

**To: Communities, Housing and Planning Policy Board**

**On: 21 August 2018**

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**Report by: Director of Communities, Housing and Planning Services**

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**Heading: Scheme of Assistance for Private Owners and Missing Shares Pilot Project**

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## **1. Summary**

- 1.1. Renfrewshire Council's current Scheme of Assistance for Private House Owners was last reviewed in 2012. This report presents an updated and revised Scheme of Assistance for approval.
  - 1.2 The main proposed change is to develop a pilot project to pay "Missing Shares" as allowed for by the Housing (Scotland) Act 2006. This would support responsible tenement homeowners who want to progress essential communal repairs and maintenance but cannot do so due to the lack of co-operation from one or more property owners in the block.
  - 1.3 Renfrewshire's Local Housing Strategy 2016-2021 highlights particular stock quality issues in pre-1919 tenements in town centre areas. The Missing Shares pilot is intended to help tackle disrepair in Renfrewshire's private traditional tenemental housing stock.
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## **2. Recommendations**

- 2.1 It is recommended that the Board:
  - (i) approves the revised Scheme of Assistance for Private House Owners which is attached to this report;
  - (ii) authorises the development of a Missing Shares Pilot Project, initially open to owners of older traditional tenement flats;

- (iii) agrees to the use of up to £100k from Private Sector Housing Grant to fund the pilot scheme;
  - (iv) approves the payment of “Missing Shares” in accordance with the Housing (Scotland) Act 2006;
  - (v) agrees that the Council will attempt to recover any payments made in respect of Missing Shares from the owners whose share was paid, including administrative and interest charges, through the Council’s debt recovery procedures and/or the registration of a Repayment Charge against their property;
  - (vi) notes that the pilot will be reviewed as to its efficiency and effectiveness and that a report will be brought to Board at a later date with recommendations for its future delivery; and
  - (vii) notes that, in terms of the relevant legislation, the Housing Renewal Area Action Plan covering 33 Causeyside Street and 3,5,7 and 9 Orchard Street will require to be varied to reflect the revised terms of the Scheme of Assistance.
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### **3. Background**

- 3.1 Section 72 of the Housing (Scotland) Act 2006 requires local authorities to produce a statement that sets out what help the authority will provide to private house owners in relation to the repair and maintenance of their homes, and how to access this help. In order to comply with this requirement, the Council produced its statement in the form of a “Scheme of Assistance”.
- 3.2 Renfrewshire Council’s first Scheme of Assistance was approved by the then Housing and Community Safety Policy Board on 27<sup>th</sup> April 2010 and was last reviewed in 2012.
- 3.3 In line with the 2006 Act, the Scheme of Assistance confirms that homeowners are responsible for maintaining and repairing their own home.
- 3.4 The Scheme provides advice and information, and practical support for older and disabled homeowners through Care and Repair services. Financial assistance is provided by mandatory grants to owners requiring adaptations to their property because of a disability, and grant support for owners in mixed tenure blocks who are being asked to participate in repair and improvement programmes by the Council or Registered Social Landlords.
- 3.5 A revised Scheme of Assistance has been prepared in line with the Renfrewshire Local Housing Strategy and is attached in Appendix 1.

- 3.6 The Policy Board authorised a Housing Renewal Area Designation Order and Action Plan covering 33 Causeyside Street and 3,5,7 and 9 Orchard Street on 14 March 2017. As required by law, the Action Plan describes the general effect of the Council's Scheme of Assistance. If the revised Scheme of Assistance is adopted, a variation to the HRA Action Plan is required, inserting a reference to the Empty Homes Loan Fund and Missing Shares Pilot Project, to ensure the up-to-date position is reflected.

#### **4. Revised Scheme of Assistance**

- 4.1 The proposed changes to the Scheme of Assistance are generally minor, with more advice and assistance to help owners improve privately owned properties in tenements and in the private rented sector. The main change in the new Scheme of Assistance is the proposed introduction of a 'Missing Shares' Pilot as outlined below. This aims to help address tenement quality issues. Other changes include additional information on factoring, empty homes, and private rented housing.

#### **5. Missing Shares Pilot**

- 5.1 The Local Housing Strategy identifies that the poorest private sector housing conditions in Renfrewshire are found in pre 1919 tenements in town centre areas. Responsible owners who wish to undertake essential communal repairs and maintenance to these properties can often find that a minority of owners refuse to co-operate and effectively prevent the work from going ahead. This can lead to deterioration in the building condition and more expensive repairs in the future.
- 5.2 To help address this type of situation, Section 50 of the Housing (Scotland) Act 2006 as amended, allows a local authority to pay a "missing share" of a repair cost where:
- an owner is unable or unwilling to pay;
  - It is unreasonable to require that owner to deposit the sum in question;
  - An owner cannot be identified or found, by reasonable inquiry.
- 5.3 It is proposed to trial the use of Missing Shares in a pilot scheme, which would initially be open to owners of older (generally pre 1919) traditional tenements.
- 5.4 A budget of up to £100,000 from the Private Sector Housing Grant would be made available to fund the pilot scheme with the proposed maximum payment in the region of £8,000 to £10,000 per share.
- 5.5 Eligible works would be essential repairs only: roof renewals (or, in special circumstances, major roof repairs), gutter and roofline replacement and essential stonework.

