



1 2 3 4 5 6

## The Tolerable Standard



April 2008

# Implementing the Housing (Scotland) Act 2006: DRAFT Advisory Guidance for local authorities

Volume 4

Tolerable Standard

## THE TOLERABLE STANDARD

Audience	This volume of the guidance is mainly for: <ul style="list-style-type: none"><li>• local authority staff assessing houses against the tolerable standard;</li><li>• professional surveyors; and</li><li>• local authority housing strategy staff.</li></ul>
Purpose	This volume of the guidance is intended to: <ul style="list-style-type: none"><li>• introduce the updated tolerable standard;</li><li>• set the context of the tolerable standard within authorities' new powers;</li><li>• give practical guidance to those assessing houses against the tolerable standard; and</li><li>• improve the consistency in assessments of houses against the tolerable standard.</li></ul>

### SUMMARY

- The tolerable standard is amended by the Housing (Scotland) Act 2006.
- The 2006 Act introduces two new elements, thermal insulation and electrical installations, and confirms a previous extension of the definition of water closet to include waterless closets.
- The 2006 Act gave Scottish Ministers power to issue this guidance on the extended tolerable standard.
- Local authorities must have regard to this when making decisions on houses they assess against the tolerable standard.
- The 2006 Act introduces a new Local Housing Strategy duty for local authorities. This guidance will help local authorities identify houses that are BTS.
- This guidance offers practical advice on each element of the tolerable standard and guides you through the assessment.
- This guidance indicates when it might be necessary to seek specialist advice.

**Implementing the Housing (Scotland) Act 2006: DRAFT Advisory Guidance for  
local authorities**

**Volume 4**

**Tolerable Standard**

**CONSULTATION**

We welcome views on all aspects of this volume but in particular would welcome your answers to the following questions:

Q1. We have developed the draft guidance in a way that encourages consistency but retains the scope for flexibility and professional judgement. Do you agree that the balance is right?

Q2. The chapters on electrical installations and thermal insulation reflect new provisions and as such there is no body of experience in working with them. Do you think that the approach we have set out is useful? If not, what parts should we change and what would you suggest?

Q3. Assessing the severity of rising and penetrating damp can be difficult. Do you agree with our proposed approach for assessing houses against the rising and penetrating damp element? If not, what would be a more useful framework?

Q4. Do you think the level of detail we give in the draft guidance is appropriate? Are there areas that you would find more detail helpful?

Q5. Is the pitch and tone of the draft guidance appropriate for the audience we are aiming at? If not, how could we improve this?

**Implementing the Housing (Scotland) Act 2006: DRAFT Advisory Guidance for  
local authorities**

**Volume 4**

**Tolerable Standard**

**CONTENTS**

	<b>Page</b>
<b>Chapter 1 Introduction</b>	<b>1</b>
<b>Chapter 2 Tolerable standard: origin, duty and powers</b>	<b>4</b>
<b>Chapter 3 Assessing whether a house meets the tolerable standard</b>	<b>10</b>
<b>Chapter 4 Structural stability</b>	<b>13</b>
<b>Chapter 5 Rising damp and penetrating damp</b>	<b>21</b>
<b>Chapter 6 Lighting, ventilation and heating</b>	<b>30</b>
<b>Chapter 7 Thermal insulation</b>	<b>35</b>
<b>Chapter 8 Wholesome water</b>	<b>44</b>
<b>Chapter 9 Sink with hot and cold water</b>	<b>54</b>
<b>Chapter 10 Water or waterless closet</b>	<b>57</b>
<b>Chapter 11 Bath or shower and wash-hand basin with hot and cold water</b>	<b>61</b>
<b>Chapter 12 Facilities for cooking food</b>	<b>65</b>
<b>Chapter 13 Foul and surface water drainage</b>	<b>68</b>
<b>Chapter 14 Electrical installations</b>	<b>73</b>
<b>Chapter 15 Access to external doors and outbuildings</b>	<b>79</b>
<b>Annex A Tolerable Standard Expert Group members</b>	<b>85</b>
<b>Annex B Thermal insulation policy position</b>	<b>86</b>

# Implementing the Housing (Scotland) Act 2006: DRAFT Advisory Guidance for local authorities

Volume 4

Tolerable Standard

## Chapter 1 Introduction

### **Who is this guidance for?**

- 1.1. The main audience for this guidance is the range of professionals who work closely with the tolerable standard. This includes:
  - staff who assess whether individual houses meet the tolerable standard - such as local authority environmental health officers, building standards staff and private sector housing officers, as well as technical staff from registered social landlords (RSLs);
  - professionals who carry out local or national house condition surveys - such as the Scottish House Condition Survey team, local authority staff and consultants; and
  - local authority housing strategy staff who are involved in developing local housing strategies and broader housing policy
- 1.2. The guidance will also be of interest to a wider readership, including local authority staff who deal with environmental and corporate issues, advice agencies, homeowners and tenants.

### **Purpose of the guidance**

- 1.3. The purpose of this guidance is to provide practical advice to housing staff and other professionals who work with the tolerable standard. This is the first formal guidance that government has ever produced on the tolerable standard.
- 1.4. The Housing Improvement Task Force (HITF) highlighted that there is scope for variation in the interpretation of the tolerable standard. It also noted difficulties in producing accurate estimates in the number of houses that fall below the tolerable standard (“BTS” houses). It recommended that there should be guidance to address these points. Our own research has shown that local authorities are keen to have access to guidance that helps them work with the tolerable standard<sup>1</sup>.
- 1.5. The Housing (Scotland) Act 2006 (“the 2006 Act”) introduced changes to the tolerable standard. This guidance covers the entire tolerable standard, not just the new provisions.

---

<sup>1</sup>Implementation of the 2006 Housing (Scotland) Act: Skills & Resource Audit for Local Authorities, Arneil Johnston, July 2007. Available at [http://www.communitiesscotland.gov.uk/stellent/groups/public/documents/webpages/otcs\\_019773.pdf](http://www.communitiesscotland.gov.uk/stellent/groups/public/documents/webpages/otcs_019773.pdf)

# Implementing the Housing (Scotland) Act 2006: DRAFT Advisory Guidance for local authorities

Volume 4

Tolerable Standard

## Status of this guidance

- 1.6. The 2006 Act gives Scottish Ministers the power to give guidance on the definition of houses not meeting the tolerable standard. Chapters four onwards fulfil this purpose and as such have the status of statutory guidance. This means that local authorities must have regard to these chapters when making decisions about whether houses meet the tolerable standard. But the guidance is not an authoritative statement of the law. Local authorities must satisfy themselves that they comply with the legislation, and may wish to take their own legal advice.
- 1.7. We are aware of no existing case law that is directly relevant to the tolerable standard, although there is case law that relates to the types of housing problems that the tolerable standard covers, such as dampness. The courts may rule on the interpretation of the law in particular cases. But if local authorities or others use case law as a precedent, they should take care to ensure that it is strictly relevant.
- 1.8. Chapters one to three of this guidance do not have statutory status. This means that local authorities are not legally required to have regard to these when making decisions. These parts of the guidance are advisory, and intended to assist local authorities and others to work effectively with the tolerable standard.

## How we developed this guidance

- 1.9. We set up an expert group to advise us on the guidance. The group's membership reflected the range of housing and other professional bodies that work with the tolerable standard as well as organisations with a relevant technical expertise.
- 1.10. Although this is the first formal guidance on the tolerable standard, housing staff and other professionals have a wealth of practical experience in assessing whether houses meet the standard. The guidance draws extensively on the knowledge of individuals and organisations who work in local authority enforcement roles and on national and local house condition surveys.
- 1.11. We are grateful to group members for sharing their experience and expertise with us and for their advice through the drafting process. Annex A lists the membership of the expert group.

# Implementing the Housing (Scotland) Act 2006: DRAFT Advisory Guidance for local authorities

Volume 4

Tolerable Standard

## How to use the guidance

- 1.12. Professionals from a wide range of disciplines and differing levels of technical knowledge work with the tolerable standard. The guidance covers a number of technical areas. But it does not offer in-depth technical advice on house construction or repairs and maintenance. We have written it in a style that should be accessible and understandable to people with a basic understanding of house construction and maintenance issues.
- 1.13. This guidance is not exhaustive. But it does cover many of the common situations and decisions housing staff and other professionals will face. In some cases, deciding whether a house meets the tolerable standard will be a relatively straightforward judgement that staff from a range of professional backgrounds will be comfortable with. Other situations, for example those involving judgements about structural stability or electrical installations, may require a qualified specialist to make an informed decision.
- 1.14. This guidance does not set out a prescriptive approach to working with the tolerable standard. Assessing an individual house against the tolerable standard should always be a matter of professional judgement. Similarly, a local authority's strategic decisions about how to deal with BTS houses at an area level should always reflect local circumstances and priorities. We intend this guidance to be a practical tool for housing staff and other professionals, to complement their own expertise, experience and local knowledge and help ensure consistent decision-making.

## Structure of the guidance

- 1.15. **Chapter two:**
- explains the origin of the tolerable standard and charts how it has changed over time;
  - describes local authorities' duties in relation to the tolerable standard and gives advice on how to fulfil them; and
  - summarises the current powers available to local authorities to deal with BTS houses.
- 1.16. **Chapter three:**
- explains that housing staff and other professionals use the tolerable standard for two distinct purposes;
  - highlights the relevance of the guidance for both purposes; and
  - offers tips on how to use the remaining chapters of the guidance.
- 1.17. **Chapters four** onwards set out practical advice to help in the assessment of whether houses meet the tolerable standard. Each chapter focuses on a specific element of the standard.

# Implementing the Housing (Scotland) Act 2006: DRAFT Advisory Guidance for local authorities

Volume 4

Tolerable Standard

## Chapter 2 Tolerable Standard: Origin, Duty and Powers

### Origin of the tolerable standard

- 2.1. The tolerable standard has been the principal measure of housing quality in Scotland for almost 40 years. The tolerable standard is a “condemnatory” standard. In other words, it is not reasonable to expect people to continue to live in a house that falls below it. Local authorities have a statutory duty and specific powers to deal with houses that fall below the tolerable standard (“BTS”). We explain the duty and powers in this chapter.
- 2.2. The tolerable standard originated in recommendations from the 1967 Cullingworth Committee report “Scotland’s Older Houses”. The Housing (Scotland) Act 1969 (“the 1969 Act”) introduced the tolerable standard, replacing the previous concept of houses classified as “unfit for human habitation”. The Tolerable Standard is now set out in sections 85 - 87 of the Housing (Scotland) Act 1987 (“the 1987 Act”). Both the Housing (Scotland) Act 2001 (“the 2001 Act”) and the 2006 Act introduced changes to the tolerable standard. We explain these in this chapter.
- 2.3. Housing conditions have improved significantly since the late 1960s, and the number of houses that fail to meet the tolerable standard has declined. The Scottish House Condition Survey 2002 estimated that around 20,000 houses - or only 1% of the country’s housing - failed to meet the tolerable standard. Local authorities have taken action to deal with thousands of individual BTS houses since the late 1960s. The tolerable standard has also been a catalyst for area regeneration, because local authorities have been able to take action by declaring Housing Action Areas where a majority of houses in an area fail to meet the tolerable standard.

### Housing Improvement Task Force

- 2.4. The HITF considered whether the tolerable standard remained relevant more than 30 years after its introduction. It noted that as housing conditions have improved, so have the expectations of the levels of comfort that a house should provide. It concluded that a condemnatory standard which properly targets the worst conditions is an effective and transparent method of public intervention in a largely private market.

### Definition

- 2.5. The tolerable standard consists of a set of criteria covering the elements of a house which are fundamental to its functioning as a home. The criteria address issues of public health, comfort and safety. The tolerable standard

# Implementing the Housing (Scotland) Act 2006: DRAFT Advisory Guidance for local authorities

## Volume 4

## Tolerable Standard

focuses only on the building itself, and does not extend to internal decoration, heating systems or other utilities in the house. The tolerable standard applies to houses of all tenures.

2.6. A house meets the tolerable standard if it:

- is structurally stable;
- is substantially free from rising or penetrating damp;
- has satisfactory provision for natural and artificial lighting, for ventilation and for heating;
- has satisfactory thermal insulation;
- has an adequate piped supply of wholesome water available within the house;
- has a sink provided with a satisfactory supply of both hot and cold water within the house;
- has a water closet or waterless closet available for the exclusive use of the occupants of the house and suitably located within the house;
- has a fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house;
- has an effective system for the drainage and disposal of foul and surface water;
- in the case of a house having a supply of electricity, complies with the relevant requirements in relation to the electrical installations for the purposes of that supply;
  - “the electrical installation” is the electrical wiring and associated components and fittings, but excludes equipment and appliances;
  - “the relevant requirements” are that the electrical installation is adequate and safe to use
- has satisfactory facilities for the cooking of food within the house; and
- has satisfactory access to all external doors and outbuildings.

2.7. Most of these criteria have been part of the tolerable standard since its introduction in the 1969 Act. The 2001 Act<sup>2</sup> added the bath / shower and wash-hand basin element. Waterless closets were added by administrative order in 2003. The 2006 Act<sup>3</sup> introduces the most significant change to the criteria – the addition of thermal insulation and electrical installations, and also confirms the addition of waterless closets.

2.8. To meet the tolerable standard a house must comply with *all* the criteria. In other words, the assessment is a simple “pass” or “fail”. If a house does not meet even one of the criteria, then it is BTS.

---

<sup>2</sup> s102(1)

<sup>3</sup> s11(2)

# Implementing the Housing (Scotland) Act 2006: DRAFT Advisory Guidance for local authorities

Volume 4

Tolerable Standard

## Local authority duty

### Duty to deal with BTS houses

- 2.9. The 1987 Act<sup>4</sup> places a duty on every local authority to secure that all houses in their area which do not meet the tolerable standard are closed, demolished or brought up to the tolerable standard. This duty remains in force and subsequent legislation has not altered it. The Act does not restrict the duty to any specific tenure of housing.
- 2.10. The 1987 Act<sup>5</sup> requires local authorities to act within a period that is reasonable in all the circumstances. The Act does not define “reasonable” and does not specify “all the circumstances” local authorities should consider. In determining a reasonable period, the 1987 Act<sup>6</sup> does require a local authority to have regard to the alternative housing likely to be available for anyone who may need to move from a house because of the authority’s action.
- 2.11. Local authorities have statutory powers to enable them to comply with this duty. We discuss these later in this chapter.

### New local housing strategy duty

- 2.12. The 1987 Act<sup>7</sup> required local authorities to carry out a periodic survey or inspection of their area as necessary to allow them to perform their duty in respect of BTS houses.
- 2.13. The 2006<sup>8</sup> Act repeals this duty and introduces a new strategic duty for local authorities. The new duty extends the scope of local housing strategies (LHS)<sup>9</sup>. It requires local authorities to set out in their LHS a strategy for ensuring compliance with the duty to close, demolish or improve houses which do not meet the tolerable standard<sup>10</sup>. The new BTS LHS duty is a significant change. It formalises the need for local authorities to adopt a strategic approach to dealing with BTS housing.

---

<sup>4</sup> s85(1)

<sup>5</sup> s85(1)

<sup>6</sup> s85(2)

<sup>7</sup> s85 (3)

<sup>8</sup> Schedule 7

<sup>9</sup> Section 89 of the Housing (Scotland) Act 2001 introduced a duty on local authorities to prepare a local housing strategy. The new local housing strategy provisions in the 2006 Act cover Housing Renewal Areas and the Scheme of Assistance as well as the tolerable standard.

<sup>10</sup> The new LHS duty also covers housing renewal areas and the scheme of assistance. Our guidance on these topics provides further information on the new duties.

# Implementing the Housing (Scotland) Act 2006: DRAFT Advisory Guidance for local authorities

## Volume 4

## Tolerable Standard

- 2.14. Separate detailed guidance is available to assist local authorities with their LHS duty.<sup>11</sup> We are currently updating the guidance to reflect the priorities of the new Government and changes to legislation since its original publication in 2003. The updated version of the guidance will be available in due course.
- 2.15. The 2006 Act does not specify what the strategy should contain. The content will be a matter for each local authority. But a successful strategy needs to be built around a clear understanding of the scale and nature of local housing quality problems. Our own research indicates that many local authorities do not currently have a thorough knowledge of private sector house condition<sup>12</sup>. So, establishing reliable baseline information may be an important early step in developing the strategy. We have produced separate guidance, "Gathering the Evidence", to assist local authorities to gather and manage house condition data effectively. This is relevant for staff across all the enforcement powers in the 2006 Act.
- 2.16. Local authorities will want to consider some specific issues around the scale and nature of BTS housing as they develop their LHS. These include:
- the overall level of BTS housing across the area;
  - the pattern of change over time;
  - the reasons for failure;
  - spatial issues, such as clusters of failure in particular settlements or districts;
  - the characteristics of BTS housing across tenures and house types; and
  - the social impact of BTS housing.
- 2.17. Local authorities will also need to consider a number of policy issues when drafting their LHS. Some will be specific to individual local areas. But there are also considerations that will apply to each authority; we have summarised some of these below.
- Reasonable period: authorities have a duty to take action against all BTS houses in a reasonable period. It is for each authority to decide what is reasonable in its local context and to prioritise its actions.
  - Level of BTS housing: the level of BTS housing varies significantly from authority to authority. Some authorities will need to adopt a long-term approach to taking action on existing BTS houses; others may be able to deal with all houses which are currently BTS in a relatively short time. But all authorities will need to make decisions about prioritising their actions.

---

<sup>11</sup> The guidance is web-based and will be available via the Scottish Government website at [www.scotland.gov.uk](http://www.scotland.gov.uk)

<sup>12</sup> Implementation of the 2006 Housing (Scotland) Act: Skills & Resource Audit for Local Authorities, Arneil Johnston, July 2007. Available at [http://www.communitiesscotland.gov.uk/stellent/groups/public/documents/webpages/otcs\\_019773.pdf](http://www.communitiesscotland.gov.uk/stellent/groups/public/documents/webpages/otcs_019773.pdf)

# Implementing the Housing (Scotland) Act 2006: DRAFT Advisory Guidance for local authorities

## Volume 4

## Tolerable Standard

- Policy fit: broader housing or corporate objectives may influence how authorities prioritise action to deal with BTS houses. For example, an authority may have specific initiatives aimed at dealing with problems that overlap with the tolerable standard, such as testing private water supplies. This might mean that, in the short to medium term, authorities will prioritise action on specific types of BTS failure.
- Targeting the worst conditions: authorities should prioritise their activities in a way that targets action on the worst housing conditions that have the greatest impact on occupants and the local community. It will be important to have a consistent method of recording each house that does not meet the tolerable standard. Authorities should also have a transparent and defensible approach to prioritising assistance and statutory action.
- Resources: authorities should base their strategies on a realistic assessment of the staff and funding available to support implementation.
- Co-ordinated approach: local authorities should not develop the strategies for dealing with BTS housing in isolation from the rest of the 2006 Act. The Act offers local authorities a number of routes to taking statutory action to address a range of housing quality issues. It also gives local authorities wide-ranging, flexible powers to assist owners to improve and repair their houses. It is important that authorities have a good understanding of the options open to them and the relationship between the provisions in the Act.

### Local authority powers

- 2.18. Under the 1987 Act, the failure of a house to meet the tolerable standard was a trigger that allowed a local authority to take statutory action to improve, close or demolish a house. This is the power that enables an authority to fulfil the statutory duty set out earlier in this chapter.
- 2.19. The tolerable standard remains as one of the triggers for taking statutory action to deal with poor quality housing, although the 2006 Act introduces changes to existing local authority powers. The 2006 Act widens the circumstances in which local authorities can use statutory enforcement powers to deal with poor quality housing. It also replaces the existing repair notices and improvement orders with a new 'work notice' power. In addition, it replaces the existing housing action area power to take action on an area basis with a more flexible "housing renewal area" (HRA) power.
- 2.20. If your role involves working with enforcement powers, you will want to understand the tolerable standard in the context of these changes. Our guidance on HRAs, repair, improvement and demolition provides detailed

# Implementing the Housing (Scotland) Act 2006: DRAFT Advisory Guidance for local authorities

## Volume 4

## Tolerable Standard

information on the situations where local authorities can take enforcement action. It also explains the changes from the 1987 Act powers.

- 2.21. The powers set out in the 2006 Act are not the only route available to local authorities for taking action on house condition issues. Depending on the situation, authorities may be able to use environmental health or building standards powers as an alternative to housing legislation or, for example, to achieve improvements to rented housing through private landlord registration. Authorities will want to consider, on a case by case basis, what is the most appropriate response.
- 2.22. As a general rule it is preferable that the owner should carry out necessary works on a voluntary basis rather than as a result of enforcement action. It may be that the condition of a house results from a lack of knowledge or awareness, a lack of capacity or some other barrier that prevents the owner proceeding. Local authorities' powers to give assistance are more wide-ranging and flexible than they have been in the past, and if they can be used to remove such barriers, they should. If your role includes the use of enforcement powers, you should establish strong working relationships with colleagues dealing with assistance to ensure that enforcement is not used when assistance will achieve the objective without it.

# Implementing the Housing (Scotland) Act 2006: DRAFT Advisory Guidance for local authorities

Volume 4

Tolerable Standard

## Chapter 3 Assessing Whether A House Meets The Tolerable Standard

### Introduction

- 3.1. This short chapter sets the scene for the practical advice on working with the tolerable standard which follows in chapters four onwards. It:
- highlights the two distinct circumstances in which housing staff and other professionals use the tolerable standard; and
  - explains the layout and structure of the practical advice chapters.

