

Scheme of Assistance for Homeowners and the Private Rented Sector

Introduction

North Ayrshire Council's Scheme of Assistance details the information, advice, and practical support we, the Council, will provide to help those living in the private sector repair, maintain, improve, or adapt their homes.

The existing Scheme of Assistance was published in 2012 and was reviewed by officers during 2018. The review concluded that the establishment of a Private Sector Advice Team in 2016 has been instrumental in giving focus to private sector property condition matters, effectively improving property condition as well as considerable success in tackling empty homes and bringing properties back into use during this period.

The review also identified a range of new opportunities to build on the successes above, and these are set out in detail within this document.

Vision and aims

The Scheme is designed to be fair, sustainable, and transparent in meeting its aims of:

1. Addressing disrepair in private sector homes by encouraging landlords and homeowners to recognise that they have the primary responsibility for maintaining their properties.
2. Helping older people and people with accessibility needs, who are living in the private sector, carry out adaptations which enables them to live in their homes for as long as they choose to do so.

Advice and information

We will achieve these aims by offering the following types of assistance:

- We will ensure that advice and information on home repairs, maintenance, improvements, and adaptations is available to anyone who resides in a private home in North Ayrshire

Practical Assistance

- We will provide a range of services which offer practical help relating to the repair and maintenance of homes in the private sector

Financial Assistance

- We will provide financial assistance to cover some (or all) of the costs of eligible adaptations to private properties.

The Council, will help those living in the private sector repair, maintain, improve, or adapt their homes.

Strategic context

The North Ayrshire Local Housing Strategy 2018-22 (LHS) sets out the key strategic housing priorities for the area. One of the actions within the LHS to improve private sector housing condition is that: 'we will review the Scheme of Assistance to identify opportunities for wider use of our discretionary powers'.

The Housing (Scotland) Act 2006 places a statutory duty on local authorities to publish a 'Scheme of Assistance' to set out the supports that will be provided to landlords, tenants, and owners within the private housing sector to improve property condition and make adaptations to facilitate independent living. The Scheme is also the primary method through which empty homes will be brought back into use and acts as a preventative measure to stop properties becoming uninhabited.

On 1 December 2017, the Private Housing (Tenancies) (Scotland) Act 2016 introduced a new type of tenancy called a 'private residential tenancy' (PRT). This legislation applies to new tenancies only.

Any existing short assured or assured tenancies will continue until the tenant wishes to leave the property or the landlord legally brings the tenancy to an end. The purpose of the Private Residential Tenancy is to improve security of private tenants and provide safeguards for landlords, lenders, and investors. For further information on Private Residential Tenancies please see Scottish Government Private Rented Tenancy Reform.

Outcomes

The Scheme of Assistance contributes to the overall North Ayrshire Local Housing Strategy 2018 – 2022 which sets out the following outcomes.

- Supply – The supply of housing meets the needs and aspirations of local people.
- Support - People receive the support they need to live independently at home, for as long as possible.
- Homeless - Homeless services focus on early intervention, prevention, and sustainable housing solutions.
- Condition - People live in good quality homes that they can afford to heat.

- Place - Our homes are located in strong, stable, and safe communities.

Pro-active Private Sector Advice

North Ayrshire Council's Housing Services has primary responsibility for the development and implementation of the Scheme of Assistance. A dedicated Private Sector Advice Team were appointed in April 2016 to act as a 'one stop shop' for the provision of information and advice to homeowners, landlords and tenants.

The team also assists owners to return long term vacant properties to the overall housing supply. This work is driven by the Scheme of Assistance and includes the provision of information, advice and, where feasible, practical financial assistance.

The Council will continue to use social media, posters, and leaflets to assist in the provision of advice and assistance, and to publicise the Scheme. These include leaflets detailing landlord and tenant's rights and responsibilities, information on arranging common repairs and on maintaining property condition. These are distributed widely throughout North Ayrshire.

Engagement

The Housing Services Private Sector Team send regular correspondence sharing information and advising of forthcoming training through Landlord Accreditation Scotland as well as electronic newsletters to landlords and tenants twice yearly.