5.6 The Owner Services Team in Communities, Housing and Planning Services will be responsible for the co-ordination and administration of the project, with input from Legal Services. In developing the pilot, cognisance will be taken of the Scottish Government Advisory and Statutory Guidance on implementing the Housing (Scotland) Act 2006, Parts 1 and 2.

5.7 Before paying a Missing Share, the Council must be satisfied that;

- no work, has as yet, taken place as shares cannot be paid retrospectively;
- the maintenance is reasonable;
- the apportionment of costs to that person is correct, in terms of the title deeds, or any tenement management scheme or development management scheme which applies;
- the majority of owners have agreed to carry out the work;
- the owners have been served a notice that includes information on the maintenance required, timescales, costs etc. as well as each owners' share of the costs and the date that they must deposit this share into the maintenance account; and
- an owner (s) has not complied with this notice

The Council may also take account of representations from owners about their circumstances.

### ***Recovery of Costs***

5.8 Section 59 of the Housing (Scotland) Act 2006 allows local authorities to recover the Missing Share sum from the owner of the house concerned, together with administration charges and interest at a reasonable rate to be determined by the Council. The Council may also make, in favour of itself, a Repayment Charge against the title of the property to recover the "missing share" payment.

5.9 It is envisaged the Missing Shares pilot project will be operational from late 2018. The success and impact of the pilot scheme will be reviewed and reported through annual updates on the Local Housing Strategy.

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### **Implications of the Report**

1. **Financial** – budget of up to £100,000 from the Private Sector Housing Grant. The Council will attempt to recover any missing share payments made from the owner of the house concerned through the Council's debt recovery procedures and/or through the registration of a Repayment Charge against the property.
2. **HR & Organisational Development** - None

3. **Community Planning –**

**Our Renfrewshire is thriving** – the support offered to private owners will help to improve housing conditions, making Renfrewshire a great place to live.

**Our Renfrewshire is well** – the support provided to older and disabled owners will help enable people to live healthier, for longer, in their own homes.

4. **Legal** – Missing Shares will be paid in accordance with the Housing (Scotland) Act 2006.

5. **Property/Assets** - None

6. **Information Technology** - None

7. **Equality & Human Rights** - None

- (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

8. **Health & Safety** - None

9. **Procurement** - None

10. **Risk** - None

11. **Privacy Impact** - None

12. **Cosla Policy Position** - None

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**List of Background Papers**

- (a) Report to the Housing and Community Safety Policy Board, November 2012 'Review of the Scheme of Assistance for Owners of Private Housing
- (b) Report to the Housing and Community Safety Policy Board, 24 January 2017, Local Housing Strategy 2017-2021

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FC/LM  
25 July 2018

**Contact:** The contact officer within the service is Lesley Muirhead, Planning and Housing Manager, 0141 618 7835, email: [lesley.muirhead@renfrewshire.gov.uk](mailto:lesley.muirhead@renfrewshire.gov.uk)



**Scheme of Assistance  
For Private House Owners**

***Revised August 2018***

- 1. Introduction**
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  - 5.2 Housing Adaptations for Disabled People
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- 6. Action on Older Tenements**
  - 6.1 Missing Shares – Pilot Project
- 7. House Conditions – Enforcement Action**
- 8. Improving Quality and Management in the Private Rented Sector**
- 9. General matters regarding financial assistance**

Appendix 1 Contact Details

Appendix 2 Local Authority Powers in relation to property conditions

## 1. INTRODUCTION

This document sets out the Council's priorities, policy and procedures for providing private homeowners with advice and assistance in relation to the maintenance, repair and adaptation of their homes. It sets out the circumstances in which the Council will prioritise particular types of information, advice, practical support and financial assistance to private house owners in relation to works to private houses.

It replaces the existing Scheme of Assistance for Private House Owners, and will apply from the end of August 2018 until further notice. The Scheme is co-ordinated by the Owners Services Team within Communities, Housing and Planning Services. They can be contacted at:

### Owner Services Team

Communities, Planning and Housing Services

Email: [ownerservices.hps@renfrewshire.gov.uk](mailto:ownerservices.hps@renfrewshire.gov.uk)

Phone: 0300 300 0222

### Equalities

The Council is strongly committed to equal opportunities and has made every attempt to incorporate equality measures into the Scheme of Assistance. We will continue to review, consult upon and monitor our services to ensure that they are non-discriminatory.