### Tolerable standard: tool for strategy and enforcement

- 3.2. In chapter two we described the duties and powers that flow from the tolerable standard. At a basic level, housing staff and other professionals use the tolerable standard for two distinct purposes:
- to assess whether an individual house meets the tolerable standard, usually to allow a local authority to consider whether to use its powers to close, demolish or bring the house up to the standard; and
  - to produce an estimate of the scale of BTS housing at a local or national level, usually as part of a broader walk-through house condition survey, to help inform local and national housing strategies.
- 3.3. This distinction is an important point for housing staff and other professionals using our guidance:
- Local authority staff who work with the tolerable standard in an enforcement role (i.e. statutory action) are able to monitor an individual house over a period of time.
  - Staff who assess whether houses meet the tolerable standard as part of a local or national house condition survey need to make a decision based on the evidence available to them during a single visit.
- 3.4. Our guidance is relevant for staff involved in both types of activity. But there will be circumstances where the limitations of a single walk-through survey may make it more difficult to make a comprehensive assessment. Some elements of our advice in chapter four onwards highlight situations where it may be helpful to take a longer view on whether a house meets the tolerable standard: either by tracking how a potential problem is developing over time; or by calling in specialists to give expert advice. This approach is available to local authority staff who make enforcement decisions on individual houses. But staff carrying out a walk-through survey do not have the opportunity to use specialists or track a problem over time. So they may on occasion need to adapt elements of the guidance to reflect the constraints of the single, walk-through process.

# Implementing the Housing (Scotland) Act 2006: DRAFT Advisory Guidance for local authorities

## Volume 4

## Tolerable Standard

- 3.5. We expect that house condition survey staff will, as a matter of course, examine each element of the tolerable standard as part of the survey. We recommend that local authority officers should also routinely check each element of the tolerable standard when considering whether to offer practical assistance or take enforcement action on an individual house. Not doing so means that the local authority will not be able to ensure that any action it takes on a BTS house has dealt with all the issues. It also reduces the quality of the authority's house condition data.
- 3.6. Where an assessor concludes that a house does not meet the tolerable standard, he or she will need to take a view on whether the problem affects only that house or has a knock-on effect on others. This issue is most likely to arise with flats. This is a matter for professional judgement. But, as a rule of thumb, assessors should not assume that the failure of one flat necessarily means that other flats in the block are BTS. The most obvious exceptions are problems relating to structural stability and access to external doors and outbuildings.

### Format of the practical advice chapters

- 3.7. Chapters four onwards provide practical advice on assessing each element of the tolerable standard. We have adopted a consistent structure for the practical advice chapters as far as possible. Each chapter provides:
- background on the element;
  - definitions of key terms - words or phrases that form part of the legislation; and
  - detailed practical guidance on how to assess individual houses against the element, including a flowchart which takes readers through the process at a glance.
- 3.8. We use the word "assessor" throughout the guidance. This term describes anyone who works with the tolerable standard, whether through a local authority enforcement role or as part of a local or national house condition survey.
- 3.9. Finally, it is worth at this point re-emphasising two key principles from earlier chapters. These underpin the guidance and assessors should bear them in mind as they consider the chapters which follow.
- 3.10. **Condemnatory standard:** the tolerable standard is a basic "condemnatory" standard. In other words, it is not reasonable to expect people to continue to live in a house that falls below it. Assessors should bear this firmly in mind when considering whether individual houses meet each element of the standard and when prioritising houses for action.

# Implementing the Housing (Scotland) Act 2006: DRAFT Advisory Guidance for local authorities

## Volume 4

## Tolerable Standard

- 3.11. **Guidance as a practical tool:** the guidance does not offer a prescriptive approach to working with the tolerable standard. Assessing an individual house against the tolerable standard should always be a matter of professional judgement. We intend this guidance to be a practical tool for housing staff and other professionals, to complement their own expertise, experience and local knowledge and help ensure consistent decision-making.

## Chapter 4 Structural Stability

4.1. A house meets the tolerable standard if it is structurally stable.

### Introduction

- 4.2. This element of the tolerable standard requires every house to be structurally stable. Instability in the structure of a house is an obvious threat to the occupants' safety.
- 4.3. This chapter provides guidance for assessors on how to judge if a house is structurally stable. Assessors should use this advice alongside their own experience and the support of specialists (where necessary) to make decisions.
- 4.4. As noted in chapter one of this guidance, staff from a wide range of professional backgrounds assess houses against the tolerable standard. Structural stability is a complex technical area. It is not our intention to provide a comprehensive guide to structural stability here. Instead, our guidance aims to help housing staff and other professionals who are not structural experts to recognise whether a house is potentially unstable and to identify when to call in a competent professional.

### Legislation

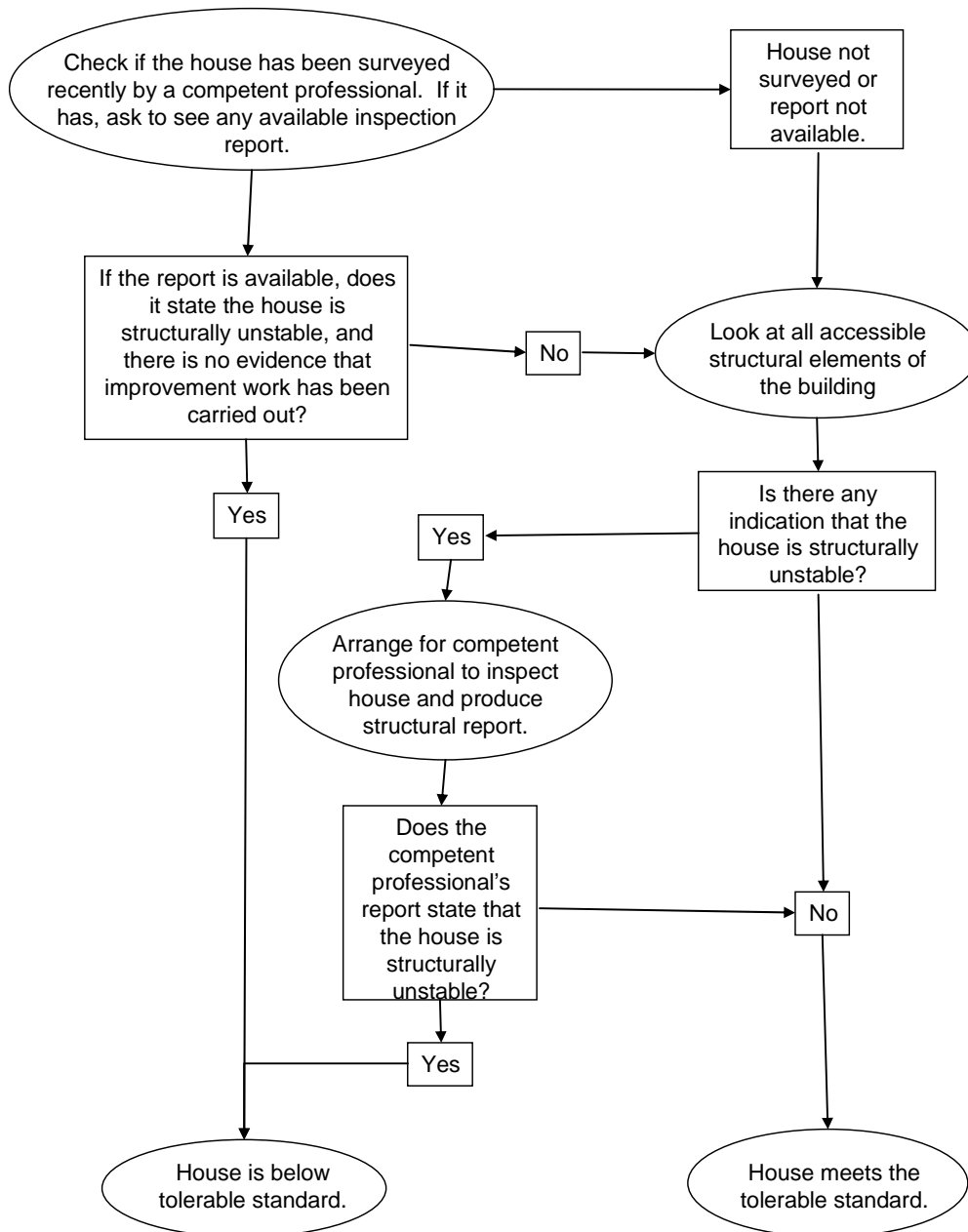
- 4.5. The tolerable standard has always included the requirement for houses to be structurally stable. The Housing (Scotland) Act 2006 did not change this element of the standard.

### Definitions

- 4.6. Structurally stable: The structural elements of a house should exhibit no signs of recent or fresh movement, evidence of which may indicate to the assessor that the house may be at risk from either partial or total collapse. The main structural elements of a house are:
- roof structures, including chimneys;
  - chimneys;
  - load-bearing walls including external walls;
  - lintels, sills and mullions;
  - floors and stairs;
  - load-bearing beams and columns; and
  - foundations.
- 4.7. There is more information on these elements later in this chapter.

**Making the Assessment**

4.8. The flow-chart below will help guide an assessor through the process:



4.9. When assessing a house against this element of the tolerable standard, an assessor should look for visible signs of potential instability in any structural element of the building. This will allow him / her to consider the stability of the building as a whole.

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

- 4.10. We explained in chapter three that housing staff and other professionals assess houses against the tolerable standard for two distinct purposes: local / national house condition survey work; and possible enforcement action. This difference is particularly important for structural stability as it influences the factors an assessor will be able to consider:
- Where a local authority is examining whether an individual house is structurally stable for the purpose of possible enforcement action, it is able to monitor the house over time. Staff will be able to track any pattern of change that might indicate that the house is structurally unstable. Non-specialist staff should use our guidance to help identify indicators of possible structural stability problems. Where staff have concerns, they should ask a competent professional to carry out a detailed assessment. A competent professional will be responsible for judging whether a house is structurally unstable using his/her professional knowledge. A house which is not structurally stable does not meet the tolerable standard.
  - Where an assessor is examining a house as part of a house condition survey, he/she will need to base his/her judgement on a one-off walk-through survey. Assessors may be able to form a clear opinion during a single visit in some cases. But there are inevitably limitations because the assessor cannot track the building over time.

### Key indicators

- 4.11. This chapter gives information to assessors on what they should look for when considering if the house is structurally stable. A house that is structurally unstable will normally show signs that it is moving, or that a structural element is likely to fail. The tables later in this chapter describe some of the most common indicators of instability.
- 4.12. The first two tables cover fresh cracking and movement or displacement of structural elements. These contain information on indicators that may show a house is unstable because it has moved and may still be moving. The third table covers damage, deterioration, rot and timber infestations, and describes indicators which may suggest a house is unstable because a structural element has been weakened.
- 4.13. The tables show indicators of potential instability and do not necessarily mean on their own that a structural element, or the house as a whole, is structurally unstable.

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

### Information on cracking

- 4.14. An important indicator of instability and movement in houses is cracking. There are two types of cracking that can happen because of movement, and an assessor should try to tell them apart. Assessors may need to take advice from a competent professional to do this.
- 4.15. Historic cracking is cracking which has occurred in the past. It shows that the house has previously moved. But this is not always evidence of current structural instability. Historic cracking may be the result of building 'settlement' after construction, thermal expansion and contraction of the building fabric, or vibration from passing traffic. This does not in itself indicate that the house is still moving.
- 4.16. The assessor should look for evidence that the cracks are historic. For example, old cobwebs or dirt in the cracks may suggest that the house has not moved for some considerable time. A house with only historic cracking will not normally be below tolerable standard on the grounds of structural instability.
- 4.17. Fresh cracking is an indicator of possible structural instability. This is cracking that has happened recently and shows that a house has moved and may be continuing to move. The assessor should look for evidence that the cracks are fresh. Possible indicators are the absence of old cobwebs or dirt inside the crack or the presence of masonry dust or flaking paint in, around or on the ground below the cracking. In some cases, a local authority may have monitored the progression of cracks over time using glass "tell tales" or other similar devices. Glass "tell tales" are similar to glass laboratory sample plates which are placed across the crack and cemented in place so that any movement will cause them to crack. This information will be very helpful in assessing the house against the tolerable standard. A house showing fresh cracking may be below tolerable standard.
- 4.18. Cracking is an indicator of potential structural instability. But it can have other causes. These include vibration caused by traffic on a nearby road, settlement cracks that appear soon after construction, and thermal cracking caused by expansion and contraction of the house due to temperature changes. These types of cracking do not normally indicate a defect in the structure of the building.

**Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities**

**Volume 4**

**Tolerable Standard**

Indicator	Affected Elements	Description
Fresh Cracking	Walls	<ul style="list-style-type: none"> <li>• Cracks affecting a large area or length and not localised to a small area</li> <li>• Presence of masonry dust or flaked paint around or below the crack</li> <li>• Absence of cobwebs in the cracks</li> <li>• Signs of previous repair that has cracked again</li> <li>• Evidence of movement gathered using monitoring devices</li> </ul>
	Lintels (supporting the load above openings, such as doorways)	<ul style="list-style-type: none"> <li>• Cracks may be vertical or horizontal</li> <li>• Cracks may run in line with cracks in sills below window</li> <li>• Cracks in lintels may indicate instability in another parts of the house's structure</li> </ul>
	Bearing stones (supporting a lintel at either side of the opening)	<ul style="list-style-type: none"> <li>• Possible cracks running through the stones</li> <li>• May indicate uneven distribution of weight through the lintel</li> </ul>
	Sills	<ul style="list-style-type: none"> <li>• Cracks may run through the sill beneath a window</li> <li>• Possibly running upwards from the ground to the ground-floor window sill</li> <li>• Possibly continuing up through lintel above the window.</li> </ul>
	Mullions (vertical supports in between window openings)	<ul style="list-style-type: none"> <li>• Cracks running through stones separating windows</li> <li>• May indicate loss of load bearing capacity</li> </ul>
	Internal stairs	<ul style="list-style-type: none"> <li>• Cracks affecting several stair treads</li> <li>• In tenements, large separation cracks between the close and rear walls</li> </ul>

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

Volume 4

Tolerable Standard

## Information on movement or displacement

- 4.19. When a house has moved, it may result in a distortion to the normal shape or profile of the structure. Assessors should look at the structural elements of the house, included in the table below, for any abnormal qualities indicating potential instability. This includes walls that are bulging or sloping, roofs that slope to one side or dip in the middle, and internal floors that slope or are uneven.
- 4.20. Assessors should use their experience to help them determine visually when structural elements of a house have moved or have been displaced. If there is evidence of movement, an assessor needs to decide if this means the house is at risk of being structurally unstable and may be below tolerable standard. If this is the case, the assessor should ask a competent professional to inspect the house.

Movement or displacement of structural elements	Walls	<ul style="list-style-type: none"> <li>• Any distortion of the wall profile, deviating from straight and vertical.</li> <li>• Bulging outwards, inwards or walls showing an 'S'-shape curvature (note – sometimes a bulge will appear on a wall due to chimney flue gasses. This is normally cosmetic and not an indicator of structural instability)</li> <li>• Possibly bulging beneath the eaves because of spreading in the roof</li> <li>• Buckling due to loss of load bearing capacity or increase in loading (often accompanied by cracking in the walls and distortion of the internal floors)</li> </ul>
	Roof structures (viewed from exterior and interior)	<ul style="list-style-type: none"> <li>• Sloping roof line from one side to the other or sagging in the middle</li> <li>• Spreading roof structures with the outer ends of the roof moving apart and the roof height dropping (accompanied by bulging of the upper walls)</li> </ul>
	Chimneys	<ul style="list-style-type: none"> <li>• Leaning and off-vertical</li> </ul>
	Lintels	<ul style="list-style-type: none"> <li>• Sloping from one side to the other</li> <li>• Displaced from their original position</li> </ul>

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

	Internal stairs	<ul style="list-style-type: none"> <li>• Sloping treads</li> <li>• Gaps between the stair and the wall or balusters</li> </ul>
	Doors	<ul style="list-style-type: none"> <li>• Doors progressively not closing properly, but not because of seasonal conditions.</li> </ul>
	Floors	<ul style="list-style-type: none"> <li>• Not of consistent level</li> </ul>

### Information on damage, deterioration, rot and timber infestations

4.21. The structural elements of a house may be weakened because of factors associated with the house's age, location, maintenance and build quality. The table below includes examples of some of the most common problems resulting from damage, deterioration, rot, and timber infestations. Each of these has the potential to reduce the load-bearing capacity of specific structural elements. If the structure of a house is significantly weakened, it is at risk of being unstable and may be below tolerable standard. Again, an assessor may wish to consult a competent professional if he/she suspects the house is unstable.

Damage, deterioration, rot and timber infestations	Load bearing elements	<ul style="list-style-type: none"> <li>• Beams and other supports showing signs of deterioration or damage</li> <li>• May be broken, cut or removed during alterations</li> <li>• Columns might be buckled or out of plumb</li> </ul>
	Floors and stairs	<ul style="list-style-type: none"> <li>• Broken or missing floor boards or stair treads</li> <li>• May show significant movement underfoot when stepped on</li> <li>• Floor boards may no longer be securely fixed to the joists</li> </ul>
	Timber structural elements (including roof structures)	<ul style="list-style-type: none"> <li>• Wooden elements may be affected by rots because of exposure to moisture</li> <li>• Possibly showing dark or dull brown colour</li> <li>• May develop deep cracks along and across the grain</li> <li>• Crumbling or disintegrating, particularly at the ends of beams and supports</li> <li>• May require a specialist to</li> </ul>

**Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities**

**Volume 4**

**Tolerable Standard**

		<p>formally diagnose</p> <ul style="list-style-type: none"> <li>• Timber infestations (woodworm), showing pin-prick holes, frass (insect faeces looking like fine powdery dust between holes) on the surface of the wood, and in severe cases crumbling</li> <li>• Cuboidal cracking and fruiting body of fungus associated with dry rot</li> </ul>
	Walls and chimneys	<ul style="list-style-type: none"> <li>• Crumbling of the brickwork, the pointing and the mortar</li> </ul>
	Foundations	<ul style="list-style-type: none"> <li>• Problems related to foundations will usually manifest themselves in the appearance of indicators described elsewhere in this chapter</li> </ul>

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

### Chapter 5 Rising Damp & Penetrating Damp

- 5.1. A house meets the tolerable standard if the house is substantially free from rising damp or penetrating damp.

#### Introduction

- 5.2. Dampness has historically been a significant housing problem in Scotland and remains a real issue for some households. People should not need to live in houses with levels of rising or penetrating dampness that materially affect their health or comfort or cause further physical damage to the property.
- 5.3. Assessors will have to exercise judgement in deciding whether a house is 'substantially' free from damp or not. Each case will be different. In this chapter we highlight issues to consider and offer a method for assessing houses against this element of the tolerable standard.

#### Legislation

- 5.4. The tolerable standard was first defined in the Housing (Scotland) Act 1969 and has always included the requirement for a house to be substantially free from rising and penetrating damp. The Housing (Scotland) Act 2006 does not change this.

#### Definitions

- 5.5. Rising damp: is the vertical movement of moisture from the ground into the fabric of a building. This can affect any part of the building in contact with the ground, the most obvious being walls and floors. Rising damp will not normally rise higher than around 1.2m above ground level.
- 5.6. With the exception of some older houses, most houses these days will have been constructed with a damp proof course (DPC) to prevent rising damp from occurring. This is a moisture resistant barrier inserted between the foundations of the house and the walls, such as slate, bitumen or plastic sheeting. Owners of houses constructed without a DPC sometimes arrange for silicone to be injected into the lower part of the walls to prevent rising damp.
- 5.7. Even where a house has a damp proof course, rising damp can still occur. If the DPC is damaged or 'bridged', moisture can travel unhindered into the building's fabric. 'Bridging' of the damp proof course is where the ground level becomes higher than the DPC, allowing damp to travel from the ground into the fabric of the building.
- 5.8. Rising damp will only affect the ground floor of a building. This means that in tenement blocks, for example, only the ground floor flats will be affected by rising damp. So any dampness found above the ground floor is likely to have

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

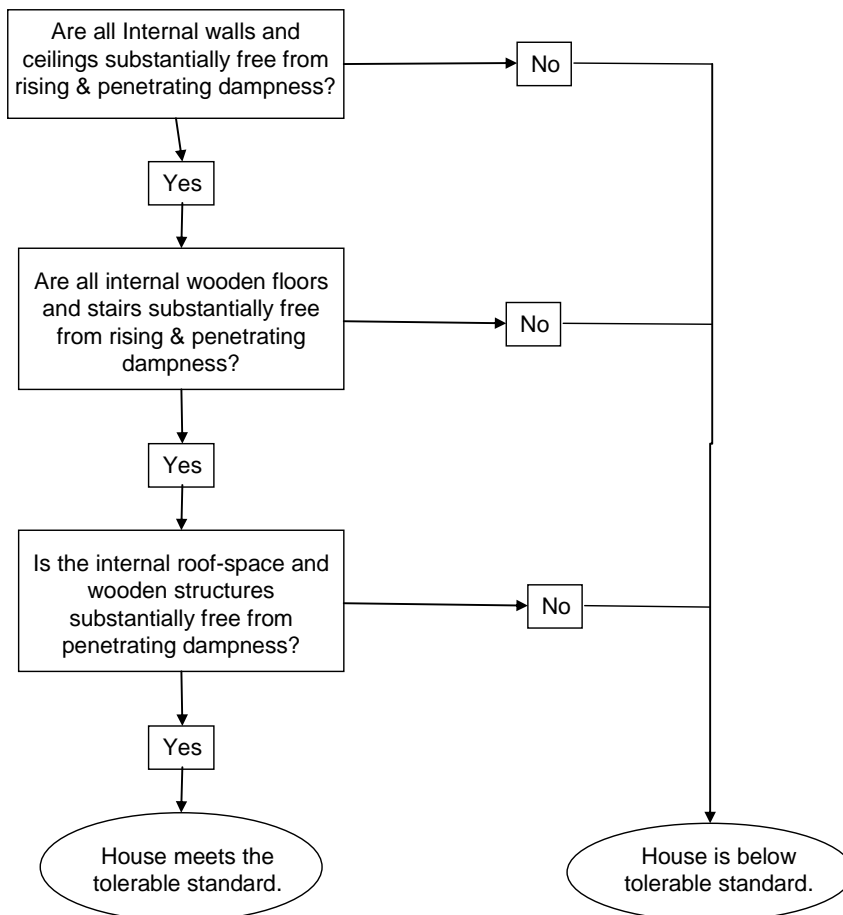
## Tolerable Standard

another cause. Equally, it is possible that dampness at ground floor level may be caused by something other than rising damp and assessors should always try to identify its source.

- 5.9. Penetrating damp: is moisture which enters a house from outside because of a defect in part of its structure. There may be defects in the roof, the exterior walls, or rainwater gutters and down-pipes. The source of persistent penetrating damp can be difficult to identify because there may be no consistent pattern to the signs. For example, damp patches may appear in more than one room, and be located in different parts of the room.

