



**Clackmannanshire
Council**

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Comhairle Siorrachd
Chlach Mhanann

PRIVATE SECTOR HOUSING ASSISTANCE SCHEME

**Housing (Scotland) Act 2006
Section 72 Statement of Assistance**

October, 2021

Contents

Part 1	Background	
1.1	Purpose of this Statement	4
1.2	Vision and Strategy	4
1.3	Assistance available	5
1.4	Priorities for financial assistance	7
1.5	Accessing services	8
1.6	Partners	8
1.7	Equal Opportunities and Service Standards	8
Part 2	Adaptations for People with a Disability	
2.1	Information and advice for homeowners and tenants	9
2.2	Practical assistance	9
2.3	Assessment of circumstances and needs	9
2.4	Timescales for assessment	10
2.5	Criteria for assessment	10
2.6	Mandatory works	11
2.7	Discretionary works	11
2.8	Financial assistance	11
2.9	Appeals process	12
2.10	When Assistance might be withdrawn	12
2.11	Assistance with reinstatement	13
2.12	Assistance with Reinstatement	13
Part 3	Works to Improve House Condition	
3.1	Conditions standards	14
3.2	Information and advice	14
3.3	Practical assistance	14
3.4	Financial Assistance	16
3.5	Empty Homes	17
3.6	Appeals process	17
3.7	Enforcement Action	17
3.8	Notices	18
3.9	Repayment charges	18
3.10	Appeals process	19
Part 4	Fire Safety	
4.1	Information and advice	20
4.2	Practical assistance	20
4.3	Financial assistance	21
Part 5	Energy Efficiency	
5.1	Information and advice	22
5.2	Practical assistance	22
5.3	Financial assistance	23
Part 6	Private Tenants and Landlords	
6.1	Private Tenants and Landlords	24

Appendices

Appendix 1: Definitions

Appendix 2: Housing Strategy - Relevant priorities and key actions

Appendix 3: Useful contact details

Appendix 4: Qualifying Criteria for Adaptations

Appendix 5: Procedure for major adaptation works

Part 1 Background

1.1 Purpose of this Statement

1.1.1 This statement sets out the Council's Private Housing Assistance Scheme which explains:

- how the Council will provide advice, information and assistance to help homeowners **improve the quality** of private housing throughout Clackmannanshire
- the assistance available for homeowners and private tenants to **adapt** their homes
- the Council's **priorities** for assistance.

1.1.2 This statement will be revised periodically, at least every three years. Updates on specific changes regarding the range and scope of advice and assistance available occurring before a major review is carried out will be reported on the Council's website. A list of abbreviations and definitions is included in appendix 1.

1.2 Vision and Strategy

1.2.1 The Housing Strategy for Clackmannanshire¹ highlights that **every household in the area should have access to a good quality and affordable home, with advice and support services that meets their needs.**

In this Scheme of Assistance, the Council will focus on **improving the standard, accessibility and energy efficiency of houses in the private sector.**

The Housing Strategy approved by the Council in December 2012 sets out the priorities for the Housing Service and partners for the next 5 years. The improvement of conditions and accessibility in the private sector relates directly to 5 out of the 8 overarching priorities stated in the Strategy. These priorities, along with what we are seeking to achieve, are listed below:

Best Use of Existing Housing: *The housing we already have is optimised and effective in providing choice and meeting need.*

Support for Independent Living: *Those requiring assistance to live independently at home have access to effective housing support.*

Specialist Housing: *People have access to specialist or adapted accommodation where there is an assessed need.*

¹ www.clacksweb.org.uk/housing/localhousingstrategy

Energy Efficiency and Fuel Poverty: *Energy efficiency is improved and fuel poverty and carbon emissions are reduced across all tenures.*

Improving Neighbourhoods and Communities: *Organisations and partnerships working with communities will improve the quality of life for all households.*

A number of key actions have been identified within the Strategy, and these will be added to as the action plan is developed throughout the life of the Strategy. A list of relevant key actions are included in appendix 2.

1.2.2 We aim through this 'Scheme of Assistance' to:

- **promote greater responsibility among homeowners for the repair and maintenance** of their property and sets out a range of ways in which the Council will encourage this
- help homeowners and private tenants remain in their homes through provision of **advice and assistance to carry out adaptations.**

1.2.3 The purpose of the scheme is specifically to:

- improve the condition of private sector housing
- eradicate housing which is below the minimum 'Tolerable Standard'
- encourage owners to recognise that they are responsible for maintaining their homes
- provide advice and assistance to help homeowners improve, repair and adapt their homes
- help older and disabled residents in private properties live independently in their home for as long as they choose to do so
- improve energy efficiency in private housing

1.3 Assistance Available

1.3.1 There are three main types of assistance available to homeowners and private tenants:

- **Advice and Information**
To help owners fulfil their duty to properly maintain or adapt their homes. The Council will provide general advice and information on a range of property condition issues and adaptations, including how to find reliable contractors and arrange to have works carried out. Specific advice and information will be given to help homeowners and private tenants maximise the energy efficiency of their homes

and reduce carbon emissions, as well as prevent fuel poverty and advise on renewable energy. Customers will be signposted to other agencies which may be able to help with raising funds for work needed.

- **Practical Assistance**

To help owners to fulfil their repair and maintenance responsibilities, particularly where common ownership presents more complicated issues. This might be, for example, property inspections or details for work specifications. To help with home energy and fuel poverty issues, the Council may assist with Energy Performance Certificates, Green Deal Assessments and specialised advice and assistance to help those in fuel debt.

