

PERTH AND KINROSS COUNCIL**Housing and Health Committee****24 August 2016****Revised Scheme of Assistance for Private Sector Housing****Report by Director (Housing and Social Work)****PURPOSE OF REPORT**

This report seeks approval for a revised Scheme of Assistance, which supports people in the private sector and is a requirement for the Council under the Housing (Scotland) Act 2006.

1. BACKGROUND/MAIN ISSUES

- 1.1 The Housing (Scotland) Act 2006 was fully introduced in 2010 and changed the type of help local authorities could provide to private sector owners. Included in this was a move away from providing Improvement and Repair Grants to offering help, advice and practical assistance for people wanting or needing to carry out work to their own home. The types of assistance that may be available are information, advice, practical assistance and financial assistance.
- 1.2 A grant can still be awarded however, if a property requires to be adapted to meet the requirements of an occupier who has specific medical needs, provided it is supported by an Occupational Therapist's recommendation and will meet that person's needs.
- 1.3 To enable people to understand what help would be available, the Housing (Scotland) Act 2006 introduced a requirement for local authorities to set out the different forms of assistance available in relation to repairs, maintenance, improvements and adaptations for private housing in the form of a statement of circumstances known as the "Scheme of Assistance".
- 1.4 The Council's existing Scheme of Assistance was approved by the Council in 2010 and has now been revised and updated to reflect changes in legislation and current priorities.

2. PROPOSALS

- 2.1 The primary legislation has not substantially changed, so the focus of the Council's Scheme of Assistance remains the same. However, it has been updated to reflect amendments in associated legislation as well as local initiatives and priorities. An example of this is the Council's Empty Homes' Initiative which is now specifically mentioned in the Scheme.

2.2 The resources are available to support the activities outlined in the Scheme of Assistance are limited, so need to be targeted to make sure assistance is available to those in the greatest need and make sure local and national strategic objectives are met. Assistance may be prioritised by the nature of the work and/or by area.

2.3 The priority works for assistance are:-

- Essential adaptations for people with disabilities
- Work to properties that are below the Tolerable Standard (BTS) or are at risk of becoming BTS, and other properties with serious disrepair. Work to common parts, particularly in tenement properties, will be given priority over works to single dwellings
- Work to bring long-term empty properties back into use as affordable housing

2.4 Other priority areas for assistance that may apply include:-

- Areas designated as 'Housing Renewal Areas'
- Areas subject to other focussed regeneration activity
- Other priority areas that may be identified from time to time

2.5 A copy of the proposed amendments to the Scheme of Assistance was circulated around Council services earlier in the year and the comments and suggestions received were included as part of the revised Scheme which is attached to this report as Appendix 1 for approval.

3. CONCLUSION AND RECOMMENDATIONS

3.1 The aim of the Council's Scheme of Assistance is to set out the different forms of assistance that may be provided in relation to repairs, maintenance, improvements and adaptations to privately owned and private rented properties.

3.2 Committee is asked to:-

- (i) Approve the revised Scheme of Assistance as detailed in Appendix 1 of this report.
- (ii) Delegate authority to the Director to amend the Scheme of Assistance to reflect any changes to the Care and Repair Service following the tendering exercise currently being carried out (estimated around Autumn 2016)

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Approved

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Bill Atkinson	Director (Housing and Social Work)	10 August 2016

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	Yes
Workforce	No
Asset Management (land, property, IST)	No
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	No
Sustainability (community, economic, environmental)	Yes
Legal and Governance	Yes
Risk	Yes
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan/Single Outcome Agreement/Local Outcomes

The following objectives of the community plan and SOA are relevant to this report:-

- (i) Giving every child the best start in life
- (ii) Developing educated, responsible and informed citizens
- (iii) Promoting a prosperous, inclusive and sustainable economy
- (iv) Supporting people to lead independent, healthy and active lives
- (v) Creating a safe and sustainable place for future generations

Corporate Plan

1.2 As above

2. Resource Implications

Financial

2.1 The financial resources required to deliver the proposals of this report were approved by the Housing and Health Committee on 27 January 2016 (Report 16/28).

Workforce

2.2 N/A

Asset Management (land, property, IT)

2.3 N/A

3. Assessments

Equality Impact Assessment

3.1 This paper has been considered under the Corporate Equalities Impact Assessment process (Equal) with the following outcome:-

- (i) Assessed as **relevant** and the following positive outcomes expected following implementation:
 - Older and disabled people with more complex needs will have these met by the assistance available through the Scheme of Assistance.

Strategic Environmental Assessment

3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. However, no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

3.3 These proposals meet the following sustainability criteria:-

- Energy conservation through improved insulation measures
- Re-use of existing resources
- Where possible using materials from sustainable sources

Legal and Governance

3.4 As the proposals contain no fundamental changes from the previous Scheme of Assistance there is no requirement for the Head of Legal and Governance to be consulted.