This document can be made available in braille, large print or audio.

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

ਜੇ ਇਹ ਜਾਣਕਾਰੀ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦੀ, ਤਾਂ ਇਹ ਸਾਥੋਂ ਮੰਗ ਲਓ।

Jeżeli chcieliby Państwo uzyskać informacje w innym języku lub w innej formie, prosimy dać nam znać.

## 2. LEGISLATIVE FRAMEWORK

The Housing (Scotland) Act 2006 gives local authorities' powers to provide a range of advice, information or practical assistance to private homeowners, to help them to comply with their obligations in respect of their property.

Section 72 of the 2006 Act requires local authorities to produce a statement to explain to the public the circumstances in which they will provide assistance and what form this assistance will take, as well as the circumstances in which the approved expense may be limited, and the rate of interest etc. where a loan is provided. This document is Renfrewshire Council's Scheme of Assistance for Private House Owners and it constitutes the Council's statement as required by Section 72 of the Housing (Scotland) Act, 2006.



### 3. SCHEME OF ASSISTANCE – VISION AND STRATEGY

The overarching theme of this Scheme of Assistance is the provision of a range of advice and assistance to help house owners invest in and maintain their houses, with a view to improving housing conditions, and to help them overcome the barriers they may face in trying to do so. This does not necessarily mean providing financial assistance. With the exception of grants for disabled adaptations, financial assistance is limited and will be offered in circumstances as set out in this document and in support of key Council objectives.

This Scheme of Assistance has been prepared in the context of **Renfrewshire's Local Housing Strategy 2016-2020/21**. The strategy sets out 7 key outcomes, 4 of which are directly relevant to this Scheme of Assistance.

**Outcome 2** Through targeted investment and regeneration activity, Renfrewshire has attractive and sustainable neighbourhoods and well-functioning town centres;

**Outcome 3** People live in high quality, well managed homes;

**Outcome 4** Homes are Energy Efficient and Fuel Poverty is minimised;

**Outcome 6** People are able to live independently for as long as possible in their own home

Each outcome identifies a number of priority actions which it is envisaged that this Scheme of Assistance will help to achieve:

- tackling poor quality issues in older town centre private tenemental property
- supporting town centre living;
- improving management and maintenance issues in the private rented sector;
- supporting owners in mixed tenure blocks to secure common repairs; and
- bringing empty homes back into use.

This Scheme of Assistance supports **Renfrewshire's Health and Social Care Partnership Strategic Plan's 2016-2019** vision that everyone is able to live longer, healthier lives at home or in a homely setting. The provision of adaptations and Care and Repair Services as detailed in this document plays a key role in enabling people to stay safely in their homes.

It will also help deliver **Renfrewshire's Community Plan 2017-2027** aim of "making Renfrewshire a fairer, more inclusive place where all our people, communities and businesses thrive."

## 4. TYPES OF ASSISTANCE

### 4.1 Summary of the Scheme of Assistance

Figure 1 illustrates a summary of advice and support available. In the main, advice and assistance will be non-financial in nature.

**Figure 1: Summary of the Scheme of Assistance**



### 4.2 Information, Advice and Practical Assistance

Information and advice are key components of this Scheme of Assistance. Advice and information are delivered through a number of Council departments, local and national advice agencies and relevant websites. The various advice agencies co-operate and network to ensure that a comprehensive set of services is available and that owners can easily be directed to the best place for them to receive help.

The relevant websites of advice agencies are hyperlinked below. Full contact details of these services can be found in the relevant sections or in Appendix 1.

- [Care & Repair Renfrewshire](#) (advice to elderly and disabled owners on housing repairs, improvements and adaptations)
- [Citizens' Advice Bureau](#) (general advice)
- [Home Energy Scotland](#) - Warmer Homes Scotland, Energy Company Obligation, Energy Efficiency Loans Scheme
- Renfrewshire Council – [Energy Advice](#)
- Renfrewshire Council – [Advice Works](#) (money advice)
- Renfrewshire Council – [Housing Advice and Homeless Services](#) (advice on homelessness, private rented sector issues, and housing options for disabled people)

### **Renfrewshire Council website**

The Council's web pages for [private housing](#) contain relevant and up-to-date information on a range of topics including responsibilities for common repairs, factoring and private landlord responsibilities. There are also links to useful external sites such as the Under One Roof website which provides impartial advice on repairs and maintenance for flat owners in Scotland.

### **Trusted Trader Scheme**

One of the major barriers to getting work done is the lack of information on suitable and reliable contractors. [Renfrewshire's Trusted Trader](#) scheme helps local residents choose a reliable local trader by publishing a directory of businesses that have been checked by Trading Standards and allow previous customers to comment and rate their work.