- **Financial Assistance**

The Council will make grants available to homeowners and private tenants who meet the criteria for eligible adaptations. There may be limited grants and loans to homeowners for some specific works to improve house conditions and energy efficiency or bring empty homes back into use.

See appendix 1 for more detail on how assistance will be delivered.

1.3.2 Supported Owners' Services

The Council recognises that there is a particular need to provide assistance to older and disabled residents, who own their homes or who are private renters. As part of the various services available to provide help to this potentially vulnerable group, the Council aims to deliver assistance to target improvements to the fabric of owner occupied properties, and to the accessibility of homes and the safety of these residents.

The Council will arrange for fabric repair works to be co-ordinated on behalf of owners who have a disability or who are over pensionable age. A grant may be available to assist with the cost of these works, subject to resources being available and in accordance with the principles set out in section 3.4.4.

In addition, the Council will aim to work with partners in the voluntary sector to provide a befriending and handyman service, to help tackle the social isolation often experienced by this group and to provide an affordable and friendly service to tackle the small jobs around the home.

1.4 Priorities for Financial Assistance

1.4.1 There is limited funding available to assist homeowners to bring their properties up to the required standard. Although information and advice will be available to all households, financial assistance will be prioritised by type of works and, in some cases, by geographical area, depending on whether there are priority area initiatives in place. Any

financial assistance depends on the availability of funding and is at the discretion of the Council, with the exception of mandatory disabled adaptations, which are a statutory requirement (see section 2.6.1). Priority will be given to works which will address tolerable standard issues, particularly structural and wind and watertight works. Financial assistance may be by way of a contribution to an area based project being organised by the Council or a partner organisation, rather than a grant to an individual.

1.4.2 The priority works for financial assistance are:

Mandatory

- Essential adaptations for people with disabilities

Where Resources Permit

- Properties which are substandard, including those which are below the tolerable standard (BTS) or at risk of becoming BTS within 12 months, and particularly for clients eligible for supported owners' services
- Common repairs and some improvement works, where a number of owners are required to come together to contribute to works, such as a new roof or door entry system for a block of flats. Priority will be given to blocks with Council properties where proposed works are needed to allow the Council to meet the required Scottish Housing Quality Standard (SHQS)
- Contributions to Energy Efficiency improvements, such as wall insulation, hard to treat and non traditional properties, roof repairs required before loft insulation can be fitted and replacement heating for failed systems that cannot be funded through existing Government grants and support
- The Council may, from time to time, designate certain areas for targeted funding, such as the town centres of Alloa, Sauchie and Alva. This could include designation of formal Housing Renewal Areas or a corporate improvement initiative involving the co-ordination of various Council services
- Initiatives to help bring empty properties into residential use

1.4.3 Exceptional Circumstances

In some exceptional circumstances, there may be a case for funding to be made available, for example where a project falls within a wider corporate priority of the Council, or if exceptional hardship can be demonstrated. The Council will develop supplementary guidance on such cases, as they arise. Any funding will be subject to availability of

resources and must be approved by the Head of Housing and Community Safety, in line with the Council's Scheme of Delegation.

1.5 Accessing Services

- 1.5.1 The Council's Customer Services team will be the first point of contact for telephone enquiries from people who require information or advice regarding the repair, maintenance or improvement of their home. Customers may be signposted to the appropriate service or partner agency, depending on their enquiry.
- 1.5.2 The Private Sector Housing Team will be the initial point of contact for homeowners requiring general information or advice who are visiting the Council Offices or enquiring via the Clackmannanshire Council website www.clacksweb.org.uk
- 1.5.3 Initial enquiries relating to disabled adaptations will be referred to Social Services if an assessment of needs has not been carried out.
- 1.5.4 Requests for information relating to energy efficiency, fuel poverty and renewable energy will be dealt with by our Home Energy Strategy team.

1.6 Partners

- 1.6.1 In order to provide a fully responsive service to its customers, the Private Sector Housing Team works with a number of services and partners. Useful contact details for can be found in appendix 3.

1.7 Equal Opportunities and Service Standards

- 1.7.1 The Council's Customer Charter sets out the service standard any customer contacting the organisation should expect. Its key commitments towards excellent customer care and equal opportunities are detailed. A copy of the Customer Charter can be found on the Council's Website at www.clacksweb.org.uk or in any Council office.

Part 2 Adaptations for People with a Disability

2.1 Information and advice for home owners and tenants

2.1.1 When someone feels that they need an adaptation or equipment to help them to remain as safe and independent as possible in their home, they should contact Social Services in the first instance. A community care assessment of the person's circumstances and needs will be carried out to ensure they are provided with tailored advice and services that meet their long-term needs, in the most cost-effective way. For those who do not have an essential need for an adaptation, advice and general assistance will be given, and people will be signposted to other services who might be able to assist, such as voluntary sector agencies or such other service provision as may be approved by Council.

2.2 Practical Assistance

2.2.1 If a person is assessed as having an essential need for a large (known as 'major') adaptation, such as a bathroom adaptation or stair lift, an application for a Disabled Adaptation Grant should be submitted. The steps involved in this process are outlined at appendices 4 and 5. The Private Sector Grants team will help co-ordinate the process, along with the Community Care Worker, and monitor the project and standard of works on behalf of the customer.

2.2.2 If a person is assessed as requiring a minor adaptation, such as a grabrail or keysafe, this will be organised and paid for by the Council. The Social Services team will arrange for a contractor to carry out the necessary work and liaise with customers during this process.

