

The Dumfries and Galloway Scheme of Assistance for Home Owners and the Private Rented Sector

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1. Introduction

1.1 The Housing (Scotland) Act, 2006 ('the Act') addresses house conditions and quality in the private sector.

1.2 Part 2 of the Act requires local authorities to develop a 'Scheme of Assistance' ('the Scheme') for providing assistance to owners and private tenants when carrying out work on their house. Section 72 requires local authorities to publish a statement setting out priorities for improving house conditions in the private sector. The statement also includes what assistance will be provided by the Council, and what will be the responsibility of home owners.

1.3 This Scheme of Assistance sets out how the Council provides advice, information and assistance to help homeowners improve the quality of private housing in Dumfries and Galloway. It also sets out the assistance, including financial support available, for owners to adapt their homes to meet the needs of people with disabilities.

1.4 The Scheme was subject to public consultation and considered by the Dumfries and Galloway Local Housing Forum, which is made up of representatives of registered social landlords, the private housing sector and third sector / voluntary sector. It was also available through the Council's website with consultation response forms.

1.5 Equality – The Council is strongly committed to equal opportunities. An equality and diversity impact assessment will be undertaken and kept under review to ensure that our services are non-discriminatory.

2. The Background, Nationally and Locally

2.1 In 2001, the Housing Improvement Task Force reviewed private sector housing policy in Scotland. The Task Force found that the existing system of improvement and repair grants only helped a minority of home owners and tenants in the private rented sector and suggested this be revised.

2.2 The findings were published in 2003 and formed the basis of the Act. Local authorities no longer have to provide mandatory grants to owners where a statutory notice has been served. This is replaced by a requirement to provide assistance when a 'Work Notice' is served. This assistance need not be financial.

2.3 Mandatory grants remain but only for the provision of standard amenities and internal alterations to meet the needs of a person with disabilities. All other grants are discretionary. Section 72 requires the Council to publish a statement setting out priorities for improving house conditions in the private sector, including what funding will be provided by the Council, and what will be the responsibility of home owners.

2.4 The provisions of the Act were effective from 1 April 2009, including a transitional period of a year to assist local authorities to develop their Scheme of assistance and make any necessary organisational and staffing changes to enable them to implement the 2006 Act.

2.5 However, two duties were introduced from the 1st of April 2009. These are the introduction of mandatory grant of 80% of costs for disabled adaptations for standard amenities and internal adaptations, increasing to 100% for people in receipt of certain benefits, and the introduction of a revised Tolerable Standard which introduces two new elements, satisfactory thermal insulation and safe electrical installations.

2.6 The introduction of mandatory grants for disabled adaptations has now been implemented by the Council. Information about the new arrangements is available in the leaflet „Get help in your own home. Aids and Adaptations“.

2.7 Private sector housing quality - the national policy vision

2.7.1 Over 70% of the houses in Scotland are owned by and are the responsibility of private owners, the figure for Dumfries and Galloway is slightly below that at 68%. Too many of those houses are of poor standard, are poorly maintained or prevent disabled people who live in them from maximising their independence. The Scottish Government considers that the extent of poor standards and unsuitability justifies intervention by government.

2.7.2 National and local government should work in partnership to improve the standard and suitability of existing houses in the private sector. This is not straightforward as the primary responsibility lies with individual owners. Government does not have the direct role that it plays in social rented housing and it must respect individual owners' property rights. It therefore needs to use a mixture of encouragement and assistance, backed up by enforcement

where this is justified by the circumstances and the interests of the wider community.

2.8 Local Strategic Context.

2.8.1 Under the Housing (Scotland) Act 2001 each local authority is required to produce Local Housing Strategy (LHS). The LHS is a comprehensive all tenure strategy which addresses issues in all sectors.

2.8.2 The Dumfries and Galloway Local Housing Strategy (LHS) 2004 – 2009 identified 3 overall themes for shaping the LHS:

- Quality housing for all;
- Sustainable Urban and Rural Communities; and
- Housing Access and Support.