The team also provides advice and assistance to homeowners and landlords on the benefits of preventative maintenance through a range of initiatives, such as social media, drop-in events, forums, house visits, leaflets, working groups and web-based advice.

The following events are held annually, and are open to all landlords, tenants, and stakeholders with an interest in the private rented sector.

- North Ayrshire Landlord Forum
- Pan Ayrshire Landlord Conference
- Pan Ayrshire Tenant Conference
- Pan Ayrshire Empty Homes Conference

Consultation events, open days and strategic forums all contribute towards recording, researching, analysing, and developing an understanding of the key housing issues currently present within North Ayrshire. It is also a forum to provide information to landlords and tenants on a range of topics; help inform strategic development; and provide a means by which we can evaluate our performance.

We regularly consult with internal and external partner agencies to ensure that service delivery is streamlined and delivers best value for money. This approach will also allow us to share good practice with partners and explore new resources where possible.

Information and advice

The Private Sector Advice line is available to any North Ayrshire resident living in the private sector. We can give information and advice on the following:

- Property condition
- Tenancy rights and responsibilities
- Common repairs and avoiding disputes.
- Energy efficiency
- Landlord registration
- Empty homes

As well as providing direct assistance, we can signpost to other services which may be able to offer support.

Partnership working

The Private Sector Advice Team works pro-actively alongside other Council departments and external partner agencies including:

- Antisocial Behaviour Investigation Team
- Building Standards
- Council Tax and Housing Benefit
- Energy and Sustainability
- Environmental Health
- Factoring Service
- Landlord Registration
- Planning Enforcement
- Police Scotland
- Scottish Fire and Rescue Service
- Streetscene
- Trading Standards
- Waste Awareness

Whilst this list is not exhaustive, these partners play a key role in the delivery of an effective Private Sector Advice Team. The team will work with these agencies to share good practice and

practical experience in order to improve housing in the private sector across North Ayrshire. By operating in partnership with other agencies the team aim to improve property standards, inspire landlord and tenant confidence and encourage growth and investment in the sector.

Pre-tenancy support service

We offer a specialised pre-tenancy advice and inspection service to landlords to increase awareness about the required minimum standard of properties. This is intended to act as a preventative measure to improve property condition prior to tenant occupation and improve expectations between landlords and tenants. The service includes a Landlord Registration check, as well as advice on tenancy agreements and safety certificate requirements. If you would like more information on the service, please contact us on 01294 324644.

Landlord Accreditation Scheme

Landlord Accreditation Scotland is a national voluntary accreditation scheme that promotes best practice in management specifications within the private rented sector.

The Council work in partnership with Landlord Accreditation Scotland to ensure that standards across the private rented sector in North Ayrshire are improved through training and education. We will work alongside Landlord Accreditation Scotland to raise the profile of private sector housing and raise awareness to landlords of legislative changes.

Training opportunities include:

- dealing with tenant abandonment
- managing common repairs
- property conditions and property management
- small claims actions
- tenancy agreements and repossession

Best practice sessions and e-learning opportunities are also available to landlords registered with the service.

Participating in the Landlord Accreditation Scheme provides tenants with confidence that their landlord strives to achieve good practice. It also shows that landlords are committed to meeting the standards outlined in the Scottish Core Standards for Accredited Landlords.

Letting Agent Regulation

With effect from 1 October 2018 everyone carrying out letting agency work needs to apply to join the Scottish Letting Agent Register. The register is operated by the Scottish Government. It is

against the law for a business to carry out letting agency work without having applied for registration.

In order to be added to the register, the applicant will need to meet a 'fit and proper test' as well as undergo a minimum standard of training. To decide if someone is a 'fit and proper' person, Scottish Ministers will consider a range of information about that person including whether they have been convicted of offences involving fraud, violence, drugs, firearms, sexual offence, or broken housing law.

A new Letting Agent Code of Practice began on 31 January 2018. This is a set of rules that all letting agents must follow to make sure they give a good service to landlords and tenants.