2.3 Assessment of Circumstances and Needs

2.3.1 Anyone can contact the Social Services Community Care Assessment Team to request advice, information or an assessment of a particular need for adaptations. Contact details are shown in appendix 3.

2.3.2 Information provided by the customer (or their representative) at this stage will help decide how quickly an assessment is carried out. This is based on a risk assessment using criteria to help us manage the high demand for services and to ensure that the people who are most in need are seen first.

2.4 Timescales for Assessment

2.4.1 Priorities for carrying out the initial community care assessment are as follows:-

Priority 1 Critical risk	There are <u>major</u> risks to an individual's independent living or health and well-being. Likely to call for immediate or imminent provision of social care services
Priority 2 Substantial risk	There are <u>significant</u> risks to an individual's independence or health and well-being. Likely to call for the immediate or imminent provision of social care services
Priority 3 Moderate risk	There are <u>some</u> risks to an individual's independence or health and well being. These may call for the provision of some social care services managed and prioritised on an ongoing basis or they may simply be manageable over the foreseeable future without service provision with appropriate arrangements for review
Priority 4 Low risk	There may be some quality of life issues but few risks to independence or health and wellbeing. Limited requirement, if any, for social care services. Likely to be some needs for alternative support or advice, and appropriate arrangements for review over the foreseeable future or long term. Dependant on available financial resources

2.4.2 A community care worker, who may also be an occupational therapist, will visit the person at home to carry out the assessment and will let the customer know the outcome. Consent is sought for sharing information with partner agencies.

2.5 Criteria for Financial Assistance

2.5.1 The assessment of need is carried out in line with the Council's criteria for the provision of equipment and adaptations, detailed in appendix 4. Works are split between major and minor adaptations, depending on the size and cost of the job. Depending on individual needs and how these can be met, adaptations are either classed as **mandatory** (where the Council must give financial assistance) or **discretionary** (where the Council may give financial assistance, but does not have to).

2.5.2 Following the assessment, the decision on whether an adaptation is mandatory or discretionary is made by the Private Sector Adaptation Review Panel, which includes officers from Social Services and Housing and meets on a monthly basis.

2.5.3 Grant assistance cannot be given for the same purpose within a 10 year period.

2.6 Mandatory works

2.6.1 Works which fall into the 'mandatory' category must be given a grant by the Council and will take priority for funding. Adaptations covered by mandatory grant centre around the provision of personal care facilities (toileting and bathing) and improved access (e.g. ramps and door widening). The works eligible for mandatory grant are:

- WC
- wash hand basin
- shower (over bath/walk in/level access/wet floor)
- height adjustable bath/showering table
- specific, specialised toilet installations
- ceiling tracking hoists
- bathroom extension, including integral garage conversion
- kitchen sink unit and safe cooking/working area where essential to make accessible for a wheelchair user
- widen door openings or sliding door conversion for wheelchair access
- permanent external ramps and handrails to one entrance of the home (*not necessarily the front door*)
- internal curved stair-lift or through-floor lifts to access amenities such as bathroom, bedroom or kitchen not on the same floor as the main living accommodation
- provision of permanent external step lifts to provide access to one entrance to the home (*not necessarily the front door*)

2.6.2 Extensions to provide living accommodation (other than for essential personal care) are not included within the scope of mandatory grant.

2.7 Discretionary works

2.7.1 The Council will consider giving grant for some works on a discretionary basis, subject to available funding. These include:

- adaptation to kitchen units to make them accessible from a wheelchair or for non wheelchair user
- secure enclosures to garden
- installation/adaptation of door opening and/or phone entry systems
- raising or lowering of power points and switches
- alterations to widen existing paths and steps
- change of heating type where sleeping in room with gas fire

2.8 For any equipment installed as part of the adaptation, such as a stair lift, ceiling track hoist or specialist toilet, the owner will be responsible for arranging and paying for the maintenance contract or any repairs required after the warranty period.

2.9 Financial Assistance

- 2.9.1 If an assessment by the Council determines a need for essential equipment or adaptations that cost less than £1,500, these costs will be met by the Council.
- 2.9.2 If it is assessed that adaptations over £1,500 are necessary and are eligible for (mandatory) grant assistance, a Disabled Adaptation Grant will be awarded. The grant will cover a minimum of 80% of the cost of the eligible work. The remaining 20% will depend on the person's income. The Council has a Test of Resources (see appendix 1) which will work out how much, if anything, the client will have to contribute to the works.
- 2.9.3 For adaptations assessed as discretionary, the Council may give a grant (if funding is available) but the Test of Resources will be applied to the full cost of the eligible works to calculate any grant.
- 2.9.4 Where people are required to make a contribution to the works, they may be signposted to agencies which may be able to help with paperwork for financial institutions, where a loan is being sought, and with advice and assistance on any charitable donations which may be available.
- 2.9.5 Where a client does not qualify for 100% financial assistance, the Council may consider a top-up award in some exceptional circumstances, where there is evidence of extreme financial hardship. This will be considered by the Private Sector Adaptations Review Panel on an individual case basis and authority sought from the Head of Housing and Community Safety.
- 2.9.6 Where it has been agreed that it is more cost effective or appropriate for the homeowner to move because, for example, their existing house is not suitable for the necessary mandatory adaptation, it is considered that it will cost too much for the works, the Council may provide financial assistance with the legal and removal costs of purchase and/or sale of a property. The Private Sector Adaptation Review Panel will consider assistance of this type after all alternatives have been explored. In the case of a private tenant, assistance may also be given to find alternative rented accommodation.