Risk

3.5 A risk profile has been developed covering the Scheme of Assistance.

4. Consultation

Internal

- 4.1 **Housing and Community Care** – Private Sector Housing, Improvements and Repairs, Occupational Therapy, Planning and Policy; Housing and Strategic Commissioning teams were all consulted and involved in the development of the Scheme.

The Environmental Service – Environmental Health; Building Standards and Empty Homes Initiatives were all consulted and involved in the development of the Scheme.

External

- 4.2 Strathearn Care and Repair and Caledonia Care and Repair were consulted and informed the development of the revised Scheme of Assistance.

5. Communication

- 5.1 The revised Scheme of Assistance will be published on the Council's website and implemented with partner organisations and TES. A detailed Communication Plan will also be agreed with the new Care and Repair provider.

6. Background Papers

None

7. Appendices

Appendix One – Scheme of Assistance, August 2016



PERTH AND KINROSS
SCHEME OF ASSISTANCE
AUGUST 2016

Revised Scheme of Assistance
Summary of Report 24 August 2016
Housing and Health Committee

Status	Existing Policy.
Scope	Private sector home owners and private sector landlords/tenants in Perth and Kinross.
Reason for Amendments	A review of the Council's previous Scheme of Assistance showed that in some areas it was out of date. Therefore it has been updated to provide current information and advice and revised to account for increases in costs since 2010.
Key Points and Amendments	<ul style="list-style-type: none"> • Inclusion of information and advice on all aspects of Empty Homes including Empty Homes Initiative (EHI) grants and the Empty Homes Loans Scheme. (Pg. 11, Section 9) • The introduction of cost limits for certain Adaptation Grants where the owner wants to carry out works beyond the assessed need. For example, if an owner wants to extend their existing property rather than provide a stairlift. As extensions are normally not eligible for grant under the Scheme an allowance equalling the cost of providing a stairlift would be awarded as the Council's contribution, thus fulfilling our mandatory obligation to provide financial assistance towards the necessary adaptation. (Pgs. 7 & 8, Sections 5.10 to 5.13) • Advice regarding the recent introduction of Universal Credit and how it affects Adaptation Grant awards. (Para 5.18) • Revised criteria for Small Repairs with new income thresholds for eligibility and an increase in the level of assistance which can be given. (Para 6.4 to 6.6, pg10). • Additional references to the Tenements (Scotland) Act 2004 and the Building (Scotland) Act 2003 to strengthen the actions currently being undertaken by TES for Works Notices, Maintenance Orders and defective Building Notices. (Sections 7, 8 & 11) • Additional information on Energy Efficiency Schemes to tackle fuel poverty and where that help and advice can be accessed. (Pgs. 12 & 13, Sections 10.1 to 10.5) • The Scheme of Assistance also now includes a section at the end which provides the names, addresses, telephone numbers and, where available, the web and e-mail contact details of all our partner organisations and relevant Scottish Government contacts. (Appendix A, Pgs. 17 & 18)
Next Steps	Implementation in August 2016.

PRIVATE SECTOR HOUSING : SECTION 72 STATEMENT

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1 - PURPOSE OF THIS STATEMENT

- 1.1 This statement of assistance has been produced in accordance with the terms of the Housing (Scotland) Act 2006. It sets out the different forms of assistance that Perth and Kinross Council may provide in relation to repairs, maintenance, improvements and adaptations to privately owned and private rented properties. This statement of circumstances is known as the 'Scheme of Assistance'.
- 1.2 The forms of assistance that may be available are information, advice, practical assistance and financial assistance. This statement also outlines the circumstances in which the different forms of assistance may be made available.
- 1.3 This statement of assistance will be reviewed annually and in line with the cyclical reviews of the Local Housing Strategy (LHS). This review was undertaken in early 2016.

2 - VISION AND STRATEGY

- 2.1 Perth and Kinross Council is committed to ensuring that Perth and Kinross should be a vibrant, successful place where people can enjoy a safe, secure and healthy environment where they are nurtured and supported as individuals and communities.
- 2.2 The Scheme of Assistance is an integral element of the Perth and Kinross Local Housing Strategy (LHS). As such, it contributes towards the main priority themes which are outlined in the LHS which are;
 - Supply of Housing and Place-Making.
 - Neighbourhood Services and Homelessness.
 - Specialist Provision and Independent Living.
 - House Condition, Fuel Poverty and Climate Change.
- 2.3 Using the powers granted to local authorities in terms of the Housing (Scotland) Act 2006, Perth and Kinross Council will;
 - Provide practical and financial assistance to enable older and disabled people in private sector housing to live independently.
 - Facilitate and encourage the repair and improvement of private sector housing.
 - Actively promote a culture of responsibility in relation to private sector property maintenance.
 - Work in partnership with owners of empty properties, providing practical and financial assistance where appropriate, in order to bring properties back into use as affordable housing.

