

## ***Housing and Commercial Operations***

***Director: Robert Russell***

***Head of Housing: Margarita Morrison MCIH***

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Date: 14<sup>th</sup> June 2002

Mr Tony Cain  
Secretary  
Housing Improvement Task Force  
Housing Division 2  
Victoria Quay  
EDINBURGH  
EH6 6QQ

Dear Mr Cain,

### **Issues on Improving Quality in Private Housing (HITF Consultation Document)**

In response to your request for comments on the above document, I am pleased to provide you with the following comments and/or observations:-

1. In summary we felt the document was a very good piece of 'factual' work, which was well supported by various other relevant publications. The document pulled together all common threads in the Private Housing Sector focusing on owner-occupation within the Private Sector and ex Local Authority stock (particularly relating to mixed tenure blocks which have common or shared repair obligations) and, the Private Rented Sector.
2. We note the section on the 'strategic approach to the use of Local Authority powers' and look forward to providing an input into the statutory and strategic planning framework for the Private Sector and, to contributing towards the production of any benchmark standards to be used for measuring improvements;
3. We would welcome the opportunity to participate in any of the planned HITF focus groups;
4. The document suggests that there is a lack of good information available to owner-occupiers about either the condition of their home or the extent of their obligations to maintain it. It also suggests that owner-occupiers particularly minority and disadvantaged groups do not know where to go for information or advice, or what financial assistance if any is available to them. In addition to this it is suggested that 'Conventional' information sources may not be adequate to reach all groups of owner-occupiers. Bearing this in mind, although the document summarising main points, it falls short of offering any real solutions as to how problems such as these can be dealt with;
5. The document indicates that the single most common feature linking houses to disrepair is age, with the second most significant factor being the presence of common or shared repair obligations. As our Council's housing stock continues to decline due to 'Right to Buy' sales, we feel that we will be faced with an ever-increasing problem to maintain block properties with a mixed tenure. The findings of our stock condition survey indicate that major investment by the Council is required in the short to long term future for undertaking essential maintenance including re-roofing; re-rendering and other major work to the fabric of properties in both Council and Council/Private ownership. This Council tries to encourage owner-occupiers within mixed tenure 4-in-a-block and tenemental properties to participate in it's investment programmes by offering owner-occupiers an incentive to participate, such as access to Private Sector Repair and Improvement Grants. However, with changing legislation in relation to Private Sector Repair or Improvement Grants in respect of 'means

testing or testing of resources' we will not be able to offer owner-occupiers within our investment programmes as much financial assistance as we can at the moment. As a result of this we envisage that there will be an increasing number of owner-occupiers who will refuse to participate in our investment programmes thereby forcing the Council to place statutory repair notices and, if agreement to fund the works is still not obtained, impose charging orders on properties. We would suggest that changes in legislation in respect to Private Sector Repair and Improvement Grants is delayed/reviewed as a result of some of the issues raised in this document. We feel that the recommended changes to legislation will cause chaos and delay and that there may be other opportunities for changing the legislation relative to Equality issues;

6. The report indicates that expenditure on Repair and Improvement Grants has fallen by over 40% in the last 5 years. We welcome the detail noted in the report that BTS properties should be given some priority, however we would go further and suggest that some 'ring-fenced' allocation of funding should be considered for BTS. This would assist in tackling issues surrounding Traditional Private Sector stock and the need to issue statutory repair notices which require mandatory grant assistance;
7. The report indicates that there are a significant number of properties which have title deeds that are poorly drafted and allow owner-occupiers to avoid or 'block' necessary repairs. This Council have major problems in this area, as title deeds differ from area to area and they also differ depending upon the year of purchase etc. In addition to this we do not have any formal factoring arrangements with our owner-occupiers which increases our time involved in communicating, administering and undertaking necessary repairs where owner-occupiers are involved, and we look forward to receiving comments from the HITF on how these issues can be dealt with and/or resolved;
8. We look forward to the HIFT sub-groups views on the Scottish Law Commission and Scottish Executive legislative proposals relative to the proposed amendments to the Tenement (Scotland) Bill.

I look forward to receiving the final version of the report and to participating in any relevant focus groups.

Yours sincerely

Fiona Campbell  
Business Manager Property Services