinds of adaptation, excluding house extensions, to cover 80% of the cost of the work. This is increased to 100% if the applicant receives a prescribed income-related social security benefit. An award of grant is usually recorded in the land register and attached to conditions, including the maintenance of the adaptation, and the applicant has to pay the local authority's expenses for making this record.

There would also be a cost for registering information or documents about an adaptation to common parts, as proposed in section 2.8 above.

Returns made by Scottish local authorities to the Scottish Government show that 5,949 grants were approved in the financial year 2009-10 for adaptations to private property to meet the needs of disabled people, and that the total value of these grants was £22.6 million. The average value of these grants was £3,800.

### **3.3 Impact on other groups**

#### **(1) Age**

Population projections show that Scotland's population is ageing. This trend is reflected in the household projections, with the largest increases shown in households headed by people aged 60 and over.



As we expect an increase in the size and proportion of older people in the population, we also expect an increase in those who will need support because of a life-limiting illness or disability. As an indication of the expected increase in future need for adaptations, eligibility for attendance allowance is projected to rise from 168,000 in 2008 to 271,000 in 2033.

## **(2) Gender**

Although there are differences in home tenure by gender in Scotland, we do not think that this affects adaptations for disabled people.

## **(3) Lesbian, Gay, Bisexual & Transgender (LGBT)**

Although there is limited information on housing tenure for LGBT groups one survey on housing for older LGBT people listed respondents as 64% owner occupiers, 24% social rented tenants and 8% as private rented tenants. Recent analysis shows that 1.6% of people in Scotland identify themselves as gay or lesbian. Research suggests that older LGBT people have particular concerns about access to housing services and their ability to stay in a supportive community.

## **(4) Ethnic minorities**

In the 2001 Census 2.01% of population of Scotland (i.e. over 100,000 people) identified themselves as members of an ethnic minority group. Ethnic minority groups are about 2½ times more likely than the population as a whole to live in private rented homes.

Roma are particularly vulnerable to the combined impact of being an ethnic minority and migrant workers. The majority of migrant EU nationals in Scotland live in private housing and problems include landlords refusing to give tenancy agreements, holding onto deposits, illegal evictions, over-priced rents, serious overcrowding, and uninhabitable living conditions.

## **(5) Overall impact on other groups**

We do not expect any adverse impact on other groups.

# **3.4 Impact on government**

## ***Scottish Government***

We do not expect any additional cost to the Scottish Government arising from the right to adapt common parts.





## **Local authorities**

### **(1) Disability Adaptation Grants**

The model used in the UK Government Impact assessment is that half of the people entitled to adapt common parts of property will seek to do so in the first year that the right to adapt is in force and that 60% of these will apply for grant assistance. This is based on evidence of awareness of legislation among disabled people and data from the Local Government Association. On this assumption, we expect 2,200 households to make 1,100 adaptations and apply for 660 grants.

On this basis we estimate that, in the first year that the right to adapt is in force, the cost of additional grants paid by local authorities under the regulations will be £2.5 million.

### **(2) Building Warrant Fees**

There would be an extra cost to authorities in such cases arising from the fact that adaptations for disabled people are exempt from building warrant fees, and the authority therefore covers the administration cost of providing the warrant with no corresponding income. The fee to cover the costs of a warrant is £100. Therefore local authorities would have an extra cost of £100,000 each year.

### **(3) Personal Care**

The Scottish Government estimate that around 20% of disabled people need personal care assistance funded by local authorities. The average yearly cost of free personal care in their own homes is £5,750.

If the average saving for those disabled people who adapt common parts of property under the regulations is 50% of the cost of funding their personal care, as in the UK Government's impact assessment, there is an annual saving of £600,000.

### **(4) Residential Care**

In Scotland there are 42,874 residential care home places, 37,829 of which provide care for older people (age 65+). The average cost of a residential care home place in Scotland is £23,000 a year.

The UK Government estimates that 15% of people who enter residential care each year do so because their home is no longer suitable. In Scotland this is equal to 8,550 annual admissions.

If 1% of those disabled people in Scotland who would have been admitted to residential care were able to stay in their own home because of a right to adapt common parts the annual saving to residential care costs would be around £2 million.

