



PERTH AND KINROSS SCHEME OF ASSISTANCE

MARCH 2010

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PERTH AND KINROSS SCHEME OF ASSISTANCE

1.0 Purpose of this Statement

- 1.1 This statement of assistance has been produced in accordance with the terms of the Housing (Scotland) Act 2006. It sets out the different forms of assistance that Perth and Kinross Council may provide in relation to repairs, maintenance, improvements and adaptations to privately owned and privately rented properties. This statement of circumstances is known as the *Scheme of Assistance*.
- 1.2 The forms of assistance that may be available are broadly categorised as information, advice, practical assistance and financial assistance. This statement also outlines the circumstances in which the different forms of assistance may be made available.
- 1.3 This statement of assistance will be reviewed annually in line with the cyclical reviews of the Local Housing Strategy (LHS). The first such review will take place during 2010.

2.0 Vision and Strategy

- 2.1 Perth and Kinross Council is committed to ensuring that Perth and Kinross should be a vibrant, successful place where people can enjoy a safe, secure and healthy environment and where they are nurtured and supported as individuals and communities.
- 2.2 This *Scheme of Assistance* is an integral element of the Perth and Kinross Local Housing Strategy. As such it contributes to the LHS main investment priority themes which are:
- **Addressing Housing Requirements** to enable housing supply in the size and type people need, in the areas they want to live, and that they can afford.
 - Developing appropriate housing and related services to **Promote Sustainable and Mixed Communities**.
 - **Improving Stock Conditions and Energy Efficiency** helping to reduce fuel poverty.
 - **Assisting People with Particular Needs** to ensure there is a range of house sizes and types available with appropriate support to meet the needs of people with particular needs.
- 2.3 Using the full range of powers granted to local authorities in terms of the Housing (Scotland) Act 2006, Perth and Kinross Council will:
1. Facilitate and encourage the repair and improvement of private sector housing.
 2. Actively promote a culture of responsibility in relation to private sector property maintenance.

3. Provide practical and financial assistance to enable older and disabled people in private sector housing to live independently.

3.0 Priorities for Assistance

3.1 The resources that are available to implement the activities outlined in this Statement of Assistance are limited. It is necessary therefore to target those resources to ensure that assistance is available to those in the greatest need and also in order to ensure that national and local strategic objectives are met. Assistance will be prioritised according to both the nature of the work and also by area.

3.2 The priority works for assistance are:

1. Essential adaptations for people with disabilities.
2. Works to properties that are Below the Tolerable Standard (BTS) or are at risk of becoming BTS, and properties with other serious disrepair. Works to common parts, particularly in tenement properties, will be given priority over works to single family dwellings.

3.3 Other priority areas for assistance that may apply are:

1. Areas that have been declared as Housing Renewal Areas.
2. Areas that are the subject of other focussed regeneration activity.
3. Other priority areas that may be identified from time to time.

4.0 Summary of Assistance Available

4.1 One of the principles of the Housing (Scotland) Act 2006 is that the responsibility for the repair, maintenance and improvement of houses lies with the owner. In most cases therefore, the Council or a partner organisation will simply provide information and advice designed to enable owners to carry out the works themselves. In some cases involving priority works or areas, the Council or partner organisation may provide practical assistance where information or advice alone would not be sufficient. Financial assistance may also be available for certain types of work where there are links to the achievement of strategic priorities.

Information and Advice

4.2 Information will be provided in a variety of written and internet-based formats and will cover the main issues associated with the repair, maintenance and improvement of residential property.

4.3 The Council and partner organisations will provide advice on relevant issues on either a face to face basis, over the telephone or by e-mail. It is intended that information and advice will be widely available and will not be restricted to people in the priority categories listed above.

- 4.4 Perth and Kinross Council is committed to equal opportunities and as such, written information will be available in a number of accessible formats including Braille, large-print, audio CD and translated into various community languages as required.

Practical Assistance

- 4.5 Practical assistance involves the Council or partner organisation becoming involved in the repair or maintenance process on behalf of the owner or owners. This could include identifying the nature of the problem, perhaps by undertaking a survey, and by recommending solutions, designing a programme of works and in some cases, appointing and managing a suitable contractor to carry out the works.
- 4.6 For people with a disability or for older people (over 60), this service will be provided through the Care & Repair services available in the area. For owners who do not fall into these categories, the Council or a partner organisation will normally only provide these services in association with the enforcement of a Work Notice or Maintenance Order.
- 4.7 In order to avert the need for such enforcement action, the Council may also assist with the facilitation of owners' meetings where there are common repair issues. By facilitating and attending such meetings, Council Officers will aim to provide owners with the information and advice they need to enable them to arrange the required works themselves.