2.8.3 All local authorities are now required to up-date their LHS. New guidance from the Scottish Government requires LHSs to be integrated with the Local Development Plan (LDP) process. Locally, this means that the Council will be developing its new LHS through 2010. It is currently planned to publish its new Local Housing Strategy toward the end of 2010.

2.8.4 The new LHS will incorporate the key strategic elements contained in this Scheme of Assistance. This will be the first time an explicit private sector strategy is required.

3 Our Scheme of Assistance

3.1 Strategic Priorities

3.1.1 The Scheme of Assistance requires a more strategic and planned view be taken in relation to the advice and financial support available to home owners and those in the private rented sector. Our Strategic Priorities are based on statutory requirements and strategic objectives agreed through the LHS. These strategic priorities are set out below;

3.2 Improve the rural private rented sub sector/ HIS

3.2.1 Studies¹ previously undertaken by the Council have identified the importance of the rural private rented sub sector in the wider Dumfries and Galloway housing market. However, this work also highlighted the significant problems of disrepair in that sector. It is therefore the council's intention to provide targeted advice and assistance and where appropriate access to Private Sector Housing Grant (PSHG) to improve the stock and sustain the sector.

3.2.2 The Council submitted a bid under the Scottish Government's Home Insulation Scheme (HIS) for funding to provide specific advice on Energy Efficiency and to provide discounted or free home insulation. However, since the submission of the bid, the Scottish Government has announced a new initiative to replace the HIS called the Universal Home Insulation Scheme. More detail is awaited on this but the proposal looks to make more explicit links with the Carbon Emissions Reduction Target fund and will not require direct financial assistance from local authorities. As more

detail emerges, our Scheme will be updated to reflect the new national position and the Council's response to it.

3.2.3 It is proposed that, as well as establishing the Universal Home Insulation Scheme for the rural private rented sub sector, we will ensure targeted promotion of the Scheme of Assistance through existing networks and representative organisations, for example the Maximising Benefit team, Scottish Rural Property and Business Association (SRPBA), Dumfries and Galloway Small Communities Housing Trust, and the Scottish Association of Landlords (SAL). This will enable the Council to deal with significant breaches of the Tolerable standard (see Section 3.5).

1 Private Rented Sector - Fuel Poverty (Arneil Johnston February 2004); Glenkens Affordable Housing Study (Craigforth March 2005); Dumfries and Galloway Affordable Housing Study (Craigforth August 2006)

3.3 Housing Renewal Areas

3.3.1 Designation of Housing Renewal Areas provides local authorities the new powers to deal with poor quality housing issues on an area basis.

Grounds for designation are:

- Where a significant number of houses are sub standard,
- Where the appearance or state of repair of any houses is adversely affecting the amenity of the area.
- Designating a Housing Renewal Area will allow the Council to secure improvement in the condition and quality of housing in that location.

This may be through carrying out works to, or demolition of, houses.

3.3.2 As part of the previous LHS development, the Council commissioned a study into the operation of the housing market within Dumfries Town Centre. It identified a significant problem and barrier to growth as the condition of the housing stock. It proposed targeted action to tackle these issues. The Council's LHS (2004-2009) therefore stated that it would consider the feasibility of designating the core town centre area as a pilot Housing Renewal Area (Strategic Objective 5). We intend to pursue this designation to support sustainable economic growth of Dumfries as the Region's capital. This is a strategic priority within the Phase 1 Action Plan of the Regional Economic Strategy. Clearly the condition of housing in the Town Centre has an impact on the local economy and its attractiveness as a centre for investment as a place to live and work.

3.3.3 The 2006 Act sets out clear requirements for designation of Housing Renewal Areas. The proposal in this Scheme of Assistance will therefore be subject to a future separate detailed process including further public consultation.

3.4 Dumfries and Galloway Housing Partnership's (DGHP) Factoring Service

3.4.1 The Council's LHS (2004-9) set objectives to ensure all RSL stock meets the Scottish Housing Quality Standard by 2015 and to provide assistance to repair and maintain mixed tenure flatted accommodation.