3 - PRIORITIES FOR ASSISTANCE

- 3.1 The resources that are available to support the activities outlined in the Scheme of Assistance are limited. It is necessary therefore to target those resources to ensure that assistance is available to those in the greatest need and also to ensure that local and national strategic objectives are met. Assistance may be prioritised by the nature of the work and/or by area.
- 3.2 The priority works for assistance are;
- Essential adaptations for people with disabilities.
 - Works to properties that are below the Tolerable Standard (BTS) or are at risk of becoming BTS, and other properties with serious disrepair. Works to common parts, particularly in tenement properties, will be given priority over works to single dwellings.
 - Works to bring long-term empty properties back into use as affordable housing.
- 3.3 Other priority areas for assistance that may apply are;
- Areas that have been designated as 'Housing Renewal Areas'.
 - Areas that are the subject of other focussed regeneration activity.
 - Other priority areas that may be identified from time to time.

4 - SUMMARY OF ASSISTANCE AVAILABLE

- 4.0 One of the principles of the Housing (Scotland) Act 2006 is that the responsibility for the repair, maintenance and improvement of houses lies with the owner. In most cases therefore, the Council or a partner organisation will simply provide information and advice to enable the owner(s) to do the work themselves.
- 4.1 In some cases involving priority area of work, the Council or a partner organisation may provide practical assistance where information and advice alone would not be sufficient.
- 4.2 Financial assistance in the form of grants will be limited to areas of work where the Council has a statutory duty to provide such assistance or which are directly linked to the achievement of strategic objectives.

Information and Advice

- 4.3 General information covering the main issues associated with the maintenance, repair and improvement of residential property will be provided in a variety of printed and internet-based formats.
- 4.4 The Council and partner organisations will provide general advice on relevant issues upon request. It may not be possible to provide specialist, technical advice and the Council will not provide financial or legal advice under any circumstances.
- 4.5 When providing information and advice the Council will not make any recommendations with regard specific contractors or other private sector companies. However, owners who are looking for a suitable contractor to carry

out improvement or repair works may find it helpful to refer to the Council's trusted trader scheme - The "Better Business Partnership". Details of this scheme can be found on the Council's website via the links shown at the end of this document.

- 4.6 In cases where there are multiple owners of a building then the Tenements (Scotland) Act 2004 applies. The Act provides a structure for the maintenance and management of tenements if this is not provided for in the owners' title deeds. A link to the Act is provided at the end of this document in Appendix One.
- 4.7 Perth and Kinross Council is committed to equal opportunities and as such, written information will be available in a number of accessible formats including Braille, large-print, audio CD and translated into various community languages as required.

Practical Assistance

- 4.8 Practical assistance involves the Council or a partner organisation becoming involved in the repair or maintenance process on behalf of the owner or owners. This could include identifying the nature of the problem, perhaps by undertaking a survey, or by recommending a solution, designing a programme of works and in specific instances (e.g. discretionary default action following expiry of enforcement action), appointing and managing a suitable contractor to carry out the works.
- 4.9 For people with a disability or for older people (over 60), this service will be provided through the Care & Repair Service. For property owners who do not fall into these categories, the provision of practical assistance will normally be limited to situations where a Work Notice, Maintenance Order or Defective Building Notice has been implemented.
- 4.10 In order to avert the need for such enforcement action, the Council may also assist with the co-ordination of owners' meetings where there are common repair issues. By facilitating and attending such meetings, Council Officers will aim to provide property owners with the information and advice they need to enable them to arrange and oversee the required works themselves.
- 4.11 For owners of empty homes, the Council may offer practical assistance to assist the owner to bring the property back into use. This assistance may be limited to properties that meet priority criteria as detailed in section 9 of this document.

Financial Assistance

- 4.12 Perth and Kinross Council will provide grants for adaptations for people with disabilities provided the works are supported by a referral from an Occupational Therapist. The terms and conditions under which disabled adaptation grants are available are detailed later in this statement.
- 4.13 Subject to the availability of funding, the Council will provide grants for certain works to bring empty homes back into use as affordable housing. The terms and conditions under which empty homes grants are available are detailed later in Section 9 of this statement.
- 4.14 In general terms, grants will not be available for any other purpose. If requested however, the Council may provide information on options for financing repairs,

maintenance and improvements. The Council will not provide financial advice under any circumstances but may signpost property owners to places where this kind of advice can be obtained.

- 4.15 Where a common repair scheme is stalling as a result of either an absent owner or as a result of an owner who is unwilling to contribute towards the cost of the works, the Council, which has a discretionary power whether to fund the missing share(s), may be formally requested by any of the willing owners to contribute such share(s) to the repair scheme to enable the works to go ahead. This action will be subject to budget availability, the importance of the building to the local area, the status of the works, to there being a majority of owners who want to proceed and who have funding in place together with other mandatory requirements being met. Where the Council takes such action, a Repayment Charge will be recorded against the title deeds of each property when the share has been paid including recovery of related expenses and costs.
- 4.16 Perth and Kinross Council will not provide loans for the repair, maintenance or improvement of privately owned, occupied properties.
- 4.17 However where a property has been empty for at least six months and funding is available, a discretionary award from the Empty Homes Loan Fund may be considered.