The Code explains the minimum standards a letting agent must meet when:

- dealing with landlords
- marketing and advertising a property.
- managing a let
- collecting rent
- handling repairs
- ending a tenancy

Empty homes

Empty homes are detrimental to the local environment as they are often the target of anti-social behaviour. They are also more likely to fall into disrepair which is the most common reason for properties remaining unoccupied. Furthermore, empty properties may prove costly to owners who can face regular repair bills and council tax charges.

Housing Services Private Sector Advice Team employs dedicated officers with a key role in actively identifying empty private properties in North Ayrshire who establish methods through which they may be brought back into use.

We will provide advice and information, as well as access to practical financial assistance (where feasible and appropriate). Property owners may also be referred to other agencies for help in bringing properties back into the overall housing supply.

We work closely with the Scottish Empty Homes Partnership, hosted by the Scottish Government and Shelter Scotland. This approach allows North Ayrshire to establish working links with other local authorities across Scotland. Through the Partnership, we will share good practice examples, access training and job shadowing opportunities and encourage joint working approaches.

North Ayrshire Council offers interest free loans to bring empty properties back into the rented sector. Empty properties must meet certain criteria in order to be eligible for the Empty Homes Loan Fund.

North Ayrshire Council may also consider the purchase of an empty home through the Empty Home Buy Back Scheme. To be considered, properties must have been empty for six months or more and could be reasonably brought up to the letting standard, as well as maintained to statutory standards.

A free Matchmaker Scheme is also in operation which aims to match owners of empty homes, who wish to sell their property, with people who may be interested in buying in the area.

Further information on any of these interventions can be found on the North Ayrshire Council website.

The Council also use a variety of information, resources, and policies to bring as many vacant properties as possible back into the overall housing supply. These will include:

- access to the Rent Deposit Guarantee Scheme
- advice and assistance
- Council Tax Levy
- information on becoming a landlord.
- information on selling properties, and
- property auctions.

Property condition

This section sets out the Tolerable Standard guidelines which describe the elements of a house which are essential for it to function as a home.

Tolerable Standard

The Tolerable Standard is a set of guidelines which describe the elements of a house which are essential for it to function as a home. If a property fails one or more of the conditions, then the house can be defined as 'below the Tolerable Standard'. 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 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 the 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 purpose 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.
- has satisfactory facilities for the cooking of food within the house.
- has satisfactory access to all outside doors and outbuildings.

To meet the Tolerable Standard, a property must meet all of these conditions. If it fails to meet just one condition, it has failed the standard. The standard focuses only on the building itself, and does not consider internal decoration, fixtures and fittings or heating systems in the house.

The Housing Services Private Sector Team carry out home inspections and work with partners to ensure that housing within the private sector continues to improve. Where properties fall below the Tolerable Standard, a report is sent to the landlord asking for the repairs to be carried out within 30 working days. If the works are not completed within this timescale, the landlord may be referred to the Licensing Committee facing potential de-registration. A Rent Penalty Notice may also be issued which means that they cannot take rent and are committing a criminal offence if they continue to let the property.

Repairing Standard

The Repairing Standard is the minimum level of repair a house must achieve to be used as privately rented accommodation. It focuses on the condition of the building itself, but also includes all installations, fittings, fixtures, and furnishings that were provided as part of the tenancy.

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.
- The house has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire.
- The house has satisfactory provision for giving warning if carbon monoxide is present in a concentration that is hazardous to health.
- The house meets the tolerable standard The repairing standard duty includes a duty to make good any damage caused by carrying out works whilst complying with the duty Housing and Property Chamber repairing and tolerable standard.

Smoke detectors

Fire Safety is an important part of the Repairing Standard. It is a legal requirement to have multiple smoke detectors fitted in all rented properties. The Standard requires that all smoke and fire detectors should meet the standard set by building regulations or be able to justify why a lesser level of protection is appropriate in a particular house.