3.4.2 DGHP is the largest RSL in the region and owns over 10,000 homes. This includes 362 blocks of flats with communal areas. Over 180 of these blocks are mixed tenure as a result of the Right to Buy legislation. Maintenance of common areas in these blocks is currently minimal and fraught with difficulty as there is no clear process or dedicated service provision to tackle these issues. The aim of DGHP's new factoring service is to provide a simple cost-effective way of obtaining agreement to, and organising common repairs and maintenance. The primary aim of this proposal is to ensure stock condition of owner/occupied dwellings within mixed tenure buildings is tackled in a strategic and planned way. It is also a statutory requirement that all RSL stock meets the Scottish Housing Quality Standard (SHQS) and DGHP is the only local RSL with this level of mixed tenure within its flatted accommodation and therefore presents specific challenges for them.

3.4.3 In addition it is strategically important for the Council to deal with poor quality stock issues that affect significant numbers of households across the Region. The DGHP Factoring Service is a key mechanism to deliver the necessary works. It will also prevent houses in owner occupation falling below the tolerable standard and thus avoid potentially significant higher costs in the future.

3.4.4 It intended that the Scheme of Assistance will provide a contribution toward the business infrastructure and start up costs for the factoring service to allow it to be properly established. There are no statutory obstacles to such an approach as the new regime allows local authorities such discretion to support partners in delivering its strategic objectives. In the medium term (after year 3) the service will become self financing.

3.5 Below Tolerable Standard

3.5.1 The Tolerable Standard consists of a set of criteria covering the elements of a house that are fundamental to its functioning as a home. The criteria address issues of public health, comfort and safety. The tolerable standard applies to houses of all tenures.

3.5.2 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 toilet available for the sole use of the occupants of the house and is 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

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- has an effective system for the drainage and disposal of foul and surface water
- has a supply of electricity which is adequate and safe to use
- has satisfactory facilities for the cooking of food within the house
- has satisfactory access to all external doors and outbuildings.

3.5.3 For the purposes of providing assistance, the Scheme of Assistance defines significant breaches of the tolerable standard as follows:

- The main fabric of the property is structurally unstable.
- There is not an adequate supply of wholesome water.
- Does not have a sink provided with a satisfactory supply of both hot and cold water within the house.
- Does not have a water closet or waterless closet available for the exclusive use of the occupants of the house and located within the house.
- Is substantially free from rising or penetrating damp
- 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.

3.5.4 We have set additional qualifying criteria for this group. We will not provide financial assistance if:

- The property is not the applicant's only or principal home, or
- The applicant has not lived in the house for at least six months, or
- The owner acquired the house knowing its condition with a view to developing it, or
- The owner removed standard amenities themselves.

3.6 Financial assistance for significant breaches of the Tolerable Standard

3.6.1 The Financial Assessment test used under the previous statutory provisions will remain in place for all applicants who seek assistance to tackle significant breached of the tolerable standard.

3.6.2 The Financial Assessment to be applied is set out in Statutory Instrument 461 – Housing Grants Assessment of Contributions Regulations (2003). Through this mechanism there will be consistency and equality applied through out the scheme. As the budget is available for direct financial assistance is limited and will be under pressure it is appropriate that the Council adopts this approach.

3.6.3 However, for disabled applicants who require adaptations, a minimum 80% funding is available. There will be no financial assessment applied for these cases. For applicants who receive certain benefits, they will qualify for 100% financial assistance for adaptations. Section 3.8 provides more detail for these applicants.

3.7 Care and Repair in Dumfries and Galloway

3.7.1 The Scottish government recently undertook a national review of Care and Repair Services. This review found that Care and Repair provide a range of property based but personalised services to support older and disabled home owners and tenants of private landlords to help them remain in their homes and maintain them to a decent standard. It is a flexible and responsive service that contributes to a number of national and local strategic priorities.