2.10 Appeals process

- 2.10.1 If a person is not satisfied with the outcome of the community care assessment, a resolution will be sought through negotiation. If this cannot be achieved, the Social Services complaints procedure should be followed.
- 2.10.2 Customers have the right to appeal if they do not agree with the value of grant offered. They can contact the Private Sector Housing Co-

ordinator and ask for a re-assessment to be carried out. If the customer is still dissatisfied with the outcome, they can follow the Council complaints procedure.

2.11 When assistance might be withdrawn

2.11.1 If an applicant withdraws their application after incurring costs, such as architect fees, they will be liable for full payment of those costs.

2.11.2 If an applicant moves or sells the property while work is being carried out, a grant would not be payable and the applicant will be responsible for any costs incurred to that point. Any payments already made by the Council must be paid back by the applicant.

2.11.3 If any of the conditions detailed in section 83 of the Housing (Scotland) Act 2006 are breached the local authority may demand repayment²

2.12 Assistance with reinstatement

2.12.1 If a homeowner requires assistance with the reinstatement of a property after adaptation, the Private Sector Housing Team can provide advice and signposting regarding how to organise and pay for this work. No grant will be given, however.

2.12.2 If the adaptation works were carried out within a property owned by a private landlord, assistance may be available for reinstatement, but not for structural works such as permanent ramps and door widening.

² as specified in sections 86 and 87 of the Act.

Part 3 Works to Improve House Condition

3.1 Condition Standards

- 3.1.1 The minimum standard all housing has to meet is defined by the Tolerable Standard, which is detailed in appendix 1. Properties considered to be 'Below Tolerable Standard' (BTS), or in a serious state of disrepair and likely to become BTS within 12 months if no work is done, will be targeted for assistance. This will start with advice and information but the Council will take enforcement action where necessary to ensure standards are improved.
- 3.1.2 Social housing (Council and Housing Association) has a higher standard to meet; the Scottish Housing Quality Standard (SHQS). The Council, as a landlord and owner of properties in the block, may take enforcement action against owners who have bought ex-Council flats to ensure necessary works are carried out.

3.2 Information and Advice

- 3.2.1 Homeowners can contact the Private Sector Housing Team if they require information or advice regarding the repair, maintenance and improvement of their property, as well as energy efficiency and fuel poverty. The Private Sector Housing Team may also refer and signpost customers to relevant agencies, bodies or Council services for more specialised advice and assistance.
- 3.2.2 Customers can request advice by e-mail, letter, telephone or by appointment at the Council Offices. A variety of sources of information are available in the form of leaflets, booklets and on the Council's website and the Private Sector Housing team will work to raise awareness of these.

3.3 Practical Assistance

- 3.3.1 The Council is keen to encourage homeowners to take a proactive approach towards properly maintaining and repairing their homes. A range of practical assistance will be available to all private sector customers, where resources permit. As well as improving home energy and reducing fuel poverty, which is covered in part 4, priority will be given to:
- households in common ownership properties, particularly flats, where owners need to work together to carry out shared works
 - older and more vulnerable people
 - those with a disability
 - people living in priority areas (see Part 1)
 - households living in non-traditional type housing

3.3.2 A range of information and advice leaflets will be available on www.clacksweb.org.uk for homeowners to access.

3.3.3 Practical assistance covers a wide range but can include property inspection to assess specific repairs works, advice on preventative maintenance, meeting with residents' groups, practical advice on specifying works needed and on appointing contractors.

3.3.4 In common blocks of flats, resource permitting, the Council can work with owners to establish an Owners' Association. This would involve assisting owners to work together to establish the overall condition of their block, how to arrange works and how costs should be distributed between owners.

3.3.5 Maintenance Plans & Accounts

The Council may also, resource permitting, assist owners in setting up a Maintenance Plan for properties in a common block. The plan would cover a period up to 5 years and detail the works required to keep the block to reasonable standard of repair. Advice could also be given on how to set up a communal maintenance account to save collectively for shared works.

3.3.6 Missing Share

Where common repair works are being organised by a group of owners and progress is hampered because there is an owner who cannot be found (absent owner), an owner is unable to pay (or it seems unreasonable for them to pay), the Council may choose to pay the missing share into an existing maintenance account.

3.3.7 Housing Renewal Areas

Specific areas of interest across Clackmannanshire, such as town centres, may be designated as Housing Renewal Areas (HRAs). This will enable the Council to target poor property conditions and overall amenity of the area with potential for demolition if necessary. This will be considered where property conditions are significantly substandard and alternative options to encourage owners to take responsibility for their properties have failed, or are considered to be unlikely to succeed.

3.3.8 Lead Water Pipes

The Private Sector Housing team can give information and advice to owners who are replacing lead water pipes but no financial assistance is available.

3.3.9 Private Water Supplies

Specific regulations relate to houses served by private water supplies. Advice on this can be sought from the Council's Environmental Health team.

3.4 Financial Assistance

3.4.1 Funding available to provide financial assistance (grants and loans) to homeowners is very limited, and must be targeted to where it is most needed to help the Council achieve the priority objectives.

3.4.2 Owners have options available to them to fund repair and improvement works. These include:

- Personal savings
- Commercial loan products (often secured on the property, such as extending mortgages and equity release schemes)
- Loans from the Council may be available in limited circumstances to assist with repair and improvement works, where the work meets the priorities highlighted in 1.4.2.
- Grants from the Council or other agencies, such as Historic Scotland, Energy Companies and charitable organisations
- Green Deal and other Government energy efficiency initiatives.