### **Energy Advice and Energy Efficiency Improvement Schemes**

The Council works in partnership with [Home Energy Scotland](#) advice centre who provide a single point of contact for free impartial, up to date energy advice for all tenures. They can provide information on energy saving measures, any grants available and domestic renewable systems.

This service is complemented by the Energy Advice Team within the Council whose "Energy Advocates" provide tailored advice and assistance on all energy related matters for tenants and owners.

<b>Energy Advice Team</b> , Tel: 0141 618 7515 Email: <a href="mailto:emu@renfrewshire.gov.uk">emu@renfrewshire.gov.uk</a>
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The Scottish Government's Home Energy Efficiency Programme: Area Based Scheme (HEEPS:ABS) is targeted at private sector home owners to assist their participation and ensure projects to improve energy efficiency can proceed. Local authorities act as coordinating agents for all HEEPS:ABS programmes for their area. Recent programmes have focussed on mixed tenure blocks of flats with solid wall construction.

Home Energy Scotland administers a Scottish Government interest free loan scheme to assist private owners with the costs of a range of insulation and heating measures. Interested owners whose properties are not included in any of the HEEPS:ABS schemes will be referred to HES for advice.

Owners or private landlords may also be eligible for an equity loan of up to £40,000 through the Scottish Government's Home Energy Efficiency Programmes for Scotland (HEEPS) Equity Loan Pilot. This pilot runs until March 2019. The HEEPS Equity Loan lets you borrow money against the value of your property for energy efficiency, renewable and repairs work. The most you can borrow is £40,000 - but you can't borrow more than 50% of your property's market value. You must also retain a minimum of 30% equity in your property. At least 55% of the costs of the work must be for energy efficiency improvements, and can include things like: new boiler, insulation, double glazing or repairs to reduce heat loss through the building's fabric or damp and moisture. There are no ongoing repayments - you only pay back what you've borrowed when you sell the property.

For full information about this pilot scheme contact:

[Home Energy Scotland](#) on 0808 808 2282

#### **4.3 Priorities for financial assistance**

Financial resources are limited. The first priority for financial assistance from the Council must therefore be to provide grants that are mandatory, which are those for essential adaptations for disabled people.

After this, we will have regard to the implications arising from our statutory duties (maintaining Council homes at Scottish Housing Quality Standard and meeting Energy Efficiency Standard for Social Housing) and our duty to deal with Below Tolerable Standard Homes. Thereafter, discretionary funding will be aligned with key strategic Local Housing Strategy (LHS) outcomes, which focus on improving conditions of older tenement property in Renfrewshire. Financial support in this instance will be through a pilot "Missing Shares" project (see section 6.1).

**Funding for anything other than adaptations for disabled people is strictly limited and will only be made available subject to resources being available. No application for retrospective grants will be considered.**

## 5. ASSISTANCE IN PARTICULAR CIRCUMSTANCES

### 5.1 Help for Elderly and Disabled Owners

Elderly and disabled people can be vulnerable and face more obstacles in maintaining and investing in their property. We therefore give priority to providing help to these groups.

[Care and Repair Renfrewshire](#) provide information, advice and practical assistance to older and disabled owners. The primary aim is to assist service users to live independently, safely and securely in their own homes as long as they can. As such, the service plays a key role in this Scheme of Assistance.

Care and Repair Services include:

- co-ordinating the adaptations for disabled homeowners and private tenants;
- providing advice on all housing condition issues;
- delivering a Small Repairs Service (there is no charge for labour or travel costs, charges for material may apply); and
- various initiatives, for example the no cold calling initiative, and the “Feet, Falls and Fire’ Project designed to identify people at risk and reduce the instances of accidents due to falls or fire hazards.

The service is open to owners and private tenants in the following groups

- People aged over 60;
- Disabled persons or (in relation to adaptations only) the parents or guardians of disabled children and adults; and
- Other vulnerable people referred on an ad hoc basis by the Council and/or NHS Greater Glasgow & Clyde.

<p><b>Care and Repair Renfrewshire</b> 1<sup>st</sup> Floor, Bridgewater Shopping Erskine, PA8 7AA Tel: 0141 812 411</p>
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### 5.2 Housing Adaptations for Disabled People

If you are an owner who is disabled or have a disabled member of your household, and you have difficulty using and/or getting around your home, you may be entitled to a grant for an adaptation, subject to an assessment by an Occupational Therapist.

<p>In the first instance, you should contact the <b>Adult Services Referral Team</b> Phone: Adult Services Referral Team (ASeRT) on 0300 300 1380 E-mail: <a href="mailto:adultservicesreferral.sw@renfrewshire.gov.uk">adultservicesreferral.sw@renfrewshire.gov.uk</a></p>
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They will arrange for an assessment of your circumstances by one of the Health and Social Care Partnerships’ Occupational Therapists.

