

Private Sector House Condition Statement for the Development of the Local Housing Strategy 2016-2021

Housing Development Section

April 2016

North Lanarkshire Council
Local Housing Strategy 2016-2021
Private Sector House Condition Statement

1. Introduction

- 1.1. North Lanarkshire Council have committed to developing and implementing a Private Sector House Condition Strategy as part of our Local Housing Strategy (LHS) 2016-2021 which will include details of the following to ensure that we are meeting the statutory requirements as set out in Section 10 of the Housing (Scotland) Act 2006 (“The 2006 Act”);
- a Below Tolerable Standard (BTS) strategy - for ensuring compliance with section 85(1) (duty to close, demolish or improve houses which do not meet the tolerable standard) of the Housing (Scotland) Act 1987 (c. 26)
 - a Housing Renewal Area Policy - for identifying parts of its area for designation under section 1 of the Housing (Scotland) Act 2006 (asp 1)
 - a strategy detailing a Scheme of Assistance - for improving the condition of houses by providing or arranging for the provision of assistance under Part 2 of the Housing (Scotland) Act 2006 (asp 1).
- 1.2. The LHS plays an important role in planning how these aims will be met.

2. Aims

- 2.1. North Lanarkshire Council’s Private Sector House Condition Statement aims to quantify the level of disrepair at a local level within North Lanarkshire, and identify what assistance is available to help owners address disrepair themselves and explain what powers are available to the council as necessary.
- 2.2. This will be done by defining the extent, location and nature of disrepair across the private sector in North Lanarkshire and providing an explanation for the contributing factors that influence disrepair. The statement will highlight, if appropriate, how these differ from national trends.
- 2.3. The Private Sector House Condition Statement sets out robust outcomes and targets with indicators to measure progress. Furthermore the aim is to establish disrepair, characteristics of stock, local levels of disrepair and scope for improvement.
- 2.4. An action plan has been developed to take account of the issues of disrepair across North Lanarkshire. The visions embodied within the plan are reflective of the 2006 act as follows:
- There will be a cultural change in attitudes to housing quality in the private housing sector.

- North Lanarkshire Council will lead a marked improvement in the quality of private housing in their areas, benefiting owners and the communities they live in.
 - The Scottish Government will support and facilitate the work of the local authority.
 - Private owners will become more aware of repair and maintenance responsibilities and more proactive in carrying them out.
 - Private owners will invest more to ensure their homes have a sustainable future.
 - Public money will support owners' repairs and maintenance only where that is strictly necessary.
- 2.5. The Private Sector House Condition statement aims to maximise update of support through the Scheme of Assistance. It considers how to maintain rates of investment in private sector housing to address issues of disrepair in the sector.

3. Evidence

3.1. National Policy Context

3.1.1. The main Scottish Government legislation and policies relating to Private Sector Housing includes:

- Housing (Scotland) Act 2006
- Housing (Scotland) Act 2010
- Building (Scotland) Act 2003
- Tenement (Scotland) Act 2004
- Environmental Protection Act 1990
- Town and Country Planning (Scotland) Act 1997
- Homes Fit for the 21st Century 2011
- Joint Housing Delivery Plan for Scotland May 2015

3.1.2. National policy is driven by the evidence on the nature of private sector housing across Scotland. Too many houses in Scotland are in poor condition. Most of these are in the private sector.

3.1.3. This means that too many private owners are not doing what they should to maintain and repair their houses. The result is large numbers of run-down houses and under-investment in maintaining the fabric of the nation's homes which results in poor living conditions and declining communities. This builds up bigger problems for the future

- the cost of addressing comprehensive repairs costs in private sector housing is around £5 billion¹

¹ Implementing the Housing (Scotland) Act 2006, Volume 1- Preparing and Delivering statistics taken from Housing Statistics published by the Scottish Government.

- 3.1.4. The situation varies widely across the country, both in scale and nature. The cities have high numbers of tenements of more than a century old that are at the core of the community and its character. Many of these tenements have major problems of disrepair. Rural cottages are too often crumbling for lack of investment. Many non-traditional houses have treatable but significant problems.
- Around 89% of pre-1945 dwellings in Scotland show some level of disrepair which is greater than all dwellings in Scotland that show some degree of disrepair (77%).
 - However 72% of post-1945 dwellings in Scotland show some level of disrepair which is less than the proportion of all dwellings in Scotland (77%).
 - Around 83% of all flats in North Lanarkshire show some level of disrepair which is the same as all flats in Scotland that show some level of disrepair (83%)².
- 3.1.5. Owners' incomes vary widely; house condition problems tend to be worse in low-income areas and in privately rented property. So there is a great variety of situations needing a range of actions.
- 3.1.6. There are pressures in the housing system that tend to increase problems of disrepair. The private sector has risen from under half the houses in Scotland in 1980 to 77% of houses being privately owned in 2014 (62% resident owned and 15% in the private rented sector)³. Many owners who bought under the Right to Buy are on relatively low incomes. Many owners have increasing difficulty with repairs as they and their houses age. Notwithstanding the impact of the market changes since mid-2008, the rising cost of house purchase in recent years has taken a bigger proportion of new owners' income, creating a pressure to spend less on repairs.
- 3.1.7. If current problems with private sector housing conditions are to be overtaken, actions are required to suit the needs of individuals and local communities and they need to reach many more owners than at present.
- 3.1.8. House conditions have an impact on the well-being of occupants and the wider community. Any approach taken to address disrepair must take into account economic and regeneration policies, and policies to handle the expected impact of demographic change, from ageing, migration and other factors. It should tie in with policies on sustainability, recognising on the one hand that the retention of houses is generally a more sustainable option than demolition and replacement, but on the other that older housing is generally less energy efficient.

² SHCS Local Authority Statistics Calculation Tool, 2011-2013

³ Office for National Statistics: Trends in the UK Housing Market, Sept 2014

- 3.1.9. The statement will consider the potential for efficiencies and economies through joint or coordinated delivery, management or funding within the authority or with delivery partners including other authorities.
- 3.1.10. Of course, house owners, other members of the public and other interested parties have also been involved in influencing priorities and strategies through consultation events relative to the Private Housing Sector.
- 3.1.11. The Housing (Scotland) Act 2006 section 72 requires that the Council prepares and makes publicly available a 'Scheme of Assistance' to detail the circumstances in which they will offer assistance to private sector home owners.
- 3.1.12. The powers for dealing with housing conditions in the private sector divide into powers to enforce the carrying out of works and powers to assist owners to carry out works. The Scottish Government advises that local authorities should not use these two sets of powers in isolation from each other. They are two routes to the same end result and should be considered together when the authority decides how to deliver the strategic outcomes.
- 3.1.13. The authority should decide the balance between assistance and enforcement and include this in its statement of assistance under section 72 and in the strategies it develops for the Local Housing Strategy.
- 3.1.14. The Statement will contribute to delivering the following Scottish Government National Outcomes:
- We live in well-designed sustainable places where we are able to access the amenities and services we need
 - We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others
 - We value and enjoy our built and natural environment and protect and enhance it for future generations
 - We reduce the local and global environmental impact of our consumption and production
- 3.1.15. In addition to overall National Outcomes, the Private Sector House Condition Statement aims to assist in meeting some of the high-level National Health and Wellbeing Outcomes. The statement contributes to improving the health and social care outcomes for households across North Lanarkshire through provision of information and advice in relation to house conditions.
- 3.1.16. The Private Sector House Condition Statement will assist and support household to achieve the following outcomes:
- People are able to look after and improve their own health and wellbeing and live in good health for longer
 - People, including those with disabilities or long term conditions, or who are frail, are able to live, as far as reasonably practicable, independently and at home or in a homely setting in their community

- People who use health and social care services have positive experiences of those services, and have their dignity respected
- Health and social care services are centred on helping to maintain or improve the quality of life of people who use those services
- Health and social care services contribute to reducing health inequalities

3.2. **Local Policy Context**

3.2.1. North Lanarkshire Council's Enterprise and Housing Resources has a robust strategic planning process in place to ensure we are able to continually improve and develop our services in response to identified need and demand. This is particularly important at a time when available resources are under increasing pressure.