This means that there should be at least:

- one functioning smoke alarm in every room which is frequently used by the occupants for general daytime living purposes (normally the living room/lounge)
- one functioning smoke alarm in every circulation space on each storey, such as hallways and landings, or in main room if no landing in upper storey
- one heat alarm in every kitchen
- all alarms should be ceiling mounted and
- all alarms should be interlinked
- Mains-operated alarms (with battery back-up are permitted), and tamper proof/sealed/long-life lithium battery alarms (for example, not PP3 type or user replaceable) are also permitted – the expiry date should be visible on each alarm. Alarms should be regularly maintained and tested in accordance with manufacturer's instructions.

Housing and Property Chamber: First Tier Tribunal

If a landlord has failed to meet their Repairing Standard duties, the Private Sector Team carry out a home inspection and a report is prepared giving the landlord 30 working days to carry out any outstanding repairs. However, if the landlord fails to rectify these issues, private tenants can contact the Housing and Property Chamber: First Tier Tribunal. The Chamber can make private

landlords carry out property repairs by using different types of enforcement action. A tenant does not need to wait until after the 30 days to apply to the Housing and Property Chamber. They can apply at any time.

If the Tribunal agree that the complaint is valid, the case will be referred to the Private Rented Committee. Powers the Tribunal have included:

- Issuing a Repairing Standard Enforcement Order – This will outline what repairs must be done and a deadline for when they should be completed. Landlords who ignore an order may be fined.
- Issuing a Rent Relief Order – This order can reduce the tenant's rent by up to 90% until the repairs are fully completed.

The Housing and Property Chamber can be contacted directly by phone on 0141 302 5900 or by email at [Housing and Property Chamber](#)

Common repairs

If there is work required to the common parts of a shared building, owners initially should try to make contact with the other owners in their block, with whom they share responsibility for the upkeep of the property. Everyone living in buildings with shared facilities has responsibility in keeping common areas in a good condition.

Common Areas may include:

- shared doorways
- stairwells
- gardens and paths
- corridors and landings
- courtyards
- outbuildings.

We recognise that property owners can experience difficulties managing common repairs.

Therefore, we can provide impartial advice on this matter, including:

- Rights and responsibilities of owners
- Roles of property factors
- Setting up voluntary maintenance plans
- Tenement Management Scheme
- Resolving disputes between parties

By law everyone living in buildings with shared access must make sure that all escape routes are clear in the event of an emergency. Practical steps to address this are to keep common areas free from litter and debris and to regularly clean and maintain them.

If you are unsure of who is responsible for carrying out repairs in common areas, you should consult an independent legal adviser who deals with property law. You may have to pay for legal advice, so always ask for a quote of the costs beforehand.

Missing Shares

A Missing Shares Scheme is where the majority of owners within a building in common ownership agree to undertake common repair and maintenance works. The Council may opt to pay the missing share of an owner who is unwilling to meet their ownership responsibilities.

Once a lead owner is appointed, they will specify the works, arrange for quotations, and set up a maintenance account, subject to meeting all required criteria and upon completion of the works. The missing share funds are, then paid into the maintenance account to facilitate the works and the Council will subsequently pursue the owner for recovery of their full share of the costs on completion of the works. A charge, with interest provision, is applied to the share to cover all professional, administrative, and legal expenses. A standard security is put in place to secure repayment of the debt.

Regular and planned maintenance is a cost effective and common-sense way of preventing homes from falling into disrepair. Preventative maintenance, especially within older properties, provides an ongoing mechanism for addressing minor property condition issues.

It can also reduce the frequency, and in some cases likelihood, of more high-cost repairs emerging in the long-term. For example, a leaking gutter, if left unrepaired, can result in damage to brickwork and render and, through time, water ingress and dampness issues within the property. Furthermore, keeping properties in good repair makes a positive contribution to the built environment.

The Council will also consider applying a 'missing share' to blocks where the Council has an ownership interest alongside private owners. The Property Factor (Scotland) Act 2011 requires the Council by law to act as a Property Factor in a tenement block where at least one property is owned by the local authority. This allows the Council to action repairs to common areas. Where there is a majority of ownership within a tenement block, the Council may instruct necessary or emergency repairs and recharge owners. If you would like more information on the scheme, please contact us on (01294) 324644.