3.4.3 Homeowners who are having difficulty meeting the cost of repairs, maintenance or improvements to their home can obtain advice and information from the Private Sector Housing Team. Whilst the Council cannot provide legal or financial advice, it can give general information and signpost people to where this type of advice can be found.

Owners should always seek independent financial advice before agreeing to any loan.

3.4.4 Although there is no requirement for the Council to give owners financial assistance with the cost of repairs works, the Council may issue grant to particular priority cases, depending on the availability of resources. The priority works for assistance are outlined in section 1.4.

3.4.5 For works deemed as a priority, that have been approved for grant funding, 50% of the eligible works costs may be covered by grant for resident homeowners. The Council's Test of Resources, detailed in appendix 1, may apply to the remaining 50%. The maximum grant which can be received will be £5,000. No further grant can be allocated to the property within a 10 year period for the same works unless the following criteria apply;

- a) the need for the work to which the further application relates was not reasonably foreseeable when the original application was approved,
- b) it would not have been reasonably practicable to carry out that work at the same time as the work to which the original application related,
- c) that the work to which the further application relates was not considered by the authority to be eligible for a grant or subsidised loan when the original application was approved,
- d) the application is made in response to an invitation made by the authority to the applicant with regards to improving energy efficiency.

When a grant is issued, a notice of repairs grant will be registered against the title of the property.

- 3.4.6 Private landlords, involved in priority works, who let one property with a current gas safety certificate, where relevant, and working smoke alarms are eligible for a 25% grant towards the cost of the works. If landlords have a portfolio of more than one property they will not qualify for financial assistance.
- 3.4.7 Depending upon individual circumstances, loans from the Council may be available. Loans would only be available for priority works and will be assessed on a case by case basis where homeowners meet certain criteria.
- 3.4.8 Any financial assistance for repair or renewal of a roof will also require that loft insulation is renewed or upgraded and adequate roof ventilation is provided in accordance with current Building Standards technical guidance³. The Council's Home Energy Strategy Officer can advise on possible funding available for insulation.

3.5 Empty Homes

- 3.5.1 The Council wishes to bring properties which have been empty for a significant period of time (normally empty for a minimum continuous period of at least 6 months), back into use. To encourage owners to improve the condition of their empty property and enable it to be returned to residential use, a range of assistance may be available to home owners, subject to resource permitting and the owners meeting the eligibility criteria. Such assistance may include financial assistance in the form of grants or loans and this assistance may extend to include private landlords.
- 3.5.2 Any person interested in obtaining assistance to bring an empty property meeting the criteria above into should contact the Private Sector Housing Team in the first instance regarding the application process. Any form of assistance offered by the Council must be approved by the Head of Housing and Community Safety.
- 3.5.3 Should the assistance be in the form of a loan, such an offer will be issued by the Council's Legal Services section and be on such terms as the Council thinks fit. The Council may make available loans for the purpose set out in paragraph 3.5.1, up to a maximum sum of £7,500 on an interest free basis. The Council may require that such a loan is secured against the property, and the applicant may require to pay the registration dues incurred by the Council.
- 3.5.4 If any grant or loan conditions are breached, or it is discovered that fraudulent claims were made to obtain the grant, or in the case of a loan the property is sold, the Council will demand repayment.

³ As specified in Section 6 (Energy) and Section 3 (Environment) of the Domestic Technical Handbook providing guidance on achieving the standards set in the Building (Scotland) Regulations 2004

3.5.5 Funding for the Assistance Scheme is at the Council's discretion. Priority will be given to tackling housing in poor condition and, in any given year, financial assistance is likely to be offered on a first come first served basis. Should the situation arise where the Council is unable to continue to provide funding for grants or loans, then the Council reserves the right to refuse a grant or loan and financial assistance may not be offered, regardless of the eligibility criteria.

3.6 Appeals Process

3.6.1 Owners who do not agree with the outcome of an application for financial assistance can make an appeal to the Head of Housing and Community Safety, who will review the decision. This may be delegated to an appropriate senior person.

3.6.2 The applicant will be notified of the outcome and, if they are not satisfied, the appeal can be pursued further through the Council's complaints procedure.

3.7 Enforcement Action

3.7.1 The aim of the Assistance Scheme is to promote owner responsibility, with minimal statutory intervention. The Council will encourage owners to be responsible with regard to property repairs and maintenance. However, there may be situations where enforcement action is necessary, for example, to enable the Council to deal with emergency/urgent works or address issues of public safety, or to assist owners in dealing with common repairs where they have been unable to obtain the agreement of their neighbours.

3.7.2 In instances where enforcement becomes the only option, the type and level of action will be determined by both the severity of the problem and the commitment made by the owner(s) to addressing the problem.

3.7.3 Where the Council has to carry out works to meet the minimum Scottish Housing Quality Standard (SHQS) and this work is blocked by owners not participating then enforcement action will be considered.

3.8 Notices

3.8.1 The Council may take enforcement action by issuing a Work Notice⁴ where necessary to ensure that BTS failures and serious disrepair issues are addressed. In certain cases, the Council may instead use different pieces of legislation, such as the Tenements (Scotland) Act 2004 and the Title Conditions Act 2003.