### **(5) Overall Cost to Local Authorities**

On these assumptions the regulations will be cost neutral to Scottish local authorities across housing and care services.

However, there may be an extra cost if local authorities have an active role in providing support to disabled people because of the differences between Scotland and England noted in section 2.12.

### **Scottish Courts Service**

We expect a small increase in the number of summary applications to Court. The cost of the summary application is covered by court fees. On the assumption that the numbers are relatively low and standard rules apply, we do not anticipate a significant impact or cost to the Scottish Courts Service.

## **3.5 Impact on private sector**

### **Landlords**

These changes support current good practices and should reduce impact of disputes.

### **Other owners/tenants**

We do not expect any additional costs to other owners or tenants. The disabled person will be responsible for the costs of adapting the common parts. Responsibility for maintenance and eventual removal can be covered by conditions of consent and written agreements.

## **3.6 Conclusion**

Legislation to improve equality will give disabled people greater opportunity to take part in society and contribute to the economy. It will also reduce a barrier to use of private sector housing by disabled people. Extra costs to local authorities by way of grants and building warrants should be balanced by lower costs for personal and residential care. No adverse impact on any other group has been identified.



### **Question 17**

**Are there any other groups likely to be affected by the proposed regulations?**



### **Question 18**

**Do you have any views on the expected impact of the regulations?**



## **Annex A: extracts from legislation**

## A1. Section 37 of the Equality Act 2010

### Adjustments to common parts in Scotland

- 37.** – (1) The Scottish Ministers may by regulations provide that a disabled person is entitled to make relevant adjustments to common parts in relation to premises in Scotland.
- (2) The reference in subsection (1) to a disabled person is a reference to a disabled person who–
- (a) is a tenant of the premises,
  - (b) is an owner of the premises, or
  - (c) is otherwise entitled to occupy the premises,
- and uses or intends to use the premises as the person’s only or main home.
- (3) Before making regulations under subsection (1), the Scottish Ministers must consult a Minister of the Crown.
- (4) Regulations under subsection (1) may, in particular–
- (a) prescribe things which are, or which are not, to be treated as relevant adjustments;
  - (b) prescribe circumstances in which the consent of an owner of the common parts is required before a disabled person may make an adjustment;
  - (c) provide that the consent to adjustments is not to be withheld unreasonably;
  - (d) prescribe matters to be taken into account, or to be disregarded, in deciding whether it is reasonable to consent to adjustments;
  - (e) prescribe circumstances in which consent to adjustments is to be taken to be withheld;
  - (f) make provision about the imposition of conditions on consent to adjustments;
  - (g) make provision as to circumstances in which the sheriff may make an order authorising a disabled person to carry out adjustments;
  - (h) make provision about the responsibility for costs arising (directly or indirectly) from an adjustment;
  - (i) make provision about the reinstatement of the common parts to the condition they were in before an adjustment was made;
  - (j) make provision about the giving of notice to the owners of the common parts and other persons;
  - (k) make provision about agreements between a disabled person and an owner of the common parts;
  - (l) make provision about the registration of information in the Land Register of Scotland or the recording of documents in the Register of Sasines relating to an entitlement of a disabled person or an obligation on an owner of the common parts;
  - (m) make provision about the effect of such registration or recording;
  - (n) make provision about who is to be treated as being, or as not being, a person entitled to occupy premises otherwise than as tenant or owner.
- (5) In this section–
- “common parts” means, in relation to premises, the structure and exterior of, and any common facilities within or used in connection with, the building or part of a building which includes the premises but only in so far as the structure, exterior and common facilities are not solely owned by the owner of the premises;
- “relevant adjustments” means, in relation to a disabled person, alterations or additions which are likely to avoid a substantial disadvantage to which the disabled person is put in using the common parts in comparison with persons who are not disabled.