### Making the assessment

- 5.10. The flow-chart below will help guide an assessor through the process:



### **Dampness Indicators**

5.11. There are a number of indicators of the possible presence of rising or penetrating dampness. The most common include discolouration and staining on walls, and deteriorated plasterwork. We have produced tables at the end of this chapter which summarise visible indicators that an assessor may find when looking at a house under this part of the tolerable standard. The tables describe patterns of dampness for the main building elements, and will help assessors identify dampness and distinguish between rising and penetrating dampness.

### **Dampness and Condensation**

5.12. The tolerable standard does not extend to condensation. Condensation is a serious problem which is closely associated with, and sometimes confused with, rising and penetrating dampness. Condensation is often caused by inadequate heating, ventilation and thermal insulation as well as the way a household manages its heating and ventilation. Overcrowding can be a further factor. Where an assessor sees evidence of condensation he/she should pay particular attention to the chapters of guidance covering heating, ventilation and insulation.

5.13. Condensation is caused by warm moist air coming into contact with a colder surface. The colder surface causes the amount of moisture the air can hold to be reduced, and as a result the moisture “condenses” out onto the wall. The water that forms as a result of the process is pure water, and this allows the growth of mould, which requires pure water to grow in.

5.14. Sometimes mould growth will be associated with walls affected by rising or penetrating damp. This is because the rising or penetrating damp affected wall is more difficult to heat, and therefore generally at a lower temperature, thus creating a cool surface on which condensation can occur.

5.15. It is unusual to find fungal growth associated with rising damp, and even less so with penetrating damp, as the wall has to be very damp to support the growth of fungus. Assessors should be clear on the difference between mould and fungus and the type of problem they indicate. The presence of mould growth is not an indicator of rising or penetrating damp, and should not be used as such.

5.16. One of the most obvious signs of rising damp is the presence of a “tide mark”, and, as for penetrating damp, the discolouration of the decorative surface affected. It is sometimes not easy to distinguish between rising and penetrating damp and condensation.

5.17. An important part of identifying possible dampness is to find out the cause. If an assessor concludes that the problem is due to condensation, then the

house does not fail the tolerable standard under the dampness element. The tables at the end of this chapter summarise a range of common causes of rising and penetrating dampness and may help with this judgement. Condensation may well be a real problem for the occupant, and its exclusion from this element of the tolerable standard is not a reflection of its seriousness or the impact it can have on occupants' lives.

### **When is a house below tolerable standard?**

- 5.18. To meet the tolerable standard a house must be “substantially free” from rising or penetrating damp. The nature of rising and penetrating damp problems can make this a difficult decision for an assessor. We intend this guidance as a framework to help ensure consistency and we do not expect assessors to use it in a prescriptive way. It does not describe every possible scenario. Assessors should use it alongside their professional experience to make an informed judgement on a case-by-case basis. The key consideration for assessors should always be whether the problem is persistent and whether the scale of the problem is such that it represents an unhealthy or uncomfortable living environment for occupants. A house with persistent dampness that produces an unhealthy living environment will always be below tolerable standard.
- 5.19. In cases of rising damp, the presence of visible indicators of damp (see tables at the end of this chapter) inside a house usually mean that the problem is of a persistent nature. It will not improve without action, and could over time affect the structural stability of the house. The presence of visible indicators of rising damp will normally mean that the house is below tolerable standard.
- 5.20. Assessing penetrating damp can be more complex. The patterns of dampness can be more variable. The severity of a problem can vary over time and factors such as the weather - for example periods of prolonged rainfall or extended dry periods - can affect how patterns of dampness develop over time.
- 5.21. We set out below a basic framework to aid assessors. Assessors should use it to complement rather than replace their professional judgement and should take account of all relevant factors. This is likely to involve considering whether the dampness is likely to materially affect occupants' health or comfort or cause further physical damage to the property. Where feasible, assessors may want to visit the house on more than one occasion to check if the problem is persistent or to track the development of the dampness. Assessors may also involve others with relevant professional expertise to help with this judgement. The Scottish Office produced a summary of the research

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

evidence on the relationship between poor housing and ill health - available here<sup>13</sup>. Assessors may find this useful.

- 5.22. A house will normally be below tolerable standard if an assessor finds persistent visible penetrating damp which covers an area greater than approximately:
- 10% of the overall wallspace<sup>14</sup> in one apartment in the house;
  - or
  - 10% of the ceiling in one apartment in the house;
  - or
  - 20% of overall wallspace or ceiling in one or more other spaces<sup>15</sup> in the house.
- 5.23. An 'apartment' is any room in the house not used solely as a kitchen, store or utility. A 'room' is any enclosed part of the house not used solely as a bathroom, shower room, washroom, toilet, stair or circulation area.
- 5.24. Assessors should base their judgement on the scale of penetrating dampness, not the seriousness of the problem that created it. In particular, an assessor should not base a decision on how easy it is to repair the defect that caused the damp. Assessors should not conclude that dampness caused by a relatively minor problem is not below tolerable standard. Minor defects that can lead to persistent penetrating damp problems include faulty window frames, missing or damaged roof tiles, or an upstairs neighbour's faulty plumbing.

---

<sup>13</sup>The research, published by the Scottish Office in 1999, is available at <http://www.scotland.gov.uk/Resource/Doc/156479/0042008.pdf>.

<sup>14</sup>In a room with four walls of equal size, 10% of the wallspace equals two fifths of the area of one wall.

<sup>15</sup>Other spaces include cupboards, store-rooms, utility rooms and lofts.

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

Volume 4

Tolerable Standard

## Indicators of rising damp

5.25. The tables below give examples of features of a house that can be affected by rising damp and describes how this may appear to an assessor. This will help an assessor to identify that the house is affected by damp and to distinguish what type of damp it is.

Feature	Indicator	Description
Walls (Exterior)	Discolouration	<ul style="list-style-type: none"> <li>Darkened colouring of bricks or stonework</li> </ul>
	Moss growth	<ul style="list-style-type: none"> <li>Moss growing near the bottom of the wall, but above the DPC</li> </ul>
	Deterioration	<ul style="list-style-type: none"> <li>Crumbling of the surface finish of stonework close to the ground</li> </ul>

Walls (Interior)	Deterioration of wall fabric and finishings	<ul style="list-style-type: none"> <li>Discolouration of paintwork or wallpaper, normally in a regular pattern such as an almost horizontal tidemark</li> <li>Soft, flaking or bubbling plaster on lower wall surfaces</li> <li>Flaking and bubbling paintwork on lower wall surfaces</li> <li>Loose wallpaper on lower wall surfaces</li> <li>Skirtings affected by rot</li> </ul>
---------------------	---	---

House interior (all parts)	Odour	<ul style="list-style-type: none"> <li>Be aware of a dank moist smelling atmosphere in the room that could be coming from damp carpets, bed covers or mattress</li> <li>Use this as an indication that there may be a damp problem in the room</li> <li>Seek to find the source and cause of such a dampness problem</li> </ul>
	Fungi	<ul style="list-style-type: none"> <li>Look for fungi growth in all rooms, for example on walls, carpets etc.</li> <li>This may indicate that there is a damp problem, or it may be the result of rot or other causes of dampness</li> <li>Try and find the source of the problem to identify if it is due to rising damp</li> </ul>

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

Volume 4

Tolerable Standard

Wooden Floors	Rot	<ul style="list-style-type: none"> <li>• Wood showing discoloration and may be crumbling or deteriorating</li> <li>• May be affected by rot</li> <li>• Boards failing to support weight when walked on</li> <li>• Dampness affecting carpet</li> </ul>
---------------	-----	--

## Causes of Rising Damp

5.26. The next table describes the main causes of a house being affected by rising damp and explains how an assessor can identify defects in the damp proof course (DPC). Assessors should note that the absence of a DPC does not in itself mean the house is below tolerable standard. In all cases this must be accompanied by the visible indicators of rising damp inside the house.

Damp Proof Course (DPC)	Absence	<ul style="list-style-type: none"> <li>• Some older houses were built without a DPC</li> <li>• Basements converted into living accommodation may be below the DPC line</li> <li>• Chimneys and hearth areas may not have a DPC and be more susceptible to rising damp problems</li> </ul>
	Bridging	<ul style="list-style-type: none"> <li>• Look to see if the ground level is raised next to the wall</li> <li>• Presence of spoil material against the base of the wall</li> <li>• Retaining walls may be supporting earth and this can bridge the DPC</li> </ul>
	Damage	<ul style="list-style-type: none"> <li>• Deep structural cracks that may affect the damp proof course</li> <li>• Deterioration of the waterproof barrier may allow water to rise unhindered into the building fabric</li> </ul>

## Indicators of Penetrating Damp

5.27. The following table summarises the main areas of a house that may be affected by penetrating damp and describes how this may appear to an assessor. This will help an assessor to identify that the house is affected by damp and to distinguish what type of damp it is.

**Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities**

**Volume 4**

**Tolerable Standard**

Feature	Indicator	Description
Walls (exterior)	Damp patches	<ul style="list-style-type: none"> <li>• Look for discoloured or darkened damp patches on any part of the walls of the house</li> <li>• Any noticeable deterioration in the outward appearance of the brick or stonework</li> </ul>
	Moss growth	<ul style="list-style-type: none"> <li>• Moss growth in a line down the wall, possibly below a plumbing overflow or defective guttering, indicates a persistent damp problem</li> </ul>

Walls (interior) & ceilings	Damp patches	<ul style="list-style-type: none"> <li>• Both walls and ceilings can be affected by penetrating damp</li> <li>• There may be an obvious damp patch because the walls or ceilings are discoloured</li> <li>• Wallpaper may be loose or bubbling, and paintwork can also deteriorate and flake off in the affected area</li> <li>• Plaster can deteriorate and lose its structure, feeling soft to the touch</li> </ul>
-----------------------------	--------------	---

Internal roof-space & wooden structures	Rot	<ul style="list-style-type: none"> <li>• Examine the internal roof-space for evidence of water penetration</li> <li>• Wooden roof structures, including beams and supports, may be affected by rot</li> <li>• This will, in turn, affect the house's structural stability</li> </ul>
---	-----	--

House interior (all parts)	Odour	<ul style="list-style-type: none"> <li>• Be aware of any bad or musty smell in the room that could be coming from damp carpets, bed covers or mattress</li> <li>• Use this as an indication that there may be a damp problem in the room</li> <li>• Seek to find the source and cause of such a problem</li> </ul>
----------------------------	-------	--

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

Volume 4

Tolerable Standard

	Fungi	<ul style="list-style-type: none"> <li>• Look for fungi growth in all rooms, for example on walls, carpets etc.</li> <li>• This may indicate that there is a damp problem, or it may be the result of rot or other causes of dampness</li> <li>• Try and find the source of the problem to identify if it is due to penetrating damp</li> </ul>
--	-------	---

## Causes of Penetrating Damp

5.28. The tables below describe some of main causes of a house being affected by penetrating damp and explain what defects an assessor should look for that may indicate water penetration.

Feature	Indicator	Description
Walls (exterior)	Pointing	<ul style="list-style-type: none"> <li>• Crumbling, loose or missing pointing may allow water to pass into the interior fabric of the building</li> </ul>
	Cracking	<ul style="list-style-type: none"> <li>• Deep cracks in exterior walls may let water enter the internal fabric</li> </ul>

Rainwater management	Roof	<ul style="list-style-type: none"> <li>• Look for damaged, displaced or missing tiles on the roof</li> </ul>
	Flashings	<ul style="list-style-type: none"> <li>• Damaged flashings may allow water to seep underneath and into the internal fabric</li> </ul>
	Guttering & down-pipes	<ul style="list-style-type: none"> <li>• Damaged, missing or displaced guttering or down-pipes may deflect excessive amounts of rainwater onto the exterior walls</li> <li>• Guttering that is blocked with leaves, moss, silt or vegetative growth will not be able to adequately manage the rainwater</li> </ul>

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

Volume 4

Tolerable Standard

## Chapter 6 Lighting, Ventilation & Heating

- 6.1. A house meets the tolerable standard if it has satisfactory provision for natural and artificial lighting, for ventilation and for heating.

### Introduction

- 6.2. This element of the tolerable standard aims to ensure that a house provides the occupants with a basic level of comfort and safety.
- 6.3. This chapter provides advice for assessors to help them judge whether the provision of lighting, ventilation and heating is satisfactory. This element of the tolerable standard ties in closely with a number of others. Assessors should consider the advice here alongside other chapters of this guidance, in particular thermal insulation, electrical installations, bath/shower and wash-hand basin, and water closets.

### Legislation

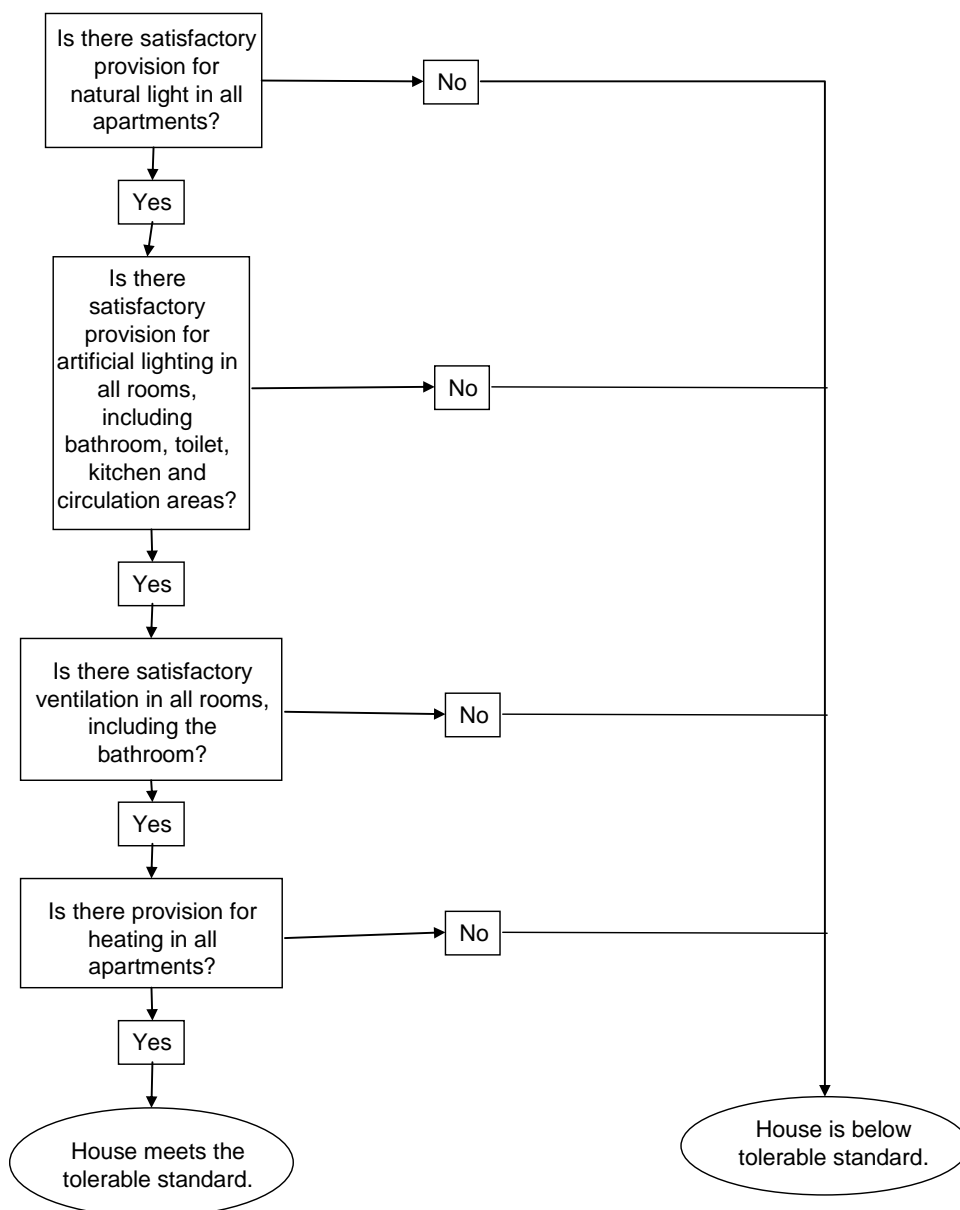
- 6.4. The tolerable standard was first defined in the Housing (Scotland) Act 1969 and has always included the requirement for a house to have satisfactory light, ventilation and heating. The Housing (Scotland) Act 2006 does not change this.

### Definitions

- 6.5. Natural & artificial lighting: Natural lighting is daylight that enters the house, normally through the windows. The amount of light that enters the house is dependent on the size and number of windows. It can also be affected by shading caused by other buildings or objects outside the window. Artificial lighting generates light inside the house and is normally, but not always, powered by the electric supply.
- 6.6. Ventilation: Ventilation is the exchange of air inside the house with fresh air outside. Ventilation is an essential factor in controlling the moisture content of the air inside the home and helps prevent the occurrence of condensation. The most obvious method of ventilation is opening a window. Others include mechanical extractor fans, air vents and ventilation via fireplaces.
- 6.7. Heating: To be habitable, a house needs to be able to provide heating for the occupants. A house that has no means of heating is likely to present a risk to the health of the occupants. The majority of houses in Scotland have central heating systems, most of which use gas or electricity. Other forms of heating include oil fired range cookers, solid fuel fires and electrical heaters.

**Making the assessment**

6.8. The flow-chart below will help guide an assessor through the process of determining whether the house meets the tolerable standard for this element. Further information on each step is given below.



6.9. The flow-chart refers to both apartments and rooms. Assessors should take these terms to have the meaning given to them in the Scottish Building Standards Agency's Domestic Handbook. These are:

6.10. apartment: any room in the house not used solely as a kitchen, store or utility;

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

- 6.11. room: any enclosed part of the house not used solely as a bathroom, shower room, washroom, toilet, stair or circulation area.
- 6.12. An assessor should consider the following questions when making the assessment:

### Is there satisfactory provision for natural light in all apartments?

- 6.13. An assessor should ensure that all apartments in a house have a satisfactory level of natural lighting. A simple way to judge whether there is satisfactory provision for natural lighting is to consider the ratio of the combined surface area of the windows against the floor area of the apartment.
- 6.14. As a guide, each apartment should normally achieve a ratio of at least 1:20. In other words, the surface area of the window should be at least one twentieth of the floor area. We present this ratio as a guide to assist assessors alongside their professional judgement. We do not expect assessors to routinely take precise measurements of window and floor areas.
- 6.15. Other factors might also influence the amount of natural light entering an apartment. For example, an apartment might achieve a ratio of 1:20 or greater, but receive little natural light during daytime because an adjacent building or structure outside the house obstructs the amount of light entering the apartment. In other cases, the position of the window(s) in relation to the overall dimensions of the apartment may mean it is unsatisfactory.
- 6.16. Sometimes the occupants of the house will use a normally habitable apartment for an alternative purpose, such as a photographic dark-room, and it may not have satisfactory natural lighting. In these cases, a house will not normally be below tolerable standard.
- 6.17. Assessors may occasionally find that a very small room with no natural light or ventilation, often referred to as a “box-room”, is being used as a bedroom by the occupants of the house. This type of situation is not normally within the scope of the tolerable standard because it relates to the way the occupants are using the house as opposed to a specific deficiency in the house itself.

### Is there satisfactory provision for artificial lighting?

- 6.18. Every apartment in a house, plus a bathroom, toilet, kitchen, utility, and all circulation areas, should have provision for permanently-fixed artificial lighting to allow the occupants to carry out normal domestic activities in safety and comfort. This will usually take the form of a wall light switch which controls an electric light on the ceiling or wall. A very small number of houses are not connected to the mains electric supply, or have a private generator, and may

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

have alternative fittings, such as gas mantle type artificial lighting (where light is produced by heating an oxide-based compound with a flame).

- 6.19. An assessor does not need to measure the amount of light that the system is capable of delivering, rather that the occupants are able to use this to light their home should they choose. Occupants may opt to use alternative light sources, such as table lamps or candles, but the house should nonetheless have provision for fixed and permanent artificial lighting. An assessor should use his/her judgement to decide on each case if the provision for artificial lighting is satisfactory.

### Is there satisfactory provision for ventilation?

- 6.20. It is essential that all houses have provision for ventilation so that the occupants are able to properly manage the environment within their home. Unsatisfactory ventilation is a major contributing factor to the occurrence of condensation in houses, and can also lead to hygiene problems.
- 6.21. All apartments, plus the kitchen, should have provision for ventilation. An assessor should use his/her judgement to decide if the provision for ventilation is satisfactory for each individual apartment. The most obvious method of ventilating a room is to open a window. For an apartment with a window, an assessor should consider the ratio of the window opening against the floor area. As a guide, the ratio should normally be at least 1:40 opening to floor area. As with natural light, assessors should use the ratio as a guide alongside their professional judgement. Where the ratio does not meet 1:40, assessors should also take account of the presence of other forms of ventilation such as air vents, open fireplaces and doors which might provide additional air changes in the apartment. A window that provides ventilation should open directly to the outside and not into an adjacent apartment, circulation space or common access route, such as a tenement close.
- 6.22. For bathrooms, and other apartments, plus the kitchen, where there is no satisfactory openable window, they must have an alternative ventilation system. Normally this will be a mechanical device, such as an extractor fan, but in some cases an assessor will find other systems such as a passive stack type (where warm, moist air passes through a vent into an almost vertical duct and is expelled at an outlet on the roof). The device or system must vent directly to the outside and not into an adjacent apartment, circulation space or common access route, such as a tenement close.
- 6.23. It is not essential for an assessor to test if a device is working if this is not practical at the time of the visit. But he/she should be satisfied that it is fit for purpose and not broken or damaged to such a degree that it cannot be used and is beyond economic repair. If the assessor considers the cost of repairing the device is disproportionate to the cost of replacement, the house is below tolerable standard.