5 - WORK TO MEET THE NEEDS OF PEOPLE WITH A DISABILITY

- 5.0 Perth and Kinross Council has a duty to provide certain services to people with disabilities. Wherever possible, the Council will try to find a way of meeting the person's needs that allows them to continue living independently in their own home. This may involve installing equipment or carrying out a structural adaptation to the property.

Assessment & Prioritisation

- 5.1 The initial assessment of a disabled person's need will be undertaken by the Occupational Therapy service located within the Council's Housing & Community Care Service. This assessment will determine the needs of the disabled person and their eligibility for assistance in terms of clearly defined, local Community Care priorities.
- 5.2 The Council needs to ensure that the limited resources available are targeted towards those who are most in need. In order to achieve this, a priority system is in place. Priority will be given to people who are assessed as being within one or more of the following categories:
- Unable to be discharged from hospital because their home is unsuitable.
 - Adaptation is needed to prevent admission to hospital or residential care.
 - At risk when carrying out essential activities of daily living.
 - Terminal illness.
 - Unable to meet personal care needs.
- 5.3 Where a priority for assistance has been identified, the assessing worker will recommend a course of action that is designed to meet the person's assessed need and promote independence where possible.

- 5.4 In cases identified as priority and where structural adaptations are required as the best way of meeting an eligible, assessed need, the assessing worker will make a referral to the Care & Repair project. When considering the adaptation work required the assessor will take into account the evolving needs of the person over the medium and long term, thereby avoiding the need for subsequent adaptations or unnecessary future disruption to the individual.
- 5.5 Upon receipt of a referral, Care & Repair staff will determine the most appropriate way to get the recommended adaptations carried out. Most structural adaptations that are essential to meet the needs of a person with disabilities will be eligible for grant assistance.
- 5.6 The Housing (Scotland) Act 2006 defines adaptations in this context as structural work that involves making permanent changes to the property, but excluding work to extend any structure to create additional living accommodation and work to create living accommodation in a separate building to the current living accommodation. This definition includes work associated with the provision of, or the provision of access to standard amenities.
- 5.7 Some examples of common adaptations that attract grant funding are listed below;
- Provision of ramped access.
 - Installation of a stair-lift.
 - Installation of a level access or wet-floor shower.
 - Widening doors for wheelchair access.
 - Lowering of worktops, power-points, light switches etc.
- 5.8 Perth and Kinross Council will not provide grant funding for work which involves extending the original structure of the building or converting a separate building to create additional living accommodation. In cases where this type of adaptation is identified as the only feasible option by the assessing worker, the case will be referred to Care & Repair who will advise on other options for funding the work.
- 5.9 If conversion of space that is part of the existing structure of the main dwelling, such as an integral garage, is the only feasible way of making the required provision then this may be eligible for grant funding.
- 5.10 If the proposed extension to the original structure of the building includes the provision of standard amenities and this is the only feasible way of making such provision, grant funding will be available for this element of the work, subject to a standard cost limit of £3,500 towards bathroom standard amenities.
- 5.11 If the assessed needs involve a kitchen which is incapable of being adapted then a cost limit allowance of £4,000 will apply.

Cases involving works beyond the assessed need

- 5.12 Where an applicant wishes to carry out works beyond the scope of assessed need then the Council may determine the amount of grant assistance to be at the equivalent level for the works assessed as necessary. For example, if a person's assessed need indicates that a stair lift is required but the applicant wishes to provide an extension as an alternative solution, then the amount of eligible grant will be based upon the cost of fitting a stair lift. This fulfils the mandatory duty of the Council to provide assistance, whilst at the same time allowing the applicant the flexibility to carry out the actual works that they desire. However any shortfall in funding between the actual cost of works and the amount of assessed award will be entirely the owner's responsibility and no additional financial assistance will be forthcoming from the Council.
- 5.13 It is strongly recommended that where an applicant wishes to carry out work beyond the assessed level of need that they seek advice from the Council on the likely levels of financial assistance which will may be available before making any financial commitments towards the work. In these circumstances, if costs are incurred without prior consultation with the Council, then the applicant will not be able to claim any resultant abortive costs which might arise.

Minimum Percentage Grants

- 5.14 The minimum percentage grants that are available for work to meet the needs of people with disabilities have been set by Scottish Ministers as part of the Housing (Scotland) Act 2006.
- 5.15 All applicants for grants who have been assessed as a priority for assistance, as previously outlined in clauses 5.2 to 5.11 above, will be entitled to a grant that is equivalent to 80% of the total cost of the eligible works. Those applicants who are in receipt of one or more of the following income replacement benefits will be entitled to a grant that is equivalent to 100% of the total cost of the eligible works:
- Income Support.
 - Income Based Jobseeker's Allowance.
 - Pension Credit (Guarantee Element).
 - Income Related Employment and Support Allowance.
- 5.16 The entitlement to 100% grant applies where any of the following persons is in receipt of one of the benefits listed above:
- The applicant.
 - The applicant's spouse or civil partner.
 - Any person who the applicant is dependent on or who is dependent on the applicant.
- 5.17 Where an applicant is only entitled to 80% grant, Care & Repair will advise the applicant on options for funding the remaining 20% of the cost.