3.7.2 The Dumfries and Galloway Care and Repair Service is delivered by Loreburn Housing Association as an agent funded by Dumfries and Galloway Council.

3.7.3 They provide information, advice and practical assistance on home repairs, improvements and adaptations to elderly and disabled home owners and private sector tenants. They help to complete financial assistance application forms and to find reputable tradespersons and this will continue under the Scheme of Assistance. This service is provided free of charge. It is proposed to deliver this service through a Service Level Agreement with Loreburn Housing association that clearly defines their role and service standards. We will also undertake a review of operational arrangements to ensure the efficient use of the funding and maximise the benefits to the client. The Care and Repair Service is under-utilised and can be expanded to deliver additional services if resources are provided.

3.7.4 Care and Repair will be expanded to provide a „Handyman“ service. This is a generic service that will assist clients to undertake low level maintenance jobs such as light bulb replacements, re-wiring appliances and repairing door and window locks. This service was piloted in Nithsdale and proved popular and successful. It is proposed to roll this service out across the whole of Dumfries and Galloway.

3.8 Mandatory disabled adaptations

3.8.1 In March 2009 the Council's Housing Sub Committee considered a report on PSHG for works to meet the needs of disabled people. It decided that:

- Eligibility to receive funding for adaptation work to a property from PSHG will be assessed under the terms of the Council's Social Work Eligibility and Priority Framework;
- that although tenants of RSLs may access PSHG in some circumstances, such applications are intended to be exceptional;
- that adaptation work to extend a property to form a bedroom or create additional living space in separate buildings, is excluded from mandatory grant but may be considered for a discretionary grant in exceptional circumstances subject to consideration by the Housing Sub Committee;
- that helping an owner to acquire or sell a house will only be considered when all other reasonable options have been explored and exhausted;
- that the Council adopts the statutory position of awarding a "flat rate" 80% grant to applicants not entitled to 100% grant;

- that applicants can request a review of the “flat rate” award of 80% grant; and
- that private landlords, who give permission for a property to be adapted, utilising PSHG, will be provided with a commitment by the Council to provide a financial contribution to meet the full cost of reinstatement at the end of the tenancy subject to consideration by the Housing Sub Committee.

3.9 Enforcement and intervention

3.9.1 The Act introduces new powers for the Council to deal with houses in the private sector which owners have not maintained, or are unlikely to maintain to a reasonable standard. It is proposed that the Council focus its resources on dealing with maintenance issues within the proposed designated Housing Renewal Area of Dumfries Town Centre. The Maintenance Order will be served on the owner of a house and requires them to prepare a maintenance plan to secure the maintenance of the property to a reasonable standard. The Council can serve Notices on owners of non-residential properties in the same building as sub-standard housing if the required work impacts on the quality of the related housing.

3.9.2 The order requires the owner to develop a maintenance plan for the property for up to a 5 year period. Where a maintenance plan is not implemented by the owner, the Council will consider enforcing that plan and recovering the costs from the owner. This would be subject to agreement of the Housing Sub Committee.

3.9.3 The Act also provides local authorities with new enforcement powers to deal with acute disrepair issues. It is proposed that the Council focus its resources on dealing with acute disrepair issues within the proposed designated Housing Renewal Area of Dumfries Town Centre. In such circumstances Works Notices or Demolition Notices could be served. In such cases and where necessary, the Council will work closely with RSLs and other agencies to provide alternative accommodation for displaced occupiers. Financial assistance will be provided if the works qualify for funding in relation to a significant breach of the tolerable standard. Where financial assistance is not available or provided the Private Sector Housing Team will work closely with the owner to offer further advice. Ultimately, the Council may consider carrying out the work set out in the Works Notice or Demolition Notice and reclaim the cost from the owner. This would be subject to agreement of the Housing sub Committee.

3.10 Information and advice

3.10.1 There is a need for clear, easily accessible information about home repair, improvement and adaptation in Dumfries and Galloway. We will review the information which is currently available from the Council and other agencies.