**Is there satisfactory provision for heating in all apartments?**

- 6.24. To meet the tolerable standard a house must be able to support a heating appliance in each apartment. Most houses have a central heating system that delivers heat to all parts of the house, either from a gas powered boiler, electrical storage heaters, or from an oil fired boiler or range cooker. Where a house has a functional central heating system, it will meet the tolerable standard.
- 6.25. A house does not need to have a central heating system to meet this element of the tolerable standard. For houses without central heating, the minimum requirement where the house has a mains electric supply is that the house should be able to support the use of portable electrical heaters. This means that each apartment should have a fixed electrical installation capable of servicing a plug-in electrical heater.
- 6.26. In some cases, there will be no electrical socket in a room, and in some rural situations there may be no mains or private generator supply of electricity to the house. An assessor should consider what provision exists for heating the house and decide whether it is satisfactory. A fixed fireplace that can be used for burning solid fuel is normally satisfactory, but portable bottled gas heaters alone are not sufficient.
- 6.27. A house that does not have satisfactory provision for heating is below tolerable standard.

## Chapter 7 Thermal Insulation

7.1. A house meets the tolerable standard if it has satisfactory thermal insulation.

### Introduction

7.2. To comply with the tolerable standard a house must have satisfactory thermal insulation. This new requirement reflects a recommendation from the Housing Improvement Task Force.

7.3. The Task Force noted the existence of a consensus that some basic thermal insulation is essential to the functioning of a building as a home. It also highlighted a major change in expectations in respect of the thermal performance of a house over the past thirty years.

### Legislation

7.4. The 2006 Act added this new element to the tolerable standard.

### Definitions

7.5. Thermal insulation: the concept of thermal insulation relates to the capacity of a house to retain heat. It can refer to both the performance of building elements and the impact of any insulation measures added after construction.

7.6. In the context of the tolerable standard, it is worth highlighting the distinction between thermal insulation and energy efficiency. Thermal insulation relates to the qualities of the fabric or structure of the house. Energy efficiency, on the other hand, is a broader concept. When applied to a house, it takes account not only of the thermal qualities of the structure but also the type and performance of the heating system. The two most widely-known tools for measuring energy efficiency in houses are NHER<sup>16</sup> and SAP<sup>17</sup>.

7.7. So, thermal insulation relates *only* to the capacity of the house to retain heat. It does not extend to the performance of the heating system or the interaction between the heating and the building fabric. We deal with the heating requirements of the tolerable standard in the chapter on lighting, ventilation and heating.

---

<sup>16</sup> National Home Energy Efficiency Rating System

<sup>17</sup> Standard Assessment Procedure

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

- 7.8. Satisfactory: for the purpose of this guidance, we recommend that assessors use the presence of roof<sup>18</sup> insulation in a house as the indicator of satisfactory thermal insulation. We describe below how assessors should make this assessment.
- 7.9. We considered a number of alternative measures, covering both an elemental and whole house approach, as we developed this guidance. Annex B describes the options we considered and the reasons for our conclusion. We concluded that a house should have some form of roof insulation to meet the tolerable standard. This approach allows assessors to make a judgement using a straightforward indicator. It also enables local authorities to target easily-identifiable action which can achieve a significant improvement in thermal insulation performance.

### **Making the assessment**

- 7.10. In the remainder of this chapter we offer practical guidance to help assessors:
- identify the types of house that are capable of having roof insulation;
  - check for roof insulation in individual houses; and
  - focus on those houses in their area most likely to have no roof insulation.
- 7.11. The flowchart below summarises the main issues an assessor should consider. We explain each stage in detail in the following paragraphs.

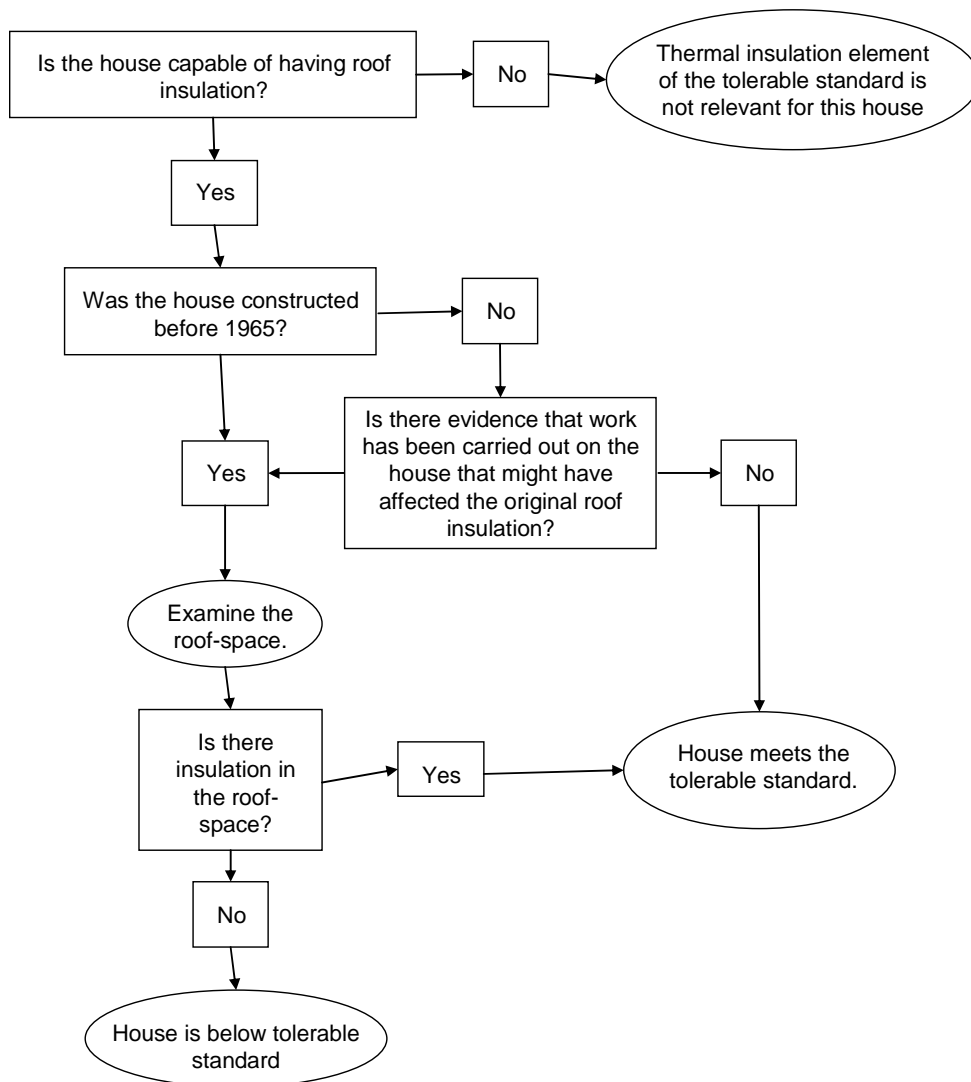
---

<sup>18</sup> We use the term 'roof insulation' in this chapter. The term covers loft insulation laid between the joists of a loft, as well as insulation installed in other types of roof spaces (such as rooms in the roof space and flat roofs).

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard



### Roof insulation: exclusions

7.12. Roof insulation is not an option for all houses<sup>19</sup>. It is not possible to fit roof insulation in flats which are not on the top floor. Any flat which is directly below another flat does not have a roof space and is therefore unable to have roof insulation.

7.13. It would be unreasonable to declare a non top-floor flat as BTS because of a lack of roof insulation. Assessors should not consider this house type when looking at the thermal insulation element of the tolerable standard.

<sup>19</sup> The word 'house' here (as in all our guidance) has a generic meaning and extends to flats. Where we want to distinguish between different types of houses we highlight this in the text.

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

- 7.14. Assessors should therefore concentrate on houses where roof insulation is a practical option for the owners. Broadly, these are:
- top floor flats; and
  - non-flats (i.e. terraced, semi-detached and detached houses).

### **Level of roof insulation required**

- 7.15. Roof insulation comes in a variety of materials - fibre rolls are most common; a range of loose-fill insulation options are also available. Assessors are likely to find variations in the thickness of roof insulation in houses they check.
- 7.16. For the purpose of the tolerable standard, assessors should look simply for the presence of insulation across the roof space of a house. The thickness of the roof insulation is not a consideration. As a guide:
- A house which has insulation across all its roof space meets this element of the tolerable standard.
  - A house that is a top floor flat or a non flat and which has no roof insulation in its roof space will normally be BTS.
  - Assessors may find a house that has partial roof insulation. An example might be where a house has insulation in the roof space of an extension or conversion but not in the original roof space of the house. In houses with partial roof insulation, assessors should use their judgement, and in particular take account of the balance between the insulated and non-insulated areas. As a guide, assessors should normally look for insulation to cover at least the roof space in the main original part of the house.
- 7.17. The tolerable standard represents the minimum requirements a house should meet in the 21st century. Our recommended approach to assessing thermal insulation focuses on the houses that perform most poorly in terms of roof insulation. A large number of houses have roof insulation which does not comply with current industry good practice standards (for example a depth of 270mm for loft insulation)<sup>20</sup>. These houses meet the tolerable standard. But we would encourage assessors, where possible, to highlight to owners the advantages of improving existing roof insulation in terms of improved thermal insulation performance and to signpost householders to additional sources of information and financial assistance. We provide details of sources of information and assistance later in this chapter.

---

<sup>20</sup> For example the Scottish Government's Warm Deal programme uses a depth of 270mm when installing loft insulation.

**Checking individual houses**

**Houses with pitched roofs and loft spaces**

- 7.18. Checking whether an individual house has roof insulation will be straightforward in many cases. For houses with a pitched roof and an accessible loft, assessors should check in the loft space to confirm whether it is insulated. Assessors might need to consider access issues and make specific arrangements, for example where the loft is in a common close and is locked.
- 7.19. Assessors should be aware of health and safety issues and work in line with their organisation's procedures when carrying out this task. Occupiers who access the loft space in their homes should take sensible safety precautions when doing so.

**More complex house types**

- 7.20. Checking for roof insulation is potentially more complex for some house types. Examples include houses with a flat or mono-pitched roof, attic rooms or where the owner has converted a pitched loft space into a room. In these cases the insulation will possibly be between the plasterboard and the roof construction. On flat-roofed properties, if the roof has been re-covered within the last 20 years or so, it is possible that this work has incorporated insulation in the roof build up between the roof deck and waterproof covering.
- 7.21. When considering these house types, assessors should bear in mind the points in paragraph 7.28. below about the requirements of Building Regulations for houses built or converted since the mid 1960s. The effect of the Regulations is that most houses built since this date are likely to have roof insulation, as well as extensions and conversions to existing houses. This will help assessors make a judgement in many cases without the need to inspect the roof space.
- 7.22. For more complex house types where the Building Regulation requirements are not relevant, assessors should take reasonable steps to find out whether the roof space has insulation. Possible methods of doing this - depending on individual circumstances - could include:
- looking for an accessible space in the roof - such as a wall hatch - that allows access to check for the presence of insulation;
  - asking the occupier if they know whether installation has been installed;
  - checking whether the local authority has records of historic insulation schemes;
  - checking with an architect or other professional who has knowledge of the construction methods of the house type, or with a local archive;
  - inspecting the inaccessible area with a borescope (where not disruptive);
- or

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

- using thermal imaging equipment, which may be able to provide an indication of the rate of heat loss.

### **Fitting roof insulation**

- 7.23. This guidance document does not extend to offering detailed advice on how to deal with houses that do not meet each element of the tolerable standard. We provide links at the end of this chapter to other sources of practical information and financial support relating to roof insulation. The Scottish Government's Warm Deal and Central Heating programmes provide financial help for certain households to insulate their homes. The package of available measures includes loft insulation<sup>21</sup>. You can follow the weblink at the end of this chapter for more information about the Warm Deal.
- 7.24. Installing roof insulation will be a straightforward solution for many of the houses that fail this element of the tolerable standard. But for some houses, such as those with flat, mono-pitched, mansard<sup>22</sup> roofs or attic rooms, adding roof insulation could be challenging.
- 7.25. Installing additional insulation in the roof space in these types of house after construction can be disruptive, difficult or not technically feasible. So, requiring an owner to install insulation may not be a practical solution in all cases. Assessors should take a pragmatic approach, on a case by case basis, and use their judgement when deciding whether to take action on individual 'hard to treat' BTS houses. One option in some circumstances may be to consider whether an appropriate response is to link insulation work with future improvement work to the house. For example, it may be possible to install insulation externally at the time of recovering the roof.

### **Profiling houses with no roof insulation**

- 7.26. We would expect that local authorities will want to develop a strategic understanding of houses most likely to have no roof insulation, particularly given that this is a new element of the tolerable standard. Authorities may want to develop a profile of the types of houses that are at most risk of not meeting this element of the tolerable standard. This could help to help shape an authority's local housing strategy and allow it to target and prioritise action on an area basis.
- 7.27. In the following paragraphs we set out a summary national profile of roof insulation by house type and age, drawing on data from the 2004/05 Scottish

---

<sup>21</sup> The Warm Deal programme does not cover all types of roof insulation. See its website (link at the end of this chapter) for more information.

<sup>22</sup> A mansard roof has two slopes on each of the pitched faces of the roof. The lower slope is steeper than the upper slope. Some mansard roofs have windows in the lower, steeper slope.

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

House Condition Survey<sup>23</sup>. Authorities might also be able to use findings from local house condition surveys and other local knowledge to help build a profile of their area.

### Age

- 7.28. The most significant factor influencing whether a house has roof insulation is its age. Before the mid-1960s there was no national requirement for new houses to have roof insulation. Since the mid-1960s, Building Regulations have required that new houses (including houses with flat roofs) and extensions / conversions to existing houses have a specified level of roof insulation. The required level of insulation has increased in stages over the years from an initial 25mm in the mid-1960s. The current requirement is based on the U-value (a measure of heat loss) rather than a specific thickness of insulation.
- 7.29. The effect of this requirement is that the vast majority of houses built or extended since the mid-1960s have roof insulation to all or part of the property. Assessors should be aware that there will be exceptions, such as situations where owners have removed roof insulation as part of improvement work. Conversely, many owners have added roof insulation to houses built before the 1960s. But generally, newer houses are much more likely to have roof insulation than those built before the mid-1960s. Therefore, assessors may want to give greater attention to older houses.
- 7.30. Focusing on houses built before 1965:
- pre-1919 houses are more likely than newer houses to have no roof insulation:
    - around half of all houses without roof insulation (and capable of having it) are pre-1919; and
    - almost 1 in 5 pre-1919 houses (and capable of having roof insulation) do not have any.
  - the next biggest category - in terms of numbers - is houses built between 1945 and 1964. This period saw the construction of many non-traditional houses which are hard to treat:
    - almost a quarter of all houses without roof insulation were built in this period;

---

<sup>23</sup> This analysis uses data from the 2004/05 Scottish House Condition Survey. The data here is indicative rather than definitive because the level of confidence in SHCS findings falls when dealing with subsets and small sample sizes. In addition, the survey involves imputing values where surveyors cannot gain access to the roofspace to make informed judgements about the presence of insulation.

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

- this represents a much smaller proportion of all the houses built between 1945 and 1964 - around 5 per cent - compared with the earlier period.

### House type

- 7.31. At a national level there is no significant difference in the percentage of houses with roof insulation between flats and non-flats (i.e. terraced, semi-detached and detached houses), once we remove flats without roofs from the calculation.
- 7.32. Overall, the vast majority of houses without roof insulation are non-flats. This reflects the fact that many more non-flats than flats have the capacity for roof insulation, as discussed above.

### Further Information

#### **Energy Action Scotland**

- 7.33. Energy Action Scotland's website provides information about improving thermal insulation as well as broader information on fuel poverty and energy efficiency:  
<http://www.eas.org.uk/>

#### **Energy Saving Trust**

- 7.34. The Energy Saving Trust (EST) Advice Centres provide expert and independent advice about the full range of financial support available to households to insulate their homes. The EST website also provides information on loft insulation:  
[http://www.energysavingtrust.org.uk/home\\_improvements/home\\_insulation\\_guidance/loft\\_insulation/](http://www.energysavingtrust.org.uk/home_improvements/home_insulation_guidance/loft_insulation/)

#### **Scottish Building Standards Agency**

- 7.35. The SBSA Technical Handbook provides guidance on achieving the standards set in the Building (Scotland) Regulations 2004:  
[http://www.sbsa.gov.uk/tech\\_handbooks/tbooks2007.htm#1](http://www.sbsa.gov.uk/tech_handbooks/tbooks2007.htm#1)

#### **Scottish Government Warm Deal programme**

- 7.36. The Warm Deal and Central Heating programmes provide financial help for certain households to insulate their homes. The package of available measures includes loft insulation:  
[http://www.communitiesscotland.gov.uk/stellent/groups/public/documents/web\\_pages/cs\\_017267.hcsp#TopOfPage](http://www.communitiesscotland.gov.uk/stellent/groups/public/documents/web_pages/cs_017267.hcsp#TopOfPage)

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

Volume 4

Tolerable Standard

## Energy Efficiency Commitment

7.37. The Energy Efficiency Commitment provides grants and subsidies for all householders to improve the energy efficiency of their homes. Under the EEC, electricity and gas suppliers are required to achieve targets for the promotion of improvements in domestic energy efficiency. From 01 April 2008 the EEC programme will be renamed the Carbon Emissions Reduction Target (CERT) programme. The suppliers under this scheme will continue to promote energy efficiency measures to consumers.

<http://www.defra.gov.uk/environment/climatechange/uk/household/eec/>

## **Chapter 8 Wholesome Water**

- 8.1. A house meets the tolerable standard if it has an adequate piped supply of wholesome water available within the house.

### **Introduction**

- 8.2. Every house should have a supply of wholesome water. An unwholesome water supply can cause significant and long-term health problems for occupants.
- 8.3. The tolerable standard is not the only statutory provision covering water quality in Scotland. Water supply Regulations govern the quality of supplies. We provide information on the Regulations in this chapter of guidance.
- 8.4. Local authorities have rarely used the wholesome water criterion of the tolerable standard as a basis for taking statutory action. Local and national house condition surveys have not routinely examined water quality. This may be because assessors have focused on more obvious problems in the house, such as dampness or instability. It may also reflect a lack of guidance on water quality issues for assessors or the specialist nature of testing wholesomeness.
- 8.5. Laboratory analysis is the only way to properly test whether water is wholesome. This is a specialist technical task, and professionals who work with the tolerable standard are unlikely to have the skills to carry it out. Some supplies will need testing, but assessors can draw on a wider range of indicators and information to identify cases where a supply is at greatest risk of not being wholesome. This chapter gives practical advice on how assessors should approach this element of the standard. It:
- explains how to identify houses that are most likely to have water supplies that may not meet the standard; and
  - describes how to gather information needed to reach an informed decision.

### **Legislation**

- 8.6. The wholesome water requirement has been part of the tolerable standard since it was introduced in 1969. The Housing (Scotland) Act 2006 did not change this.

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

Volume 4

Tolerable Standard

## Background

### **Types of Water Supply**

8.7. There are two types of water supply in Scotland: public and private. The vast majority of houses in Scotland (accounting for about 97% of the population) are connected to the public supply. Private water supplies serve approximately 3% of the population of Scotland (around 150,000 people). Nearly every local authority in Scotland has houses connected to a private water supply. The highest proportions of houses with private supplies are in Highland, Argyll & Bute, Aberdeenshire, Perth & Kinross, Borders and Dumfries & Galloway.

### **'Wholesome' Water**

8.8. Scottish Regulations set the standard for wholesomeness that public and private supplies must meet. The Regulations reflect a European Drinking Water Directive. They define wholesomeness with reference to the presence of chemicals and micro-organisms, and set out maximum levels and concentrations which water must comply with. There are separate Regulations for public and private water supplies. There are links to the Directive and the Regulations at the end of this chapter.

8.9. Neither the Scottish Office nor the Scottish Executive has in the past issued specific guidelines on the definition of 'wholesome water' for tolerable standard assessments. The European Directive and the Scottish Regulations now provide a clear frame of reference and an opportunity to establish a consistent approach. For the purpose of this guidance, assessors should use the definitions of wholesomeness set out in the Regulations. These definitions are technical and we have not listed them here, but you can access them via the website address at the end of this chapter.

### **Public and Private Supplies: Main Issues**

8.10. The likelihood of water not being wholesome - and the causes - varies between public and private supplies. We discuss these in turn below.

#### Public supplies

8.11. Scottish Water monitors and controls the quality of this water and is responsible for ensuring that water is wholesome to the stopcock, located at the curtilage of the property, normally in the pavement just outside the house.

8.12. There are a number of water quality issues that can result from internal plumbing, including copper, lead and microbiological factors. But the main water quality issue with the public supply relates to lead. There is no significant lead in the public water supply; the lead problem is due to plumbing

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

within houses and the impact this has on the lead content of water at the point of use.

- 8.13. There are clear health risks associated with high levels of lead in drinking water. But the presence of lead piping does not mean that the water is necessarily unwholesome, as the solubility of lead varies with the water chemistry. The Water Supply Regulations set a maximum permitted level of lead in drinking water. This is currently 25 micrograms per litre. Water with a lead content higher than this is unwholesome. This maximum limit will reduce to 10 micrograms per litre in 2013.
- 8.14. The main cause of high levels of lead in drinking water is lead pipes within the house. This problem happens more often in houses built before 1970 that have not had their pipes, tanks or fittings replaced. Local authorities have provided significant grant-funding to owners for lead pipe replacement. Where Scottish Water is aware that there is a problem with high lead levels in a particular area and where it is practical, it will take action to minimise the uptake of lead from pipes by introducing additives to the water during the treatment stage. This means that even where an assessor identifies lead pipes in a house, it does not necessarily follow that the water is unwholesome.
- 8.15. However, any lead pipes identified clearly represent a risk to the wholesomeness of the supply and every opportunity should be taken to reduce that risk and remove the lead pipes. Even where Scottish Water introduces additives, the lead standard can still be exceeded making the water unwholesome. The addition of chemicals to minimise the uptake of lead is clearly not sustainable and the only long term solution is the removal of lead pipes.

### Private supplies

- 8.16. Private water supplies are more likely than public supplies to be unwholesome. Like public supplies, they are at risk of having a lead content that is above the acceptable level. They are much more likely than public supplies to have several other possible contaminants (such as chemicals and micro-organisms) that may affect the wholesomeness of the supply and which put at risk the health of those using the supply.