3.2.2. Our current service objectives are to:

1. Work jointly with our partner agencies to support people to live as independently as possible;
2. Create safe and sustainable communities;
3. Enable access to affordable, good quality homes; and
4. Improve health and wellbeing through faster access to good information, advice or support.

3.2.3. During the course of 2016/17, we will review and revise these objectives to ensure they take account of our developments and strategies to improve outcomes. Enterprise and Housing Resources continue to meet the demands of changing demographic and economic factors to ensure, as far as is possible, individuals are able to live independently in accommodation of their choice.

3.2.4. The objectives set by Housing Services in relation to private sector house condition are addressed in the following statements:

- Improving neighbourhoods through both regeneration activities and the provision of a high quality housing management and support system.
- Assess implications for the Service based on the new Housing (Scotland) Act 2014
- Tackling disrepair within the private housing sector via the council's Scheme of Assistance and efficient use of enforcement powers.
- Combat fuel poverty in all its forms
- Meeting the ongoing needs of the ageing housing stock
- Maintaining the Scottish Housing Quality Standard across our housing stock and identifying the implications of the new Energy Efficiency Standard for Social Housing (ESSH)

3.3. **Quantifying private sector house condition in North Lanarkshire**

3.3.1. It is estimated that 67% of the North Lanarkshire housing stock across all tenures are houses (detached/semi/terraced); a further 28% are either 4-in-a

block or tenement flats. A small proportion (3%) is tower block flats with 2% other types of flats.

- 3.3.2. The Scottish House Condition Survey 2014 indicates that in North Lanarkshire 77% of all dwellings are in disrepair – the same as the Scottish average of 77% - with 73% of owner occupied property being in disrepair. This is further broken down as follows:

Pre 1945	91%
Post 1945	73%
House	73%
Flat	83%
1 or 2 bed	76%
3+ bed	78%

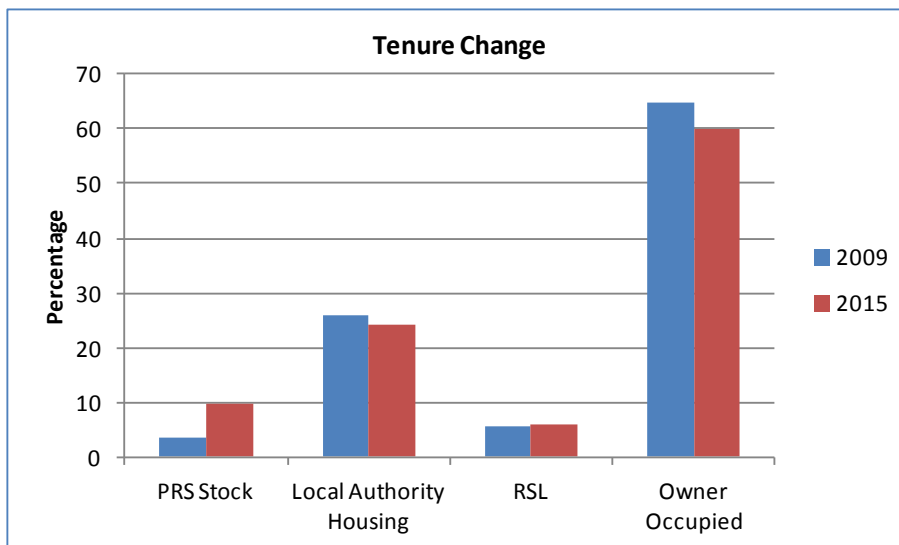
Source: Scottish House Condition Survey 2012-2014

- 3.3.3. The majority of the enquiries dealt with by the Private Sector Housing team are related to issues in common blocks where owners are requesting assistance to deal with disrepair to the main common building elements of the block such as roofs, roughcast and damp works. In many cases this disrepair has resulted in serious disrepair occurring to at least one, if not more than one property.

- 3.3.4. North Lanarkshire Council is the fourth largest local authority in Scotland with an estimated 146,935 households. Table 1 below shows that the owner occupied sector forms the biggest tenure in the North Lanarkshire area.

	2009	2015	Change
PRS Stock	3.7%	9.8%	up 6.1%
Local Authority Housing	25.8%	24.2%	down 1.6%
RSL	5.7%	6.0%	up 0.3%
Owner Occupied	64.8%	60.0%	down 4.8%

Source: LHS Area Profiles 2008/09 and 2014/15



Source: North Lanarkshire Council Area Profiles 2015

- 3.3.5. The North Lanarkshire area has shown one of the greatest increases in private sector tenure across the Glasgow Clyde Valley Housing Partnership (GCVHP) area of the last 25 years or so. In addition within the GCVHP areas only Glasgow City has shown a greater increase in this sector over the same period.⁴
- 3.3.6. The outlook for the private sector in the housing market at 2020 and 2025 in North Lanarkshire remains one of significant growth. However, uncertainty remains over the short to medium term, and growth is dependent on wider economic performance and projected household changes. Wider welfare and housing policy impacts may also conspire to stifle growth and accessibility within the private rented sector.
- 3.3.7. The total proportion of owner-occupied stock that was formerly owned by a local authority or housing association is 35.2%⁵ i.e. 37,346 properties from 106,067 properties. This shows the contribution the Right to Buy has made to increasing the owner-occupied sector and tenure change across North Lanarkshire.
- 3.3.8. Table 1 above shows that the owner occupied sector across North Lanarkshire is comprised of 60% private owner occupied; 24.2% NLC stock and 6% RSL stock. The private rented sector represents 9.8% of the total stock.
- 3.3.9. Around 91% of pre-1945 dwellings in North Lanarkshire show some level of disrepair which is greater than the Scottish average (89%) for pre-1945 dwellings.
- 3.3.10. However 73% of post-1945 dwellings in North Lanarkshire show some level of disrepair which is not statistically different to the proportion of all post-1945 dwellings in Scotland (72%).
- 3.3.11. Around 83% of flats in North Lanarkshire show some level of disrepair which is not significantly different to the proportion of all flats in Scotland that show some level of disrepair (83%)⁶.
- 3.3.12. Around 21% of owner occupied properties in North Lanarkshire are pre 1945 dwellings and 21% are flatted. The majority of owner occupied properties appear to be 3+ bedrooms accounting for 60% of stock of that size and 42% of owner occupied households contained one or more long term sick or disabled person.
- 3.3.13. The private sector appears to be behind in terms of energy efficiency improvements despite initiatives available to owners such as Green Deal and Big Switch. The aim is to therefore encourage owners and private landlords to

⁴ Glasgow and Clyde Valley Housing Market Partnership, Housing Need and Demand Assessment Final Report 2011

⁵ RTB Sales data from Scottish Gov Website Data

⁶ SHCS Local Authority Statistics Calculation Tool

take action to assist themselves out of fuel poverty by provision of advice and assistance and financial inclusion.