- 5.18 The introduction of Universal Credit will result in the qualifying benefits shown above being abolished. Recent guidance from the Scottish Government stated “that where an applicant is in receipt of Universal Credit the award should be made at 100% level”.

Assistance for Private Tenants

- 5.19 Private landlords have a duty to take reasonable steps to help tenants with a disability. This could involve undertaking small adaptations or installing equipment. Private landlords have a duty to make reasonable adjustments in terms of the Disability Discrimination Act 1995. These adjustments include such items as furniture and equipment, signs or notices, taps, door handles, door-bell or door entry systems and changes to the colour of surfaces.
- 5.20 There is no duty to make adjustments in the form of structural adaptations as the provisions of the Disability Discrimination Act 1995 do not include adjustments to physical features. However, Section 52 of the Housing (Scotland) Act 2006 prohibits private landlords from unreasonably withholding consent where a tenant seeks permission to carry out essential structural adaptation work.
- 5.21 In these circumstances, the landlord has no obligation to contribute to the cost of the adaptation work but where the landlord has consented, the tenant can apply for a grant by following the procedure outlined previously.

Reinstatement of Adaptations

- 5.22 Where requested, information and advice will be provided to owner occupiers or private landlords in connection with the reinstatement of any property which has previously been adapted.
- 5.23 Where a private landlord has consented to adaptation work and the property subsequently becomes vacant the Council will expect, in the first instance, the landlord to seek a new tenant who will benefit from the adaptations. The Council may be able to assist in identifying such a tenant. Where this is not possible, the Council will meet the full reinstatement cost of those adaptations which may limit the letting potential of the property, but only where required to under the terms of the Housing (Scotland) Act 2006. For example, a wet-floor shower is perfectly acceptable for general use and as such, the Council would not provide financial assistance for the reinstatement of what was previously in place. On the other hand, financial assistance may be provided for the reinstatement of a standard WC in place of a non-standard WC.
- 5.24 Perth and Kinross Council will not provide grants for the reinstatement of adaptations in owner-occupied properties. The removal of, or re-instatement arising from any adaptation works, including stairlifts, are therefore the sole responsibility of the property owner.

6 - CARE AND REPAIR SERVICE

- 6.0 Care & Repair is funded by Perth and Kinross Council and provides information, advice and practical assistance to home owners and private tenants who are elderly and/or have a disability to enable them to repair, adapt or improve their homes.
- 6.1 In Perth and Kinross, there are currently two Care & Repair projects covering different areas. Perthshire Care & Repair, managed by Caledonia Housing Association, covers Perth itself, the Carse of Gowrie, Highland Perthshire and Eastern Perthshire. Strathearn & Kinross Care & Repair is managed by Hillcrest Housing Association and covers the Strathearn and Kinross areas.
- 6.2 However Care and Repair services are being tendered in 2016 and it is anticipated that from 1st October these services will be provided by a single organisation covering the whole of Perth and Kinross. This Scheme will therefore be updated following the award of the contract to the successful provider.
- 6.3 Care & Repair do not provide funding or carry out any work but they can;
- Assist with deciding what repairs or improvements are required.
 - Obtain quotations for the likely cost of the works and advise on different options for funding the works.
 - Assist with the identification of a suitable contractor to undertake the work.
 - Assist with applications for grants or loans if applicable.
 - Signpost to other relevant agencies.

Small Repairs Scheme

- 6.4 Care & Repair administer a Small Repairs Scheme which may be available to older and/or disabled home owners or tenants (provided the repair is not the responsibility of their landlord). The Small Repairs Scheme is designed to provide practical assistance to help older and/or disabled people to continue to live safely and independently in their own homes.
- 6.5 Currently the service is restricted to those on a limited income;
- a. Less than £200 per week for single people or
 - b. Less than £400 per week for a couple and
 - c. Is currently limited to one qualifying repair per financial year with the maximum available assistance of £1,000.
- 6.6 The amounts indicated in 6.5 above will be revised following the award of the contract for a single service provider for Care and Repair services later in 2016/17 and in recognition of some rising costs. Consequently the thresholds will be revised as follows:
- a. Less than £250 per week for single people or
 - b. Less than £500 per week for a couple and
 - c. Is limited to one qualifying repair per financial year with the maximum available assistance of £1,500.

7 - BELOW TOLERABLE STANDARD (BTS) HOUSES

- 7.0 Under the terms of the Housing (Scotland) Act 2006, the Council is required to outline its approach to identifying and dealing with Below Tolerable Standard (BTS) houses within the Local Housing Strategy.
- 7.1 The Act also extends the definition of the Tolerable Standard to include thermal insulation and electrical installations and redefined water closets to include some forms of waterless closet.
- 7.2 In meeting this requirement, the Council will not use its powers to make discretionary grants available to owners but will consider using its Works Notice powers to bring the dwelling up to the Tolerable and Repairing Standards.