### Making the assessment

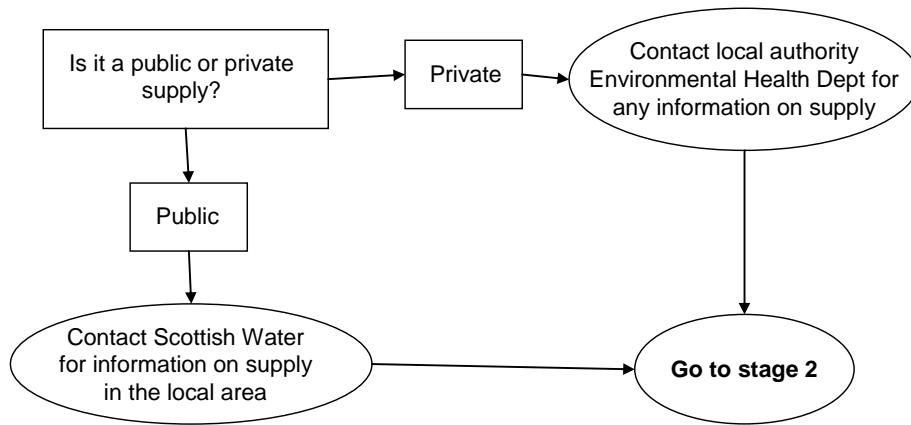
- 8.17. The three-stage flow-chart below will help guide an assessor through the process of determining whether the water supply to a house is wholesome:

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

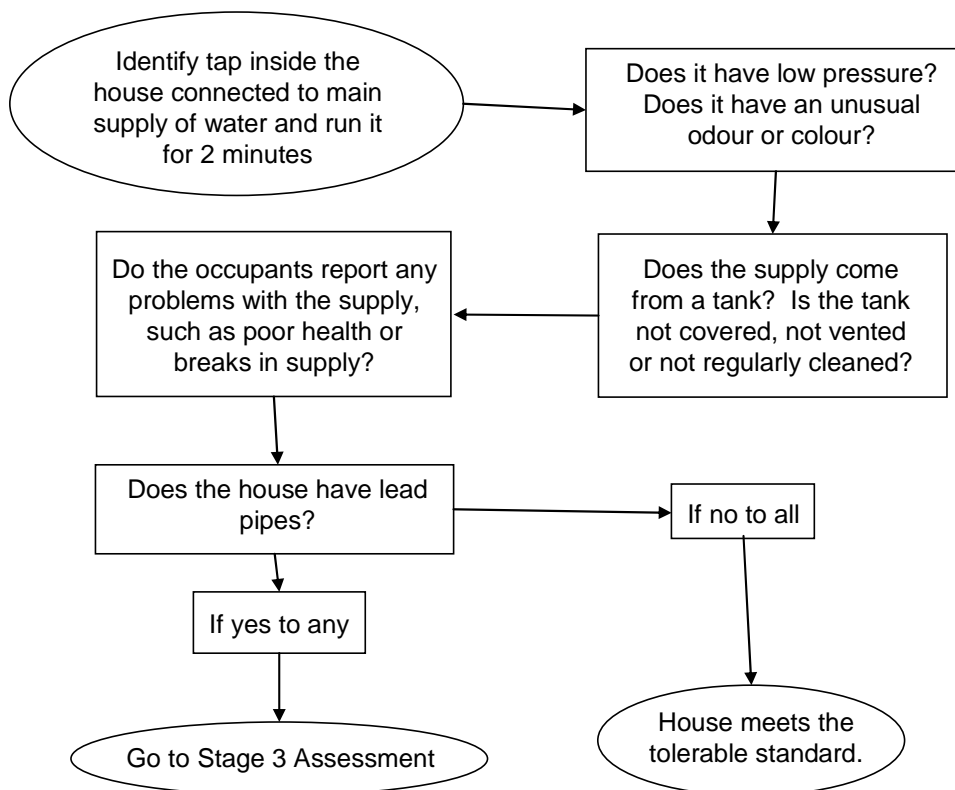
Volume 4

Tolerable Standard

## Stage 1 Assessment:



## Stage 2 Assessment:

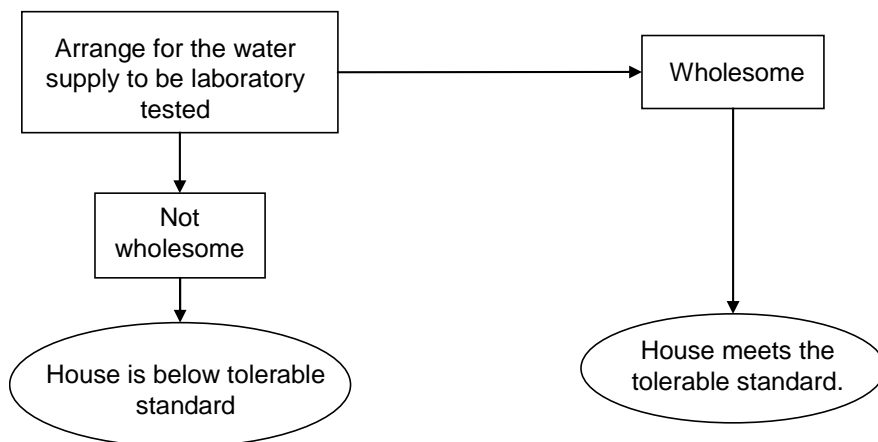


# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

Volume 4

Tolerable Standard

## Stage 3 Assessment:



## Assessing Wholesomeness: Stage by Stage Approach

8.18. Laboratory analysis is the only way to determine conclusively if a supply of water is wholesome at the point of use, normally the kitchen tap. But it is not practical, or necessary, for an assessor to arrange to test the water supply in every house he or she visits. Laboratory analysis is the final stage in this process. An assessor will normally need to arrange this only where a review of relevant information and a house visit suggest that the water supply may not be wholesome.

### Stage One: Information Review

8.19. Scottish Water and local authorities have specific responsibilities around water quality and therefore hold information that might be useful for making assessments against the tolerable standard. A practical first step for an assessor before visiting the house is to check the available information about the quality of the water supply to the house. This could inform an assessor that a supply is unwholesome (for example where there has been a recent analysis of the water). Or an assessor may learn that there is a short-term problem affecting the house related to repair or improvement work. An assessor could take account of any short-term issue during the visit and this would not normally be a reason for a house to fail the tolerable standard.

8.20. An assessor will need to find out whether the water comes from a private supply or the public network. In many cases this will be clear from local knowledge. Where it is not, the occupier may be able to confirm the source. Local authority Environmental Health Departments hold a register of all properties in their area served by a private water supply.

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

8.21. Constructive working relationships and a good understanding of roles and responsibilities across organisations will be important to the smooth flow of information.

### Public supplies

8.22. Compliance with the drinking water quality regulations is measured at the point of use in the house. If Scottish Water discovers the lead content in a sample of water taken from the point of use exceeds the maximum level permitted, it is required to inform the householder and provide them with advice on how to minimise their exposure to lead.

8.23. Scottish Water holds information on areas likely to have lead pipes and whether or not it has treated the supply to an area to reduce the tendency for lead pipes to contaminate the drinking water and make it unwholesome. Scottish Water will make this information available to local authorities<sup>24</sup>. If an assessor considers that there may be other contaminants in the public supply, he/she should raise the issue with Scottish Water.

### Private supplies

8.24. Each local authority may hold information relating to the quality of the water from private water supplies. Private supplies are categorised according to the number of people they supply:

- 'Type A' are larger supplies and provide water to houses with a total population of 50 or more people or provide on average 10 or more cubic metres of water a day. Local authorities have a duty to regularly monitor type A supplies within their area and, where a supply is not wholesome, take action to ensure the quality is improved.
- 'Type B' supplies provide water to houses with a total population of less than 50 people. The powers relating to type B supplies are more discretionary and local authorities can test any type B supply in their area to determine whether it is wholesome. Local authorities also have a duty to test type B supplies when the owner or consumer of such a supply asks them to do so.

8.25. Many professionals who work with the tolerable standard are local authority environmental health officers. Local authority environmental health services are likely to be the source of information about private water supplies. This should make the sharing of information straightforward in some discussions about private supplies.

---

<sup>24</sup> The final version of this guidance will include details of how Scottish Water will make this information available to local authorities.

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

### Stage Two: House Visit

- 8.26. The next stage in the assessment process is the house visit. When at the house, an assessor should look for any evidence that suggests the water supply may not be wholesome. Assessors will normally rely on observable indicators to check the water; principally colour and odour. The assessor should turn on the tap and let it flow for around two minutes before examining the water. Unusual colour and odour could indicate that the water may not be wholesome, in which case the assessor would investigate further. Equally, some deviations from clear and odourless water do not necessarily indicate a problem. The assessor should not taste the water if there are concerns over its quality.
- 8.27. Some flats within tenement and multi-storey blocks receive their cold water supply via a tank located at the top of the building. Water supplied by a storage tank at the top of the building may smell or be discoloured and this may indicate a problem with the tank. An assessor should, where possible, check whether the tank is covered, vented and maintained.

#### Colour

- 8.28. Water can be naturally brownish in appearance depending on its source. Many Scottish supplies are derived from upland sources and the colour comes from naturally occurring organic compounds. Water may look white or cloudy; this is normally a result of dissolved air within the system and when left to stand will become clear. Neither of these necessarily indicates that the water is unwholesome.

#### Odour

- 8.29. Water will occasionally smell of chlorine; this is a normal effect of the treatment process and not an indicator that the water is not wholesome.

#### Lead pipes, tanks and fittings

- 8.30. Assessors should look at visible pipe work within the house to check whether the supply runs through lead pipes. However, the absence of visible lead pipes does not guarantee that the water is not contaminated with lead. Other sources of lead include lead water tanks, lead communication pipes (connecting the house to the stopcock at the curtilage of the property) and lead solder. Assessors should be aware that even in more modern properties with copper pipes, a risk still exists where the plumbing has been installed using lead solder.
- 8.31. Residents of the house may be a useful source of information on the quality of water. Relevant questions might include:
- have you noticed any significant changes in the quality of the water?;
  - do you or your family regularly suffer from health problems such as sickness or diarrhoea?;
  - is the water supply ever broken or at low pressure?;

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

- when was the tank last cleaned (for houses supplied by tanks at the top of the building)?; and
  - (if private supply) do you know the location of the source of their supply?
- 8.32. The assessor should ask whether there are fluctuations in the supply. Low flow during dry periods will concentrate any contaminants and may take them above acceptable levels. If there appear to be such problems the assessor should arrange to revisit in a dry period.
- 8.33. If the assessor has any doubts about the quality of a private supply he/she should consider, where feasible, inspecting the source of the supply and the pipes connecting it to the house to check for the possibility of contamination from external sources such as animals or slurry overflow. But even where there is no visible evidence at the source indicating the supply is contaminated, the water may still be unwholesome.

### Stage Three: Laboratory Analysis

- 8.34. If, at the end of stage two, the assessor is still uncertain about the wholesomeness of the water supply, he/she can request that the water is tested. If the test concludes that the water is not wholesome, then the house does not meet the tolerable standard.

#### Adequate supply

- 8.35. For a house to meet the tolerable standard, its water supply must be 'adequate' as well as wholesome. Assessors should consider whether the supply is adequate according to three factors: availability, pressure and continuity. Assessors should follow the first two of the three stages set out above (i.e. information review and house visit).

#### Availability

- 8.36. Wholesome water should be available to the occupants of the house from at least one tap inside the house. This will normally be located at the sink, but a house will not fail the tolerable standard if it is available elsewhere in the house. As a point of good practice, assessors should tell the occupants of the house where the source of wholesome water is in the house if he/she thinks the occupants do not know.

#### Pressure

- 8.37. An assessor should visually examine the pressure of the water at the tap. Scottish Water is responsible for ensuring that public supplies meet the pressure specified in Regulations. In some cases, such as within flats in tenements or high-rise buildings, the pressure may appear slightly lower than normal due to the routing of supply through tanks. Significant pressure difficulties are most likely in private supplies, particularly during long periods of dry weather. A house will normally be below tolerable standard where an

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

assessor observes very low pressure at the time of the visit and then confirms from the relevant body that this is an ongoing or regular problem rather than an isolated incident.

### Continuity

8.38. Occasionally, maintenance or repair works will interrupt the public water supply. This is not relevant for the tolerable standard. Breaks in supply are most often an issue for private supplies. Dry periods in the summer can leave houses without water because the source has dried up. Where an assessor is aware that the supply is regularly interrupted for significant periods - for example several days at a time - the house is likely to be below the tolerable standard. Again, the assessor should discuss supply issues with the relevant body before finalising the assessment.

### Immediate action

8.39. If an assessor suspects that the water supply to a house is unwholesome and poses an immediate danger to the health of the occupants of the house, he/she should inform the occupants immediately and arrange for the supply to be tested. This will normally only be on occasions where an assessor observes a significant unusual discolouration, or odour, or where he/she suspects there is a problem with a storage tank.

### Enforcement

8.40. An assessor should be aware that there are two distinct routes available to local authorities for dealing with houses that are below tolerable standard on water quality. The first is under the Water (Scotland) Act 1980, using also the Private Water Supplies (Notices) (Scotland) Regulations 2006. The second is under the Housing (Scotland) Act 2006. Our Housing renewal areas & repair, improvement and demolition guidance explains how authorities can use enforcement powers to take action against below tolerable standard houses. Each local authority should decide which set of legislation it intends to use to deal with water quality issues and develop an appropriate procedure for this.

### Further Information

8.41. The **Drinking Water Quality Regulator** ensures that Scottish Water achieves the specified standards for water quality. For more information on the public water supply, Scottish Water and the Drinking Water Quality Regulator, see: <http://www.scottishwater.co.uk> and <http://www.dwqr.org.uk>

8.42. For the **European Directive** see [http://ec.europa.eu/environment/water/water-drink/index\\_en.html](http://ec.europa.eu/environment/water/water-drink/index_en.html)

8.43. The **Water Supply (Water Quality) (Scotland) Regulations 2001** govern the quality of public water supplies in Scotland. Regulation 4 sets the standard for wholesomeness that the public supply must meet. See <http://www.opsi.gov.uk/legislation/scotland/ssi2001/20010207.htm>

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

- 8.44. The **Private Water Supplies (Scotland) Regulations 2006** govern the quality of private water supplies in Scotland. Regulation 7 specifies the standard that such supplies should meet. The regulations distinguish between Type A and Type B supplies for the prescribed concentrations and values. See <http://www.opsi.gov.uk/legislation/scotland/ssi2006/20060209.htm>
- 8.45. **Grants:** if an assessor determines that a private water supply is unwholesome and below tolerable standard, he/she may wish to advise the owner or occupier that there are grants available through the local authority to make improvements to the water supply. More information on this is available through the local council, and at <http://www.opsi.gov.uk/legislation/scotland/ssi2006/20060210.htm>
- 8.46. Additional guidance on **assessing water quality** is available at <http://www.scottishwater.co.uk> and <http://www.privatewatersupplies.gov.uk> .

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

### Chapter 9 Sink With Hot & Cold Water

- 9.1. A house meets the tolerable standard if it has a sink provided with a satisfactory supply of both hot and cold water within the house

#### Introduction

- 9.2. Every house should have a sink supplied with both hot and cold water. This is one of the more straightforward elements of the tolerable standard. This chapter will help assessors focus on what to look for when making the assessment.
- 9.3. This element of the tolerable standard overlaps with other chapters of this guidance, particularly foul water, wholesome water, WC, fixed bath/shower with wash-hand basin, and facilities for cooking food. Those using the tolerable standard should bear in mind the advice in the other chapters when assessing a house on this element.

#### Legislation

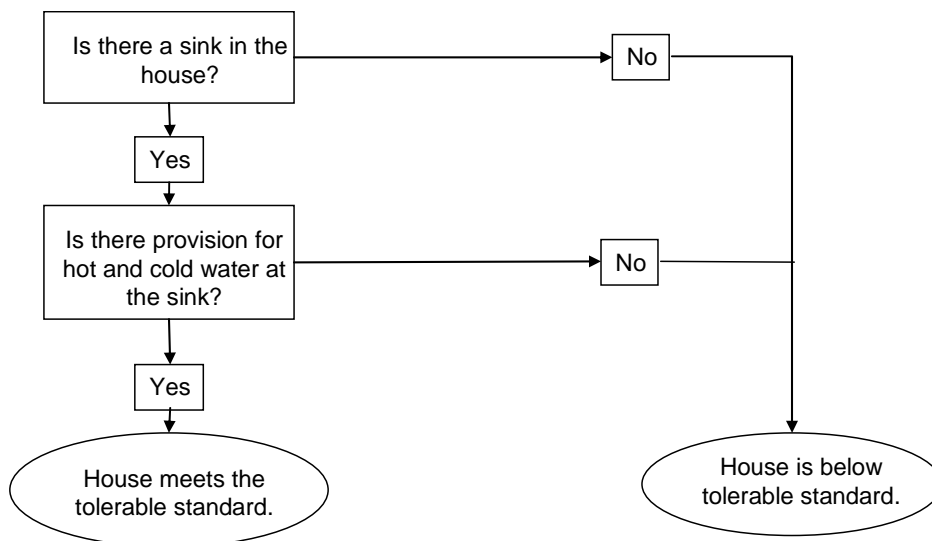
- 9.4. The tolerable standard has always included the requirement for there to be a sink with a satisfactory supply of hot and cold water. The Housing (Scotland) Act 2006 did not change this element of the standard.

#### Definitions

- 9.5. Sink: This refers to any type of fixed sink, permanently connected to an appropriate drainage pipe. The purpose of a sink is distinct from that of a wash-hand basin. A sink is used mainly for cleaning food during preparation, and for washing dishes and utensils used to prepare and consume food.
- 9.6. Satisfactory supply of hot & cold water: The sink should have a fixed tap or taps capable of delivering both hot and cold water. The water may emerge from two separate taps or from a single mixer type tap. A hot water storage tank, or an instantaneous water heater, will normally provide the hot water.
- 9.7. Within the house: It is important that the sink is located within the main living part of the house. The occupants should not need to go outside to access it and it should not be located in an out-house or garden shed. They should not need to go through another person's house to access it and it should not be located in an area used in common with the occupants of another house. In addition, the sink should not be located in a garage, even where this is adjoined to the house.

**Making the assessment**

9.8. The flow-chart below will help guide an assessor through the process of determining whether the house meets the tolerable standard, having a sink with a satisfactory supply of hot and cold water:



9.9. An assessor should consider the following information in trying to answer each of these questions:

**Is there a sink in the house?**

9.10. An assessor should look for the main sink inside the house. Where a house has more than one sink, an assessor should look to identify one that meets the tolerable standard. In most cases the main sink will be in the kitchen, but some houses may have the sink in another location. This does not necessarily mean the house is below tolerable standard. An assessor should consider the appropriateness of the location of the sink and make a judgement on that basis. For example, a house with the main sink located in a bedroom or bathroom is normally below tolerable standard.

9.11. A house without a sink is below tolerable standard.

**Is there provision for a supply of hot & cold water at the sink?**

9.12. The easiest way to check if there is a satisfactory supply of hot and cold water is to turn on the tap. But in some circumstances hot water may not be available at the time of the visit (for example where there is an immersion heater). In these cases the assessor should check that the house has the capacity to deliver hot water.

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

- 9.13. In practice, this means assessors may have to look for the presence of a water heating appliance. This will normally be a hot water storage cylinder supplied from a boiler, a combination boiler, or a smaller storage or instantaneous water heater located at the bath or wash-hand basin. The device should be capable of delivering a total supply of at least 7 litres of hot water to the sink in one continuous flow, otherwise the house is below tolerable standard.
- 9.14. If the water heating device is broken or damaged, and an assessor believes it is not fit for purpose and beyond economic repair because of its age and type, the house is below tolerable standard. The presence of a condemned notice on a boiler, or information from the occupier on how long the water heating device has been broken may be helpful to an assessor in making this judgement. However, if an assessor considers that the device can be repaired and thinks that this will be done soon after the visit, the house is not below tolerable standard. In some cases, an assessor may choose to make a follow-up visit to the house at a later date, giving the owner an opportunity to fix the broken device.
- 9.15. The cold water supply at the sink will in most cases be the source of wholesome water for the occupants of the house. However, there is no requirement for the wholesome supply to be at the sink, and a house may not be below tolerable standard if it is elsewhere. An assessor should refer to the chapter of this guidance on wholesome water for further information on this.

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

Volume 4

Tolerable Standard

## Chapter 10 Water Or Waterless Closet

10.1. A house meets the tolerable standard if it has a water or waterless closet available for the exclusive use of the occupants of the house and suitably located within the house.

### Introduction

10.2. This element of the tolerable standard aims to ensure that every house in Scotland has an inside toilet that is not shared with any other house. It is important that the occupants of the house can access the toilet safely and that there is a wash-hand basin close by.

10.3. While this element of the tolerable standard is one of the more straightforward to assess, it requires the assessor to make sensible judgements on what is tolerable in each case. This is particularly important when looking at safe access and usable space. This chapter will provide assessors with advice on the main issues they need to consider.

### Legislation

10.4. The tolerable standard has always included the requirement for there to be a water closet inside the house. However, the definition was expanded in 2003 to include “waterless closet”. The term was included in the Housing (Scotland) Act 2006 to confirm its place in parliamentary legislation.

### Definitions

10.5. The tolerable standard refers to both water and waterless closets:

10.6. Water closet: A water closet is a traditional flushing toilet. This type of toilet has a bowl at the base and is normally connected to a cistern at the top. The bowl is attached to an appropriate drainage pipe that takes the waste to a public or private sewerage system.

10.7. Waterless closet: A waterless closet is a toilet sanitation system that does not need any water to function. A waterless closet operates by removing the water content from human waste and produces a dry, odourless by-product. Toilets of this type do not connect to public or private sewerage disposal systems and the dry waste is normally collected in bags and manually removed by the occupier.

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

10.8. Suitable location: The tolerable standard states that the water closet should be suitably located within the house. Assessors will need to think about the following factors when considering the location of the water closet:

- the position of the water closet within the house;
- the amount of activity space around the water closet; and
- the proximity of hand-washing facilities to the water closet.