When an adaptation is identified as the best way to meet your need, you can apply for financial help. You can get help with a range of adaptations - that is, permanent changes to your home that involve building work, for example replacing the bath with an accessible shower or constructing a galvanised ramp to help you get in and out of your home.

Renfrewshire Care and Repair will co-ordinate all aspects of the adaptation in conjunction with you and the Occupational Therapist, and they will also help you to apply for a grant from the Council.

The Council is required by legislation to provide a minimum of 80% grant funding toward the adaptation. However, the grant will cover 100% of the cost of the work if you receive one of these welfare benefits:

- Income Support
- Income-Based Jobseeker's Allowance
- Pension Credit (guarantee element)
- Income-Related Employment and Support Allowance.
- Universal Credit

**You must wait until your grant is approved in writing before asking your contractor to start the work. The Council will not approve a grant on work which has already been carried out.**

Full information on the process to access grants for an adaptation can be found on the Council's website.

### **Help for private tenants**

If you rent your home privately, you will need to get the agreement of your landlord for you to carry out the adaptation that you need. However, the landlord cannot refuse to give consent without a good reason. The application process is in the same way as a home owner.

## **5.3 Owners of Empty Homes**

Long term empty properties can have a detrimental effect on the community and can contribute to issues such as fly tipping, vandalism and loss of community well-being.

Through empty homes work, councils can boost their housing supply, communities can be regenerated and town centres rejuvenated.

The "[Homes Again Renfrewshire](#)", is a joint initiative between Renfrewshire Council and West Dunbartonshire Council and aims to bring private sector empty homes which have been lying empty for more than six months back into use.

The Council employs a part-time Empty Homes Officer who can give advice and practical assistance on the following:

- Advice and assistance on letting out property including linking in with the Council's [Deposit Guarantee Scheme](#).
- Matchmaking Scheme – matching up owners of empty properties who want to sell, with buyers.
- Investigate reports of empty homes including tracing the owner to try and get them to bring the property back into use.
- Empty Homes Loan Fund – grants of up to £15,000 can be offered to help owners of properties empty over 6 months to get them back into use for renting. Various criteria apply and owners must ensure properties are used for affordable housing for a five year period after refurbishment to meet loan conditions or sold at a value not more than the Scottish Government Shared Equity Scheme price threshold.

For further information contact:

**Empty Homes Officer**

Tel: 0141 618 6262

Email: [Karen.rae@renfrewshire.gov.uk](mailto:Karen.rae@renfrewshire.gov.uk)

#### 5.4 Help for Owners in Mixed Tenure flatted blocks

Local Authorities and Registered Social Landlords have a duty to maintain their stock at the Scottish Housing Quality Standard (SHQS) and to ensure that their stock achieves the minimum energy rating under the Energy Efficiency Standard for Social Housing (ESSH) by the first milestone of 31 December 2020.

A high proportion of Council stock is in mixed- tenure buildings (public and private) ownership. The co-operation and participation of owners is therefore essential in securing common repair and improvements in these buildings.

Where the Council has an ownership interest in a block, it will provide advice and assistance to private homeowners to help organise and complete day to day common repairs.

The Council continues to assess and monitor the condition of its stock and will develop capital investment programmes and priorities which will include some blocks with privately owned properties.

Where the Council or a Registered Social Landlord (RSL), as owner of some properties in the building, undertakes capital upgrading projects to common parts, and requires to recharge other owners for their share of the cost, the Council will offer grant assistance on the following basis:

- 50% for owner occupiers in receipt of Income Support or other similar benefits
- 35% for other owner-occupiers



- 25% for non-resident owner - for example registered landlords or those exempt from landlord registration. Unregistered landlords will not be entitled to any grant support.

Owners in mixed tenure blocks where an RSL is undertaking work, should liaise with that RSL in the first instance in relation to grants.

## 5.5 Factoring

Routine, regular maintenance to shared common areas is fundamental to preventing building decline and can help to prevent future larger bills for expensive repair work.

One of the best ways to achieve regular ongoing maintenance is to have a factoring arrangement in your building.

Owners may choose to appoint their own factor or self-factor their building. The Council is unable to offer to factor wholly private blocks but will provide advice on how to find and appoint a factor. It also recommends that all flat owners use the [underoneroof](#) website, which was launched by the Scottish Government. This contains impartial comprehensive advice for owners of flats including; responsibilities for repair and maintenance; understanding your title deeds, common repairs issues; working with other owners in your building; finding and appointing a factor and organising and paying for repairs.

Before appointing a factor, you should check that the factor is registered in the [Scottish Property Factors Register](#). The register is held and maintained by the Scottish Government. It is an offence to operate as a factor without being registered.