8 - REPAIRS, IMPROVEMENTS & MAINTENANCE

- 8.0 One of the principles of the Housing (Scotland) Act 2006 is that the responsibility for the repair, maintenance and improvement of houses lies with the owner. Perth and Kinross Council will actively promote a culture of responsibility in relation to private sector property maintenance. The Council recognises however that where a property is already in disrepair, owners can face a number of barriers in terms of progressing with the required work. This is especially true where common repairs are concerned and it may be necessary for owners to drawn upon the legislation contained within the Tenement (Scotland) Act 2004.
- 8.1 The same principle with regards to responsibility for maintenance and repair of buildings also apply in terms of the Building (Scotland) Act 2003.
- 8.2 In most cases where an owner contacts the Council for assistance, the Council or partner organisation will provide information and advice aimed to enable owners to carry out the work themselves. In some cases, involving priority works or areas, the Council or a partner organisation may provide practical assistance where information and/or advice alone would not be sufficient to enable the required works to progress. The provision of such assistance is discretionary and dependent on the availability of resources.
- 8.3 The types of information, advice and assistance that may be available are previously detailed in Section 4 of this document (pages 4-6).

9 - EMPTY HOMES INITIATIVE

- 9.0 The Scottish Government is actively promoting and encouraging initiatives to bring empty properties back into use as a means of increasing housing supply.
- 9.1 Discretionary grants known as Empty Homes Initiative Grants may be available for the repair and renovation of long-term empty properties. These grants will be subject to a number of requirements and to the availability of funding. The undernoted requirements are specific to Empty Homes Initiative Grants and are in addition to the general Grant conditions which are outlined at 13.0 below;
- The property must currently be empty.

- The property must be in a priority area and be a priority type. Priority areas and types will be established by the Council and may change from time to time in line with the demand for accommodation.
- The level of grant available is based on the size of the property and, depending on the nature of the project, may be limited to a maximum of £7,500 per bedroom towards eligible works.
- The Council will determine which works are eligible for grant funding. Generally, this will be works that will contribute towards the property meeting the Repairing Standard or in the case of Houses in Multiple Occupation (HMO's), works required to meet the relevant Regulations or Licensing Conditions.
- Empty Homes Initiative grants cannot be used for or towards common repairs.
- properties that are improved using Empty Homes Initiative grants should be made available for rent through In most cases, the Council's Rent Bond Guarantee Scheme for a period of five years. However, reasonable exceptions to this condition will be considered particularly for rural properties where the landlord can demonstrate;
 - i. A demand from prospective tenants who are employed within the local economy or who have some other form of local connection
 - ii. That they will apply an Allocations Policy, Lettings Plan or otherwise ensure that the property is offered to the prospective tenant deemed to have the greatest level of housing need
- The rent must be set within the parameters of the relevant Local Housing Allowance rates for a period of five years following the completion of the work

9.2 If an owner fails to adhere to any of the Council's requirements indicated in 9.1 for an Empty Homes Initiative Grant, the owner may require to repay all or a proportion of the grant according to time that has elapsed since the grant was paid. Repayment will be on a sliding-scale as below and will apply from the date of completion of the grant award (i.e. from the date the final payment of grant was made);

- | | | |
|--------------------|---|----------------|
| • Within 12 months | – | 100% repayment |
| • 12 – 24 months | – | 80% repayment |
| • 24 – 36 months | – | 60% repayment |
| • 36 – 48 months | – | 40% repayment |
| • 48 – 60 months | – | 20% repayment |

10 - ENERGY EFFICIENCY

10.1 Improving the energy efficiency of the existing housing stock is a key national priority which is linked to actions to address fuel poverty. The 2006 Act added satisfactory thermal insulation to the Tolerable Standard, and the Scottish Government Guidance indicated that this should be interpreted as requiring the roof to be insulated. The Council will continue to work actively to identify areas and buildings which are least energy efficient and /or most at risk of fuel poverty.

Advice and Assistance and Financial Assistance

- 10.2 The Council is not a provider of funding for stand-alone energy efficiency measures and will therefore seek to direct such enquiries to appropriate, alternative sources.
- 10.3 SCARF (Save Cash And Reduce Fuel) provides free, independent and impartial energy advice to households and businesses throughout Perth and Kinross drawing on government funding and a variety of other sources including funding from suppliers.
- 10.4 Home owners who are only seeking to improve their energy efficiency will therefore be advised to contact SCARF in the first instance and their contact details are shown in Appendix A (Page 18).
- 10.5 Empty property owners applying for assistance under the Empty Homes Initiative will be encouraged to improve the energy efficiency of their property as part of the upgrading works. Owners will be required to demonstrate an improvement in the Energy Performance Certificate for their property before the grant is paid.

11 - ENFORCEMENT ACTION

- 11.0 The Housing (Scotland) Act 2006 and the Building (Scotland) Act 2003 include various statutory powers that the Council may use where it is apparent that an owner or owners are failing to maintain or repair their properties.

