

## **East Dunbartonshire Council Response to the First Report of the Housing Improvement Task Force**

The recommendations of the task force are crucial in an area such as East Dunbartonshire where 84% of housing is privately owned. This is continually increasing with the take-up of right-to-buy. The issues outlined in the report of the Task Force are particularly relevant given the circumstances in the area.

A particular issue highlighted in the report relates to common repairs. This is becoming a more important theme to consider where 4-in-a-block properties are bought through right-to-buy and are sustaining a larger market within East Dunbartonshire. An omission by the Task Force would appear to be some debate on the regulation of property management services. The role of property managers in encouraging repairs and improvements to communal areas is significant. Experience shows that they could do more to positively encourage and speed up the process of arranging for maintenance work to be undertaken. Where property managers are actually the cause of delay in this process, there should be some form of arbitration for residents. This could be a role for local authorities to consider in providing a factoring service or acting as arbiter where property managers do not provide an effective service. Perhaps this issue should be subject to debate and action by the HITF in their next stage of work.

The Scottish Executive should perhaps encourage local authorities to promote the importance associated with the maintenance and upkeep of their property, and of the severe problems and costs of disrepair if not dealt with quickly, to owner occupiers and landlords. Advice and information should be more widely available for owners to raise the awareness that the council have an expectation that owners take an interest in repairing their property.

Another issue pertinent to East Dunbartonshire is the process of buying and selling. The local market is such that 'blind bidding' in competition for properties unduly inflates house prices. This is an area which is becoming more significant as affordable housing within the private sector diminishes. The Scottish Executive should consider that while the process of 'blind bidding' appears to work, there is a danger of the market in an area such as East Dunbartonshire eventually overheating.

Given the high property values in the area, owners should be alerted to the benefits of equity release in providing funds for repairs and maintenance to their property. The Scottish Executive could consider promoting the development of equity release products for those on lower incomes.

The legal framework provides a clear distinction between the tolerable standard and disrepair which is reflected in the actions available to local authorities to deal with these issues. The statement in the summary of the key issues that "they are not flexible enough to address existing patterns of disrepair", is not generally agreed. There are a range of options available to local authorities to deal with house improvements and disrepair, some of which are quite specific in their application. However, there are others, notably Section 87 of the Civic Government (Scotland) Act 1982, which has proved to be versatile and suited to a wide range of repairs both minor and major. The legislation has limitations and actions can be problematic. However, the real detriment to their use is the lack of resources available to allow local authorities to pursue enforcement action to its conclusion.

The report acknowledges that the improvement of below tolerable standard housing has been one of the key successes of action in respect of house conditions in Scotland. This improvement occurred as a consequence of a significant investment programme particularly in the mid 1970's to late 1980's. Since then, there has been a substantial reduction in assistance to home owners and it is difficult to envisage improvements of any significance being achieved again unless further resources or incentives, either in the form of grants, equity release schemes or low cost loans are made available.

It is surprising, particularly in relation to the issue of title deeds, that the contribution of business premises in common repair schemes, typically in tenemental property, has not been discussed. There are arrangements to incorporate them into the process and to make grant available in certain circumstances. However, the allocation of costs can be such that business premises are often required to meet a disproportionate share of the cost; up to 70% in some instances. For small shops on the ground floor of a tenement, this cost can be prohibitive, has the potential to put them out of business and makes any repair or improvement scheme unviable. Perhaps it would be useful for the Task Force to discuss the title deeds issue with the business community in order to ensure as wide a debate as possible in respect of the title deeds issue.

The tolerable standard and the standards on house conditions which existed prior to 1969, have ensured that there is relatively accurate information on below tolerable standard houses. Authorities, by means of local knowledge, will also be aware of a core of properties likely to be affected by disrepair. However, it is agreed that activity relating to disrepair has been reactive rather than programmed. A detailed assessment of the repair condition of the owner occupied and private rented sector would have considerable resource implications. There was an opportunity to include serious disrepair in the revised tolerable standard and any further review arising from this exercise, should incorporate serious disrepair in the standard.

The Scottish Executive have been discussing an "aspirational standard" for housing since the White Paper "Housing : The Government's Proposal for Scotland", published in November, 1987. House conditions have changed as have societies needs and expectations. The Index of Housing Quality is supported as a means of supplementing the tolerable standard and as an additional measure of housing quality. However, increased standards whether aspirational or statutory create increased expectations and demands. Both the Index of Quality Housing and the Modern Standard as discussed, contain criteria which have recently become eligible for grant. It is important that the Task Force, in its future considerations, is mindful of the increased demands that these and other changes will place on a grant system, with expenditure falling to 40% in the past five years, that is unable to cope with existing demand.

Critical disrepair has been defined as "disrepair in either the structural fabric of the building or in those elements that impact on the wind and water tightness of the house". In addition, an element of the Modern Standard is "the extent of dampness in the house". However, in paragraph 32 it is indicated that "dampness in owner occupation is now at such a low reported level that it is difficult to analyse the data".

In paragraph 83 it is stated that "it is also possible, at least in theory, for tenants to take action through the courts to require landlords to take action to tackle "statutory nuisances" as defined under the Environmental Protection Act 1990." The Task Force should be aware that the most likely route for a tenant to take would be to pursue the action of "statutory nuisance" by way of the local authority. Local Authorities have a duty in terms of Section 79

of the Environmental Protection Act to detect and deal with statutory nuisances. Items of disrepair affecting dwelling houses, e.g. water penetration/penetrating damp, are well established statutory nuisances and many actions by authorities have been taken against landlords and owner occupiers to abate nuisances of this kind.