Voluntary Maintenance Plans

By planning maintenance work in advance, a homeowner can reduce the likelihood of costly repairs arising. We can assist homeowners to prepare voluntary maintenance plans for their homes.

These allow maintenance work and property condition inspections to be scheduled and include timescales and costs for work. These plans may be particularly useful for owners of properties with common areas to help deal with any future communal repairs and avoid potential disputes.

The Housing Services Private Sector Team re-launched the Voluntary Maintenance Plan initiative in Spring 2019, to support property owners organise repairs, establish an ongoing maintenance account and seek a dedicated property factor where appropriate.

We will encourage homeowners to set up maintenance accounts to ensure sound financial planning for future repair works. Where necessary, we will facilitate meetings between owners in order to establish a maintenance plan and account.

Policy Interventions

There may be situations, such as when a property is in serious disrepair, where the council will consider taking enforcement action.

The Scheme of Assistance aims to encourage and support owners to take responsibility for the condition of their property. However, there may be situations – such as when a property is in serious disrepair – where we, the Council, will consider taking enforcement action.

The Housing (Scotland) Act 2006 set out a range of statutory duties and additional powers for Local Authorities to improve property conditions within the private rented sector, these are known as 'discretionary powers'. In 2018, North Ayrshire Council reviewed the available powers and how they were being utilised with a plan to improving housing conditions in North Ayrshire.

Enforcement action will only be taken where advice and assistance has been ineffective, where the problem has not been addressed in a reasonable period of time; and after taking account of all circumstances.

This section outlines the services available to help homeowners maintain, repair, and improve their properties. We will focus on assisting homeowners to meet their responsibilities in terms of keeping their properties in a good state of repair.

Advice and assistance will be made available to all property owners served with any orders or notices.

Abandoned tenement buildings

Where a tenement property has been unoccupied for a period in excess of six months, the Tenement (Scotland) Act 2004 allows any owner of property within the building to apply to a Sheriff for the power to sell the building. The proceeds of any sale will be shared evenly amongst all owners.

In cases such as this, the Housing Services Private Sector Team will write to all owners within the building to encourage responsible home ownership. Information and practical advice will be offered as to the owner's legal rights and responsibilities.

Where there are multiple owners within an abandoned tenement, all efforts will be made to engage the responsible parties to carry out common repairs or take joint action to bring the properties back into use.

In instances of an abandoned tenement block all efforts will be made to consider alternative routes of assistance before a sale is advised. Where tenement owners wish to consider this route, they may wish to seek independent legal advice before proceeding.

Abatement Notices

The Environmental Protection Act 1990 Section 80 allows North Ayrshire Council to serve notice against empty properties which are causing 'nuisance'.

Nuisance can be defined as properties which have a negative or harmful effect on health, for example:

- unsanitary or filthy conditions
- verminous or infested conditions
- emissions of smoke, fumes, or harmful gases
- accumulation or deposit of household waste, excessive dog fouling.

An Abatement Notice instructs the homeowner to rectify the problem that is causing nuisance and sets a time limit in which works must be completed.

If an empty homeowner fails to address the nuisance detailed in the Notice, then the Council may choose to complete the works and recharge owners for all costs. Court action may also be taken against the property owner.

The Private Sector Team will work in partnership with Environmental Health to ensure that properties which can be defined as a statutory nuisance are dealt with appropriately and in conjunction with the owner. Environmental Health can be contacted on (01294) 324339.

Failure to comply with an Abatement Notice without reasonable excuse may lead to a prosecution through the Sheriff Court. Should a property owner be convicted of failing to address the issues highlighted in a Notice, they may be liable for a fine of up to £5,000. Where industrial properties fail to meet the works within a notice this amount may increase to up to £40,000.

