

Common Repairs

Workshop 26th November 2013
Assistance and Enforcement

Introductions

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SHVBN

- Set up as benchmarking service by local authorities 18 years ago
- Owned and controlled by its members
- Primarily dealing with the Social Rented Sector
- Services offered include
 - Benchmarking
 - Self assessment and Peer Review
 - Practice Exchange Forums (incl. Private Sector).

Workshop Brief

- How could an empty homes officer help an owner to engage with other liable owners to push through common repairs?
- What are the options if the voluntary route fails?

Outcomes

At the end of today's session you will:

- Be able to inform owners what they can do to resolve the problem (Tenements (Scotland) Act 2004 handout)
- Be able to assist owners arrange and deliver information at close meetings
- Understand what can be done to achieve desired aims before Statutory Action is necessary
- Be aware of Statutory Powers available to deal with disrepair / lack of maintenance should the voluntary route fail.

Facilitating Voluntary Action

- Arrange close meeting to discuss issues
- Be aware of the Council's Scheme of Assistance
- Assist in finding missing owner/s if possible
- Assist in arranging survey of property to determine what really needs to be done
- Help set up a maintenance account
- Confirm split of shares is correct.
- Encourage setting up of maintenance plan to avoid major problems in future.
- Provide information on the Tenements (Scotland) Act 2004)
- Check if any assistance for energy efficiency work. (workshop with energy savings trust.)

Close Meeting

- Is there a property manager?
- If not, find a suitable venue – in the property if possible
- Arrange meeting for a time that doesn't clash with things like major sporting events
- Give as much notice as possible
- Have as much information on the problems and likely costs as possible
- (More information on handout.)

Missing Shares

Chapter 6 S50 ss3

- A local authority may pay a missing share where: (See Statutory guidance handout)
 - A majority of owners have agreed to carry out the maintenance/repairs
 - All owners notified to pay share into a maintenance account
 - An owner(s) has not complied
 - Any of the other owners have applied to the LA to pay in the missing share
 - The proposed work is reasonable
 - The apportionment of costs is correct.

Notice S50 ss(5)

- Must specify:
 - The maintenance that is needed
 - Proposed start and completion dates
 - The date of any requirement or agreement to carry out the work and the names of those who agreed
 - The estimated cost of the works and why it is considered reasonable (e.g. competitive estimates)
 - The apportionment of the cost of the works and how that was arrived at (i.e. title deeds)
 - The details of the maintenance account
 - The date by which payment into the account should be made (not less than 28 days).

Why is this the favoured option?

- It is the least draconian option leaving decision making mostly in the hands of the owners and not the Council
- Local authorities have no responsibility for choosing surveyors or building contractors or for supervision of works, therefore less liability for issues that arise in future
- It is the cheapest option for Local Authorities and results in more investment in stock per £ paid out
- E.G. GCC – paid missing shares in 46 cases 2012/13 amounting to outlay of £107k but which allowed £888k of work to be done in the City. Furthermore in 63 cases owners paid their share after prompting from the council allowing another £900k of repairs to be carried out.

The Local Authority Role Housing(Scotland) Act 2006

- Scheme of Assistance
- Section 30 Repairs notice
- Maintenance Orders / Plans
- Missing Shares
- Access (s181)
- Power to obtain information (S186)

Other Legislation

- All the following services may have roles to play
 - Environmental Health
 - Planning
 - Building Control

Finding Owners.

- Council Tax
- Register of Sasines (land register)
- Landlord Register
- Talk to neighbours
- Section 186 – power to obtain information.
- Google and Social Networking sites.

Useful Links

- <http://www.consumerfocus.org.uk/assets/3/files/2009/11/CommonRepairCommonSensesummarylowres.pdf>
- <http://www.legislation.gov.uk/asp/2006/1/contents>
- <http://www.legislation.gov.uk/asp/2004/11/contents>

More Useful Links

- Scot Gov Guidance on Tenement Scotland Act and Title condition
 - <http://www.scotland.gov.uk/Resource/Doc/76169/0019425.pdf>
- Statutory Guidance on Housing Scotland Act
 - <http://www.scotland.gov.uk/Publications/2009/03/25153822/0>
- Advice on Common repair on Shelters website
 - http://scotland.shelter.org.uk/get_advice/advice_topics/repairs_and_bad_conditions/repairs_and_maintenance_in_common_areas

Conclusion

- You should now:
- Understand what can be done to assist owners before Statutory Action is necessary.
- Have some confidence in how to help arrange and run a close meeting
- be aware of the powers that may be available to deal with disrepair / lack of maintenance.