⁴ as per section 30 of the Housing (Scotland) Act 2006

- 3.8.2 The Council may issue a Maintenance Order⁵ to ensure the property is kept in a reasonable state of repair. This requires owners to submit a Maintenance Plan and, if one is not submitted, the Council may issue such a Plan on behalf of an owner and recover all necessary costs.
- 3.8.3 If a problem has been identified within common parts of a building, owners should first attempt to contact their co-owners. If they share responsibility for upkeep of the property, they should try to discuss and agree how repairs can be carried out. If they require advice regarding how to arrange or pay for this repair, they should contact the Private Sector Housing Team.
- 3.8.4 If agreement cannot be reached with the owner, the Private Sector Housing Team may take enforcement action to ensure works are carried out. All necessary costs incurred will then be recovered from the owner.
- 3.8.5 The Council may carry out necessary works where owners are reluctant to do so, and will recover costs from the owners. The Council may also cover the proportion of costs attributed to a 'missing' owner (where an owner cannot be identified or contacted)⁶. Assistance may also be provided by the Council to help common owners set up a maintenance account for future common repairs.

3.9 Repayment Charges

- 3.9.1 If there is any remaining balance of cost unmet by an owner, or if an owner will not participate in the works, the Council will recover the unpaid share of costs through a charge on the property⁷. This will include an administration fee to cover expenses incurred and interest charges.

3.10 Appeals Process

Details of the appeals process are outlined on each enforcement notice. Any appeal must be made within 21 days from the date the notice was served. Enforcement action will be suspended until the outcome of the appeal is known.

⁵ as per section 42 of the Housing (Scotland) Act 2006

⁶ as per sections 50 and 51 of the Housing (Scotland) 2006 Act.

⁷ as per section 172 of the Housing (Scotland) Act 2006

Part 4 Fire Safety

4.1 Information and Advice

- 4.1.1 The Scottish Government have introduced new fire safety legislation following the Grenfell Tower tragedy in 2017. From February, 2022 all homeowners are required to have interlinked fire alarms in their home. The design of these alarms significantly reduces casualties by alerting everyone in a property of a fire. The majority of homes will also require to have a carbon monoxide detector fitted. This regulation applies to all home regardless of age or tenure. It is the homeowner's responsibility to meet this standard.
- 4.1.2 New build home and private rented properties must already meet these regulations. It is the responsibility of the private landlord to ensure all residential properties they rent out meet the new standard.
- 4.1.3 The requirements are that all homes will need to have the following;
- one smoke alarm in the most frequently used room,
 - one in every circulation space on each storey, and
 - a heat alarm in each kitchen.
- 4.1.4 Alongside the change to the number of smoke alarms required, the alarms must be installed in a particular manner;
- Alarms should be ceiling mounted and interlinked.
 - Where there is a carbon-fuelled appliance, such as a boiler, fire or flue, a carbon monoxide detector is also required, although this does not need to be linked to the fire alarms.
 - Alarms can be either long-life sealed and battery operated, or
 - Mains-operated. If choosing these type of alarms the installation must be installed by a qualified electrician.
- 4.1.5 When deciding on the type of alarm to install, battery or mains operated, homeowners are advised to check with their home insurance provider as policies may specify a particular type of alarm.

4.2 Practical Assistance

- 4.2.1 There is no list of Government approved suppliers or fitters, both types of alarms can be purchased from a number of retailers. Any qualified electrician can fit the mains-wired type of alarm. However, the alarms must comply with the following British Standards;
- smoke alarms - BS EN14604:2005
 - heat alarms - BS 5446-2:2003
 - carbon monoxide detector - British Kitemark EN 50291-1
- 4.2.2 If a mains-powered system is installed, rather than sealed battery alarms, a building warrant may be required before any work starts. For example, if a property is a one or two storey house, a building warrant

is not required for mains operated alarms but the installation must still comply with the building regulations. Building Standards should be contacted to check if a building warrant is required or not.

- 4.2.3 Scottish Fire and Rescue Service offer free home fire safety visits and have recently launched a Make the Call campaign which is aimed at carers, family and friends of those vulnerable people, aged over 50, who live alone and are at risk due to previous accidental fire in their home. Referrals can be made by calling 0800 0731 999.

4.3 Financial Assistance

- 4.3.1 Care & Repair Scotland has been provided funding by the Scottish Government to assist older and, or, disabled homeowners to carry out the necessary work. To be eligible for support from Care & Repair Scotland, you must meet the following criteria;
- own your home that has a Council Tax banding of A-C
 - be of state pension age and in receipt of guaranteed Pension Credit, or
 - have a disability and be in a support group for Employment and Support Allowance.
- 4.3.2 Currently, there is not a Care & Repair service operating within Clackmannanshire, however, options are being explored to work with a neighbouring service.

Part 5 Energy Efficiency

5.1 Information and Advice

5.1.1 The Council is committed to ensuring all residents are able to heat their home to a comfortable level at an affordable cost. The Council is also committed to reducing greenhouse gas emissions from domestic properties. Council's, through their Local Housing Strategies and other associated policies, have been tasked with developing a range of ways to ensure, so far as reasonably practicable, that people do not live in fuel poverty. The Scottish Government's target to achieve this is by 2016. As part of this work, Clackmannanshire Council has a dedicated Home Energy Strategy Officer.

5.1.2 Fuel poverty is an area of major concern for the Council. A person, or household, is said to be in fuel poverty if they spend more than 10% of their income to maintain a satisfactory heating regime.

5.1.3 The Council's Home Energy Strategy Officer delivers a range of information and advice on energy efficiency to all Clackmannanshire residents. This includes:-

- Fuel bills, fuel debt and behavioural change
- Thermal insulation
- Central heating efficiency
- Renewable energy
- Green Deal Occupancy Assessments
- Energy Performance Certification
- Grants and loans associated with energy efficiency and improvement

5.1.4 The Home Energy Strategy Officer can provide signposting to various local and national energy efficiency schemes, as well as more specialised agencies and services where required. The Council may target particular areas for a targeted approach to advice and assistance.