Financial Assistance

- 4.8 Perth and Kinross Council will provide grants for adaptations for people with disabilities. The terms and conditions under which disabled adaptation grants are available are detailed later in this statement.
- 4.9 Subject to budget availability, the Council may also make discretionary grants available in certain circumstances for houses that have been declared Below the Tolerable Standard (BTS).
- 4.10 Grants will not be available for any other purpose. If requested however, the Council will provide information on options for financing repairs, maintenance and improvements. The Council cannot provide financial advice but can signpost people to places where this type of advice can be found.
- 4.11 At present the Council will not provide loans under any circumstances. This position will however, be reviewed in light of any emerging initiatives such as the implementation of the proposed National Lending Unit or in relation to any future guidance from the Scottish Government.
- 4.12 Where a common repair scheme is stalling as a result of either an absent owner or as a result of an owner who is unwilling to contribute towards the cost of the works, the Council may choose to fund the missing share in order to allow the works to go ahead.

This is subject to the status of the works and to there being a majority of owners who want to proceed. Where the Council takes such action, a Repayment Charge will be placed on the property or properties whose share has been paid.

5.0 Work to Meet the Needs of People with a Disability

5.1 Perth and Kinross Council has a duty to provide certain services to people with disabilities. Wherever possible, the Council will try to find a way of meeting the person's needs that allows them to continue living independently in their own home. This may involve installing equipment or carrying out a structural adaptation to the property.

Assessment & Prioritisation

5.2 The initial assessment of a disabled person's level of need will be undertaken by the Council's Housing & Community Care Service. This assessment will determine firstly the needs of the disabled person and secondly, their eligibility for assistance in terms of clearly defined local Community Care priorities.

5.3 The Council needs to ensure that the limited resources available are targeted towards those who are most in need. In order to achieve this, a system of prioritisation is in place. Priority will be given to people who are assessed as being in one or more of the following categories:

- Unable to be discharged from hospital because their home is unsuitable.
- Adaptation is needed to prevent admission to hospital or residential care.
- At risk when carrying out essential activities of daily living.
- Terminal illness.
- Unable to meet personal care needs.

5.4 Where a person with disabilities is assessed as being a priority for assistance, the assessing worker will recommend a course of action that is designed to meet the assessed need and promote independence where possible.

5.5 In cases where structural adaptations are identified as the best way of meeting an eligible, assessed need that is a priority for assistance, the assessing worker will make a referral to the relevant Care & Repair project. Consideration of the required adaptation work will take into account the evolving needs of the person over the medium and long term, avoiding the need for subsequent adaptations or unnecessary future disruption to the individual.

5.6 Upon receipt of a referral, Care & Repair staff will determine whether the recommended adaptation is eligible for mandatory grant. Most structural adaptations that are essential to meet the needs of a person with disabilities will be eligible for grant assistance.

- 5.7 The Housing (Scotland) Act 2006 defines adaptations in this context as structural work that involves making permanent changes to the property, but excluding work to extend any structure to create additional living accommodation and work to create living accommodation in a separate building to the current living accommodation. This definition includes work associated with the provision of, or the provision of access to standard amenities.
- 5.8 Some examples of common adaptations that attract grant funding are listed below:
- Provision of ramped access.
 - Installation of a stair-lift.
 - Installation of a level access or wet-floor shower.
 - Lowering of worktops, power-points, light switches etc.
 - Widening doors for wheelchair access.
- 5.9 Perth and Kinross Council will not currently provide grant funding for work which involves extending the original structure of the building or converting a separate building to create additional living accommodation. In cases where this type of adaptation is identified as the only feasible option by the assessing worker, the case will be referred to Care & Repair who will advise on other options for funding the work.
- 5.10 If conversion of space that is part of the existing structure of the main dwelling, such as an integral garage, is the only feasible way of making the required provision then this may be eligible for grant funding.
- 5.11 If the proposed extension to the original structure of the building includes the provision of standard amenities and this is the only feasible way of making such provision, grant funding will be available for this element of the work.

Minimum Percentage Grants

- 5.12 The minimum percentage grants that are available for work to meet the needs of people with disabilities have been set by Scottish Ministers as part of the Housing (Scotland) Act 2006.
- 5.13 All applicants for grants who have been assessed as a priority for assistance, as previously outlined in clauses 5.2 to 5.11 above, will be entitled to a grant that is equivalent to 80% of the total cost of the eligible works. Those applicants who are in receipt of one or more of the following income replacement benefits will be entitled to a grant that is equivalent to 100% of the total cost of the eligible works:
- Income Support.
 - Income Based Jobseeker's Allowance.
 - Pension Credit (Guarantee Element).
 - Income Related Employment and Support Allowance.

