

PERTH AND KINROSS COUNCIL

Housing and Communities Committee

29 January 2020

Common Repairs Policy – Review and Update

Report by Head of Housing (Report No. 20/31)

The purpose of this report is to seek committee approval for the revised Common Repairs Policy.

1. BACKGROUND / MAIN ISSUES

- 1.1 Ensuring we have well maintained, secure, sustainable housing is key to providing attractive, well managed neighbourhoods that support our communities. Attractive neighbourhoods enable individual and community aspirations.
- 1.2 The Common Repairs Policy is one of three policies that provide information to customers and staff about repairs service delivery. This includes the [Responsive Repairs Policy](#) and the Rechargeable Repairs Policy. The Common Repairs Policy relates to flats in mixed-tenure properties where the council still has a vested interest. Problems often occur where owners are unsure or refuse to participate in, and pay their share of the costs of, repairs to the common parts and areas.
- 1.3 Perth and Kinross Council has 795 blocks that, through the Right to Buy Scheme, have become multi-tenure. All properties were sold with an equal share of ownership in the common parts of the block. This included an equal share of the responsibility for the repairs and maintenance of common parts i.e. roof and roof space, rhones/downpipes, external walls, door entry, stairwell etc.
- 1.4 The 795 mixed tenure blocks are split as follows:-
 - 4160 individual properties - 2,280 council owned, 1,880 private owners
 - 320 blocks council majority (1,443 properties)
 - 224 blocks council minority (341 properties)
 - 251 blocks equal share (496 properties)
- 1.5 The Common Repairs Policy was introduced and approved at Housing & Health Committee on 15 January 2015 (Report No. 15/49 refers). The policy was subsequently revised and updated and approved at committee on 4 November 2015 (Report No. 15/523 refers).
- 1.6 A common repair is where home owners live in a mixed-tenure block and are jointly responsible, with the Council, for a share of the cost of the maintenance and repair of the common areas or parts of the building. For more information on the definition of common part, please see Appendix 1.

- 1.7 The Common Repairs Policy aims to ensure that there is a clear and consistent approach to recharge home owners for common repairs when these are undertaken by the council. We need to meet current and future requirements of the law, ensure good practice through the Tenement Management Scheme and understand the rights and responsibilities of the council and homeowners. The Service User Review and Evaluation Team (SURE Team) scrutinised our procedures in relation to the Common Repairs Policy and Tenement Management Scheme (TMS), and reported their findings to the Housing Management Team on 26 November 2018.
- 1.8 The Council has the same legal obligation as other owners with regards to the management of common repairs. The responsibility is equally shared and any owner can take the lead on arranging and undertaking repairs.
- 1.9 The Tenement Management Scheme (TMS), established in terms of the Tenements (Scotland) Act 2004, is applied to carry out improvement or repair work to common parts in multi tenure blocks. It is necessary to have the agreement of a majority of the owners in a block before common repair works can go ahead.
- 1.10 TMS sets out the steps that flat owners need to follow when making decisions on maintaining and repairing common parts. This is used where the title deeds do not specify how decisions should be made, or if different owners' title deeds say conflicting things.
- 1.11 The SURE Team reviewed the Council's TMS and an improvement plan was approved by Committee in May 2019 (Report No.19/144 refers).
- 1.12 It is recognised that in exceptional circumstances, some owners may experience financial hardship. Where appropriate, the Council's Sales Ledger Team will discuss a reasonable repayment plan with each owner. The Council's debt recovery process will deal with any defaults, which include the recovery of any monies due in accordance with Scots Law.

2. PROPOSALS

- 2.1 During the summer of 2019, a Working Group, made up of staff and tenants reviewed the Common Repairs Policy to ensure that the policy continued to meet our business needs and was clear and transparent for owners.
- 2.2 The policy has been completely reworded to ensure the document is easier to understand. The new revised version is detailed in Appendix 2. The approved Policy will be easily available to all customers on the Council's website (paper copies available on request). A user friendly 'Owners Guide' is also available and currently sent to owners (Appendix 3). We will also work with colleagues, to create British Sign Language (BSL) videos for key areas of the service.

3. CONCLUSION AND RECOMMENDATIONS

3.1 This report presents a revised Common Repairs Policy aimed at ensuring the Council

- meets current and future requirements of the law and good practice in line with the Tenement Management Scheme
- explains the rights and responsibilities of the council and homeowners in mixed-tenure properties
- Provides clear information to tenants and owners on how we manage and charge for common repairs in mixed-tenure properties.

3.2 It is recommend that Committee:

- i) notes the contents of this report
- ii) approves the amendments to the Common Repairs Policy as attached in Appendix 2.

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Approved

Name	Designation	Date
Barbara Renton	Executive Director (Housing & Environment)	17 January 2020

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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	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	Yes
Legal and Governance	Yes
Risk	None
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	None

1. Strategic Implications

Community Plan/Single Outcome Agreement

- 1.1 The Perth and Kinross Community Plan/Single Outcome Agreement 2013-2023 and Perth and Kinross Council Corporate plan have five concurrent outcomes which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. The following are relevant to this report:

- promoting a prosperous, inclusive and sustainable economy.
- supporting people to lead independent, healthy and active lives.
- creating a safe and sustainable place for future generations.

Corporate Plan

- 1.2 Proposals contained in this report address the following Corporate Plan Priorities:

- promoting a prosperous, inclusive and sustainable economy
- supporting people to lead independent, healthy and active lives;and
- creating a safe and sustainable place for future generations.

2. Resource Implications

Financial

- 2.1 There are no direct financial implications regarding this report.

Workforce

- 2.2 There are no direct workforce implications regarding this report.

Asset Management (land, property, IT)

- 2.3 There are no asset management implications regarding this report.

3. Assessments

Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- (i) assessed as **relevant** and actions taken to reduce or remove the following negative impacts:
- policy to be made available in other languages and available on website or physical copy made available if requested

Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. However, no action is required as the Act does not apply to the matter presented in this report. The matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

- 3.4 These proposals meet the following sustainability criteria;
- Efficient use of resources now and in the future in the built environment and service provision (e.g. energy efficiency, land, water resources, flood defence, waste minimisation)

Legal and Governance

- 3.5 Legal and Governance has been consulted and there are no direct legal implications of this report.

Risk

- 3.6 The Housing and Environment Senior Management Team regularly review performance frameworks that highlight overall performance and improvement actions and risks.

4. Consultation

Internal

- 4.1 The Equalities Strategic Forum have been consulted on this report.

External

- 4.2 Through the Short Life Working Group customers have been consulted on the Policy.
- 4.3 The Tenant Committee Report Panel were consulted on this strategy. They advised "This policy is very clear and concise and easy to read. It was good to see the definitions at the start of the policy. As part of the working group it was worth spending the extra time on this document."

5. Communication

- 5.1 There are no direct communication issues with regard to this report.

2. BACKGROUND PAPERS

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

3. APPENDICES

- 3.1 Appendix 1 to this report is the definition of a common part.
- 3.2 Appendix 2 to this report is the Common Repairs Policy (2019).
- 3.2 Appendix 3 to this report is the Owners Guide.