- 3.3.14. As shown at 3.3.8 above there has been a rapid growth in the private rented sector to 2015, up 6.1% from 2009. Many of the properties in this tenure are located within common blocks which present a more affordable investment option for landlords. Due to the boom in the property market during the early 2000s investors saw property as a good way to invest as a means of obtaining high returns both in rent and in subsequent sale of properties. However, often landlords are less motivated to maintain their properties unless there are specific issues with disrepair affecting their individual properties and tenants. In addition due to the more recent downturn in the market many of the properties are now in negative equity and landlords do not see any benefit to investing in their property if there is going to be no increase in return on this.
- 3.3.15. Enquiries received from some of the owners who bought under the Right to Buy indicate they did not realise the costs associated with maintaining their properties and the common parts of buildings. Owners may be 'property rich but income poor' and some may be in negative equity. In addition investing in repairs and maintenance to a property may not lead to an early equivalent increase in property value.
- 3.3.16. The changes in the economic climate in the last 10 years from 2005 to 2015 shows that the market value of property sales overall in North Lanarkshire has decreased from £870m in 2005 to £528m in 2015 a decrease of -39.3% and the second biggest drop across all Scottish areas. However the average sales price for individual properties has risen since 2005 to 2015 from £96,413 to £114,388 which is an increase of 18.6% over this time⁷.
- 3.3.17. The average house price in Scotland has increased since over the last 10 years by 35% to £167,396, however over the same timescale North Lanarkshire has only seen an 18.6% increase from £94,413 to £114,388. The volume of sales within the area has also decreased from 9,019 to 4,182 in that time evidencing a decrease in sales by -48.9%.

3.4. The position in North Lanarkshire

- 3.4.1. According to the Scottish House Condition Survey 2012-14, within North Lanarkshire 2% of all housing stock fails at least one part of the tolerable standard. In the owner occupied properties the survey indicates that 2% of the stock in that sector is BTS. Broken down by age, 3% of the properties constructed pre-1945 are failing the tolerable standard and 2% of those properties that were constructed post-1945.
- 3.4.2. Since the introduction of the Scheme of Assistance in 2010, the Council have used Civica Flare to record where property has been identified as being in Serious Disrepair or Below Tolerable Standard. The properties have been

⁷ Registers of Scotland 10-Year Property Market Report 2005-2015

identified as such by either an officer from the Private Sector Housing Section or Environmental Services Protective Services section as appropriate.

- 3.4.3. From records held by North Lanarkshire Council, in this time 840 properties have been identified as being either in serious disrepair or below tolerable standard. The following issues make up the primary reasons for disrepair:

Issue	Nos. affected
Not substantially free from rising or penetrating damp	755
Structural stability	37
No satisfactory access to all external doors and outbuildings	3
Various maintenance issues	45
Total	840

Source: NLC, Civica Flare August 2015

- 3.4.4. Of these 840 properties a further 18 properties contain secondary elements of failure in the following categories:

- not substantially free of rising or penetrating damp
- no satisfactory access to all external doors and outbuildings
- no satisfactory natural artificial lighting/ventilation
- electrical failure.

- 3.4.5. The aim of the BTS Strategy is to reduce and prevent BTS housing in North Lanarkshire. In order to achieve this owners' of BTS properties are offered assistance through a combination of information, advice and in some circumstances financial assistance, as per the terms of the Scheme of Assistance, in attempts to bring the properties up to standard.

- 3.4.6. Of the 840 properties noted above 158 were classed as BTS and the remaining 682 as being in serious disrepair. The following table provides details of the number of properties that have received assistance:

Type of Assistance	BTS	SERIOUS DISREPAIR
Enforcement	2	2
Grant	83	287
Owner resolved without assistance	2	2
Unresolved/ongoing	71	391
Total	158	682

Source: NLC, Civica Flare August 2015

- 3.4.7. The rates of BTS failure vary depending on geographic area. Geographically the highest rates of BTS failure have been recorded in Bellshill (49), Motherwell (36) followed by Coatbridge (33), with the lowest in Shotts (2).

- 3.4.8. The Scottish House Condition Survey Key Findings Report 2014, indicates that overall the private sector in North Lanarkshire has similar levels of BTS housing than nationally (3%).

- 3.4.9. In total, since the Scheme of Assistance has been introduced, 682 properties have been designated as being in serious disrepair. Although no statutory

criteria are in place to define 'serious disrepair' the categorisation of a property as such is agreed collectively by officers attending a Private Sector Project Meeting where the issues presented by each project are discussed. All properties are visited by a Private Sector Technical Officer who will assess the disrepair and bring photographic evidence of the condition of the properties to the meeting for discussion and agreement as to what assistance should be provided. This approach is taken to ensure consistency and equal consideration is given to whether or not a property or common properties should be offered assistance.

3.4.10. Pro-actively identifying properties that fail the tolerable standard is not an activity the Council is currently involved in and is by its very nature extremely difficult. At present BTS dwellings are primarily identified following contact from the owner, tenant or neighbour.

3.4.11. To undertake an exercise of individually inspecting properties to identify BTS properties would be extremely resources intensive for the council to undertake.

3.5. Duties of the Council to deal with BTS Housing:

3.5.1. The 1987 Act⁸ places a duty on every local authority to act within a reasonable time to ensure that all houses in their area which do not meet the tolerable standard are closed, demolished or brought up to the tolerable standard.

3.5.1. The Act does not define "reasonable" and does not specify "all the circumstances" local authorities should consider. In determining a reasonable period, the 1987 Act⁹ 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.

3.5.1. The 2006 Act 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 standard¹⁰.

3.5.2. Legislative powers are available to the Council to enable it to comply with its duties in relation to BTS housing. These powers range from the provision of advice and assistance, as agreed and set out by a local authority within their Scheme of Assistance, serving of a statutory notice requiring that owners deal with specific issues, through to the Council carrying out works in default where owners fail to comply with a notice served.

3.6. **Enforcement Action**

3.6.1. The Council will only use enforcement action as a last resort where absolutely necessary. The extent of any enforcement action will be largely dependent on

⁸ s85(1)

⁹ s85(2)

¹⁰ s10(b)

the potential impact on the health and safety of the property residents and the general public as well as resource availability.

3.7. **Housing Renewal Areas (HRA)**

3.7.1. The Housing (Scotland) Act 2006 requires that Local Authorities set out a strategy for identifying Housing Renewal Areas within the Local Housing Strategy¹¹.

3.7.2. There are two situations where local authorities can use these HRA powers to deal with poor quality housing. These are where:

- housing has been identified as sub-standard and steps are required to bring it into and retain it in a reasonable state of repair (which must at least meet the tolerable standard); or
- the appearance or state of repair of houses is adversely affecting the
- amenity of the area.

3.7.3. The Act defines a house as being sub-standard if it is:

- below the tolerable standard;
- in a state of serious disrepair; or
- in need of repair and is likely to deteriorate rapidly or damage other premises if nothing is done to repair it.