## A2. Private Tenants' Right to Adapt under the Housing (Scotland) Act 2006

### Chapter 7: Right to adapt rented houses

#### Right to adapt rented houses

- 52.** – (1) This section applies to any tenancy of a house let for human habitation (other than a Scottish secure tenancy or a short Scottish secure tenancy).
- (2) The tenant in a tenancy to which this section applies may carry out any work in the house–
- (a) which the tenant considers necessary for the purpose of making the house suitable for the accommodation, welfare or employment of any disabled person who occupies, or intends to occupy, the house as a sole or main residence, or
  - (b) ...
- (3) But a tenant is not entitled to exercise the right set out in subsection (2) without the consent of the landlord, which must not be unreasonably withheld.
- (4) An application for consent to carry out work in pursuance of subsection (2) must specify the work which the tenant proposes to carry out.
- (5) The landlord may, on receipt of such an application–
- (a) consent,
  - (b) consent subject to such reasonable conditions as the landlord may impose, or
  - (c) refuse consent, provided that it is not refused unreasonably.
- (6) The landlord must, within one month of receipt of such an application, serve notice of the landlord's decision on the applicant.
- (7) That notice must–
- (a) where the landlord gives consent subject to conditions, set out those conditions and the reasons for imposing them,
  - (b) where the landlord refuses consent, set out the reason for refusal, and
  - (c) in either of those cases, explain the procedure for appealing the decision to impose conditions or, as the case may be, refuse consent.
- (8) Where a landlord fails to comply with subsection (6)–
- (a) the landlord is to be treated as having decided to refuse consent, and
  - (b) notice of such refusal is to be treated as having been served on the applicant on the last day of the period mentioned in that subsection.
- (9) The terms of a tenancy, and of any other agreement between the landlord and the tenant in any tenancy, are of no effect in so far as they purport to negate or modify the effect of this section.
- (10) Nothing in this section entitles a tenant to carry out work for which the consent or other approval of any person is required under any other enactment unless that consent or approval has been given.
- (11) Where it is for the landlord to obtain any such consent or approval, the landlord must, if requested to do so by the tenant, take reasonable steps for the purposes of doing so (and may recover any expenses incurred in doing so from the tenant).
- (12) But the need for any such consent or approval by any person other than the landlord is not, of itself, a reasonable ground on which the landlord may impose any condition under subsection (5)(b) or, as the case may be, refuse consent under subsection (5)(c).

### Matters relevant to application to carry out work under section 52

- 53.** – (1) The landlord may, in considering whether it is reasonable to consent to an application to carry out work in pursuance of section 52(2)(a) (or whether it is reasonable to impose a condition on such a consent), have regard to–
- (a) the disabled person's disability,
  - (b) whether the work proposed is necessary for the purpose set out in section 52(2)(a),
  - (c) the safety of the occupiers of the house or of any other premises,
  - (d) any costs which the landlord is likely to incur, directly or indirectly, as a result of the proposed work,
  - (e) whether the proposed work is likely–
    - (i) to reduce the value of the house or of any other part of any premises of which the house forms part, or
    - (ii) to make the house or any other part of such premises less suitable for letting or for sale,
  - (f) whether, if the proposed work was to be carried out, the house could be reinstated to the condition it was in before it was carried out,
  - (g) any code of practice issued by the Commission for Equality and Human Rights which relates to this section or section 52.
- (2) ...
- (3) A condition imposed under section 52(5)(b) may–
- (a) specify the standard to which the work consented to must be carried out,
  - (b) require the tenant to reinstate the house at the end of the tenancy to the condition it was in before that work was carried out.
- (4) The landlord must, in considering whether to impose a condition under section 52(5)(b) as to the standard to which the proposed work must be carried out, have regard to–
- (a) the age and condition of the house, and
  - (b) the likely cost of complying with the condition.
- (5) It is reasonable for a landlord to refuse to consent to an application to carry out work in pursuance of section 52(2), or to impose any condition on such a consent, if the carrying out of the proposed work or, as the case may be, failure to comply with that condition, would make the landlord susceptible under any enactment or rule of law to any sanction or other remedy.
- (6) Subsection (5) applies only where the landlord has taken reasonable steps for the purposes of acquiring the right to give consent or, as the case may be, not to impose the condition without making the landlord so susceptible.
- (7) The landlord may recover from the tenant any expenses incurred by the landlord in taking any such reasonable steps (regardless of the landlord's decision on the tenant's application).