Maintenance Orders

- 11.1 Section 42 of the Housing (Scotland) Act 2006 gives local authorities the power in certain circumstances to serve a Maintenance Order on the owner of a residential property. A Maintenance Order requires the owner to develop a Maintenance Plan for the property covering a period of up to five years. If the owner fails to develop a satisfactory Maintenance Plan, the Council has the power to produce a Plan which the owner will be required to implement. Should the owner fail to carry out the work required by the plan, the Council has the power to undertake the work and recover the cost of doing so from the relevant owners.
- 11.2 It is proposed that the Council may issue a Maintenance Order;
- Where the Council has previously provided grants to assist with the repair of a property and it is subsequently discovered that the benefit of that repair is being lost as a result of a lack of maintenance. In this situation, owners will be given the opportunity to agree a voluntary Maintenance Plan prior to a Maintenance Order being served.
 - Where the Council becomes aware of serious problems that are the result of a lack of maintenance of common parts of a particular property. This will be subject to the availability of resources.
 - In response to requests from a majority of owners with shared common repair obligations or in response to a request from a property factor or manager representing such owners. This will be subject to the availability of resources.

- Where lack of maintenance to a non-flatted property is causing damage to an adjoining property. This will be subject to the availability of resources.

Work Notices

- 11.3 Section 30 of the Housing (Scotland) Act 2006 gives local authorities the power to serve a Work Notice on the owner of a house that is sub-standard. The Council may issue Work Notices or, in the case of the Building (Scotland) Act 2003 Defective or Dangerous Building Notices, on individual or multiple properties where serious disrepair is adversely affecting the occupation of a property or the amenity of an area.
- 11.4 Influencing factors will include whether the disrepair is likely to lead to a rapid deterioration in the fabric of the building and there is a risk to the safety and health of occupants, members of the public or other properties/premises.
- 11.5 In all cases where a Work Notice is served, the Council will provide the owner(s) with information, advice and assistance as detailed in section 4 of this document. Grants will not be available but the Council may be able to direct owners to other sources of financial assistance.
- 11.6 A Work Notice or Defective Building Notice will specify the work that is required and the timescales within which the owner(s) must completed the specified work. The time allowed to comply with the Work Notice will be at the discretion of the Council and will be dependent on the extent of the works. An appeal can be lodged with the Sheriff Court up to 21 days from the serving of the Notice.
- 11.7 If owners fail to make reasonable efforts to comply with either a Work or Defective Building Notice, the Council may elect to use its discretionary powers to undertake the works and recover the full cost from the owner(s). These costs will include administrative costs and professional fees. The recovery of such costs may, in the case of a Works Notice, involve the use of Repayment Charges (see below) or in the case of a Defective Building Notice, a Charging Order.

Housing Renewal Areas

- 11.8 The Housing (Scotland) Act 2006 contains powers to designate Housing Renewal Areas. These powers are designed to allow local authorities to deal with poor quality housing on an area basis.
- 11.9 Perth and Kinross Council does not currently plan to designate any Housing Renewal Areas as this does not appear to offer any benefit to meeting local circumstances at present. This situation will however be kept under review and the Council may choose to use these powers in the future if a situation arises that could be addressed most effectively through the designation of a Housing Renewal Area.
- 11.10 The Council may prioritise the use of resources, the provision of advice, support and practical assistance and the use of the available enforcement powers on an area basis.

Repayment Charges

- 11.11 In certain circumstances, the Council has the power to use Repayment Charges or Charging Orders to secure the recovery of costs associated with carrying out

work. If an owner fails to pay an amount due, the Repayment Charge or Charging Order is registered against the property with the Land Registry and remains in place until it is paid off. A Repayment Charge specifies that the amount should be paid in 30 equal annual instalments whilst a Charging Order gives discretion to set the number of annual instalments from 5 to 30. An owner may choose to pay off an outstanding balance at any time and, if the property is sold, the amount due will automatically be deducted from the proceeds of the sale.

- 11.12 Repayment Charges and Charging Orders will only be used by the Council where it has undertaken work using its powers under Sections 30 or 42 of the Housing (Scotland) Act 2006, or Section 28 of the Building (Scotland) Act 2003 or where the Council has provided 'missing share' funding as described in section 4.15 of this document.

12 - APPEAL PROCESS

- 12.0 Where a customer is dissatisfied with any decision in relation to their eligibility for or entitlement to financial assistance, they may request a review within 14 days of the decision being issued. The request for a review should be made in writing and be addressed to The Care and Repair Co-Ordinator, Housing and Community Care, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD. A review will then be carried out by a person senior to the person who made the original decision and who wasn't involved in the original decision. The customer will be notified in writing of the decision reached following the review within 28 days of the request for a review being received by the Council.
- 12.1 If a customer remains dissatisfied following the review process as described above, they have the right to refer the matter to the Scottish Public Services Ombudsman. Contact details for the Ombudsman are listed in the 'Useful Contacts' section on page 18.