5.1.5 A wide range of information and advice is available both on the Council's website and in leaflet form. A referral may be made to partner agencies, such as the Energy Saving Scotland advice centre.

5.2 Practical Assistance

5.2.1 The Home Energy Strategy Officer may carry out home visits to give personalised advice and support. This may include a tailored energy efficiency survey of the property to establish how individual households

can make best use of their heating systems and encourage a positive change of behaviour towards home energy.

5.3 Financial Assistance

- 5.3.1 The Home Energy Strategy Officer can provide signposting and assistance with accessing various external grants and other sources of funding.
- 5.3.2 Private tenants may be able to access grants for central heating and insulation through Government initiatives, if they meet the eligibility criteria and have their landlord's permission to have the work carried out. The Council's Home Energy Strategy Officer can provide further advice in relation to this.
- 5.3.3 The Council may, subject to funding being available, issue specific grants or loans to homeowners to help improve energy efficiency in their homes. Additional guidance will cover any schemes in operation and details can be obtained from the Home Energy Strategy Officer.
- 5.3.4 Grants from the Council for energy works are generally not available for private landlords although they may benefit from particular area based initiatives being undertaken by the Council. Private Landlords have access to the Landlord's Energy Saving Allowance (LESA), an income tax allowance for capital expenditure on improvements to property insulation. There may also be funding opportunities from the Government.

Part 6 Private Tenants and Landlords

6.1 Private Tenants and Landlords

6.1.1 The Council is committed to improving standards across the private rented sector and, to help achieve this, is committed to working in association with organisations such as the Scottish Association of Landlords and the national Landlord Accreditation Scheme to deliver a high standard of information and advice to private landlords and tenants.

6.1.2 We aim to provide the following services:

- an advice service to tenants and landlords
- training programme for landlords
- a regular landlord forum to include information and briefing sessions on current issues
- energy efficiency, renewable energy and fuel poverty advice

The Accreditation Scheme in particular provides an assurance to tenants that a member landlord meets an enhanced service level standard.

6.1.3 Landlords have a duty to ensure that any house they rent meets the basic standard of repair; the 'repairing standard'. Details of the Repairing Standard are listed in appendix 1.

6.1.4 If a tenant believes that their rented house does not meet that standard, they can contact the Private Rented Housing Panel. After investigation, the landlord may be required to carry out the necessary repairs. Various penalties apply if the landlord then does not do so. Contact details can be found in appendix 2.

Definitions

Below Tolerable Standard (BTS)

The 'tolerable standard' is the measure of housing quality used to determine whether a property meets a minimum acceptable living standard. A property 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 and 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; and
- has satisfactory access to all external doors and outbuildings.

Financial Assistance

Details of the various types of financial assistance for homeowners and tenants, available from the Council are given in the Statement. The Council cannot give financial advice but will signpost customers to agencies which can.

Maintenance Orders/Plans

Where there is evidence that the longer term maintenance of the property is absent, the Council will consider serving a Maintenance Order (section 42). This requires the owner(s) to prepare a maintenance plan to ensure the property is kept in a reasonable state of repair for a period up to 5 years. The plan will set out the work to be undertaken over the specified period of time, when it will be taken, and the costs of implementing the plan. The Council will offer appropriate advice and assistance at this point.

Where a Maintenance Order applies to 2 or more properties, there will be a requirement of all owners to prepare a joint maintenance plan in respect of any common parts with costs apportioned to each owner.

The Council may approve, reject, vary or revoke the maintenance plan. Where no plan has been submitted by the owner(s) within the specified timescale, the Council may devise one.

Practical Assistance

Will normally be offered after a client request or if enforcement action is taken and may include:

- organising stair meetings to facilitate common repairs
- assistance to prepare maintenance plans
- site inspection of a particular repair issues
- involvement by the Council's Care & Repair Service

Repairing Standard

A house meets the repairing standard if:-

- it is wind and watertight and in all other respects reasonably fit for human habitation,
- the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order,
- the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order,
- any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order,
- any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed, and
- the house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.

Test of Resources

This is the method applied to determine a person's ability to pay where a grant may be given by the Council. The Test used in Clackmannanshire is directly linked to the Council Tax Reduction Scheme. For mandatory disabled adaptations, clients in receipt of passported benefits specified in the legislation will be entitled to 100% grant towards eligible costs. This is subject to change (see below).

Anyone wishing to be considered for a grant must sign a mandate to allow the Council Tax benefit records to be used for this purpose. The percentage of Council Tax Reduction given at the time of application is applied to eligible works costs, to calculate the level of grant awarded. Application for Private Sector Housing Grant can be made directly to the Private Sector Housing Team.

The Council Tax Reduction Scheme is a national means test which, as part of its calculation, compares net income with nationally set applicable amounts and premiums, that take into account family and other financial circumstances such as age, disability etc. Changes to the test which may have to be made as a result of the move to Universal Credit which will be introduced from October 2013 will be publicised on the Council's website or will be available from the Council's offices..

Advice

This will normally be given after a client contacts the office either by telephone or in person, but will also be made available should enforcement action be taken. Relevant information will also be made available on the Council's website and in various leaflets. This may include information on:

- dealing with various technical issues
- referral to a specific service or partner
information on accessing various forms of funding for repairs and/or adaptations
- ongoing press articles

Work Notices

Enables remedial action in instances of short term, one off disrepair problems will be enforced by a Work Notice. This will specify the reason for issuing it, the work required, the standard the property must meet on completion and the period of time for completion (section 30).

