

**Report To:** Education & Communities Committee      **Date:** 4 November 2014

**Report By:** Head of Safer & Inclusive Communities      **Report No:**  
EDUCOM/73/14/DH

**Contact Officer:** Drew Hall      **Contact No:** 01475 714272

**Subject:** Private Sector Housing - Repair & Maintenance Strategy

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## 1.0 PURPOSE

- 1.1 The purpose of the report is to seek the Committee's approval for a revised strategy to tackle housing disrepair by ensuring that owners take reasonable steps to secure the repair and maintenance of private housing in Inverclyde.

## 2.0 SUMMARY

- 2.1 Safer and Inclusive Communities have undertaken a review of the current practice of arranging repair work to houses following default of Statutory Notices. This is due to escalating costs to the Council when forced to use its default powers to repair housing and the increasingly uncooperative stance taken by property owners. The purpose of the review was to establish the most effective way of ensuring that the Council is fulfilling its statutory role in securing the repair and retention of housing in the private sector, balancing this with the most cost effective, in terms of the use of public funds, means of doing so.
- 2.2 It is proposed that the Council's role, primarily, would be in facilitating and supporting property owners in the maintenance and repair of their own property, rather than carrying out those repairs in default and recovering the costs. The service of statutory notices would continue where merited or as required by legislation.
- 2.3 It is current practice, where there is dispute amongst owners, for officers to convene meetings of all owners at a very early stage, highlighting the maintenance/repair issues in their properties, seeking to establish and encourage collaborative working between the owners, emphasising the owner's responsibilities and the practical and financial benefits of such working to maintain their property.
- 2.4 Whilst this approach will continue, the opportunity will now be taken to advise owners of the legal implications if they fail to act. These can include the service of statutory notices, the use of fixed penalty fines and referral to the Procurator Fiscal in extreme cases. It will also be made clear that the Council will not now be carrying out default work, other than in exceptional circumstances.
- 2.5 It is hoped that this new approach will encourage owners/co-owners to maintain their properties and ensure a greater degree of co-operation between co-owners in multi owned property (e.g. tenement property) and reduce the burden on public funds in carrying out works in default.

## 3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Committee approve the proposal to withdraw from carrying out repair works to private property in default of statutory notices, except where there is a statutory duty on the Council to do so, or otherwise in exceptional circumstances, as outlined in section 5 below.

## **4.0 BACKGROUND**

- 4.1 Currently the Council will carry out the necessary works to repair housing where the owners have not complied with a Statutory Notice. However, due to the escalating cost of repairs to the Council and the increasingly uncooperative approach taken by some owners, it has become necessary to review this practice.
- 4.2 Safer and Inclusive Communities have undertaken a review so as to establish the most effective way to progress the Council's objectives regarding the condition of property in the Council's area.
- 4.3 The main concerns about the disrepair of private sector housing stock in Inverclyde relate mainly to older tenements or flatted property in common ownership. Co-owners require to agree to carry out routine maintenance and common repairs. Failure to undertake these repairs is a major factor in the deterioration of privately owned properties, particularly where major common elements such as roof structures and coverings, and external stonework and drainage are well beyond their useful lifespan.
- 4.4 In recent times there have been changes to legislation and policy to encourage responsible homeownership so that owners fully accept the burden of maintaining and repairing their properties. The Council has a statutory duty to ensure that houses in the private sector are fit for human habitation and are in reasonable condition given their age, type and location. The main purpose of this duty is to retain an adequate supply of appropriate housing in the area.

## **5.0 PROPOSALS**

- 5.1 Officers of Safer and Inclusive Communities will ensure that owners/co-owners are fully informed of their responsibility for the repair of their property and will provide support to assist them in doing so.
- 5.2 Guidance, including information on the Scheme of Assistance, will be provided to the owner/co-owners of properties in disrepair in relation to how to organise necessary repairs efficiently and effectively, including creating maintenance accounts. The Service will offer to host co-owners' meetings. Assistance in identifying and contacting other owners, recording meetings and facilitating communications will also be provided.
- 5.3 Advice will be available for co-owners on all aspects of organising repairs such as signposting towards independent financial advice, technical advice, legal guidance and procurement.
- 5.4 Statutory Notices will be served where necessary depending on the extent and nature of the disrepair. However, default works will only be carried out in exceptional circumstances, particularly where the condition of the property adversely affects the health of the occupiers. Closing or demolition orders will be served where circumstances warrant them and where the accommodation is uninhabitable. In less extreme cases, fixed penalty notices will be issued and referrals made to the Procurator Fiscal where a Statutory Nuisance requiring repairs has not been complied with. Emergency works will continue to be carried out by the Local Authority where circumstances warrant it.
- 5.5 In co-owner managed repair schemes, where a minority of owners are unwilling to co-operate or have abandoned their homes, the Council's powers to pay a missing share into the co-owner's maintenance account will be considered as a last resort. The Service has been developing a protocol and procedure in consultation with Legal & Property Services for this.

## **6.0 IMPLICATIONS**

### **6.1 Financial Implications:**

None.

### **6.2 Human Resources:**

None.

### **6.3 Legal:**

None.

### **6.4 Equalities:**

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

### **6.5 Repopulation:**

The proposal is aimed at improving the private sector housing stock which will positively impact on repopulation.

## **7.0 CONSULTIONS**

7.1 Legal and Property Services have been consulted on this proposal.

## **8.0 BACKGROUND PAPERS**

8.1 None.