10.9. The term 'water closet' is often used interchangeably with toilet, in reference to the appliance itself and the enclosed space in which the appliance is located. For the purpose of this guidance, this chapter will use the abbreviation WC, and this should be taken by assessors to mean a water or waterless closet appliance only.

10.10. The next part of this chapter gives advice for assessors on making judgements on this element of the tolerable standard.

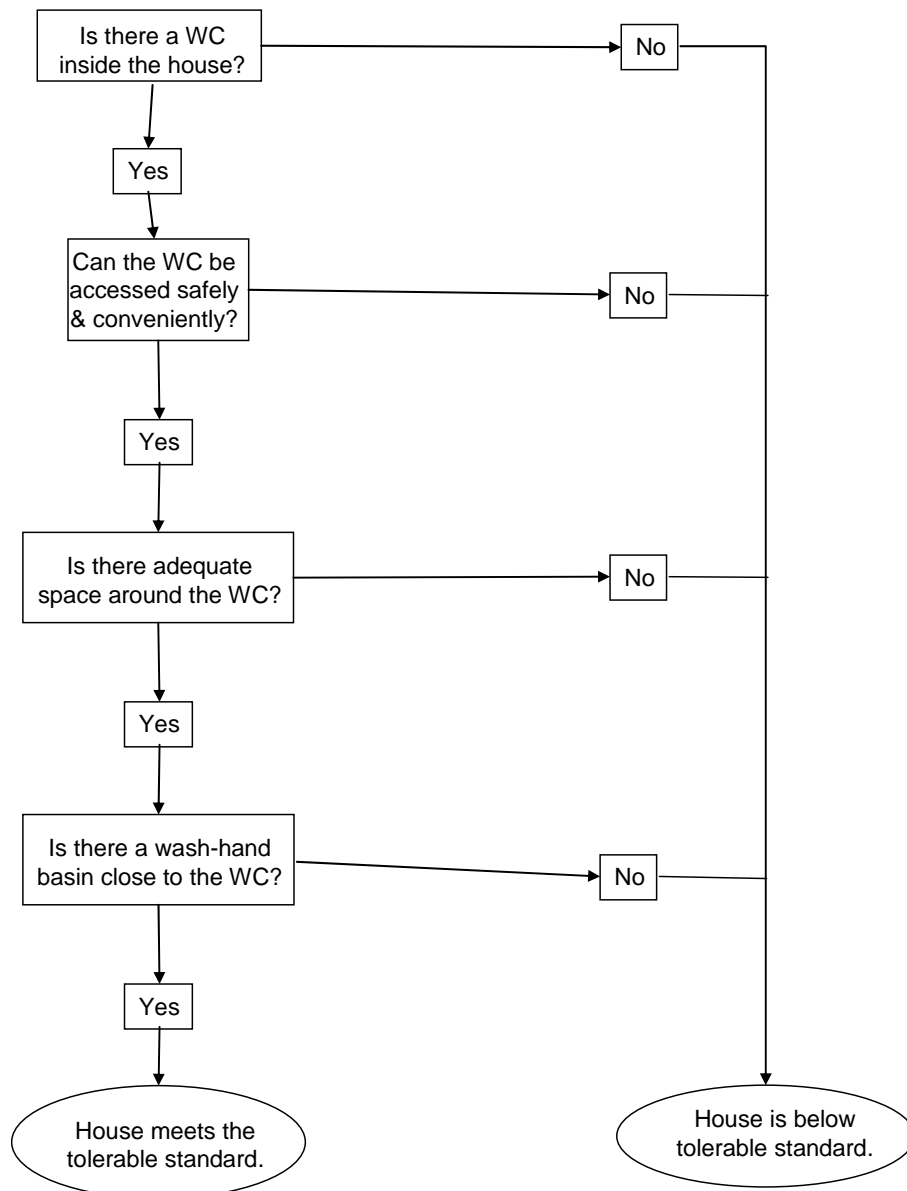
### **Making the assessment**

10.11. The flow-chart below will help guide an assessor through the process of determining whether the house has a WC that meets the tolerable standard:

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard



10.12. An assessor should consider the following information when thinking about each of these questions:

### Is there a WC inside the house?

10.13. The assessor should look to identify a functional WC inside the main living part of the house that the occupants can access without going outside. If the house does not have an inside WC, it is below tolerable standard. In most situations, for houses with more than one WC, the assessor need only identify one that meets the tolerable standard.

10.14. In the case of water closets, the WC must be connected to an effective system for drainage and disposal of foul water. Assessors should refer to the chapter on surface and foul water drainage.

**Can the WC be accessed safely and conveniently?**

10.15. The WC should be located in such a position within the house that allows all occupants and visitors safe and convenient access to it. If the only WC is positioned mid-flight off stairs, requiring the user to step from and onto a split-level surface, the house is below tolerable standard. Also, if the WC is located immediately next to a kitchen area, is not separated by a doorway, or does not have a wash-hand basin suitably located, the house is below tolerable standard.

10.16. In some cases, the only WC in the house will be located off a bedroom and can only be accessed by walking through the bedroom. In houses with only one bedroom, this type of arrangement will be satisfactory. However, a house with more than one bedroom must have at least one WC that occupants and visitors can access without going through a bedroom, otherwise it is below tolerable standard.

10.17. Waterless closets remain quite rare in Scotland and assessors may not be familiar with this type of appliance. An assessor should make a sensible judgement on whether the waterless system appears to be of a safe and hygienic design. If he/she considers the waterless closet poses a danger to the health of the user, the house is below tolerable standard.

**Is there adequate space around the WC?**

10.18. A WC should have sufficient room around it to allow a non disabled occupier to use it comfortably. An assessor will need to make a judgement on the size of the space in which the WC is located and he/she should consider the height of the ceiling, the space directly in front of it, and how easily users can access it. If the assessor believes that the lack of space prevents the occupants from comfortably using the WC, the house is below tolerable standard.

**Is there a wash-hand basin next to the WC?**

10.19. An assessor should check that there is a wash-hand basin available close to the WC (go to chapter on [bath, shower & wash-hand basin](#) for guidance on how to assess the wash-hand basin). If the wash-hand basin is not located immediately next to the WC, then it should be in the space outside the enclosed space containing the WC, such as in the hallway. However, a kitchen sink, normally used in the preparation of food, is not a satisfactory wash-hand basin for this purpose. A house that does not have a wash-hand basin located close to the WC is below tolerable standard.

## **Chapter 11 Bath Or Shower And Wash-Hand Basin With Hot & Cold Water**

11.1. A house meets the tolerable standard if it has a fixed bath or shower and wash-hand basin, each provided with a satisfactory supply of hot and cold water and suitably located within the house.

### **Introduction**

11.2. This purpose of this element of the tolerable standard is to ensure all homes in Scotland have private facilities for personal hygiene. This should be a bath or shower, in addition to a wash-hand basin. These must be located inside the house and should be available for the sole use of the occupants. In most cases, these facilities will be located in a bath or shower room.

### **Legislation**

11.3. The Tolerable Standard was first defined in the Housing (Scotland) Act 1969, and this element was introduced in the Housing (Scotland) Act 2001. The Housing (Scotland) Act 2006 did not change the definition.

### **Making the assessment**

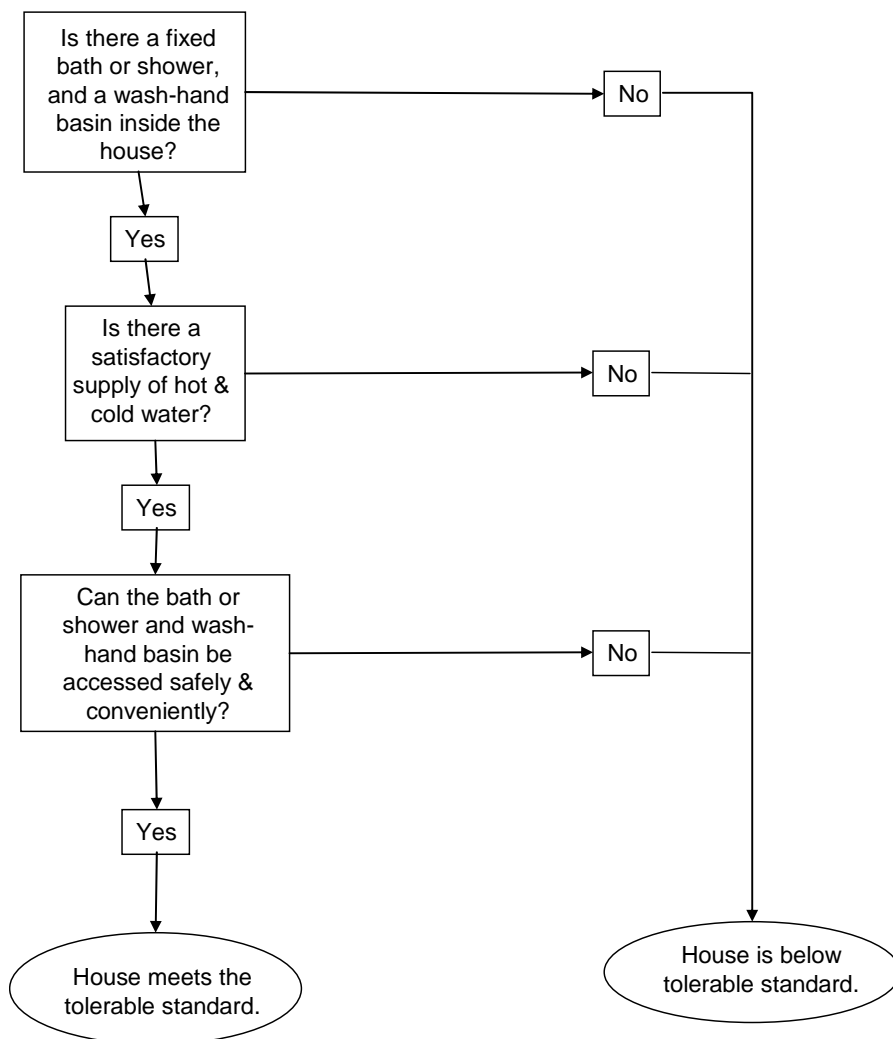
11.4. This element of the tolerable standard is one of the more straightforward to assess. Assessors should try to identify a fixed bath or shower, and a wash-hand basin supplied with hot and cold water, inside the house. Assessors should consider this with the advice contained in other chapters of this guidance, in particular ventilation, lighting and wholesome water.

11.5. The flow-chart below will help guide an assessor through the process of determining whether the house has a bath, shower and wash-hand basin that meets the tolerable standard:

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard



11.6. An assessor should consider the following information in trying to answer each of these questions. For houses with more than one bath or shower room, the assessor need only identify one set of facilities that conforms to the tolerable standard.

### Is there a fixed bath or shower, and a wash-hand basin inside the house?

11.7. The assessor should look to identify a functional bath or shower, and a wash-hand basin inside the main part of the house for the exclusive use of the occupants that they can access without going outside. These facilities should be fixed firmly to the floor or wall and connected permanently to an appropriate drainage pipe. Assessors should note that the requirement for a house to have a wash-hand basin is distinct from that for a sink. A sink, normally located in a kitchen area and used in the preparation of food, is not a satisfactory substitute for a wash-hand basin. The chapters on sinks and water closets provide more information on this for assessors.

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

11.8. The bath, shower or wash-hand basin should be fit for purpose and not broken or damaged to such a degree that it cannot be used and is beyond economic repair. For example, if a bath has a hole in it and cannot be filled with water, and the assessor considers the cost of repairing the damage is disproportionate to the cost of replacement, the house is below tolerable standard. However, if the facility is in poor condition because it is unclean or damaged, but still usable, the house is not below tolerable standard.

### **Is there a satisfactory supply of hot and cold water to the facilities?**

11.9. The bath, shower and wash-hand basin should have a fixed tap or taps capable of delivering a piped supply of both hot and cold water. The water may emerge from two separate taps or from a single mixer type tap. In the case of a shower, the water will normally emerge from a shower head and hot water will be supplied by an instantaneous boiler, or tank. In the case of electric showers, the shower device will normally heat the water instantly. The shower head may be fixed to the wall or ceiling, or may be connected to the water supply via a hose.

11.10. The easiest way to check if there is a satisfactory supply of hot and cold water is to turn on the tap. But in some circumstances hot water may not be available at the time of the visit (for example where there is an immersion heater). In these cases the assessor should check that the house has the capacity to deliver hot water.

11.11. In practice, this means assessors may have to look for the presence of a water heating appliance. This will normally be a hot water storage cylinder supplied from a boiler, a combination boiler, or a smaller storage or instantaneous water heater located at the bath or wash-hand basin. The quantity of water the device should be capable of delivering is:

- for a wash-hand basin, a total supply of at least 7 litres of hot water in one continuous flow; and
- for a bath or shower, the device must be capable of delivering 7 litres of hot water per minute, and in all cases enough to allow the occupants to fill a bath where a bath is the facility provided.

11.12. An assessor should check that the appliance works and is capable of producing hot water. A house that does not have a water heating system capable of providing a suitable continuous supply of hot water at the shower, bath or wash-hand basin is below tolerable standard.

11.13. If the water heating device is broken or damaged, and an assessor believes it is not fit for purpose and be beyond economic repair, the house is below tolerable standard. However, if an assessor judges that the device can be repaired and thinks that this will be done soon after the visit, the house is not below tolerable standard. In some cases, an assessor may choose to make a

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

follow-up visit to the house at a later date, giving the owner an opportunity to fix the broken device.

### **Can occupants access the bath or shower and wash-hand basin safely and conveniently?**

- 11.14. The bath or shower, and wash-hand basin will normally be located in a bathroom. This should be located in a position within the house that allows any non disabled user of average size safe and convenient access to it. Where a current occupant has mobility difficulties that affect access to facilities this does not of itself mean that the house is below the tolerable standard. Bathrooms that are positioned off stairs and require the user to step from and onto a split-level surface will normally be below tolerable standard.
- 11.15. In some cases, the only bathroom in the house will be located off a bedroom (en-suite type). In houses with one bedroom, this type of arrangement will be satisfactory. However, a house with multiple bedrooms must have a bathroom that occupants can access without going through a bedroom, otherwise it is below tolerable standard.

### **Is there adequate space to use the shower, bath or wash-hand basin?**

- 11.16. The bathroom should have sufficient room within it to allow the shower, bath and wash-hand basin to be used comfortably. An assessor will need to make a judgement on the space in which they are located, and he/she should consider the height of the ceiling, the space around the facilities, and how easily users can enter the room. If the assessor believes that the lack of space prevents the occupants from comfortably using the facilities, the house will be below tolerable standard.
- 11.17. In houses with only one bedroom, it is acceptable to have a shower located in the bedroom for the exclusive use of the occupants. However, for houses with more than one bedroom, where the only shower is located in a bedroom, the house is below tolerable standard.

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

Volume 4

Tolerable Standard

## Chapter 12 Facilities For Cooking Food

12.1. A house meets the tolerable standard if there are satisfactory facilities for the cooking of food within the house.

### Introduction

12.2. Everyone should have facilities for cooking food inside their house. This is one of the more straightforward elements of the tolerable standard to assess, and this chapter gives practical step-by-step guidance on how to do this. Assessors should use this guidance alongside their experience to make sensible judgements.

12.3. This element of the tolerable standard is directly linked to requirements covered in other chapters of this guidance. This includes electrical installations, ventilation, and in particular sink with hot and cold water which is important for hygiene in the preparation of food. We provide more detail on assessing the suitability of a cooker location below. Those using the tolerable standard should bear in mind the advice in the other chapters of this guidance when assessing a house on this element.

### Legislation

12.4. The tolerable standard has always included the requirement for there to be satisfactory facilities for the cooking of food inside a house. The Housing (Scotland) Act 2006 has not changed this.

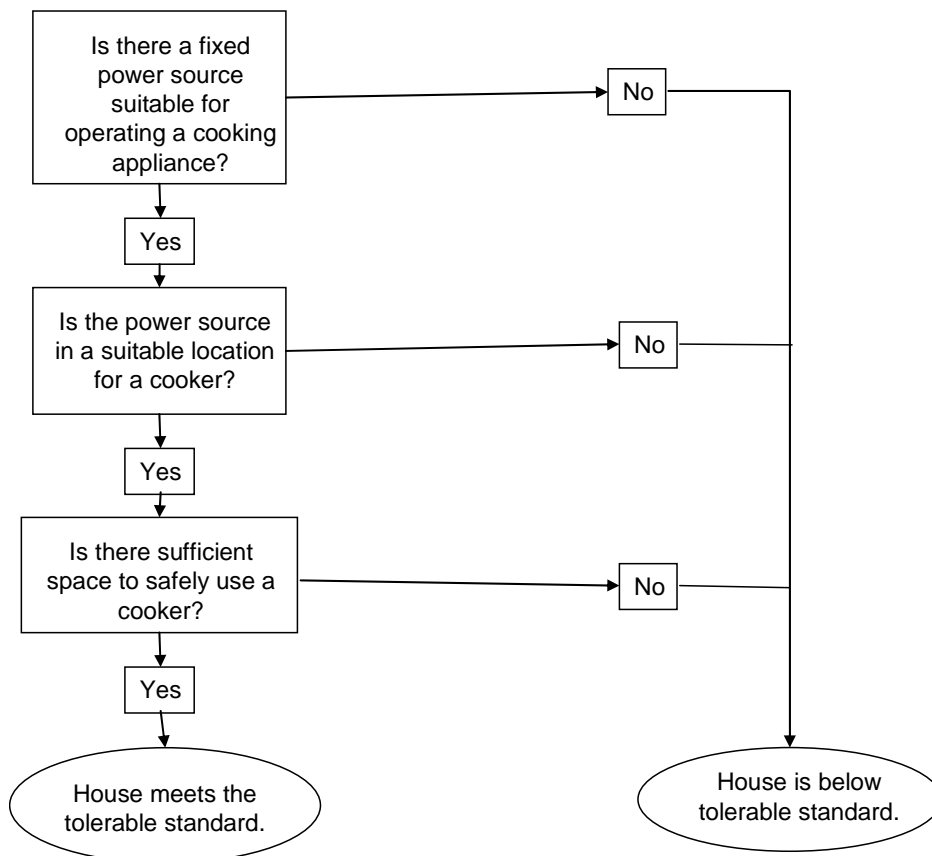
### Definitions

12.5. Satisfactory facilities: An assessor should consider this element in terms of the minimum facilities needed to allow an occupier to cook food safely within the house. An assessor should not judge a house on the presence or otherwise of cooking appliances, but on the ability of the house to support such activity safely.

12.6. Within the house: A cooking appliance must be able to be installed inside the main living area of the house. This means that an occupier should not have to go outside, or through someone else's property, to reach the cooking facilities.

**Making the assessment**

12.7. The flow-chart below will help guide an assessor through the process of determining whether the house meets this element of the tolerable standard:



12.8. An assessor should consider the following information in trying to answer each of these questions:

**Is there a fixed power source suitable for operating a cooking appliance?**

12.9. An assessor should look for a fixed power source that an occupant could use to operate a cooking appliance in the house. This can be:

- a fixed electrical power point suitable for a standard electrical cooker; or
- a mains or Liquefied Petroleum Gas (LPG) gas point, capable of being connected to the supply and switched on; or
- an oil supply.

12.10. Where there is no fixed power source available, the house will be below tolerable standard. If the power source is oil or solid fuel, the cooker must be present, permanently connected to a flue, and there must be suitable and safe storage for the fuel. Where this is not the case, the house is below tolerable standard.

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

12.11. An assessor should wherever possible ensure that a cooker, if present in the house, is connected to an appropriate power source. If the cooker is powered by electricity, it must be connected to a fixed electrical power outlet suitable for a standard electrical cooker. An assessor should refer to the chapter of this guidance covering electrical installations.

### Is the power source in a suitable location for a cooker?

12.12. In most cases, a house will have a kitchen in which there will be a cooking appliance installed. However, on some occasions the house may not have a kitchen and an assessor will need to judge whether the house satisfies the tolerable standard for this element. The presence or otherwise of a kitchen is not a factor in making the assessment. The issue is whether the house has an appropriate space to locate a cooking appliance.

12.13. A cooker should not be located under a stair, in a cupboard off a room, in a garage, or anywhere that requires the occupier to go outside or through another person's house to access it. A house where the power source for a cooker is located in any of these places will normally be below tolerable standard. A cooker should be positioned in the house close to a sink with hot and cold water. This is necessary because a sink should be available to allow the occupants to prepare food hygienically.

12.14. Assessors should consider each situation they observe in context and use their judgement to decide whether the location is suitable or not.

### Is there sufficient space to use the cooker safely?

12.15. An assessor should consider the suitability of the location of a space for a cooking appliance primarily in terms of safety. The room should be large enough to allow the user to work safely at a cooker, including the handling of hot food. The floor in front of it should be clear so that the oven door can open fully. The location should be properly ventilated and an assessor should refer to the chapter of this guidance that provides advice on ventilation.

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

Volume 4

Tolerable Standard

## Chapter 13 Foul & Surface Water Drainage

13.1. A house meets the tolerable standard if it has an effective system for the drainage and disposal of foul and surface water.

### Introduction

13.2. This element of the tolerable standard requires every house to have a drainage system capable of managing and disposing of wastewater and rainwater. This ensures that the house remains watertight and assists in providing the occupants with a safe, hygienic environment.

13.3. This chapter provides guidance for assessors on how to judge if the systems for drainage and disposal are effective. The advice in this chapter should be used alongside an assessor's own experience and will help him/her to make sensible judgements. Assessors should also consider the advice given in this chapter in the context of guidance on other elements of the standard, including water closets, bath/shower and wash-hand basin, sink, and rising and penetrating damp.

### Legislation

13.4. The tolerable standard was first defined in the Housing (Scotland) Act 1969 and has always included the requirement for a house to have an effective system of drainage of surface and foul water. The Housing (Scotland) Act 2006 does not change this.

13.5. Assessors should be aware of other legislation relating to the disposal of surface and foul water. We provide details on the Water Environment (Controlled Activities) (Scotland) Regulations 2005 at the end of this chapter.

### Definitions

13.6. This chapter provides a more detailed description of the terminology used in this element of the standard:

13.7. Effective system for drainage and disposal: this refers to a fixed and permanent system that is capable of transferring surface and foul water from the point of collection to the point of disposal. To be effective, the system must be able to cope with the volume of water to be disposed of and transfer this to an appropriate point of disposal.