The Council may suspend, extend the time limit of, or revoke a Work Notice. When works are complete, the owner(s) may apply to the Council for a completion certificate. This will be granted when the Authority is satisfied works have been complete and any expenses incurred are fully paid (section 59).

Empty Homes

Homes which are unoccupied and are likely to remain unoccupied. Long term empty homes are those which have been unoccupied for at least 6 months.

Factoring

Where a property factor (private business, local authority or housing association) manage or maintains land, including building, owned by 2 or more persons for residential purposes

Housing Renewal Areas (HRAs)

Housing Renewal Area can be designated where the following criteria have been identified and require to be addressed;

- housing is sub-standard,
- to bring it into and keep 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, to enhance it.

Appendix 2

Housing Strategy for Clackmannanshire 2018-23: Priorities and key actions relating to Scheme of Assistance

Making Better use of Existing Housing

- The housing we already have is optimised and effective in providing choice and meeting need.

Specialist Housing and Independent Living

- Those requiring assistance to live independently at home have access to effective housing support.

Specialist

- Define the need for specialist housing within first year and agree best way to supply gaps in provision
- Review the adaptations service across all tenures

Energy Efficiency and Fuel Poverty

- Energy efficiency is improved and fuel poverty and carbon emissions are reduced across all tenures.

Improving Neighbourhoods and Communities

- Improve long term outcomes for local communities and target town centres for improvement and regeneration to benefit the community

Useful Contact Details

Clackmannanshire Council

Private Sector Housing Team

Limetree House
Alloa FK10 1EX
Tel: 01259 452426
website: www.clacksweb.co.uk

Social Services Duty Officer

Community Care Assessment & Care Management Team
Clackmannanshire Community Health Care Centre
Hallpark Road
Sauchie
Tel: 01259 727010 or 01259 452498
website: www.clacksweb.org.uk

Customer Services Team

Limetree House
Alloa FK10 1EX
Tel: 01259 450000
website: www.clacksweb.org.uk

Home Energy Officer

Housing Services
Kilncraigs
Greenside Street
Alloa FK10 1EB
Tel: 01259 452486
website: www.clacksweb.org.uk

Environmental Health

Kilncraigs
Greenside Street
Alloa FK10 1EB
Tel: 01259 450000
website: www.clacksweb.org.uk

Building Standards

Kilncraigs
Greenside Street
Alloa FK10 1EB
Tel: 01259 452560
website: www.clacksweb.org.uk

Other Agencies

Scottish Association of Landlords (SAL)

Hopetoun Gate
8b McDonald Road
Edinburgh EH7 4LZ

Tel: 0131 564 0100
website: www.scottishlandlords.com

Landlord Accreditation Scotland (LAS)

Hopetoun Gate
8b McDonald Road
Edinburgh EH7 4LZ

Tel: 0131 553 2211
website: www.landlordaccreditationscotland.com

Housing and Property Chamber

First-tier Tribunal for Scotland
Glasgow Tribunals Centre
20 York Street
Glasgow
G2 8GT

Telephone: 0141 302 5900
website: www.housingandpropertychamber.scot

Scottish Fire and Rescue Service Headquarters

Westburn Drive
Cambuslang
G72 7NA

www.firescotland.gov.uk
Telephone: 999 (emergencies only)

Alloa Fire Station
Clackmannan Road
Alloa
Telephone: 01259 724112

Tillicoultry Fire Station
Devonvale Crescent
Tillicoultry
Telephone: 01259 751750

'Make the Call' campaign

To find out more, or arrange an appointment, call 0800 0731 999 or
Text 'FIRE' 80800 from a mobile phone

Qualifying criteria for adaptations

- 1 The person for whom the adaptation is being considered must be a disabled person, as defined in legislation (Disabled Discrimination Act 1996).

Circumstances may occasionally occur where provision of equipment/adaptation is necessary to overcome temporary disability.

- 2 The assessor concludes that the equipment/adaptation is necessary i.e. where appropriate; the first choice is for the disabled person to receive rehabilitation or training in alternative techniques to carry out a daily living activity, rather than rely on equipment/adaptations. Through assessment process, the needs of carers will also be considered.
- 3 The purpose of providing the equipment/adaptation is to increase or maintain the functional independence of a person with substantial or long term disabilities. The form of provision will be dependent on the service user's needs in relation to the disability and the technical feasibility of the site.
- 4 Account will be taken of preferences expressed by a service user, and the assessor should seek agreement about the type of provision with the service user, carer, other members of the household and, if appropriate, other agencies. the GP or District Nurse.
- 5 Equipment and adaptations are provided in the most cost effective way. Where an individual wishes a more expensive solution they, or a third party, would be expected to fund the difference.
- 6 Equipment and adaptation are within the scope of Self Directed Support. From the assessment of need for equipment or adaptations, people who are considered eligible for self-directed support can choose to request the funding and purchase the item or service themselves.
- 7 Written instructions/manufacturers instructions for equipment will be left with the service user, including advice on what to do if something goes wrong. All equipment issued will be demonstrated to the person.
- 8 Equal opportunities: ethnic and cultural aspects of the household will be considered. As part of the assessment process, the usual practices of the person with disabilities and their household will be taken into account

Appendix 5

Procedure for Major Adaptation Works