Closing and Demolition Orders

Closing and demolition orders can be served under the Housing (Scotland) Act 1987, where:

- A house requires demolition as its state of disrepair is likely to deteriorate rapidly or is a danger to the occupants.
- A building fails to meet the Tolerable Standard, and the cost of bringing the property up to that standard would be greater than the cost of rebuilding the property.

Closing orders prevent a property being inhabited. Such orders can also be made of flats, where other properties within a block are habitable.

Demolition orders are typically served on single dwelling houses, which can be demolished without impacting on neighbouring properties.

In the main, when a demolition order is served, the property owner is required to organise and pay for demolition themselves. However, the Council retains the right to demolish a building served with a demolition order itself and may do so without purchasing it.

North Ayrshire Council also has the right to purchase a property issued with a demolition or closing order. The Council will identify if there is a requirement to do so, by assessing:

- The condition of the property
- The needs of the area for the provision of further housing accommodation
- Whether the house or building must remain in use as housing accommodation

The Council is undertaking a review of the closing and demolition orders process with a view to addressing any properties in disrepair. Housing Services will work in partnership with all relevant internal partners, to pursue enforcement action where appropriate.

Compulsory Purchase Orders

Compulsory Purchase Orders (CPOs) are a legal process to force an owner to sell a property to the local authority. CPO powers are an effective tool in their own right but can also help to bring leverage to the Council's negotiating position in purchasing empty properties. CPOs are only used in exceptional circumstances where all attempts to reach an agreement for purchase with the owner have been exhausted.

The Strategic Housing Investment Plan (SHIP) 2018-2023 allocated funding for 30 property buy-backs. Already, the leverage brought by the prospect of implementation of CPO powers has resulted in the successful acquisition of four long-term empty properties via the SHIP. These properties will be added to the Council's housing stock, refurbished, and allocated to tenants in housing need on the North Ayrshire Housing Register

Dangerous buildings

A building is considered a 'dangerous building' if it is a potential danger to:

- persons in or about that building
- the public in general
- adjacent buildings or places

The Council will consider a 'Dangerous Buildings Notice' under Section 29 & 30 of the Buildings (Scotland) Act 2003 in these instances. The notices themselves do not require to be registered in the property register.

The Council has the authority to serve notice on the owners of properties where it is considered that the condition of the property is likely to affect the health and safety of the general public or neighbouring properties.

Where cases require immediate action, the Council will remove the danger as necessary (including demolition) and, where possible, notify the owners of any actions taken.

Where a building may not pose an immediate threat, the Council will contact the property owner and ask that the necessary works are completed.

In cases where an owner fails to carry out the works defined in the notice served, the Council will take action to protect those at risk. The Housing Services Private Sector Advice Team will work in partnership with Building Standards to ensure the safety of anyone affected by a potentially dangerous building.

Where a local authority carries out work in relation to dangerous/defective buildings under Sections 28 to 30 of the 2003 Act, it is able to recover any expenses from the building's owner.

The Buildings (Recovery of Expenses) (Scotland) Act 2014 provides for a local authority to register a charging order against the property in the appropriate land register setting out the repayable amount and splitting it into annual instalments. We will reclaim any costs and expenses incurred by the property owner.

Enhanced Enforcement Areas

The Housing (Scotland) Act 2014 allows local authorities to apply to Scottish Ministers to designate an Enhanced Enforcement Area. This will give Councils greater powers to intervene in and improve private rented sector housing.

Enhanced Enforcement Area designation can only be applied for in areas where there is:

- a poor environmental standard.
- overcrowding
- a prevalence of antisocial behaviour

At present there are no areas in North Ayrshire which meet these conditions.

Work Notices

We can serve work notices on owners of properties which are sub-standard. Owners should then arrange to carry out the work themselves. The Council can also carry out the work if the owner agrees and at the owner's expense (however we are not obliged to do so).

If the owner does not comply with the works notice within the time set out, the Council can carry out the work and reclaim all costs from the owner. This can be done by means of a repayment charge which is secured against the title deeds of the property.