Property Factors must meet certain standards as set out in the [Property Factors Code of Conduct](#). This includes providing homeowners with a “written statement of services” which must include as a minimum:

- The main services the factor will provide;
- The cost of their service, billing and how they will deal with homeowners who do not pay their share;
- Complaints handling;
- How to end the agreement; and
- Debt collection procedure.

(This is a summary only, and the code of conduct is available online.)

Homeowners who have a complaint about their factor, or believe their factor is not meeting their factoring duties, can apply to the [First Tier Tribunal for Scotland \(Housing and Property Chamber\)](#) for assistance in resolving these matters.



The Tribunal requires that the homeowner **must first** notify their property factor in writing of the reasons why they consider that the factor has failed to carry out their duties, or failed to comply with the Code. The property factor must also have refused to resolve the homeowner's concern, or have unreasonably delayed attempting to resolve them.

**None of the information provided in this section, or elsewhere in this document, should be construed as legal advice, and it is recommended that independent advice is obtained where required.**

## **6. ACTION ON OLDER TENEMENTS**

The poorest quality housing in Renfrewshire continues to be concentrated in older private sector tenement properties in inner urban areas.

In very specific circumstances, the Council has supported comprehensive tenement improvement in partnership with RSLs and the Scottish Government. However there is very limited funding for this type of approach.

The Council will continue to seek support projects which assist the regeneration and improvement in Renfrewshire's town centres and which will help protect the built heritage and neighbourhood quality from further decline.

Over the lifetime of this Scheme of Assistance the Council will therefore develop its approach to tackling tenement disrepair, targeting support in a range of strategic locations where there are particular concentrations of older tenements.

The approach will involve a mix of advice and support with some limited financial assistance, along with enforcement action where owners refuse to undertake essential repairs. The Council will aim to engage with owners at a much earlier stage and to encourage owners to undertake routine maintenance and small scale repairs. The promotion of factoring as described earlier is key to this.

### **6.1 Missing Shares – Pilot Project**

The Council has powers under the Housing (Scotland) Act 2006 to pay what is informally known as 'missing shares' for an owner when the majority of owners in a tenement block or other premises comprising two or more houses agree to carry out work to repair or maintain their property, or where the owners are required to carry out maintenance in terms of the Act or otherwise, and

- an owner is unable or unwilling to pay;
- it is unreasonable to require that an owner deposit the sum in question;
- an owner cannot be identified or found, by reasonable inquiry.

The “missing share” will be the owner’s share of the estimated costs. The power only applies where the maintenance is reasonable, having regard to the state of the premises, the share of estimated costs apportioned to the owner in question does not conflict with any applicable real burdens, or development or tenement management scheme.

The Council’s power to act in this matter will only arise on the application of any of the owners concerned, where a notice has been served on the owner and this has not been complied with.

The Council may request that the owner who has failed to comply with the notice makes any representation to the local authority about their financial circumstances before the deposit of missing shares can be made by the local authority in terms of the Section 50 of the Housing (Scotland) Act 2006.

The Council will then endeavour to recover the costs from the owner whose share was paid, including administrative and interest charges as reasonably determined by the Council, through an agreed repayment plan or through a repayment charge registered on the title of the property which allow the Council to recover costs on resale or transfer of the property if it is not paid before then.

The Repayment Charge will be paid in annual instalments and will be determined for a minimum term of 5 years and a maximum of 30 years. If an instalment is defaulted upon then the local authority reserve the right to raise legal proceedings against the owner as the debt becomes separately recoverable. If an owner ceases to be the owner of the property which the Repayment Charge is registered against, then the former owner is still liable for the sums due.

The Council intends to develop a Missing Shares pilot, targeted in priority locations in town centres where there are concentrations of older traditional tenement property.

Owners of properties in these areas who find they cannot progress repairs due to the above factors may be able to access a Missing Shares payment in the following circumstances:

- The property is an older (generally pre 1919) tenement
- The repair falls into one of the following categories: Roof renewal (or major roof repair in certain circumstances), gutter and roofline replacement and essential stonework repairs
- All owners have been notified to pay their share into a common works Maintenance Account

The Council must be satisfied that use of Missing Shares powers is the most appropriate solution to progress the outstanding repair(s), the work proposed is reasonable, and that the proportioning of shares is correct.

The minimum share is £500 and the proposed maximum share available is around £8,000 - £10,000 per share.

There are certain procedures that owners will need to follow. It is expected the pilot project should be operational from late 2018.