- 5.14 The entitlement to 100% grant applies where any of the following persons is in receipt of one of the benefits listed above:
- The applicant.
 - The applicant's spouse or civil partner.
 - Any person who the applicant is dependent on or who is dependent on the applicant.
- 5.15 Where an applicant is only entitled to 80% grant, Care & Repair will advise the applicant on options for funding the remaining 20% of the cost. Perth and Kinross Council may, subject to budget resources, offer discretionary means tested grants between 80% and 100%.

Assistance for Private Tenants

- 5.16 Private landlords have a duty to take reasonable steps to help tenants with a disability. This could involve undertaking small adaptations or installing equipment. Private landlords have a duty to make reasonable adjustments in terms of the Disability Discrimination Act 1995. These adjustments include such items as furniture and equipment, signs or notices, taps, door handles, door bell or door entry systems and changes to the colour of surfaces.
- 5.17 There is no duty to make adjustments in the form of structural adaptations as the provisions of the Disability Discrimination Act 1995 do not include adjustments to physical features. Section 52 of the Housing (Scotland) Act 2006 however, prohibits private landlords from unreasonable withholding consent where a tenant seeks permission to carry out essential structural adaptation work.
- 5.18 In these circumstances, the landlord has no obligation to contribute to the cost of the adaptation work but where the landlord has consented, the tenant can apply for a grant by following the procedure outlined previously.

Reinstatement of Adaptations

- 5.19 Where requested, information and advice will be provided to owner occupiers or private landlords in connection with the reinstatement of any property which has previously been adapted.
- 5.20 Where a private landlord has consented to adaptation work and the tenant who required the adaptation is moving out for whatever reason, the Council will expect, in the first instance, the landlord to seek a new tenant who will make use of the adaptations. The Council may be able to assist in identifying such a tenant. Where this is not possible, the Council will meet the full reinstatement cost of those adaptations which may limit the letting potential of the property, but only where required to under the terms of the Housing (Scotland) act 2006. For example, a wet-floor shower is perfectly acceptable for general use and as such, the Council would not provide financial assistance for the reinstatement of what was previously in place. On the other hand, financial assistance may be provided for the reinstatement of a standard WC in place of a non-standard WC.

- 5.21 Perth and Kinross Council will not provide grants for the reinstatement of adaptations in owner-occupied properties.

Care and Repair Service

- 5.22 Care & Repair projects are funded by Perth and Kinross Council and delivered locally by Perthshire Housing association and Hillcrest Housing Association. The Care & Repair projects provide information, advice and practical assistance to home owners and private tenants who are elderly and/or have a disability to enable them to repair, adapt or improve their homes.
- 5.23 In Perth and Kinross, there are two Care & Repair projects covering different areas. Perthshire Care & Repair, managed by Perthshire Housing Association, covers Perth itself, the Carse of Gowrie, Highland Perthshire and Eastern Perthshire. Strathearn & Kinross Care & Repair is managed by Hillcrest Housing Association and covers the Strathearn and Kinross areas.
- 5.24 The Care & Repair projects do not provide funding or carry out any work but they can:
- Assist with deciding what repairs or improvements are required.
 - Provide an estimate of the likely cost of the works and advise on different options for raising the money.
 - Assist with the identification of a suitable contractor to undertake the work.
 - Assist with applications for grants or loans if applicable.
 - Signpost to other relevant agencies.

6.0 Below Tolerable Standard (BTS) Houses

- 6.1 Under the terms of the Housing (Scotland) Act 2006, the Council is required to include a strategy for identifying and dealing with Below Tolerable Standard (BTS) houses within the Local Housing Strategy.
- 6.2 The Act has also extended the definition of the Tolerable Standard to include thermal insulation and electrical installations and redefined water closets to include some forms of waterless closets.
- 6.3 In meeting this requirement the Council may use its powers to make discretionary grants available to owners in certain circumstances, subject to budget availability.

7.0 Repairs, Improvements & Maintenance

- 7.1 One of the principles of the Housing (Scotland) Act 2006 is that the responsibility for the repair, maintenance and improvement of houses lies with the owner. Perth and Kinross Council will actively promote a culture of responsibility in relation to private sector property maintenance. The Council recognises however, that where a property is already in disrepair, owners can face a number of barriers in terms of progressing with the required work; this is especially true where common repairs are concerned.