## Chapter 8: Supplemental provisions, including appeals

### *Appeals*

#### **Part 1 Appeals**

- 64.** – (1) ...
- (6) A tenant aggrieved by a decision by a landlord–
- (a) to impose any condition on a consent to carry out work in pursuance of section 52(2), or
  - (b) to refuse to consent to the carrying out of any such work, may appeal to the sheriff within 6 months of being notified of that decision.
- (7) The sheriff may, on cause shown, hear an appeal after the deadline set by subsection (1), (4), (5) or, as the case may be, (6).

#### **Part 1 appeals: determination**

- 65.** – (1) ...
- (3) The sheriff must, unless the sheriff considers the condition or, as the case may be, refusal appealed against to be reasonable, determine an appeal under section 64(6) by quashing the decision and directing the landlord to withdraw the condition (or to vary it in such manner as the sheriff may specify) or, as the case may be, to consent to the application (with or without such conditions as the sheriff may specify).
- (4) In determining whether a condition or refusal appealed against under section 64(6) is reasonable, the sheriff must, where the appeal relates to an application made for the purposes of section 52(2)(a), have regard to any code of practice issued by the Commission for Equality and Human Rights which relates to section 52 or 53.
- (5) The sheriff's determination on an appeal under section 64 is final ...

#### **Part 1 appeals: procedure etc.**

- 66.** – (1) An appeal under section 64 is to be made by summary application.
- (2) ....
- (4) The sheriff may make such order about the expenses of an appeal under section 64 as the sheriff thinks fit (and the sheriff principal may make such an order in relation to any subsequent appeal).

A photograph of a person's lower legs and feet walking on a paved surface. The person is wearing dark trousers and white sneakers. A white cane with a blue grip is visible on the right side of the frame. The image is overlaid with a semi-transparent blue rectangle at the top, which contains white text. The overall image has a blue tint.

## **Annex B: the scottish government consultation process**





Consultation is an essential and important aspect of Scottish Government working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Government web site enabling a wider audience to access the paper and submit their responses. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Government library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4565).

All Scottish Government consultation papers and related publications (e.g., analysis of response reports) can be accessed at: Scottish Government consultations (<http://www.scotland.gov.uk/consultations>)

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

**While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.**



## Right to Adapt Common Parts in Scotland

### RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

#### 1. Name/Organisation

Organisation Name

Title Mr  Ms  Mrs  Miss  Dr  *Please tick as appropriate*

Surname

Forename

#### 2. Postal Address

<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
Postcode	Phone	Email

#### 3. Permissions - I am responding as...

Individual

/ Group/Organisation

*Please tick as appropriate*

- (a)** Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

*Please tick as appropriate*  Yes  No

- (b)** Where confidentiality is not requested, we will make your responses available to the public on the following basis

*Please tick ONE of the following boxes*

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

- (c)** The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

*Please tick as appropriate*  Yes  No

- (d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

*Please tick as appropriate*

 Yes No



## RIGHT TO ADAPT COMMON PARTS: CONSULTATION QUESTIONS

**1. Do you agree with the proposal to use the current right to adapt rented property as a general model for a right to adapt common parts? (see page 10)**

Yes  No

Comments

**2. Do you think that there are any alternatives to placing responsibility on the disabled person which should be considered in Scotland? (see page 10)**

Yes  No

Comments

**3. What rules should be included in the regulations to ensure that disabled people are able to exercise their right to adapt common parts? (see page 11)**

Comments

**4. What additional practical measures should the Scottish Government put in place to ensure that disabled people are able to exercise their right to adapt common parts? (see page 11)**

Comments

**5. Are there any other factors that an owner might want to take into account before agreeing to work to adapt common parts? (see page 12)**

Yes  No

Comments

**6. Are there any other conditions that an owner might want to make before agreeing to work to adapt common parts? (see page 13)**

Yes  No

Comments



**7. Do you think that there are any specific factors which an owner should not take into account? (see page 13)**

Yes  No

Comments

**8. Do you agree with the proposed approach to appeals? (see page 13)**

Yes  No

Comments

**9. Do you agree with the proposal to treat non-response as refusal? (see page 14)**

Yes  No

Comments

**10. Do you agree with the proposed approach to the maintenance of adaptations? (see page 14)**

Yes  No

Comments

**11. Do you agree that owners should be jointly responsible for maintaining an adaptation if there is no written agreement in place? (see page 14)**