13 - GRANT CONDITIONS

- 13.0 The Housing (Scotland) Act 2006 states that where grant funding is provided, it will be subject to the following conditions which will apply for a period of **ten** years from the date on which, in the Council's opinion, the works have been completed satisfactorily;

Condition A is that the house must be used as a private dwelling; but that does not prevent the use of part of the house as a shop or office or for business, trade or professional purposes.

Condition B is that the house must not be occupied by the owner or a member of the owner's family (within the meaning of section 83 of the 1987 Act) except as that person's only or main residence.

Condition C is that the owner of the land or premises must take all practicable steps to keep it in a good state of repair.

Condition D is that the owner of the land or premises must, if required to do so by the local authority, certify that the conditions A to C are, in so far as they apply, being observed.

- 13.1 Breach of any of these conditions may result in the grant having to be repaid with interest.
- 13.2 The Council may, at any time during the period in which these conditions apply, require the owner to certify that these conditions are being observed.
- 13.3 When the grant has been paid, the Council will arrange for a Notice to that effect to be recorded in the Register of Property Deeds, the cost of which is included within the legal/administration charge that is deducted from the grant award.
- 13.4 In cases where an Empty Homes Initiative grant has been awarded the specific EHI requirements will also apply for a 5 year period and with the repayment penalty arrangements set out in Section 9.2 of this document.

14 - REVIEW OF THE SCHEME OF ASSISTANCE

- 14.1 The implementation of the Scheme of Assistance and its contribution towards meeting the Council's strategic objectives was reviewed in June 2016 and the outcomes formally reported to the Council in August 2016.
- 14.2 The Scheme of Assistance will be reviewed in line with the Local Housing Strategy review schedule and any future amendments will be published within the Council's Local Housing Strategy.

USEFUL CONTACTS/WEB LINKS

Perth and Kinross Council

<http://www.pkc.gov.uk/home>

Customer Service Centre

Tel: 01738 475000

E-mail: enquiries@pkc.gov.uk

Text: 07824 498145

Fax: 01738 475497

Advice for Private Sector Owners and Tenants

<http://www.pkc.gov.uk/article/1656/Private-Housing>

Main Housing Page

<http://www.pkc.gov.uk/housing>

Occupational Therapy

Community Care Access Team,

Perth & Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

Tel: 0345 30 111 20

E-mail: accessteam@pkc.gov.uk

<http://www.pkc.gov.uk/article/3798/Occupational-Therapy>

Caledonia Housing Association

Perthshire Care and Repair

5 South St Johns Place, Perth, PH1 5SU

Tel: 01738 474810

www.perthshirecareandrepair.org.uk

Hillcrest Housing Association

Strathearn Care and Repair

30 West High Street, Crieff, PH7 4DL

Tel: 01764 655915

Care and Repair Scotland

135 Buchanan Street, Suite 2.5, Glasgow, G1 2JA

Tel: 0141 221 9879

<http://www.careandrepairsotland.co.uk/contact.html>

Better Business Partnership

Trading Standards,

Perth & Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

Tel: 01738 476476

E-mail: TradingStandards@pkc.gov.uk

<http://www.pkc.gov.uk/bbp>

Perth and Kinross Credit Union

282 High Street, Perth, PH1 5QS

Tel: 01738 624872
E-mail: info@pkcu.org.uk
<http://www.pkcu.org.uk/>

Financial Services Authority (FSA)
25 The North Colonnade, Canary Wharf, London E14 5HS.
Tel: 0207 066 1000
E-mail: consumer.queries@fca.org.uk
<http://www.fsa.gov.uk/consumerinformation/>

Citizens Advice Bureau
7 Atholl Crescent, Perth, PH1 5NG
Tel: 01738 450580 (Helpline) & 01738 450 581 (Appointment Line)
<http://www.perthcab.org.uk/>

Scottish Government (Housing)
<http://www.scotland.gov.uk/topics/built-environment/housing/quality/16193>

Housing (Scotland) Act 2006
http://www.opsi.gov.uk/legislation/scotland/acts2006/asp_20060001_en_1

The Tenement (Scotland) Act 2004
<http://www.gov.scot/Topics/Justice/law/17975/11023>
<http://www.gov.scot/resource/doc/76169/0019425.pdf>

Landlord Accreditation Scotland Ltd
Hopetoun Gate, 8B McDonald Road, Edinburgh, EH7 4LZ
Tel: 0131 553 2211
E-mail: info@landlordaccreditationscotland.com
<http://www.landlordaccreditationscotland.com/>

SCARF (Save Cash And Reduce Fuel)
1 Cotton Street, Aberdeen, AB11 5EE
Tel: 01224 213005
E-mail: info@scarf.org.uk
<http://www.scarf.org.uk/>

Energy Saving Trust Scotland
Second Floor, Ocean Point 1, 94 Ocean Drive, Edinburgh, EH6 6JH
Tel: 0131 555 7900
<http://www.energysavingtrust.org.uk>

Scottish Public Services Ombudsman
4 Melville Street, Edinburgh, EH3 7NS
Tel: Freephone 0800 377 7330 or 0131 225 5300
E-mail via Online form www.spsso.org.uk/online-form
<http://www.spsso.org.uk/>