For further information, please contact **Owner Services Team** at:  
Email: [ownerservices.hps@renfrewshire.gov.uk](mailto:ownerservices.hps@renfrewshire.gov.uk)  
Phone: 0300 300 0222

## **7. HOUSE CONDITION – ENFORCEMENT ACTION**

The ethos of this Scheme of Assistance is to work with owners and to provide advice and assistance to help them to maintain their property on a voluntary basis. Some financial assistance is also available in the circumstances set out in this document.

Where the Council has provided advice and assistance but the owner does not repair or maintain their property and it is affecting surrounding properties or the local environment, or is potentially dangerous, the Council will consider using the enforcement powers it has under various pieces of legislation. The types of enforcement action open to the Council are listed in Appendix 2.

## **8. IMPROVING QUALITY AND MANAGEMENT IN THE PRIVATE RENTED SECTOR**

This Scheme of Assistance aims to help improve the quality and management in the sector by providing information, advice and practical assistance in the first instance. This will be backed up by enforcement action where necessary.

The Council has developed a number of initiatives to disseminate information and improve links with the private rented sector.

- **Renfrewshire Private Landlord Forum** – meets once a year
- **Newsletter** – [“Landlord Matters”](#) a twice yearly newsletter updating landlords and agents on current issues affecting the sector
- [Guide to Private Renting](#) – helps to inform prospective tenants and those currently in the private rented sector of their rights in relation to housing conditions and management standards
- **Landlord Accreditation Scotland** – The Council has a formal partnership with [Landlord Accreditation Scotland](#). This initiative provides training opportunities for local agents and landlords and will encourage them to become accredited and to endorse the National Core Standards for Private Landlords as set out by the Scottish Government
- **Council Website development** – Dedicated pages addressing private rented matters including a landlord checklist and links to appropriate external sites

- **One off events for landlords** – for example information session on the new Private Residential Tenancy

Where a landlord does not meet their housing responsibilities, the Council will use the powers it has to enforce action.

Rented homes must meet the [“Repairing Standard”](#) as defined in the Housing (Scotland) Act 2006. Where a property does not meet this Standard, a tenant should, in the first instance, ask the landlord to undertake the required repairs. If the landlord refuses to, the tenant can take the matter to the [Housing and Property Chamber First Tier Tribunal](#).

The Council will take a case to the First Tier Tribunal on behalf of a tenant in certain circumstances, for example where the tenant is vulnerable.

The Council will monitor any action taken by the Chamber in relation to landlords in Renfrewshire.

Contact details:  
**Housing and Property Chamber**  
 First-tier Tribunal for Scotland  
 Glasgow Tribunals Centre  
 20 York Street, Glasgow G2 8GT  
 Tel: 0141 302 5900

## **9. General Matters**

### **9.1 Legal and Financial Advice**

None of the information provided in this document, should be construed as legal advice, and it is recommended that independent advice is obtained where required.

The Council cannot provide financial advice and if this is required, it is recommended independent advice is sought.

### **9.2 Matters regarding financial assistance**

For each grant awarded the Council will complete and register a Notice of Grant in the Land Register. A registration fee, currently £60, will be deducted from the final grant payment.

There may be times when situations arise that have not been covered in the Scheme of Assistance or where there are special mitigating circumstances which require discretion on the part of the Director of Communities, Housing and Planning or as delegated by his/her authority. The Council reserves the right to exercise its discretion in these circumstances.

## **Conditions of grant**

To receive financial assistance, the applicant must give their consent to be bound by the following conditions for ten years from the date on which, in the Council's opinion, the applicable work is satisfactorily completed:

- The house must be used as a private dwelling (this does not prevent the use of part of the house as a shop or office, or for business, trade or professional purposes);
- The house must not be occupied by the owner or a member of the owner's family except as his only or main residence (within the meaning of Part vii of the Taxation of Chargeable Gains Act 1982);
- All such steps as are reasonably practicable must be taken to secure the maintenance of the house in a good state of repair.

If the applicant moves or sells the property while work is being carried out, a grant would not be payable.

If any of the conditions detailed in Section 83 of the Housing (Scotland) Act 2006 are breached, we may demand repayment, as specified in Sections 86 and 87 of the Act.

## **10. Complaints**

Renfrewshire Council operates a scheme which offers everyone the opportunity to comment on, or complain about, any aspect of the Council's services. Further information on how to complain is available on the [Council's website](#).

The Council will acknowledge receipt within 3 working days and send a detailed response within 20 working days.