Yes  No

Comments

**12. Do you agree with the proposed approach to removing adaptations? (see page 15)**

Yes  No

Comments

**13. Do you agree with that future owners should be bound by agreements about adaptations to common parts? (see page 15)**

Yes  No

Comments



**14. If future owners are bound by such agreements, do you agree that a record in the relevant property register is needed to give them notice of their obligations?** (see page 16)

Yes  No

Comments

**15. Do you agree with the proposed approach for dealing with the costs of adaptations to common parts?** (see page 16)

Yes  No

Comments

**16. Are any other provisions needed to ensure that disabled people have a comparable right to adapt common parts in Scotland?** (see page 17)

Yes  No

Comments

**17. Are there any other groups likely to be affected by the proposed regulations?** (see page 23)

Yes  No

Comments

**18. Do you have any views on the expected impact of the regulations?** (see page 23)

Yes  No

Comments



**The Scottish  
Government**

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ISBN: 978-0-7559-9664-3

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APS Group Scotland  
DPPAS11146 (01/11)

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# Right to Adapt Common Parts in Scotland



## RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

### 1. Name/Organisation

Organisation Name

Inverclyde Council

Title Mr  Ms  Mrs  Miss  Dr  Please tick as appropriate

Surname

Rice

Forename

William

### 2. Postal Address

40 West Stewart Street

Greenock

Postcode PA151YA

Phone 01475714228

Email

### 3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate  Yes  No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate  Yes  No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate  Yes  No

## RIGHT TO ADAPT COMMON PARTS: CONSULTATION QUESTIONS

**1. Do you agree with the proposal to use the current right to adapt rented property as a general model for a right to adapt common parts? (see page 8)**

Yes  No

Inverclyde Council believe that it is appropriate to use the current right to adapt rented property as a general model for a right to adapt common parts.

**2. Do you think that there are any alternatives to placing responsibility on the disabled person which should be considered in Scotland? (see page 9)**

Yes  No

Whilst many disabled people are capable of managing grant applications and associated requirements we suggest that to ensure consistency and good practice in seeking consent that support is provided through existing Council Officer or Care & Repair support.

**3. What rules should be included in the regulations to ensure that disabled people are able to exercise their right to adapt common parts? (see page 9)**

We believe that it would be appropriate for non-response to a request to adapt common parts to be considered as the equivalent of non-objection. This would place the onus on the owner who wished to object to clearly state their reasons for objection as opposed to simply not responding and leaving a legal appeal process as the only alternative for the applicant to pursue by default.

**4. What additional practical measures should the Scottish Government put in place to ensure that disabled people are able to exercise their right to adapt common parts? (see page 9)**

A Scottish Government leaflet outlining the rights and responsibilities of common owners could provide relevant information to both parties to ensure consistency of advice with regards to adapting common parts and facilitate a culture change in respect of understanding the housing needs of disabled people.

**5. Are there any other factors that an owner might want to take into account before agreeing to work to adapt common parts? (see page 10)**

Yes  No

Owners may wish to take into account any ongoing maintenance liabilities for adaptation of common parts and reach agreement with the applicant for organising and paying for maintenance or servicing (not grant eligible). This is particularly relevant in situations where an adaptation has mechanical parts e.g. servicing an external stairlift, or in situations where regular maintenance would ensure a good condition of repair is maintained e.g. painting handrails.



**6. Are there any other conditions that an owner might want to make before agreeing to work to adapt common parts? (see page 11)**

Yes  No

It would be prudent for all owners to obtain estimates for re-installment and agree the responsibility for these costs. It may also be appropriate for any agreement regarding removal of the adaptation to be lodged with the relevant parties' solicitors if the cost is likely to be excessive. It would also be prudent for the local authority to establish a view on which adaptations would receive funding for removal (e.g external stairlift) and which would not (e.g. handrail, concrete ramp).

**7. Do you think that there are any specific factors which an owner should not take into account? (see page 11)**

Yes  No

We believe that it should be made clear to the common owners that their opinion on the nature of the individual's disability is not a factor which will be taken into account, as the needs of the disabled applicant requires assessment by an Occupational Therapist and often takes account of future housing needs, which are not always obvious to the non-expert.