- 7.2 In most cases where an owner contacts the Council for assistance, the Council or a partner organisation will provide information and advice designed to enable owners to carry out the works themselves. In some cases involving priority works or areas, the Council or partner organisation may provide practical assistance where information or advice alone would not be sufficient. The provision of such assistance will be dependent on available resources:

Sources of Information

- 7.3 Perth and Kinross Council will provide information on maintenance, repairs, improvements and adaptations to anyone who requests it. The information will be widely available in various printed or electronic formats, including on the Council's web site. If requested, the information will be translated or provided in alternative formats such as audio or Braille.
- 7.4 Information provided will include:
- Suite of leaflets published by Perth and Kinross Council which provide general information about property maintenance, repairs, improvements and adaptations.
 - Specific information for common owners which will cover such things as the role and remit of property managers, responsibility for paying for repairs and maintenance, the importance of title deeds, the Tenements (Scotland) Act 2004, maintenance plans etc.
 - Information on other local and national sources of information, advice and practical assistance.
- 7.5 From time to time, the Council will also carry out proactive awareness raising campaigns in relation to priority areas or works. These campaigns will involve the targeted distribution of the above information.

Provision of Advice

- 7.6 Perth and Kinross Council will provide basic advice on maintenance, repairs, improvements and adaptations to anyone who requests it. The Council cannot provide legal or financial advice but can signpost people to where this kind of advice may be available. The Council will not make recommendations with regard to specific contractors or other private sector companies.

Owners who are looking for a contractor may however wish to refer to the Council's 'Better Business Partnership' scheme.

Practical Assistance

- 7.7 The provision of practical assistance will be dependent on resources being available and priority will be given to works and areas that are defined as priorities for assistance for Perth and Kinross Council. Owners may be referred to a partner organisation for assistance. The specific nature of the practical assistance provided will be dependent on individual circumstances but may include:

- Facilitating or arranging owners' or residents meetings
- Providing contact details for other owners (subject to Data Protection provisions)
- Carrying out property inspections to assess compliance with the Tolerable Standard or Repairing Standard
- Arranging for independent building surveys

7.8 Practical assistance for older and disabled people will be provided by Care & Repair.

Financial Assistance

7.9 Perth and Kinross Council does not intend to provide grants for general repairs, maintenance and improvements to private sector properties.

7.10 In certain circumstances and subject to budget availability, the Council may use its powers to make discretionary grants available to owners of properties that are identified as being Below the Tolerable Standard (BTS).

7.11 The Council will not provide loans under any circumstances. Provision of loans is not required in the current scheme and the planned national loan scheme has yet to be developed.

7.12 Where a common repair scheme is stalling as a result of either an absent owner or as a result of an owner who is unwilling to contribute towards the cost of the works, the Council may choose to fund the missing share in order to allow the works to go ahead. This is subject to the availability of resources, the status of the works and to there being a majority of owners who want to proceed. Where the Council takes such action, a Repayment Charge may be placed on the property or properties whose share has been paid. Further information about Repayment Charges is detailed below.

Enforcement Action

7.13 The Housing (Scotland) Act 2006 includes various statutory powers that the Council may use where it is apparent that owners are failing to maintain or repair their properties.

Maintenance Orders

7.14 Section 42 of the Housing (Scotland) Act 2006 gives local authorities the power in certain circumstances to serve a Maintenance Order on the owner of a residential property. A Maintenance Order requires the owner to develop a Maintenance Plan for the property covering a period of up to five years. If the owner fails to develop a satisfactory Maintenance Plan, the Council has the power to produce a Plan which the owner will be required to implement. Should the owner fail to carry out the work required by the Plan, the Council has the power to undertake the work and recover the costs of doing so from the relevant owners.

7.15 It is proposed that Maintenance Orders may be used:

- Where the Council has previously provided grants to assist with the repair of a property and it is subsequently discovered that the benefit of that repair is being lost as a result of a lack of maintenance. In this situation, owners will be given the opportunity to agree to a voluntary Maintenance Plan prior to a Maintenance Order being served.
- Where the Council becomes aware of serious problems that are the result of a lack of maintenance to common parts of a particular property. This will be subject to the availability of resources.
- In response to requests from a majority of owners with shared common repair obligations or in response to a request for a property factor or manager representing such owners. This will be subject to the availability of resources.
- Where lack of maintenance to a non-flatted property is causing damage to an adjoining property. This will be subject to the availability of resources.

Work Notices

7.16 Section 30 of the Housing (Scotland) Act 2006 gives local authorities the power to serve a Work Notice on the owner of a house that is sub-standard. The Council may issue Work Notices on individual or multiple properties where serious disrepair is adversely affecting the amenity of an area of where the disrepair poses a threat to an adjoining building.