3.7.4. Before an HRA can be declared a statutory process has to be followed including:

- preparation of a draft order including a map of area, an action plan identify each house in the area which requires action, either on the house or in relation to the house, and what that action is;
- a 3 month public consultation must be carried out;
- order is modified if required
- HRA designated

¹¹ Ch2 s10

- 3.7.5. In declaring an HRA an associated action plan for the area is required to be put in place. Both the HRA and action plan would be subject to a public consultation process and if these steps are being considered the council will liaise with affected owners throughout the drafting and consultation process as appropriate.
- 3.7.6. Where the council requires works to be done to properties within an HRA, the council must serve a work notice or demolition notice to enforce the works if owners fail to carry out the works identified in the action plan.
- 3.7.7. Where appropriate the Council will use Housing (Scotland) Act 2006 powers to deal with areas where both housing and environmental issues are affecting the impact of the area and the people living there. These powers may include the declaration of a Housing Renewal Area (HRA).
- 3.7.8. It is felt, however that the use of the HRA powers may not be necessary where the use of alternative powers are available to ensure works are enforced, and carried out in default as necessary. This may be through the use of powers available in the Housing (Scotland) Act 2006, or other legislation such as the Building Acts However the Council will only pursue the designation of an HRA where the same outcome cannot be achieved through voluntary engagement of owners or the use of alternative powers is not available or appropriate.

3.8. Below Tolerable Standard (BTS) Housing

- 3.8.1. The strategy for tackling Below Tolerable Standard (BTS) Housing sets out how the Council will deal with housing designated as such.
- 3.8.2. The tolerable standard is a “condemnatory” standard; and a house that falls below it is not acceptable as living accommodation. The 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 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.
- 3.8.3. The standard was first introduced through the Housing (Scotland) Act 1969 with amendments made in the Housing (Scotland) Act 1987 (“The 1987 Act”). Further changes were subsequently made in the Housing (Scotland) Act 2001 and the Housing (Scotland) Act 2006 to define the standard as it currently is. The current standard is detailed in the attached in Appendix 1.

4. Key Issues in North Lanarkshire

4.1. Capital Programme Works

- 4.1.1. The capital programme is an annual plan, which details all the improvement and major repair work to Council housing. In some cases the works required to council properties can only be carried out by getting owners of former right to buy stock in the same block and with shared responsibilities, involved in the

process. For example if re-render works or a replacement roof is being provided to a 4 in a block property, but the council only has ownership of 3 properties in the block, the owner of the 4th property would have to become involved in the process in order to allow works to be carried out.

- 4.1.2. When carrying out Capital Programme works, the council can only carry out works based on the title deeds. The deeds drafted in North Lanarkshire and contained within the title of right to buy properties do not make provision for improvement works to be carried out. The works progressed by the council as part of any capital programme are therefore restricted to repair and replacement works.

4.2. **Title condition complexities**

- 4.2.1. A property's title deeds set out responsibility for maintaining the property, and any common elements of the building if necessary. Where an owner has sole responsibility for a property, as is the case for individual houses, the owners need only consider them self when carrying out works to the property. However, where disrepair is related to parts of a common property, works will be dependant on all owners being willing and able to carry out works when the other owners are in a position to do so too.
- 4.2.2. Where a building has common parts conditions in the title deeds should detail how these parts of the building have to be repaired and maintained. These conditions are often complex and may refer to the other properties who share responsibility for works, the other properties who are liable to pay for the works and how the costs are to be split amongst those who are liable.
- 4.2.3. The title to each development, tenement or area will have been prepared to suit the requirement of the original development, developer or seller at the time of sale. However over time changes can be made to properties that are not reflected in title changes, or the circumstances of the development may have changed. Changes such as these may have an impact on future maintenance and repair. For example: an original commercial property has been converted into residential property and no changes have been reflected in the title deeds; an owner in a top flat has converted and is using the roof space and although has changed their title deeds to show this, no action has been taken to change the title deeds of the other flats in the block; the open space in a development has been shared between all 150 owners in flatted blocks but there is now no property factor in place to oversee maintenance of the areas and owners at one end of the development are not willing to pay for works required to an area at the other end of the development; a 4 in a block has responsibility for works across all 4 properties but 2 owners have carried out re roofing of half the block.
- 4.2.4. There are other examples, though mainly in titles to older tenement stock, where title deeds contain gaps (such as not saying how decisions should be taken, or not describing all the common parts) or defects (such as allocating shares of costs that do not add up to 100%) causing confusion as to who has responsibility for common works. Issues like this can be addressed through

the use of the Tenement Management Scheme, which is set out in the Tenement (Scotland) Act 2004 as a default scheme to be used where there are gaps or defects in the titles.

- 4.2.5. Title inconsistencies can cause confusion amongst neighbouring property owners and potential delay to projects until matters are resolved. Changes to properties should be reflected in changes to title deeds, however it is not uncommon for changes to have been made to properties without the titles being updated to reflect the revised circumstances. In addition as there is no standard deed of condition used in the North Lanarkshire area, inconsistencies can occur in the sale of right to buy properties and there are many examples within North Lanarkshire where, within the same street, properties sold under RTB have differing title conditions attached than those of the neighbouring properties .
- 4.2.6. When dealing with common blocks therefore, the requirement is always to obtain a legal opinion to establish that owners are taking appropriate responsibility for works. Where assistance is being made available by the council, or statutory enforcement notices served, the process has to follow the responsibilities and liabilities as set out in the title deeds.
- 4.2.7. The Council do not have any powers to make changes to the titles to simplify or clarify the process for owners. Instead any changes to titles would have to be instigated by owners through a solicitor or, dependant upon level of agreement amongst owners, an application to the Lands Tribunal.

4.3. **Property Factors**

- 4.3.1. Many of the issues presented when carrying out works to common blocks are due to the inability of owners to co-ordinate works with other owners. The appointment of a property factor to oversee and arrange works can alleviate some problems in co-ordinating works, if owners are prepared to appoint and pay for the services of an agent.
- 4.3.2. Ultimately where a factor is providing a service to owners they will only continue to do so if owners are making payment for the services instructed and any works that are being arranged. In addition owners will only make payment to a factor if they feel they are receiving good value for money for the services and works being carried out.
- 4.3.3. In many instances the Private Sector Housing Section are dealing with common properties where there are no factoring arrangements in place. North Lanarkshire Council do not arrange factoring for private owners neither do the council have the power, either through legislation or in terms of title deeds, to elect themselves as factor.
- 4.3.4. Title complexities are being seen across many blocks within North Lanarkshire, with issues found in small scale blocks containing 4 properties right up to projects involving over 300 properties. These complexities can

result in additional costs to individual owners, delays in works or may even be a block to works being progressed at all.

- 4.3.5. Details of the some of the complexities which have arisen within the area, and where North Lanarkshire Council have overcome these are detailed in Appendix 4.

5. What we are doing to tackle poor house conditions in North Lanarkshire

5.1. Resources

- 5.1.1. There is significant work ongoing within North Lanarkshire to tack poor house conditions in the private sector and North Lanarkshire's Private Sector House Condition Statement builds on existing national schemes and adds where possible local schemes to offer household experiencing poor property conditions a package of support to address the issues.
- 5.1.2. The work undertaken to tackle poor disrepair helps to address national outcomes identified at 3 above.