## Appendix 1 Contact Details

### Renfrewshire Council – Housing Advice and Homeless

15 Abercorn Street  
Paisley  
PA3 4AA  
United Kingdom

**Email;** [housingadvice.hps@renfrewshire.gov.uk](mailto:housingadvice.hps@renfrewshire.gov.uk)

**Tel:** 0300 300 0222

### Advice Works (money advice)

**Please call to make an appointment** to see one of our Advice Works advisors about welfare rights or issues with benefits or debts, call **0300 300 1238** from Monday - Thursday, 8.45am - 16.45pm & Friday 8.45am - 3.55pm

Drop-in service at the following locations, with no appointment needed:

<b>Advice Works</b> Johnstone Town Hall, 25 Church Street, Johnstone Monday - Friday: 8.45am - 11am and 1pm - 3pm	<b>Renfrewshire House</b> Customer Service Centre, Cotton Street, Paisley Monday - Friday: 8.45am - 11am and 1pm - 3pm	<b>Renfrew Health Centre</b> 10 Ferry Road, Renfrew Tuesday, Wednesday, Friday: 8.45am - 11am
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<b>Renfrewshire Wide Credit Union</b>  41 High Street, Paisley PA1 2AH Tel: 0141 889 7442 email: <a href="mailto:info@rwcu.co.uk">info@rwcu.co.uk</a>	<b>Renfrewshire Citizens Advice Bureau</b>  Sherwood House 7 Glasgow Road Paisley PA1 3QS 0141 889 2121 <a href="mailto:bureau@paisleycab.casonline.org.uk">bureau@paisleycab.casonline.org.uk</a>
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### Renfrewshire Council – Communities, Housing and Planning (Environmental Health/Housing Disrepair Complaints)

Customer Service Centre,  
Renfrewshire House,  
Cotton Street,  
Paisley PA1 1AN

Opening hours: Monday - Thursday, 8.45am - 4.45pm and Friday, 8.45am - 3.55pm Tel:  
0300 300 0300

## **Appendix 2 Local Authority Powers in relation to property conditions**

### **Works Notices Housing (Scotland) Act 2006**

The Council can issue Work Notices on sub-standard properties or where work is needed to improve the security or safety of a house. The Notice sets out the work required. Where an owner does not undertake the required repairs in the set timescale, the Works Notice allows the Council to organise the repair and subsequently recover costs through a repayment charge registered on the property's title deeds.

The Council may choose to use this power following consideration of all other options and if resources are available.

### **Maintenance Orders – (Housing) Scotland Act 2006**

A Maintenance Order can be served on the owner of a house which has not been maintained to a reasonable standard, or where any benefits resulting from work carried out may be at risk due to a failure to put arrangements for maintenance in place.

A Maintenance Order will require the owner to draw up a Maintenance Plan for a period of up to 5 years. The Council can approve, modify or reject the Maintenance Plan and if rejected, the Council can substitute a plan of our own.

The Council will consider using these powers, subject to the availability of resources, either where the Council has previously invested in a property and there appears to be no arrangements being made for ongoing maintenance, or where or serious lack of Maintenance is brought to our attention.

### **.Housing Renewal Areas - Housing (Scotland) Act 2006**

The Council can make a Housing Renewal Area designation in areas where:

- (1) A significant number of houses have been identified as sub-standard
- (2) Where the appearance or state of repair of houses is adversely affected by the amenity of an area

An action plan describing the work required and the support available to owners, accompanies an HRA designation. The designation gives the Council the power to issue Works Notices to enforce works if required.

In 2017 Renfrewshire Council declared one HRA covering 5 tenement blocks in the Orchard St./Causeyside St. area of central Paisley.

Any future HRA designation will be subject to a separate public consultation process.

### **Defective Building Notice - Building (Scotland) Act 2003**

If a building has defects which are likely to cause significant deterioration of the building, the Council can serve a defective building notice on the owner(s) to rectify the specified defects by a given date. Examples of the kind of defects which can be dealt with by this notice include; leaking roofs; defective stonework; broken gutters and down pipes and dry/wet rot or woodworm.

It is an offence not to comply with any notice issued and the matter can be reported to the Procurator Fiscal. In addition, if the work is not completed by the required date the Council has powers to carry out the required work and recover the costs from the owner.

### **Closing Order- Housing (Scotland) Act 1987**

The Council can issue a closing order where a property is below the Tolerable Standard that it should otherwise be demolished and it is deemed that it can no longer be used as living accommodation.

Once a closing order comes into effect, it's an offence to live in the home, or allow anyone else to live there.

### **Demolition Order (Scotland) Act 1987**

If a property is below the Tolerable Standard, should be demolished and cannot be brought back up to standard, the Council can issue a demolition order. A demolition order requires the owner to vacate the property within 28 days of receiving the order, and to demolish the property within the next six weeks.

### **Statutory Nuisance – Environmental Protection Act 1990**

Some situations e.g. defective drainage or severe water ingress may constitute a statutory nuisance under this Act and where these occur, the Council will issue notices to require that the matter is resolved. Failure to comply with any notice issued is an offence, which can result in fixed penalty notices being issued or the case being referred to the Procurator Fiscal. In addition, if the works are not completed by the required date, the Council can undertake the works and recover the costs from the owner(s).