3.10.2 We will produce good quality information/ leaflets covering a number of areas of activity, such as:

- The Care and Repair Service
- Factoring services
- Helping you stay at home
- Maintaining your home and keeping it safe
- Help to make your home warmer
- How to deal with home repair emergencies
- Asbestos in the home
- Lead piping
- Employing a contractor, an architect or other professional service
- Co-operating with others in common blocks, looking after communal areas
- Sources of financial assistance
- The Occupational Therapy assessment process

3.10.4 Our leaflets will be available at all Council and partner agency offices (for example, RSL offices and third sector offices.) They will also be available on our website and in various formats (eg large print). We will forward copies of the leaflets direct to community and voluntary groups and advice agencies and we will make arrangements for leaflets to be available at libraries, health centres and post offices.

3.11 Advice

3.11.1 While information/ leaflets etc will help in many circumstances there will be occasions when more detailed advice is needed. Advice will be available to any owner who requires it. Examples of the advice which will be available are:

- How an owner can get a copy of their Title Deeds.
- Advice from Trading Standards about local traders and contractors
- How to select and manage a contractor or consultant.
- What needs done in terms of repairs and maintenance and how to prioritise work.
- The options available to an owner in receipt of a works notice.
- Financial assistance available from other organisations and agencies.

3.11.2 Where appropriate we will refer enquiries to specialist advice providers. These include:

- Occupational Therapists
- Care and Repair
- Citizens Advice Bureau (DAGCAS)
- Welfare Rights
- Environmental Health officers
- Planning officers
- Building Standards officers
- Energy Saving Trust
- Energy Action Scotland.

3.12 Other financial assistance

3.12.1 The Scottish Government has proposed the establishment of a National Lending Unit to assist owners to access capital funds to carry out works.

3.12.2 The National Lending would provide equity release products for owners with equity but little disposal income to provide assistance with loans in excess of £5,000. However there is significant doubt as to whether the formation of the NLU is to proceed and the details of the Scheme of Assistance may have to be amended when a final decision is taken. The Scottish Government and COSLA are jointly working on this initiative. Assistance may also be provided through appropriately accredited Credit Unions.

3.13 When assistance may be withdrawn

3.13.1 Financial assistance may be withdrawn depending on the overall budget position of the Scheme of Assistance. An offer of grant will be effective for a period of 12 months. If an applicant fails to claim the grant within this period, the grant award will be withdrawn.

4 Appeals and Complaints.

4.1 Appeals against the needs assessment process for mandatory grants in relation to adaptations for people with disabilities will be considered under the terms of the Social Work complaints procedure.

4.2 Complaints regarding the administration of the Scheme of Assistance will be considered under the terms of the Council's Corporate complaints procedure. Details of this are available at:

<http://www.dumgal.gov.uk/index.aspx?articleid=1245>

4.3 If you wish to make a formal complaint, the form can be downloaded from: <https://www.dumgal.gov.uk/complaints>.

4.4 There is also a leaflet about the complaints procedure:

<https://www.dumgal.gov.uk/article/15382/Complaints-procedure>

4.5 Both are also available at any Council office.

4.6 We will acknowledge any complaint in writing within 5 working days.

4.7 We will investigate any complaint and reply as quickly as possible - within 20 working days of it being received.

5 Monitoring Progress

Regular monitoring reports will be presented to the Housing Sub Committee and consultations carried out through the Local Housing Forum and with organisations representing the private sector.

6 Contact Details

Strategic Housing Investment
Dumfries and Galloway Council
Kirkbank House
English Street
Dumfries
DG1 2HS

7 Glossary

The Act The Housing (Scotland) Act, 2006
LHS Local Housing Strategy
LDP Local Development Plan PSG
Private Sector Housing Grant HIS
Home Insulation Scheme
SRPBA Scottish Rural Property and Business Association
SAL Scottish Association of Landlords
DGHP Dumfries and Galloway Housing Partnership
SHQS Scottish Housing Quality Standard
DGCAS Dumfries and Galloway Citizens Advice Centre