5.2. Scheme of Assistance

- 5.2.1. As required by the Housing (Scotland) Act 2006, section 72 North Lanarkshire Council has put in place a Scheme of Assistance detailing the assistance available to owners address issues of general maintenance and disrepair to their homes. The assistance provided is detailed below in more detail and includes the provision of information, advice, practical assistance and, in some cases, financial assistance.
- 5.2.2. Information is made available to anyone who wishes guidance on issues of repair, maintenance and adaptations. This is made on the basis that it is non personal, general and applicable to all enquirers and should enable the enquirer to carry out the necessary activities themselves.
- 5.2.3. A range of information guides is available to owners and private landlords to repair, improve and adapt their properties relating to:
- General property maintenance
 - Paying for repairs and maintenance
 - Employing tradespersons and professional services
 - Common repairs and responsibilities
 - Factoring services
 - Private landlords
 - The Tolerable Standard
 - Enforcement powers
 - North Lanarkshire's Care and Repair
 - Community equipment, housing solutions and adaptations
 - Energy Advice

- 5.2.4. Advice is made available from the council directly or a referral made to another relevant agency where an owner, private landlord or tenant has a specific enquiry. Advice is more tailored to a particular issue and/or needs of an individual and may include:
- Options available to an owner in receipt of a work notice
 - What owners can expect from property managers
 - Where owners can find title deed information
 - Community Care assessment process
 - Options for housing solutions to meet disabled peoples needs
 - Disability and independent living information/advice
- 5.2.5. Some owners require additional assistance with carrying out some or all of the actions involved in the maintenance, repair or adaptation of their property and in some case practical assistance is offered as help. This assistance takes the form of the council carrying out processes of an owner that the owner could not otherwise carry out themselves or where the owner requires assistance to progress essential works by encouraging other owners to take responsibility for common repairs.
- 5.2.6. Practical assistance is resource dependant and is provided to owners within the four priority headings identified below
- 5.2.7. Financial assistance is available in circumstances as set out in the SoA. To address issues with house condition disrepair financial assistance is only available for properties in serious disrepair or those that are Below the Tolerable Standard as defined in section 85(1) (duty to close, demolish or improve houses which do not meet the tolerable standard) of the Housing (Scotland) Act 1987 (c. 26) as amended.
- 5.2.8. The financial assistance provided is detailed within the scheme and is available for:
- owners where Social Work have identified they have an assessed need.
 - owners in Capital Programmes (Common Works)
 - owners with shared responsibilities for major common repairs
 - owners with sole responsibility for repair where property is below tolerable standard or in serious disrepair where they are on an appropriate qualifying benefit.
- 5.2.9. This assistance is available to target properties in the worst disrepair to deal with the following items:
- Full roof replacement - where the roof is beyond repair
 - Re rendering - where current element is beyond reasonable repair or it is affecting the integrity of the building
 - Installation of a damp-proofing course, where none exists at present
 - Major structural works required to stabilise a property

- Provision of a wholesome water supply where current supply is inadequate
- Foul water drainage
- Confirmed unsafe electrical system
- Installation or replacement of door entry systems

5.2.10. During the current Local Housing Strategy 2011-2016 the Council has spent £686,060 from Non Housing Revenue Account Resources on providing financial assistance to help home owners to improve the conditions of 207 properties in private ownership¹².

5.2.11. In addition over the same period an additional 5,000 owners have been provided with other forms of assistance such as receiving information leaflets, advice and practical assistance¹³.

5.3. **Capital Programmes**

5.3.1. Private owners are invited to participate in Capital Programme works being carried out to re-render and/or re-roof blocks where owners have common responsibilities. Participation of owners in these programmes allows the council to invest in their own stock to ensure these are kept to up to an appropriate standard.

5.3.2. Over the period of the last Local Housing Strategy (2011-15) the council has provided grant assistance to 357 owners across 97 Capital Programmes.

5.3.3. In addition across the council area there are a further 3301 Council mixed tenure blocks which contain 5784 owners.

5.4. **Maintenance Orders**

5.4.1. Maintenance Orders have been served on a total of 3 blocks of flats in Millcroft Road, Cumbernauld.

5.4.2. These powers were initially used on 2 blocks at 2-204B Millcroft Road comprising 112 properties in total with shared liability for works across the 2 blocks. Owners failed to prepare a maintenance plan and the council prepared one in default and served this on the properties.

5.4.3. Owners subsequently failed to carry out the steps indicated in the maintenance plan and the council were required to carry out the works in default. Further information on the project is provided in Appendix 4.

5.5. **Regeneration approach – Multi Storey blocks at Cumbernauld**

5.5.1. As the strategic housing authority, the council also works closely with other partners, such as RSLs, to progress regeneration initiatives within private

¹² Scottish Government Scheme of Assistance Statistics

¹³ Scottish Government Scheme of Assistance Statistics

sector/ mixed tenure stock. As an example the council secured additional funding from the Scottish Government to progress a major regeneration project in Cumbernauld involving the demolition and re-provisioning of all 12 blocks of multi storey flats, which were in mixed tenure ownership and suffering from extensive water penetration and serious disrepair. The council is promoting the Compulsory Purchase Orders to ensure the acquisition of the flatted properties, and the demolition of the first phase (3 blocks) at Allanfauld Rd has now been completed.

- 5.5.2. Another example of the council's pro active approach in tackling serious disrepair was at Ainslie Road and Maclehose Rd, Cumbernauld where the council again used its CPO powers to facilitate the demolition of structurally defective blocks of flats, with new housing provided for owners on a nearby site. Again, this was enabled with additional funding which was secured by the council from Scottish Government
- 5.5.3. Current priorities for the private sector team include Millcroft Rd, Cumbernauld, where the council has used its Maintenance Order powers to try and improve the overall maintenance and repair of the blocks. This has proved to be very resource intensive, and largely unsuccessful, due to the unwillingness of factors to take on the block, due to condition and complexity of titles, and the general apathy and lack of engagement from owners themselves, many of whom are private landlords. Long term options are therefore being considered but any 'regeneration' approach would require significant resources which are not currently available, either from within the non HRA private sector budget or the Scottish Government's Affordable Housing Supply Programme
- 5.5.4. The Woodville Rise area of Forgewood, which comprises 266 privately owned properties, is also a priority for a potential regeneration approach. It is estimated that over a quarter of the flats are currently empty or abandoned and the area is falling into serious decline, with fire raising and vandalism a continual concern. Again, despite offers of support it has not been possible to put in place a sustainable factoring arrangement and/or encourage owners to undertake necessary repairs and maintenance to their properties. Options are therefore being considered regarding a long term strategy for the area. However, as for Millcroft Rd, any 'regeneration' approach would require significant resources which are not currently available, either from within the non HRA private sector budget or the Scottish Government's Affordable Housing Supply Programme
- 5.5.5. Further detail regarding these and projects is contained in appendix 4.

5.6. Enforcement

5.6.1. In addition, the 2006 act also provides local authorities with enforcement powers which can be used to assist owners and allow the council to carry out work if owners fail to do so. These enforcement powers include the following.

5.6.2. Work Notice - A local authority can serve a work notice on the owner of any house which it considers to be sub-standard

A house is sub-standard if it is:

- below the tolerable standard;
- in a state of serious disrepair; or
- in need of repair and is likely to deteriorate rapidly or damage other premises if nothing is done to repair it.

5.6.3. The local authority should not look at the age, character, location or internal decorative repair of a house when considering whether it is sub-standard against any of these elements. Internal decoration was not a factor under the 1987 Act either in relation to the tolerable standard or disrepair.

5.6.4. Authorities can also serve them on owners of non-residential properties in the same building as sub-standard housing. But they can only do this if the work is needed to deal with the housing.

5.6.5. Maintenance Orders – a maintenance order requires owners to prepare a Maintenance Plan indicating how the house will be maintained to a reasonable standard. The plan will be in place for 5 years and local authorities can impose their own plan if the owner(s) do not comply.