13.8. Foul water: this is the by-product of normal domestic activities, and includes all wastewater from toilets, sinks, baths, showers and wash-hand basins.

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

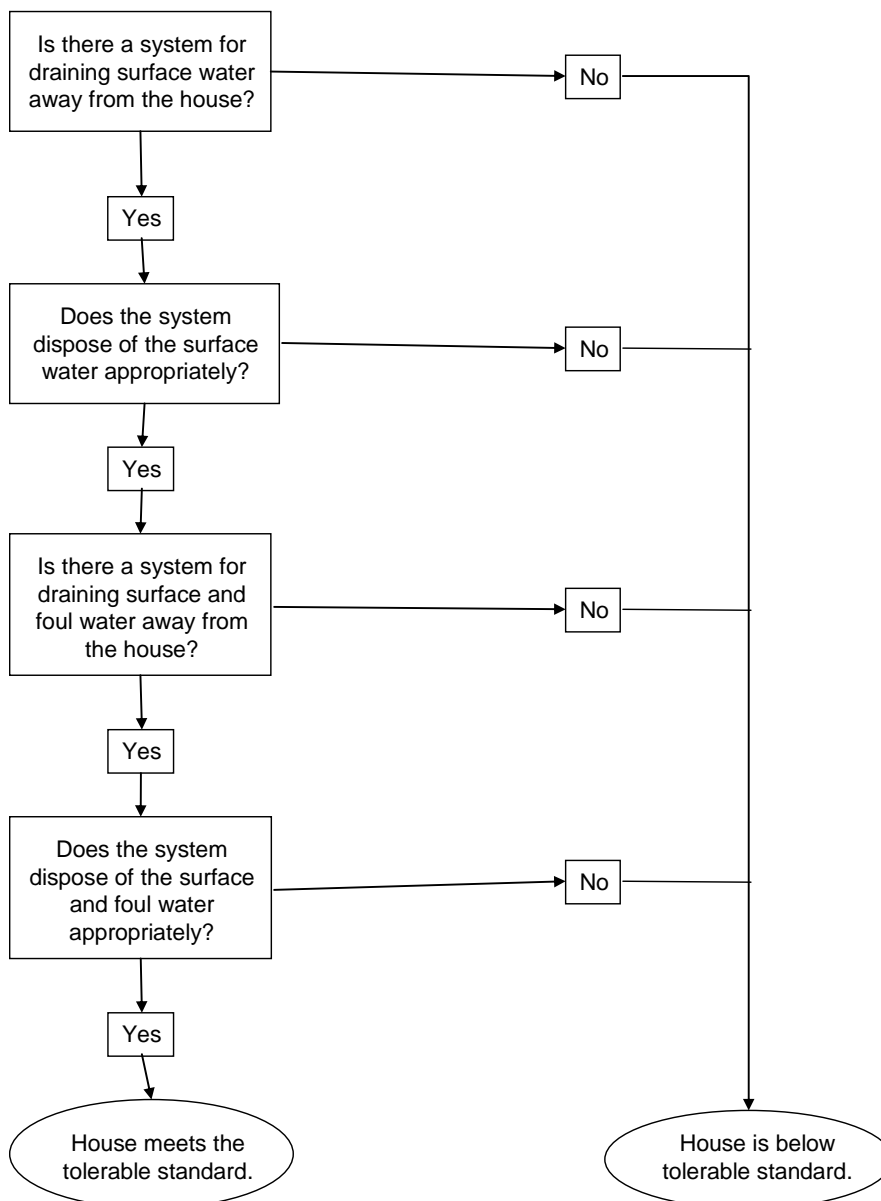
## Tolerable Standard

13.9. Surface water: this is rainwater that falls on the roof of the house, or on other surfaces around the house, such as driveways and paths.

13.10. The next part of this chapter gives advice for assessors on how to judge if a house has a system for drainage that meets the tolerable standard.

### Making the assessment

13.11. The flow-chart below will help guide an assessor through the process:



13.12. An assessor should consider the following information when thinking about each of these questions:

**Is there a system for drainage and disposal of foul and surface water?**

- 13.13. An assessor should, wherever possible, look at the house's system for the drainage of surface water and consider if all the necessary parts are present. A typical drainage system will have gutters attached to the roof at the lowest ends of each slope. Each gutter will be fixed securely to the roof and fall (i.e. have a downward gradient) towards a connecting down-pipe. Assessors should be aware that sometimes the down-pipe will be concealed within the structure of the house and not be visible. The down-pipe will be fixed securely to the house wall and continue from the gutter to at least ground level, where it will transfer the water to an appropriate drain, soakaway, or free-draining soil.
- 13.14. The system should be able to effectively manage the rainwater falling on the roof, and other surfaces, of the house. A house will normally be below tolerable standard where the system is unable to cope with the volume of water produced during normal rainfall conditions. Alterations to the building may have changed the system, or increased the roof area draining into the system so that it is no longer able to cope, or a system may have been inadequately designed or specified.
- 13.15. Assessors should look for evidence that the system may not be able to cope and use their experience to judge each case. The following indicators will help an assessor reach his/her decision:
- localised discoloured patches on the exterior walls of the house;
  - penetrating damp affecting the interior of the house; and
  - feedback from occupiers that the system overflows during normal levels of rainfall.
- 13.16. Assessors should be aware that while the presence of one of these indicators *may* indicate that the house could be below tolerable standard, this will not always be the case. The problem may be the result of a blockage which could be cleared easily, such as weeds or leaves. In these situations the house would not be below tolerable standard.
- 13.17. For foul water drainage, an assessor should, where possible, look at all elements of the foul water drainage system inside and outside the house to identify any defects. This means looking at any exposed pipes connecting to:
- toilets;
  - sinks;
  - wash-hand basins; and
  - baths and showers.

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

- 13.18. An assessor should also consider whether the size and fall (i.e. the downward gradient) of the pipe-work is sufficient to cope with the normal use of the facility or facilities connecting to them.
- 13.19. For both foul and surface water drainage, an assessor should look for any defects and/or inadequacies in the system that mean it is, as a whole, not effective. Minor defects, such as a loose or blocked gutter, or a crack in a down-pipe, will not normally mean the house is below tolerable standard. The system should be fit for purpose and no gutters or pipe-work should be broken, or damaged to such a degree that the system as a whole is not effective and beyond economic repair.
- 13.20. Symptoms of ineffective or failed systems could include seepage, discolouration of the ground, or smells. An assessor should investigate the source of these symptoms, especially if they are located close to the line of the pipe-work, or near trees or large shrubs whose roots may have caused damage to the system. Such symptoms are not conclusive evidence of an ineffective system; they may instead indicate the need for a repair to an otherwise suitable system.
- 13.21. Assessors should remember that, in some cases, it may be possible for them to monitor the performance of a drainage system over several months and in different weather conditions. This may provide them with additional information to inform their decision on whether a house meets the tolerable standard.

### **Does the system dispose of surface and foul water effectively?**

- 13.22. The surface water drainage system will normally transfer rainwater from rooftops and other surfaces to a nearby storm drain. Storm drains carry rainwater to local rivers and streams where it enters the watercourse untreated. Some houses will have combined surface and foul water systems, and in such cases the surface water is disposed of in the same way as the foul water. Houses in some rural areas do not have access to storm drains, so other arrangements will be used instead, such as a soakaway. Disposal of surface water to land adjacent to the house in this way will not normally cause a house to be below tolerable standard, provided there is no ponding and the water drains away effectively.
- 13.23. Most houses will dispose of foul water to a public sewerage system. But, again, for some houses this is not possible. Alternative methods for disposing of foul water include septic tanks and private outfalls. Where the foul water is transferred to a septic tank, an assessor should check wherever possible that all pipe-work and connections are sound and not damaged. The septic tank should be properly maintained and there should be no evidence that the tank is leaking, such as ponding of foul water near the tank.

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

- 13.24. Occasionally, assessors may find that a house disposes of its foul water to a mass collection tank (sometimes referred to as cess-pits or cess-pools) located in the garden or neighbouring land. These differ from septic tanks in that the foul water lies untreated in the tank until it is emptied. A house that uses this type of system is below tolerable standard.
- 13.25. Private outfalls dispose of foul water to a nearby watercourse, such as a loch, river or stream. Some houses use sea out-falls, and assessors should check that the pipe disposes of the wastewater below the low-water mark. Disposal of sewage by private outfall is regulated by the Water Environment (Controlled Activities) (Scotland) Regulations 2005 and these are enforced by the Scottish Environment Protection Agency (SEPA). If an assessor suspects that a private outfall is in breach of these regulations, he/she should contact SEPA directly.

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

Volume 4

Tolerable Standard

## Chapter 14 Electrical Installations

- 14.1. A house meets the tolerable standard if, in the case of a house having a supply of electricity, it complies with the relevant requirements in relation to the electrical installation for the purposes of that supply.

### Introduction

- 14.2. The tolerable standard is amended by the Housing (Scotland) Act 2006 and now includes this new element covering electrical installations. For the first time assessors will look at the nature and condition of an electrical installation in a house when deciding if the house meets the tolerable standard. This element of the standard only applies to houses that have electrical installations connected, or capable of being connected, to a supply of electricity.
- 14.3. This chapter of guidance aims to provide the information and advice needed to carry out a thorough assessment of the electrical installations in a house for the purposes of the tolerable standard. The guidance takes account of the variety of experience and expertise assessors may have of electrical installations. The methodology is based on the normal walk-through survey used for other elements of the tolerable standard, with the potential for support from a qualified specialist.

### Legislation

- 14.4. The tolerable standard was first defined in the Housing (Scotland) Act 1969. The Housing (Scotland) Act 2006 introduced this new element. The introduction of electrical installations in the tolerable standard is primarily in recognition of the danger unsafe wiring poses to the occupants of a house.

### Definitions

- 14.5. The revised tolerable standard includes specific definitions for two of the terms used. These are:
- 14.6. Electrical installation: **"the electrical installation" is the electrical wiring and associated components and fittings, but excludes equipment and appliances.** This broadly covers all aspects of the supply, distribution and use of electrical power in the house from the consumer unit (where the electric supply connects to the wiring in the house) to the point of use at the switch or socket outlet.
- 14.7. Relevant requirements: **"the relevant requirements" are that the electrical installation is adequate and safe to use.**

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

14.8. Assessors may also find the following definition helpful:

Supply of electricity: this will normally be a public mains supply of electricity, but also includes supplies from any type of private generator. A house does not need electricity to meet the tolerable standard.

14.9. The next part of this chapter gives advice for assessors on how to judge if a house has an electrical installation that meets the tolerable standard.

### **The Wiring Regulations**

14.10. The tolerable standard requires electrical installations to be adequate and safe. The national standard for electrical safety is BS 7671 (known as the Wiring Regulations) and is published by the Institution of Engineering and Technology (IET). The Wiring Regulations are non-statutory, but they can be used to demonstrate compliance with a statutory obligation. For example, Scottish Building Standard Agency (SBSA) Technical Handbook states that a new installation conforming to the standard set in the Wiring Regulations will satisfy the safety requirements for electrical installations in the Building (Scotland) Regulations 2004.

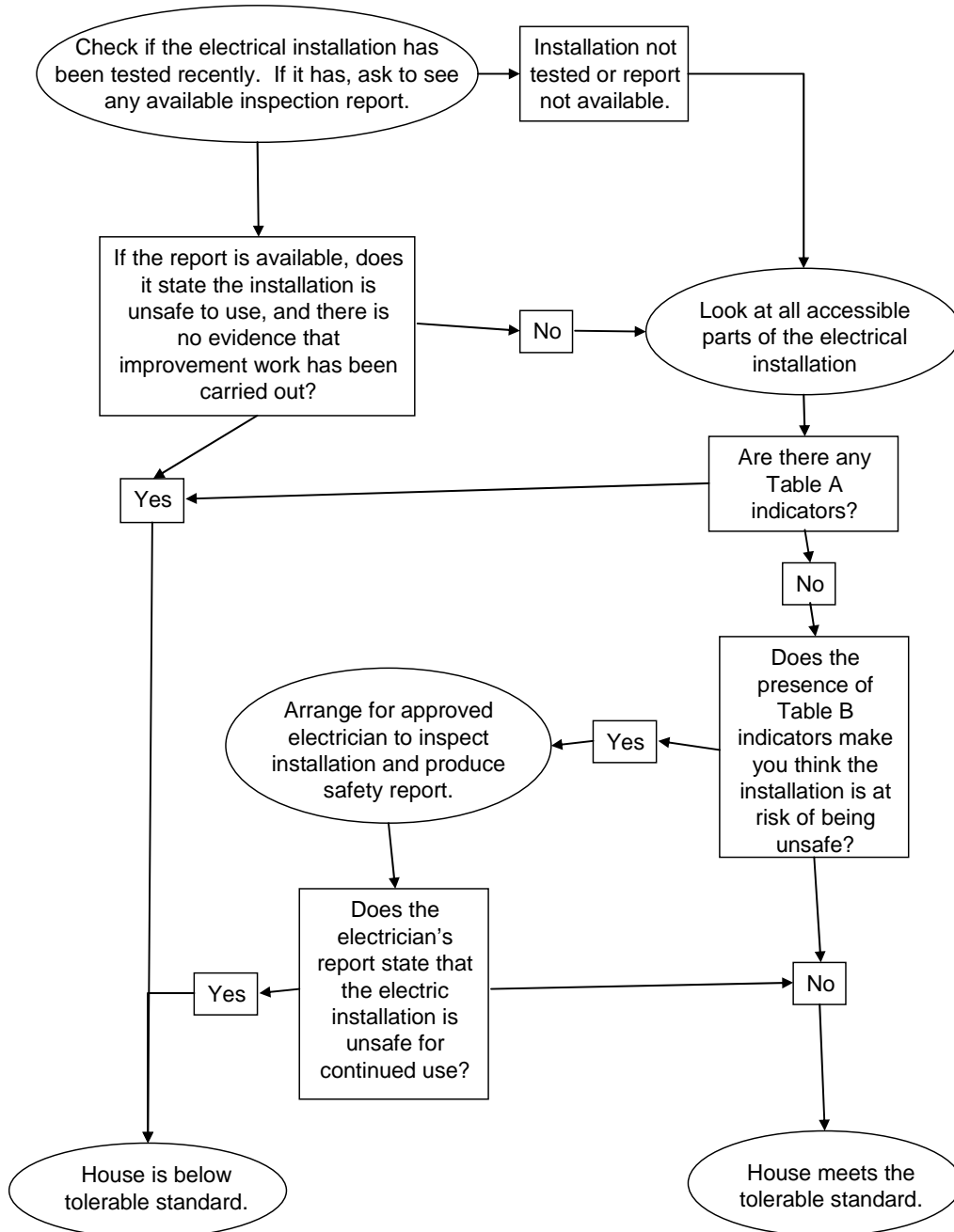
14.11. The Wiring Regulations recommend that existing electrical installations are inspected and tested regularly to ensure that they have not deteriorated and become unsafe. They recommend that a competent person inspects and tests the electrical installation against the regulations and completes a Periodic Inspection Report (PIR). However, there is no statutory requirement for owner-occupiers in private houses to have their electrical installations periodically inspected and tested.

14.12. Some houses may have been inspected and tested, for example owners of Houses in Multiple Occupation (HMO) are required to have the electrical installation inspected at least every 3 years, and in these cases the local authority may have a copy of the report on file.

14.13. There is no government-approved scheme for registering electricians competent to carry out a periodic inspection and local authorities should satisfy themselves that the electricians they intend to use are competent. The Electrical Contractors' Association of Scotland (SELECT) and the National Inspection Council for Electrical Installation Contracting (NICEIC) have, as members, electrical contracting companies they consider competent. The Scottish Building Standards Agency (SBSA) provides a database of Approved Bodies (companies) and Approved Certifiers (individuals eligible to submit certificates) for work requiring a building warrant. Councils can access this via the SBSA website at <http://www.sbsa.gov.uk>.

**Making the assessment**

14.14. The flow-chart below will help guide an assessor through the process of examining an electrical installation. Some of the terms used may be unfamiliar to assessors, and these are explained later in the chapter.



14.15. An assessor should consider the information set out below when thinking about each of these questions.

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

- 14.16. The purpose of assessing an electrical installation against this element of the tolerable standard is to determine whether it is unsafe to use. The most effective way of doing this is to have a competent person carry out a periodic inspection and produce a report on the condition of the installation. Assessors should try to find out if the house has been inspected and tested and, where possible, obtain a copy of the report.
- 14.17. However, the electrical installations in most private houses will not have been inspected and tested and it is not practical for local authorities to instruct a competent person to carry out a periodic inspection for every house assessed against the tolerable standard. The guidance in this chapter will help assessors identify houses that are most at risk of having unsafe electrical installations.
- 14.18. The first part of the assessment requires an assessor to walk through the property and look at all accessible electrical components and wiring. This includes components such as the consumer unit, all switch units, socket outlets and light fittings, and any visible wiring. Where possible and safe to do so, an assessor should look in any accessible under-floor and roof spaces and look at any wiring or components within these areas.
- 14.19. Assessors should not remove any light switch or socket outlet covers to look at the condition of concealed wiring. If required, this should only be carried out by a competent person.

### **Indicators**

- 14.20. An assessor should consider all the available information to help him/her decide if the house meets the tolerable standard. He/she should look for indicators that the electrical installation is unsafe. Examples of indicators that an assessor may see are given in the tables below. These are split into the following two distinct groups:

Table A: indicators that on their own mean that the installation is unsafe; and

Table B: indicators that mean the installation is at risk of being unsafe.

### **Table A indicators**

- 14.21. The table below includes a number of indicators that an assessor might find when looking at an electrical installation in a house. Table A indicators represent defects and deficiencies in an electrical installation that, if identified during an inspection and test by a competent person, would mean the installation is unsafe for continued use. Finding any Table A indicator usually means the house is below tolerable standard. If an assessor is unsure if the

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

electrical installation is unsafe, he/she may wish to ask a competent person to make this judgement.

<b>Look for:</b>	<b>Unsafe because:</b>
Absence of a consumer unit	Installation may have no isolating switch, fuses or circuit breakers. This is a clear fire and shock risk.
Connected rubber sheathed wiring (black coloured round cables)	This type of old rubber cabling is susceptible to deterioration leading to exposed or crossed wiring.
Connected lead sheathed cabling (wires with a lead outer coating)	Lead coated cabling ceased to be used for electrical wiring in the 1930s. If it is still in use in a house it is likely to have deteriorated and is at high risk of breaking. This is again a fire and shock hazard.
'Do not use' notice on consumer unit, or serious fault detailed in a recent electrical engineer's report	Electrical installation may recently have been identified as unsafe by an electrical engineer.
Taped joints, exposed or loose wiring	Risk of fire and lethal shock.
Wall light switches in bathrooms (not cord-pull type)	Risk of lethal shock from use with wet hands.
Socket outlets in bathrooms (excluding shaver sockets)	Risk of lethal shock from using a socket outlet with wet hands, or accidental immersion of an appliance (e.g. TV or hair dryer) in water.
Charring or scorches around socket outlets, or sparks from light switches	May indicate that component is faulty and poses risk of fire and lethal shock.

### **Table B indicators**

14.22. The indicators detailed in the table below may, individually or collectively, demonstrate to an assessor that the electrical installation in a house is at risk of being unsafe. Assessors must take into consideration all available evidence and use their experience and judgement to decide if they should have the installation inspected and tested by a competent person to determine if it is safe to use.

<b>Look for:</b>	<b>At risk of being unsafe because:</b>
Unprotected cable mounted on the surface of walls, floors etc	Surface cabling is at risk from accidental impact damage, and this can pose a danger of shock or fire. May also indicate electrical work has been carried out by an unskilled electrician.
Occupier informs assessor that consumer unit or a socket outlet frequently trips or fuses	May be a wiring fault in the circuit, and this can mean there is a risk of fire.

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

UPVC cable on exterior of house	Unsuitable for external use. May indicate electrical work has been carried out by an unskilled electrician.
Plug-in testing device indicates fault	Testing devices that plug directly into a socket outlet may indicate a wiring fault ( <i>note – these devices test for certain faults. If the device does not indicate a fault, this does not mean that the electrical installation is safe</i> )
Metal consumer unit with ceramic wired fuses	Indicates the unit is more than 25 years old and may no longer be suitable.
Installation is over 30 years old. May be indicated by brown plastic switch units and socket outlets, or round-pin (2-pin) socket outlets	Any electrical installation over 30 years old is at risk of being unsafe if it has not been upgraded or recently tested.

### **Periodic Inspection Report**

- 14.23. If an assessor decides that a house is at risk, he/she should arrange for a competent person to carry out a periodic inspection of the electrical installation. In such cases, an assessor should base the decision on whether it meets the tolerable standard primarily on the information contained within the inspection report. The Periodic Inspection Report will state the overall condition of the electrical installation. If it is described as “satisfactory”, no remedial work is required to make the installation safe to use. If it states that the installation is “unsatisfactory”, the observations made by the electrician and the recommendations for action to be taken will be detailed in the report.
- 14.24. Each observation and recommendation is attributed a code (1-4) depending on the seriousness of the deficiency. Code 1 means that the electrical installation is dangerous, or potentially dangerous, to use and requires urgent attention to make it safe. A house with an electrical installation that is judged to be unsatisfactory because of a Code 1 deficiency is below tolerable standard.

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

Volume 4

Tolerable Standard

## Chapter 15 Access To External Doors And Outbuildings

15.1. A house meets the tolerable standard if it has satisfactory access to all external doors and outbuildings.

### Introduction

15.2. This element of the tolerable standard ensures that occupants and visitors are able to move safely between the edge of the property, the external doors to the main habitable part of the house, and all outbuildings.

15.3. The recommendations in this guidance are based on what a non disabled person of average build would be capable of achieving and specifically does not consider access from the perspective of people with restricted mobility.

15.4. This chapter of guidance will help assessors to decide if a house meets the tolerable standard. In particular, it will focus on factors that may mean the safety of those using the access routes around the house is compromised. Assessors should read the chapters covering structural stability, foul and surface water drainage, and lighting, ventilation and heating as these provide useful guidance on issues related to this element of the standard.