**8. Do you agree with the proposed approach to appeals? (see page 11)**

Yes  No

Yes, we agree with the proposed approach and in particular support the proposal that one appeal should be used to deal with any question of consent or conditions.

**9. Do you agree with the proposal to treat non-response as refusal? (see page 12)**

Yes  No

As per our response to Question 3; We believe that it would be appropriate for non-response to a request to adapt common parts to be considered as the equivalent of non-objection. This would place the onus on the owner who wished to object to clearly state their reasons for objection as opposed to simply not responding. An obligation should be placed on the applicant to make use of a registered/recorded/witnessed delivery method which would provide evidence of a proposal being put to the common owners. We believe that this approach would lead to prompt and succinct responses and would facilitate a streamlined process.

**10. Do you agree with the proposed approach to the maintenance of adaptations? (see page 12)**

Yes  No

As per our response to Question 5; we agree with the proposed approach to maintenance.

**11. Do you agree that owners should be jointly responsible for maintaining an adaptation if there is no written agreement in place?** (see page 12)

Yes  No

Whilst this could be viewed as unfair on the common owner, we support this approach as it encourages the owners to engage with each other and agree a common approach.

**12. Do you agree with the proposed approach to removing adaptations?** (see page 13)

Yes  No

We support this approach as it encourages the owners to engage with each other and agree a common approach.

**13. Do you agree with that future owners should be bound by agreements about adaptations to common parts?** (see page 13)

Yes  No

We believe that it would be inappropriate for new owners to raise issues with an adaptation to common property which was in-situ at the point of survey and subsequently at point of sale.

**14. If future owners are bound by such agreements, do you agree that a record in the relevant property register is needed to give them notice of their obligations?** (see page 13)

Yes  No

Whilst creation of a record in the relevant property register would be the simplest method to give new owners notice of their obligations, it is also the most expensive method. Recording of an agreement against title can cost £60 per title and if this is to be recorded on all titles this could cost in excess of £650 depending on the number of units within a property. As an alternative it is suggested that adaptations to common parts should be picked up by a surveyor as part of the Home Report system and relevant agreements highlighted to potential purchasers for consideration as the knowledge. This process would make use of the existing direct engagement between the surveyor and the commissioning seller who will be aware of any agreement by virtue of common ownership.

**15. Do you agree with the proposed approach for dealing with the costs of adaptations to common parts?** (see page 14)

Yes  No

We agree that the current grant regime would be applicable for funding adaptations to common parts. However, we do not agree with the proposed approach for recording agreements and conditions on title deeds. We believe that the total cost for this is excessive and should not be borne by the applicant, the common owners nor the local authority. A £60 charge for each common owner (as well as costs associated with submission of title deeds) could become a barrier to consent. Similarly, the total charge is not grant eligible and could be a barrier to the applicant receiving their

adaptation. Local Authorities could not meet these costs either if the consideration was to make these costs grant eligible. It is suggested that an alternative method be developed for recording of agreements or grant conditions which utilises existing legal and/or local authority systems.

**16. Are any other provisions needed to ensure that disabled people have a comparable right to adapt common parts in Scotland?** (see page 15)

Yes  No

Comments

**17. Are there any other groups likely to be affected by the proposed regulations?** (see page 20)

Yes  No

Property factors who may need to record changes to the common areas and put in place appropriate inspection and maintenance regimes in line with agreements and conditions.

**18. Do you have any views on the expected impact of the regulations?** (see page 20)

Yes  No

We believe that the regulations will afford greater opportunity for homeowners in tenemental properties to remain in their own home and continue independent living with appropriate support and that this will reduce pressures on care budgets. However it is unlikely that this will 'free up' funding from care budgets, instead simply allowing currently unmet need to be met in part. There is likely to be an increase in demand for grant assistance for adaptation of common parts and this demand will require to be met from already pressured budgets. We would ask that the Scottish Government consider establishing a ring-fenced budget for the provision of adaptations to ensure that Local Authorities can continue to meet their obligations for vulnerable members of our communities.