5.6.6. Missing Shares – missing shares can be provided to cover non paying owners' shares of common maintenance and repair works. An application for payment would have to be submitted to the Council by the majority of owners who have made payment and once a statutory process has been followed to provide all owners with information in relation to; what works are required, who agreed to works, when works are due to start, what payments have been made towards the works, amongst others. Payment of a missing share will only be made based on the shares detailed in the title deeds. Recovery of any missing shares paid is via a repayment charge placed on the title deeds of the property owned by the non paying owner.

5.6.7. Payment of a missing share allows the owners to progress with works without the council having to instruct works in default. Due to the resources required by both owners and the Private Sector Housing Section in following the processes set out for applying for a missing share, this form of assistance has only been used for major works including re roofing and structural works required to common stairs.

5.6.8. Repayment Charges – gives the council the power to place a repayment charge on a title to a property to allow recovery of any costs incurred in enforcing a work notice or maintenance plan, or to recover a missing share

paid into a maintenance account. Costs which can be recovered include the cost of work or missing share as appropriate, along with any fees and interest charged until the debt is cleared.

- 5.6.9. Repairing Standards - under the 2006 Act private landlords are required to ensure that any properties being let out meet the repairing standard as detailed in section 14 of the Act. If any property subject of a private lease does not meet the standard, tenants are required to initially inform their landlord of the disrepair allowing the landlord the opportunity to carry out works. If however, the landlord fails to carry out works to meet the standard the tenant can take their case to the Private Rented Housing Panel for consideration of the case. Changes being introduced by the Housing (Scotland) Act 2014 will allow the council to make a referral to the tribunal on a tenant's behalf, and this power is due to be implemented in December 2015.
- 5.6.10. The 2006 act provided this power for use against residential properties and the council have used this as a means to recover costs incurred where default works have been carried out following the serving of a work notice or a maintenance order. Changes introduced by the 2014 act now allow this power to be used against commercial properties. Extension of this power will provide additional benefits to the council in assisting owners of flats that are located above local shops, office etc and in town centre areas.
- 5.6.11. Other legislation as indicated in section 3.1 can also be used to address issues of disrepair in private sector housing.

5.7. **Landlord Registration 'Fit and Proper' referrals**

- 5.7.1. Some work has been carried out between the Private Sector Housing Section, Landlord Registration team and individual housing associations to review options for taking action against landlords who fail to pay towards the costs of RSL capital programme works. Information can be provided to the council by the RSL where a landlord has failed to meet their liabilities for payment towards works and the RSL have been required to take debt recovery action in attempts to recover their costs.
- 5.7.2. The council's Landlord Registration Team have agreed to review all the information made available to them by either the Private Sector Housing Section or an RSL to establish if any landlord has contravened any provision of the law relating to housing which may be considered as a breach of the 'fit and proper' test.

5.8. **Empty Homes approach**

- 5.8.1. A full time Empty Homes Officer has recently been appointed based within the Development Section, to help bring private sector empty homes back into use. The officer works closely with the private sector team and other services, to identify empty homes and work with owners to bring them back into use. Where owners cannot be traced or do not engage, other enforcement options

may be considered, for example use of CPO powers. This option is currently being considered for 2 derelict properties in Cumbernauld which are causing blight due to their derelict state. It is proposed to acquire the properties and transfer them to Sanctuary Cumbernauld for refurbishment.

- 5.8.2. In addition to offering advice and assistance to owners of empty properties the council has also developed an Empty Home Purchase Scheme to acquire empty homes in areas where there is an identified requirement for the type/size of property. To March 2016, 352 applications were received, and 51 properties were purchased by the council through this scheme.

5.9. **Town Centre Initiatives**

- 5.9.1. Planning Services are reviewing options to carry out regeneration of various town centres in North Lanarkshire. It is recognised that town centres have been changing, reflecting national trends towards larger units in out of town locations. However the role of town centres as community focal points should to be protected and promoted. Planning Services are implementing Town Centre Action Plans (TCAPs) which will address not only the issues with the retail and commercial properties but will look to address issues with empty residential units and disrepair to the buildings in the centre.
- 5.9.2. The Private Sector Housing Section will assist in providing assistance to the residential owners located within the area of the TCAPs through the Scheme of Assistance, where appropriate and where resources allow.

5.10. 'Under One Roof' National Website

- 5.10.1. A national website is to be launched next year during the Scottish Government's Year of Innovation, Architecture and Design as a major legacy of the Festival of Architecture 2016. The website is being developed to inform and engage with owners of all types of flats from pre 1919 tenements through multi storeys to four-in-a-blocks, with the aim of encouraging owners to maintain and improve their buildings. The site will provide independent and impartial advice on maintenance, repair and energy efficiency works.
- 5.10.2. This highly significant online resource will serve a crucial role in addressing the need for information of over half a million home owners and many others in rented accommodation throughout Scotland. The website is for all those who live 'under one roof' in Scotland and to serve as a vital resource for those in the public and private sectors who work with and lend support and advice to this very substantial target audience.
- 5.10.3. The website is being developed by Scottish Housing Best Value Network (SHBVN), the Royal Incorporation of Architects in Scotland, Historic Scotland, Association of Local Authority Chief Housing Officers, and Citizens Advice Scotland amongst others. Funding for development of the website, hosting, maintenance and updates, promotion and management is in place for the five years period from 2016-2020.
- 5.10.4. North Lanarkshire Council are to date, one of 25 of Scotland's 32 local authorities who have lent their support by contributing towards the costs of the project over that time. Other funding has been contributed from the Scottish Government, Historic Scotland, the Scottish Federation of Housing Associations, the Glasgow & West of Scotland Housing Forum, Hacking and Paterson Property Managers, Southside Housing Association and YourPlace (GHA).
- 5.10.5. The council will monitor the content of the website to ensure that owners within North Lanarkshire are receiving relevant advice from the website and that the council are obtaining value for money from their investment in the site.

6. Other Key Issues, Priorities and Recommendations

- 6.1. To enable the Council or RSL's to progress with works Capital Programme works in mixed tenure blocks requires incentives to be provided to owners to encourage their participation, particularly those with low incomes. The council will therefore continue to develop incentives for owners who are being requested to participate in programmes within the timescales set by the Council and on the basis of the works specified by the council.
- 6.2. Owners with properties in disrepair continue to require assistance to address the issues presented. There may be various reasons why owners cannot progress with works without assistance including lack of knowledge of the problem, complex title conditions, low income. The maintenance and repair of right to buy to properties causes issues where owners are unable or unwilling to take part in Capital Programmes. Contributing to this are owners who are