### Legislation

15.5. The tolerable standard was first defined in the Housing (Scotland) Act 1969 and has always included the requirement for a house to have satisfactory access to all external doors and outbuildings. The Housing (Scotland) Act 2006 does not change this.

### Definitions

15.6. This chapter provides a more detailed description of the terminology used in this element of the standard:

15.7. Satisfactory access: The guidance below gives advice on how to judge if the access route is satisfactory. But the basic test assessors should consider is whether an occupant or visitor can move safely between the area immediately in-front of and around the house, all main door(s) to the house, and any outbuildings in use. A house may have multiple access routes and all must be satisfactory for the house to meet the tolerable standard.

15.8. External doors: This refers to all main doors providing access directly into the main living part of the house, and will often be a standard front and back door. The access route starts from immediately outside the house and extends to

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

immediately outside the main doors giving access to the main living part of the house. For some houses the access route will be via a passageway or stair.

15.9. Outbuildings: This includes any in-use building or structure associated with the house that can only be accessed by leaving the main living part of the house. Examples of outbuildings include:

- garages;
- bin stores;
- wash-houses;
- drying-rooms/areas;
- solid fuel storage areas;
- outside toilet (but see chapter on WCs); and
- cellars.

15.10. The next part of this chapter gives advice for assessors on how to judge if a house has satisfactory access to all external doors and outbuildings.

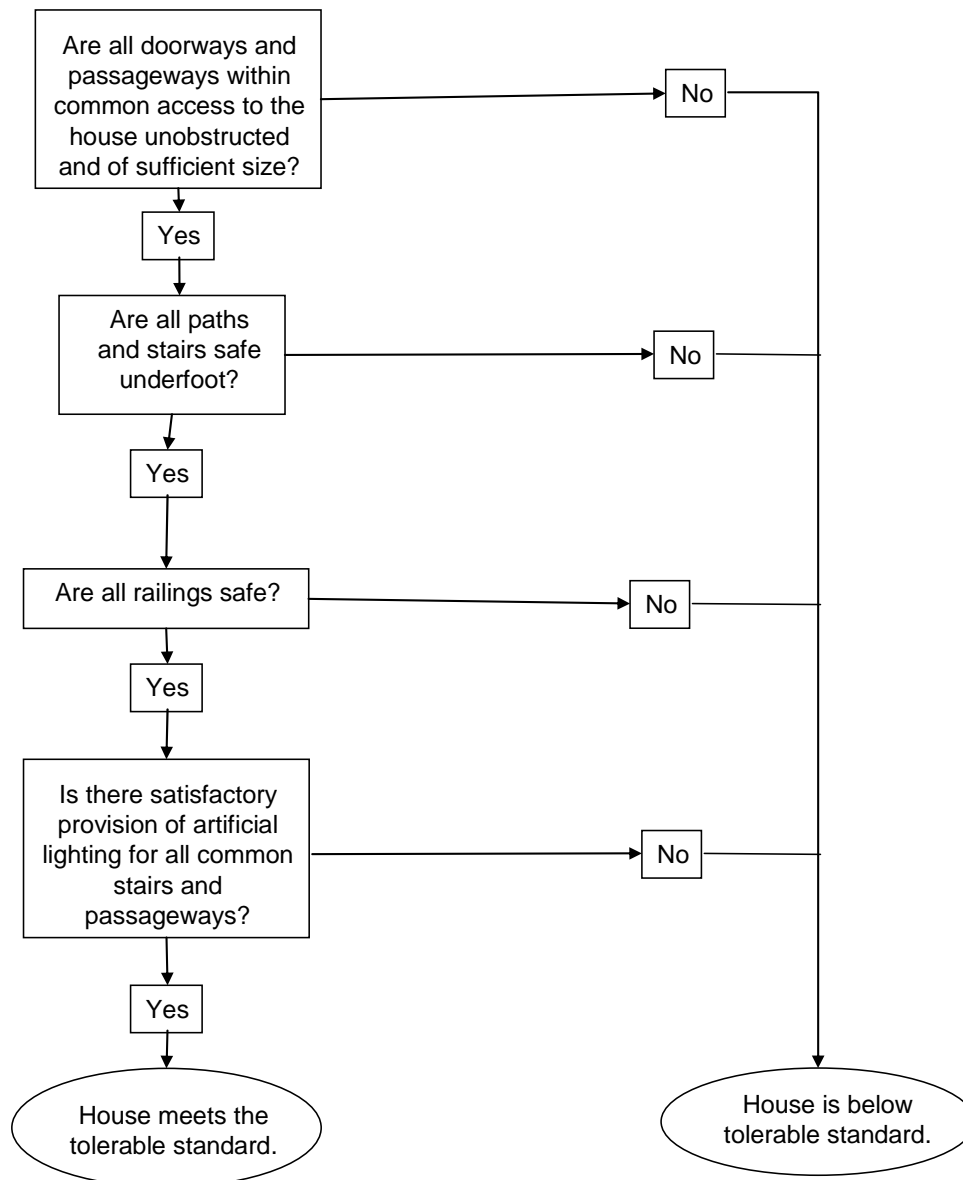
### **Making the assessment**

15.11. The flow-chart below will help guide an assessor through the process:

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard



15.12. An assessor should consider the following information when thinking about each of these questions:

### **Are all doorways and passageways to the house unobstructed and of sufficient size?**

15.13. All external doorways and common access passageways providing access to a main door into the house should be large enough for occupants and visitors to use them safely and conveniently. The focus for an assessor here should be on the size of the doorway opening and passageway, and how easily a person can pass through this. The condition of the door itself is not a factor when considering this element of the tolerable standard.

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

- 15.14. The dimensions of all main doorways, and any other doorways providing access to a main door or outhouse, should be large enough to allow a person of average build to walk through them without requiring to stoop or adjust their movement excessively. For some houses, the passageway providing the sole route of access between a bin-store and the collection point may be too small to allow the occupants to move their wheelie-style bins to the street outside. This does not mean that the house is below tolerable standard.
- 15.15. Sometimes the main doors to several houses will be adjacent to one another and accessed from the same enclosed space, for example where the top-floor and roof-space of a building have been converted into separate individual houses. The enclosed space must be large enough to allow occupants to open the main door to the house without being obstructed, or causing an obstruction to any other door.

### Are all paths and stairs safe underfoot?

- 15.16. Assessors should look specifically at the physical condition of all paths, passages and stairs giving access to the main doors of the house, and any outhouses, to ensure they are free from defects or damage that would mean they are unsafe to use. Obstruction caused by litter or other movable objects, such as prams and bicycles, will not mean a house is below tolerable standard.
- 15.17. For paths, an assessor should look at the condition of the surface on which a person is required to walk. This should be even, with no sharp variations in height, for example where paving stones are missing. The surface should be stable, firm, and, in line with the guidance on foul and surface water drainage, free from excessive surface water or moisture. There should not be any large holes in the surface of the path that could cause a person to stumble, trip or fall.
- 15.18. Stairs, like paths, should be sound underfoot and safe to walk on. An assessor should look at the physical condition of the stair treads, nosings (the over-hanging edge of a stair tread) and risers (the vertical part of each stair tread), but also at the structural integrity of the stair as a whole. Assessors will find the guidance on structural stability helpful when considering if there are indications of structural defects in the stair.
- 15.19. Stair treads and nosings should be sound, intact and not excessively worn. This requires assessors to draw on their experience and make an informed and sensible judgement on what they find in each case. He/she should consider the damage to a stair tread or nosing from the perspective of safety and whether the defect poses a real danger to someone using the stair. Serious wear or damage, for example when there is a clear and marked distortion to the profile of tread or nosing, will normally mean the house is below tolerable standard. Assessors should also check that the risers are

# Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities

## Volume 4

## Tolerable Standard

evenly spaced and there is no marked variation in height, otherwise the house will normally be below tolerable standard.

### **Are all railings safe?**

- 15.20. Railings are a normal safety feature of passageways and stairs, often where these provide common access to several houses. Railings act as a barrier at the edge of an elevated passageway or stair and protect users from the danger of falling from the walkway. The term 'railing' in this guidance means the complete structure of a protective barrier, including all vertical and horizontal parts, such as balusters and handrails.
- 15.21. Assessors should check that the railing is securely fixed in place and does not move excessively under pressure of hand. When a stair railing is unsafe, or unstable because it is seriously damaged, the house is normally below tolerable standard. However, if the railing is unstable because it requires a minor repair, such as loose fastenings, the house is not normally below tolerable standard.
- 15.22. Where the railing is a barrier at the edge of a stair or elevated passageway, an assessor should check for large gaps in this, such as missing balusters. A railing with a gap in it of a size that a small child could pass through will mean the house is normally below tolerable standard. Assessors may find that owners have made a temporary repair to a gap in damaged railings, such as blocking the gap with rope or wire. This type of repair is not satisfactory and the house is below tolerable standard, unless the railing provides a level of protection comparable with its original construction. Assessors should look at each case individually and, with reference to the advice given above, use their judgement to decide if a railing is unsafe.
- 15.23. Assessors should distinguish railings from hand-rails when considering this element of the standard. A hand-rail, that functions solely as an aid to stability for people using a stair, should not be considered under the tolerable standard.

### **Is there satisfactory provision of artificial lighting for all access routes?**

- 15.24. Where an occupant accesses either the house or an outbuilding via an enclosed passageway or stair, such as a common close, there must be satisfactory provision for artificial lighting. For some houses, the access routes will be lit at night by street lighting immediately outside the house. If an assessor judges that this arrangement is satisfactory, there is no need for additional artificial lighting. However, where this is not the case, artificial lighting is needed. This will normally be provided by electrical light fittings, or sometimes by gas-mantle type lighting (where light is produced by heating an oxide-based compound with a flame).

# **Implementing the Housing (Scotland) Act 2006: DRAFT Statutory Guidance for local authorities**

## **Volume 4**

## **Tolerable Standard**

15.25. The lighting may or may not be operating at the time of an assessor's visit; this will depend on the timing and season. It is not necessary for an assessor to see the lighting working, nor to measure the amount of light the system actually provides. The judgement is whether there is a fixed and permanent system for artificial lighting. If there is no system for artificial lighting, or the system is clearly not fit for purpose and beyond economic repair, the house is below tolerable standard.

**Implementing the Housing (Scotland) Act 2006: DRAFT Advisory Guidance for local authorities**

**Volume 4**

**Tolerable Standard**

**ANNEX A: TOLERABLE STANDARD EXPERT GROUP MEMBERS**

Brian Parr, COSLA (Glasgow City Council)

Liz Gladstone, COSLA (North Lanarkshire Council)

Andrew Lamb, Royal Environmental Health Institute of Scotland (Aberdeen City Council)

Muir Somerville, Scottish Association of Building Standards Managers (City of Edinburgh Council)

William Mair, Royal Institute of Chartered Surveyors (Emmerson Mair)

Charlie McFadyen, Scottish Building Standards Agency

David Kelly, Building Research Establishment Scotland

Elaine Waterson, Energy Saving Trust Scotland

David Cormack, Scottish House Condition Survey Team, Scottish Government

David Williamson, Water Framework Directive, Scottish Government

Colin McLaren, Drinking Water Quality Regulator, Scottish Government

Jan Lewcowicz, Royal Institute of Chartered Surveyors (Regional Manager, Scottish House Condition Survey)

Laura Edwards, SFHA (Edwards MacDowall Consultants)

Iain Muirhead, Communities Scotland (chair)

Fraser Scott, Communities Scotland

Valerie Sneddon, Communities Scotland

Roger Harris, Communities Scotland (from December 2006)

Fiona Robertson, Communities Scotland (until December 2006)

# Implementing the Housing (Scotland) Act 2006: DRAFT Advisory Guidance for local authorities

Volume 4

Tolerable Standard

## ANNEX B: THERMAL INSULATION POLICY POSITION

### Introduction

B.1. This short paper explains how Communities Scotland developed the framework for the guidance on thermal insulation. It sets out the background, summarises the options we considered and explains how we reached a decision on a recommended approach.

### Background: The Housing Improvement Task Force

- B.2. The 2006 Act adds a new element to the tolerable standard. To meet the tolerable standard a house must have “satisfactory thermal insulation”.
- B.3. This new requirement has its origins in the work of the Housing Improvement Task Force (HITF). The HITF discussed three broad approaches:
1. a specific level of overall energy efficiency performance based on an established technical measure such as NHER or SAP;
  2. a minimum level of thermal efficiency for specified elements based on the U-value (the rate at which heat is transmitted through the fabric); or
  3. a qualified performance indicator such as “reasonably” energy efficient or “insulated to a basic standard”.
- B.4. The HITF considered each option and concluded that the most flexible, robust and practical approach would be option three. The final report highlighted the need for detailed guidance and the importance of constructing guidance which allowed the tolerable standard to target the very worst properties<sup>25</sup>. The new provision in Section 11 of the Housing (Scotland) Act broadly reflects the HITF recommendation.

### Guidance: Options

- B.5. The 2006 Act does not specify a definition of “satisfactory thermal insulation”. There is no ‘off the shelf’ tool that defines and measures thermal insulation.
- B.6. We have considered this issue in depth, with an emphasis on producing guidance that is practical to work with and which helps local authorities to target the worst-performing houses.

---

<sup>25</sup> <http://www.scotland.gov.uk/Resource/Doc/1035/0014733.pdf>. See pages 9-10 and annex 1 pages (66-69)

# Implementing the Housing (Scotland) Act 2006: DRAFT Advisory Guidance for local authorities

## Volume 4

## Tolerable Standard

- B.7. We identified a variety of potential methods of assessing thermal insulation and considered the pros and cons of each. The initial options we considered were:
1. the presence of single / multiple insulation measures (roof insulation and cavity wall insulation);
  2. mean internal temperature;
  3. condensation analysis using U-values; and
  4. an integrated approach with Energy Performance Certificates.
- B.8. We concluded after an initial review that options one and two had the greatest potential to provide the basis of practical guidance.
- B.9. We examined these options in more detail. We worked with the Scottish House Condition Survey (SHCS) team to analyse data from the 2004/05 Scottish House Condition Survey to produce a profile of the housing stock and to understand the potential impact of adopting various options<sup>26</sup>. We used the mean internal temperature model to examine the impact of a range of property characteristics, including roof insulation and wall insulation, on the temperature achieved.

### Analysis

- B.10. The SHCS team used the Mean Internal Temperature (MIT) model to analyse data from the 2005 national survey. We provide further information on the mechanics of the mean internal temperature option towards the end of this chapter. The SHCS team ran three sets of analysis of MIT, using three benchmark temperatures. The percentage of houses that do not achieve these temperatures across all housing in Scotland is as follows:
- Temp A - 1.3 per cent of all houses
  - Temp B - 5.0 per cent of all houses
  - Temp C - 20.3 per cent of all houses
- B.11. For each of these three temperatures, we analysed the Scottish housing stock by a number of variables. We wanted to examine the impact of the two principal insulation measures - roof insulation and additional wall insulation. We also analysed the data by wall construction type, house age and location (urban / rural), to establish if these factors had a significant impact on MIT.
- B.12. The table below summarises the results of this analysis, listing the indicators that show an above-average failure to meet each of the three temperatures.

---

<sup>26</sup> This analysis uses data from the 2004/05 Scottish House Condition Survey. The data in this paper is indicative rather than definitive because the level of confidence in SHCS findings falls when dealing with subsets and small sample sizes. In addition, the survey involves imputing values where surveyors cannot gain access to the roofspace to make informed judgements about the presence of insulation.

# Implementing the Housing (Scotland) Act 2006: DRAFT Advisory Guidance for local authorities

## Volume 4

## Tolerable Standard

Across all three temperatures the presence of roof insulation has by far the most significant impact of any of these variables. At Temp B, for example, the percentage of houses with no roof insulation that fail to meet the temperature (62%), is more than 12 times the level of failure across all houses and almost 5 times the failure rate of the next most significant variable.

<b>MIT: Profile of houses most likely to fail to achieve temperature</b>			
	<b>% Houses not achieving mean internal temperature</b>		
	<b>Temp A</b>	<b>Temp B</b>	<b>Temp C</b>
<b>All houses</b>	<b>1%</b>	<b>5%</b>	<b>20%</b>
No roof insulation *	25%	62%	91%
Pre 1919	5%	13%	36.%
Solid wall	4%	13%	36%
Rural	2%	8%	27%
No additional wall insulation	2%	7%	26%

source: SHCS 2004/05 data

\* This analysis includes only houses which could reasonably have roof insulation. It excludes flats with non-heat loss roofs (i.e. where the flat is directly below another flat).

### **Conclusion**

- B.13. The absence of roof insulation is a significant variable in the failure to achieve each of the three temperatures. The analysis does not show definitively that the lack of roof insulation is the cause of the failure to achieve the temperature. But the relationship with lower temperatures is markedly stronger than that of solid walls or no additional wall insulation. We have concluded that, for the purpose of the tolerable standard guidance, the presence of roof insulation is a reasonable measure of whether a house has satisfactory thermal insulation. Identifying houses with no roof insulation and targeting action will make a significant improvement to heat loss in some of the most poorly-insulated housing in Scotland.
- B.14. Across Scotland, 93 000 houses (4 per cent of all housing) could reasonably have roof insulation but have none. The final paragraphs in this annex set out a summary profile of roof insulation across all housing in Scotland, using data drawn from the SHCS.
- B.15. Each option we considered has strengths and weaknesses. Overall, we believe that roof insulation is the most practical measure of thermal insulation for the purpose of the tolerable standard.

# Implementing the Housing (Scotland) Act 2006: DRAFT Advisory Guidance for local authorities

## Volume 4

## Tolerable Standard

- B.16. Any assessment framework needs to enable assessors to identify the worst houses in a practical way. The approach set out here has the advantages of being:
- supported by an evidence-base;
  - understandable for assessors and homeowners;
  - straightforward to measure; and
  - easy to identify the remedial action owners need to take.
- B.17. We recognise that this indicator will not capture all houses with poor thermal insulation, for example cases where wall construction is the main cause of heat loss. We also know that the relative importance of roof insulation as a measure of thermal performance varies across house type. A top floor tenemental flat is likely to lose a higher proportion of its heat through its roof than a detached house. As with all chapters of our guidance on the tolerable standard, assessors should use this framework as a guide alongside their professional judgement, taking account of individual circumstances, rather than as a prescriptive framework. The legal test is 'satisfactory', and in each case this is the local authority's decision.

# Implementing the Housing (Scotland) Act 2006: DRAFT Advisory Guidance for local authorities

Volume 4

Tolerable Standard

## ANNEX B: FURTHER INFORMATION

### Mean Internal Temperature

- B.18. This approach uses data modelling to produce an estimate of the mean temperature inside a house over a 24-hour period. The temperature achieved is a measure of the thermal performance of the house.
- B.19. The assessment takes account of all the energy characteristics of an individual property (such as age, wall and roof construction, floor and wall area, windows, doors and ventilation).
- B.20. The approach uses the BRE's Domestic Energy Model (BREDEM) that underpins both the SAP and NHER scales. It uses a set of standard assumptions covering factors such as the outside temperature and the number of hours the house is heated. It also uses a standard heating regime (based on full gas central heating with combi boiler). One effect of this approach is to remove the variable of heating type from the assessment.
- B.21. The temperature achieved over a 24-hour period is a measure only of the thermal performance of the fabric of the house. It is not an indicator of the temperature that any room in a house should achieve when it is occupied.
- B.22. The temperatures we used in the analysis are as follows:
- Temp A: 14°C
  - Temp B: 14.5°C
  - Temp C: 15°C

**ANNEX B: FURTHER INFORMATION**

**Roof Insulation Profile of Housing in Scotland**

B.23. We analysed data from the 2004/05 Scottish House Condition Survey to produce a profile of the roof insulation characteristics of housing in Scotland<sup>27</sup>:

- 568 000 (25 per cent) of Scotland's housing has no roof insulation
- 472 000 of these are flats with non-heat-loss roofs (i.e. non-top floor flats)
- 96 000 with heat-loss roofs have no roof insulation
- 3 000 of these are 'hard to treat'

B.24. Therefore 93 000 houses (4 per cent) of houses could reasonably have roof insulation but have none.

B.25. Hard to treat: 32 000 houses (1 per cent) of Scotland's housing are defined by SHCS as 'hard to treat' for roof insulation (i.e. flat roofs or mansard roofs with rooms in roof space). But more than 90 per cent of these do in fact have some form of roof insulation.

---

<sup>27</sup> This analysis uses data from the 2004/05 Scottish House Condition Survey. The data in this paper is indicative rather than definitive because the level of confidence in SHCS findings falls when dealing with subsets and small sample sizes. In addition, the survey involves imputing values where surveyors cannot gain access to the roofspace to make informed judgements about the presence of insulation.

हाईजिं (ःकटल्याड) एग्राड २००७: आणुगलिक कर्तुपफेर जन्य निर्देशिका  
आलाचनामूलक परामर्शेर जन्य खसड़ा  
सहनीयतार मानदडु

《住宅法（苏格兰）2006》：面向地方政府的指南，咨询草案  
可接受的标准

दी बाउसंग (सकाठ लीनडु) इकठ 2006 : लुक्ल अतहारुडुडुके लीरे रीनमानी - मशारुत के लीरे अतदानी सुुडे -  
क़ाबल बरुदाशत मीर

क़ानुन الإسكان (اسكوتلنده) لعام ٢٠٠٦ : إرشادات للسلطات المحلية - مسودة  
للتشاور  
المستوى المقبول

Ustawa o Zakwaterowaniu dla Szkocji z 2006 r.: Wskazówki dla władz lokalnych.  
Projekt porozumienia  
Przyzwoity Standard

ਦ ਹਾਊਸਿੰਗ (ਸਕੱਟਲੈਂਡ) ਐਕਟ 2006: ਸਥਾਨਕ ਸਰਕਾਰਾਂ ਲਈ ਰਹਿਨੁਮਾਈ। ਸਲਾਹ-ਮਸ਼ਵਰੇ ਲਈ ਡੁਾਫਟ  
(ਕੱਚਾ ਦਸਤਾਵੇਜ਼)  
ਸਹਿਣਸ਼ੋਗ ਮਾਪਦੰਡ

Scottish Government  
Highlander House, 58 Waterloo Street, Glasgow G2 7DA