7.17 In all cases where a Work Notice is served, the Council will provide the property owner with information, advice and assistance as detailed above. Grants will not be available but the Council may be able to direct owners to other sources of financial assistance.

7.18 A Work Notice will specify both work that is required and the timescale within which the owner(s) must complete the specified works. The time allowed to comply with the Work Notice will be dependent on the extent of the works.

7.19 If owners fail to make reasonable efforts to comply with the terms of a Work Notice, the Council may elect to undertake the works and recover the full costs including administration costs and professional fees. The recovery of such costs may involve the use of Repayment Charges (see below).

Housing Renewal Areas

7.20 The Housing (Scotland) Act 2006 contains powers to designate Housing Renewal Areas. These powers are designed to allow local authorities to deal with poor quality housing on an area basis.

7.21 Perth and Kinross Council does not currently intend to proactively seek the designation of Housing Renewal Areas as these do not appear to offer any benefits to meeting local circumstances at present. The Council however, may choose to utilise these powers if a situation arises in future that could be addressed most effectively through the designation of a Housing Renewal Area.

- 7.22 The Council however may prioritise the use of resources, the provision of advice, support or practical assistance and the enforcement powers available, such as Maintenance Orders and Work Orders, on an area basis.

Repayment Charges

- 7.23 In certain circumstances, the Council has the power to use Repayment Charges to secure the recovery of costs associated with carrying out work. If an owner fails to pay the amount due, the Repayment Charge is registered against the property with the Land Registry and remains in place until it is paid off. A Repayment Charge specifies that the amount due is repayable in 30 equal annual instalments. An owner may choose to pay off an outstanding balance at any time and if the property is sold, the amount due will automatically be deducted from the proceeds of the sale.

8.0 Appeal Process

- 8.1 Where an applicant for assistance is dissatisfied with any decision in relation to their eligibility or entitlement to financial assistance, they may request a review within 14 days of the decision being issued. The request for a review should be addressed to the Community Regeneration Manager, Housing & Community Care. A review will then be carried out by a person senior to the person who made the original decision and who wasn't involved in the original decision. The applicant will be notified in writing of the decision reached on review within 28 days of the request for review being received.
- 8.2 If an applicant is still dissatisfied following a review as above, they have the right to refer the matter to the Scottish Public Services Ombudsman. Contact details for the Ombudsman are listed in the 'Useful Contacts' section on page 14.

9.0 Grant Conditions

- 9.1 Where grant funding is provided, it will be subject to the following conditions which will apply for a period of five years from the date on which, in the Council's opinion, the works have been completed satisfactorily:
- The house shall not be used for purposes other than those of a private dwelling house, but a house shall not be deemed to be used for the purposes other than a private dwelling house by reason only that part thereof is used a shop or office, or for business, trade or professional purposes.
 - The house shall not be occupied by the owner or a member of his 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 shall be taken to secure the maintenance of the house in a good state of repair.

- 9.2 Breach of any of these conditions may result in the grant having to be repaid with interest.
- 9.3 You may at any time within the period of five years be required to certify that these conditions are being observed.
- 9.4 When the grant has been paid, the Council will arrange for a Notice to that effect to be recorded in the Register of Property Deeds, the cost of which is included within the legal/administration charge that is deducted from the grant award.

10.0 Review of Scheme of Assistance

- 10.1 The implementation of the *Scheme of Assistance* and the impact on meeting the Council's objectives will be monitored and reviewed. Any subsequent amendments to the *Scheme of Assistance* will be published within the Council's Local Housing Strategy.

Approved by Perth and Kinross Council's Housing & Health Committee on
10 March 2010

Useful Contacts:

Perth and Kinross Council

Customer Service Centre	01738 475000	enquiries@pkc.gov.uk
Occupational Therapy Service	0845 30 111 20	communitycare@pkc.gov.uk

Disabled Adaptations

Perthshire Care & Repair	5 South St. Johns Place Perth PH1 5SU	01738 474810
Strathearn & Kinross Care & Repair	30 West High Street Crieff PH7 4DL	01764 655915
Advice Service Capability Scotland	Tel. 0131 313 5510 Text. 0131 346 2529	ascs@capability-scotland.org.uk
Ownership Options in Scotland	0131 661 3400	info@oois.org.uk
'Update' - Scotland's National Disability Information Service	0131 669 1600	

Scottish Public Services Ombudsman

Scottish Public Services Ombudsman	4 Melville Street Edinburgh EH3 7NS	Tel. 0800 377 7330 Text. 0790 049 4372 Fax. 0800 377 7331 E-mail. ask@spsso.org.uk
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