- unwilling to consider releasing equity within their homes to assist them to carry out repairs where no other funding available.
- 6.3. Better recording of title information is required to allow more streamlined identification of owners with shared responsibilities for works. The use of the council's new asset management system once implemented should allow improved identification of blocks in mixed tenure which will improve engagement and communication with those owners affected.
 - 6.4. North Lanarkshire Council therefore recommend that ongoing review and changes of the Scheme of Assistance will be undertaken to establish what assistance can be provided as appropriate. Review and changes are influenced by many external factors including changes to legislation, resources and title complexities impacting on the ability of owners to carry out works.
 - 6.5. Where the council may not be able to develop alternative solutions for assistance we will continue to review our options for the use of enforcement powers where appropriate and to meet the duties of s85(1) of the Housing (Scotland) Act 2006 to address housing which is Below Tolerable Standards.
 - 6.6. The number of Private Rented properties has increased more than any other tenure over the past 5 years. The council will continue to provide assistance to private landlords through the Scheme of Assistance where applicable, equitable to the assistance provided to private sector owners to help support common repair work, however, a lack of up to date local information on property condition within the private rented sector makes it difficult to quantify the issues.
 - 6.7. There are significant numbers of poor condition, high density, negative equity, private flatted properties with absent owners across the authority. We will continue to review options for addressing issues of poor management in areas with a high concentration of private sector properties including those at Millcroft Road and Greenrigg Road, Cumbernauld and Forgewood, Motherwell working with owners to provide long term sustainable solutions for the areas.
 - 6.8. Mixed tenure blocks and large scale common blocks are an issue for tenants, owners, private landlords and the council as it can be difficult to progress necessary investment works due to non-engagement, unwillingness or inability to participate. Title complexities and lack of factoring arrangements in relation to repairing responsibility for common areas cause further problems in many areas.
 - 6.9. The issues presented by the large scale common blocks within the North Lanarkshire area will continue to be explored and options put in place to allow owners to help themselves through consultation and the sharing of information and through providing support to assist in changing unworkable title conditions where these are presenting a problem to owners wishing to progress work.

Appendix 1 - The Tolerable Standard

The standard was first introduced through the Housing (Scotland) Act 1969 with amendments made in the Housing (Scotland) Act 1987 (“The 1987 Act”). Further changes were subsequently made in the Housing (Scotland) Act 2001 and the Housing (Scotland) Act 2006 to define the standard as it currently is. The current standard is defined as follows:

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 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;
- Has satisfactory access to all external doors and outbuildings.

To meet the tolerable standard a house must comply with all the criteria. If a house does not meet even one of the criteria, then it is BTS.

Appendix 2 - Housing Renewal Area Criteria

Where appropriate we will use Housing Renewal Area powers through the scheme of assistance to improve neighbourhoods.

The Council has identified a number of private sector housing areas where both housing and environmental issues are affecting the overall neighbourhood. Where appropriate the Council will use Housing (Scotland) Act 2006 powers to deal with these including the declaration of a Housing Renewal Area

Appendix 3 - Scheme of Assistance

i. Assistance for owners in Capital Programmes (Common Works)

Grant aid of 50% of the cost of the major works will be offered. The eligible cost of major works is £1,000 minimum and £20,000 maximum i.e. between £500 and £10,000 grant per property will be offered subject to available funding. 75% grant will be offered where all owners of the property are in receipt of the following qualifying benefits: -

- Income support
- Income based jobseeker's allowance
- Pension credit (guarantee element)
- Employment support allowance (income related)

Owner occupiers will be given the opportunity to repay the outstanding balance of the cost of works by instalments by up to 5 years of the account being issued.

Landlords may apply for a debt instalment plan but only where all owners are in receipt of the above benefits. If so they will be required to repay the balance of the cost of works within 2 years of the account being issued. This timescale will be extended to 3 years where the balance due to be paid after grant is over £3,000.

ii. Assistance for owners with shared responsibilities for major common repairs:

Grant aid of 50% of the cost of the major works offered on eligible expenses where the cost of works is £1,000 minimum and £20,000 maximum i.e. grant of between £500 and £10,000 is provided. Works eligible for grant is restricted to;

- full roof replacement (where beyond repair)
- re rendering works (where element beyond repair or affecting the integrity of the building) installing a damp proof course for the first time
- major structural works required to stabilise a property
- provision of a wholesome water supply where current supply is inadequate
- foul water drainage
- unsafe electrical systems
- installation or replacement of door entry systems

iii. Assistance for owners with sole responsibility for repair where property is below tolerable standard or in serious disrepair

75% grant will be offered where all owners of the property are in receipt of the following qualifying benefits: -

- Income support
- Income based jobseeker's allowance
- Pension credit (guarantee element)
- Employment support allowance (income related)

The minimum cost of work eligible for grant consideration will be £1,500 i.e. £1,125 grant and the maximum eligible costs on which grant can be considered will be £20,000 i.e. £15,000 grant.

In all cases grant will only be paid for one or more of the following items:

- Full roof replacement - where roof beyond repair
- Re rendering - where current element is beyond reasonable repair or it is affecting the integrity of the building
- Installation of a damp-proofing course, where none exists at present
- Major structural work required to stabilise a property
- Provision of a wholesome water supply where the current supply is inadequate
- Foul water drainage
- Confirmed un-safe electrical system

iv. Assistance for non grant eligible works

Where works are required which are neither BTS, in serious disrepair, or do not fall within one of the eligible work criteria other assistance may be required on the basis of the following:

Disrepair that affects or could affect the integrity of the house, subject to inspection and the extent of disrepair assistance may include:

- Information
- Advice
- Practical/technical assistance
- Financial assessment to increase income

For those wishing to undertake general repairs and maintenance the following assistance may be provided:

- Information
- Advice

Appendix 4 – Examples of assistance provided in North Lanarkshire

TYPE OF ASSISTANCE PROVIDED AND/OR ACTION TAKEN	BACKGROUND AND ISSUES	WHAT IS THE END RESULT?
<ul style="list-style-type: none"> • Scheme of Assistance • Maintenance Grant 	<p>Woodville Rise, Forgewood, Motherwell</p> <ul style="list-style-type: none"> • 48 blocks containing 266 properties in Forgewood, Motherwell, where owners are not carrying out maintenance works. • Split into 2 areas, phase 1 and phase 2 (23 blocks and 25 blocks respectively). • Title deeds for each phase dictate that appointment of a factor is based on a decision taken by at least one owner from within each of the blocks and obtaining a majority to appoint a factor. • Responsibility for maintenance of the open spaces is across each phase, however the individual blocks have common responsibility for works to their own block. • In the past owners were provided with £500 grant towards maintenance of the blocks on the proviso that factors were appointed to oversee maintenance. • Link Homes were appointed on this basis for each phase however they withdrew services due to the arrears built up by owners. 	<ul style="list-style-type: none"> • The Private Sector Housing Section have attempted to engage with owners in all blocks to provide assistance to them in co-ordinating work by writing to owners, arranging on site meetings and offering financial assistance i.e. missing shares (subject to cost and works proposed) however response levels have been poor and would not allow works to go ahead. • A small number of blocks are attempting to self factor and carry out work to the blocks on an individual basis, however limited ground maintenance works is being carried out. • In time, if no maintenance work is carried out by the owners, the properties will continue to deteriorate and enforcement action in the form of Maintenance Plans or Work Notices may be required to address any issues of disrepair in future.
<ul style="list-style-type: none"> • Scheme of Assistance • Hardship Grant 	<p>77-81 South Bridge St, Airdrie</p> <ul style="list-style-type: none"> • 3 properties comprising 1 flat and 2 commercial properties. • Commercial properties not eligible for grant. • Reroofing works were required to the properties due to water ingress to the flatted property. • The owner of the flat was unable to afford to pay their share of the cost even after grant was offered. 	<ul style="list-style-type: none"> • Reroofing works were completed without the need for a notice to be served. • At the time works were carried out (prior to the most recent changes being made to the SoA) 100% hardship grant which was awarded on the basis that the flat owner was in receipt of eligible benefits and appropriate repayment charges placed on the property titles. • The owners of the commercial properties were required to pay their share of the cost of works without any grant assistance.

<ul style="list-style-type: none"> • Scheme of Assistance • Hardship Grant 	<p>35 Blair Road, Coatbridge</p> <ul style="list-style-type: none"> • One semi detached property requested assistance to deal with a dry rot problem to their property. • On inspection the property did not have a damp proof course and therefore the works were eligible for grant. 	<ul style="list-style-type: none"> • The owner was on the necessary qualifying benefit and a 75% grant was approved. • Technical advice was provided in the form of work guidelines, reviewing estimates etc • The owners were able to carry out the works without enforcement action being required.
<ul style="list-style-type: none"> • Capital Programme Works • Tenement Management Scheme (TMS) applied • Capital Programme Grants 	<p>Ash Road & Spruce Road, Cumbernauld</p> <ul style="list-style-type: none"> • 68 properties contained within 2 blocks. • 17 of the properties were in council ownership and a further 7 in the ownership of Abronhill Housing Association. • Structural works and re rendering works required to the blocks. • No methodology route for progressing works was identified in the deeds. • The final cost of the works was between £5,852.45- £5,994.55 	<ul style="list-style-type: none"> • Essential works were carried out and replacement roofs works were carried out whilst scaffolding was in place. • The TMS was used as the initial step in the consultation with owners and for progressing works as a suitable methodology route was not identified in the deeds. • It had been confirmed that due to the structural issue with the windows that if non agreement was reached, enforcement would be applied. All owners were informed of this and the pros and cons of such • Owners were awarded 50% grant towards the cost of works.
<ul style="list-style-type: none"> • Maintenance Orders and Maintenance Plans served • Maintenance Grant • Works carried out in default 	<p>2-204B Millcroft Road, Cumbernauld</p> <ul style="list-style-type: none"> • 2 blocks of flats containing 112 properties in total. • Liability for the cost of works in the blocks is shared between both blocks as stated within the title deeds. • Maintenance grant offered to assist in appointing factors. • 2 property factors withdrew their offer of services as majority owners failed to pay into the factoring account. 	<ul style="list-style-type: none"> • NLC served a maintenance order and subsequent maintenance plan on the properties and enforcement works were carried out when owners failed to carry out works. • The cost of the works per owner was £3,752.94 and owners were awarded a £500 grant towards this. • Where owners failed to pay the invoice for works a repayment charge was placed on the property title to allow the council to recover the costs on the resale of the property if owners had not paid this off before then.
<p>Work Notice</p>	<p>4-6 Garturk St and 46i-46j Calder St, Coatbridge</p> <ul style="list-style-type: none"> • 4 properties with common title responsibility for re roofing works. • The properties form part of a larger block comprising 96 flats and 13 shops, 	<ul style="list-style-type: none"> • A notice was served on the 4 owners by Environmental Services which led to the owners co-ordinating and carrying out works themselves.

	<p>however title responsibilities for works are broken down across the larger block.</p> <ul style="list-style-type: none"> • Works were required to the roof and rainwater goods to remove the water penetration occurring to one of the top floor properties. • The 4 owners were contacted and offer of assistance and grant made to allow them to carry out the works themselves, one owner however did not respond to correspondence and the remaining owners failed to progress themselves. 	<ul style="list-style-type: none"> • 50% grant was awarded to owners towards the cost of works.
<ul style="list-style-type: none"> • Dangerous Building Notice • Demolition Order 	<p>2-16 Kylemore Crescent & 65-75 Dalriada Crescent, Motherwell</p> <ul style="list-style-type: none"> • 8 fire damaged properties in Kylemore Crescent and 6 in Dalriada Crescent, which resulted in the properties being left without roof coverings. • Due to neither of the buildings being wind and water tight each individual flat within each of the blocks were deemed to be below the tolerable standard. • Properties had lain empty for some time and due to being exposed to the elements the condition had deteriorated. • Building Standards served a dangerous building notice on the properties and secured the properties by erecting heras fencing to prevent access being taken. • Owners failed to arrange for or carry out any works to repair the properties and Environmental Services stepped in to serve a Demolition Order on the blocks due to the deteriorating condition of the blocks. 	<ul style="list-style-type: none"> • Owners failed to arrange for the demolition of the properties following serving of the notice and the council were required to carry out the works in default. • The cost of demolition per property was £6,104 for the Dalriada Crescent flats and £ 4,623 for the Kylemore Crescent flats. Invoices were issued to the owners at the time and to date the cost of demolition of 3 of the properties has been recovered. • Owners who have failed to pay have had a repayment charge placed on the title to the cleared sites and these will remain on titles until the debt is cleared or the title transferred whichever is the sooner.
<ul style="list-style-type: none"> • Scheme of Assistance • Missing Shares 	<p>'Inkerman', 47 Drumbathie Road, Airdrie</p> <ul style="list-style-type: none"> • 3 properties located in a converted sandstone villa, 2 on top floor, one on ground floor. • One owner on the top floor had water ingress to her property but did not have the means of paying for works even with grant assistance and did not qualify for any hardship funding. • Advice was provided about the availability and implications of applying for a 'missing share' and the owner agreed this was the only way to proceed. 	<ul style="list-style-type: none"> • The owners were required to co-ordinate the paperwork relating to payment of a 'missing share'. • A 'missing share' was paid for the owner who was unable to pay. A repayment charge was placed on the title to the property. • The other owners were awarded 50% grant funding.
<ul style="list-style-type: none"> • Regeneration approach 	<p>Ainslie Road/Maclehose Road, Cumbernauld</p> <ul style="list-style-type: none"> • Major regeneration project involving the re-housing of residents of 108 	<ul style="list-style-type: none"> • New, high quality homes were completed on an adjacent site to allow rehousing of displaced owners.

	<p>structurally defective flats</p> <ul style="list-style-type: none"> • Initiative completed in partnership with North Lanarkshire Council (NLC), Cumbernauld Housing Partnership (CHP), the Scottish Government (SG) and Ainslie Macle hose Action Group (AMAG) which was formed by the residents. • A compulsory purchase order was promoted by the Council as the housing association were unable to acquire all the properties by negotiation with the owners. 	<ul style="list-style-type: none"> • An innovative funding package was put in place to enable owner occupiers to remain in owner occupation on a shared equity basis in the new homes within their community. • Following demolition of the cleared site further new housing was provided on the site providing additional housing for the community.
<ul style="list-style-type: none"> • Regeneration approach 	<p>Cumbernauld Multi Storey Regeneration</p> <ul style="list-style-type: none"> • The project involves serving compulsory purchase orders on 566 properties to address the serious condition problems in the 12 blocks where the flats are located. • The properties are mixed tenure and Sanctuary Cumbernauld have been making attempts to acquire the flats from the owners on a voluntary basis, however have been unable to do so within the timescales required to allow re development of the sites. 	<ul style="list-style-type: none"> • The project has been split into 4 clusters – 3 blocks in each - and 2 CPOs have been served to date. • The first, at Allanfauld Rd, was confirmed by the Scottish Government and the council took possession of the properties in mid December 2014, transferring ownership to Sanctuary Cumbernauld on the same day. • Demolition of the blocks has been completed and site is being cleared. Tenders issued for new build properties. • The second CPO at Berryhill Road has been approved by the Scottish Government and further notices are being prepared which will allow the council to take possession of those properties. • The project will deliver new housing for Sanctuary Cumbernauld on the cleared sites to provide rehousing opportunities for owners either on shared ownership or tenanted basis as eligible.