Where there is disrepair and a threat that the property could deteriorate and pose a risk to public safety, a referral will be made to Building Services and a Dangerous Buildings notice maybe served. In these cases, action may eventually be taken to demolish a building.

Housing Renewal Areas

A Housing Renewal Area is an area that we have identified as one where property conditions and quality needs to be improved; it may comprise just a few properties or could cover a larger area.

We may consider designating a Housing Renewal Area, in response to concerns raised locally, and if:

- There are a significant number of substandard houses in one area (ie. a minimum of 50%).
A property may be substandard if it.
- does not have a basic level of repair and lacks important facilities such as an indoor toilet (for example, Tolerable Standard)
- is in a serious state of disrepair.
- needs repair and the condition is likely to worsen or could cause damage to other premises if nothing is done to repair it

- the disrepair of a house or houses is adversely affecting the quality of the surrounding area.

The decision to declare a Housing Renewal Area will be based on the relationship between the property and local neighbourhood, rather than a technical assessment of property condition.

Public consultation with owners of affected properties and an 'Options Appraisal exercise will be undertaken before we designate a Housing Renewal Area.

Maintenance orders

North Ayrshire Council can serve a maintenance order if an owner has not maintained a property to a reasonable standard.

A maintenance order requires the owner to produce a maintenance plan that demonstrates the works that will be carried out to improve the condition of the property. A maintenance plan should include timescales and the costs of the work. Where a homeowner fails to comply with a compulsory maintenance plan North Ayrshire Council may carry out the work and recover the cost from the owner.

Evacuation

North Ayrshire Council will provide advice and assistance to homeowners and tenants who are likely to be displaced as a result of any intervention action, in order to allow them to find suitable alternative accommodation.

Recovery of expenses

North Ayrshire Council will seek to reclaim any costs incurred in exercising its powers in relation to property condition through one of the following:

- Repayment charge
- Notice of recovery of expenses
- Charging order
- Notice of potential liability

The Council will consult with the owner before deciding to recover any expenses as a single lumpsum payment or by instalments.

The buildings (Recovery of Expenses) (Scotland) Act 2014 gives Councils greater powers to recover debts. Local authorities are able to register a charging order in the appropriate land register, which means new and former owners will be liable if the property changes ownership.

Effective enforcement

In November 2017, a Multi-Agency Task Force Pilot was formed comprising of Housing Services Private Sector Team, Building Standards, Corporate Fraud and Licensing Department. The group worked together to tackle a rogue letting agency operating an illegal House of Multiple Occupation. The owner of the agency has been referred to the Procurator Fiscal by the Council.

The Council will continue our multi-agency approach to tackling property disrepair and rogue letting agents and landlords. This will be achieved by co-ordinating a corporate response to relevant issues.

Adaptation of properties

This section outlines the services that are available to people living in the private sector that may need an adaptation within their home.

North Ayrshire Health and Social Care Partnership (the Partnership) has a responsibility to assess a person's needs and to arrange appropriate services. However, as funds are limited, we need to ensure that we work with people in the greatest need. To assist us to do this we have developed an assessment process and associated eligibility criteria.

Individuals who require this type of assistance will undergo an assessment of need. Access to health or social care services can be gained through any local office.

Health and Social Care Partnership local offices

- Arran Locality, Shore Road, Lamlash , Arran KA27 8JY. 01770 600742
- Garnock Valley Locality, Craigton Road, Kilbirnie KA25 6LJ. 01505 684551
- Irvine Locality, Bridgegate House, Irvine KA12 8BD. 01294 310300
- Kilwinning Locality Bridgegate House, Irvine KA12 8BD. 01294 310300
- North Coast Locality, Brooksby Medical & Resource Centre, 31 Brisbane Road, Largs KA30 8LH. 01475 687592
- Three Towns Locality, The Town Hall, Countess Street, Saltcoats KA21 5HW. 01294 310005

Assessing need

Before we can consider making any funding available, a 'needs assessment' will be carried out by the Partnership.

A needs assessment is where a suitably qualified Health & Social Care Worker will work with you to assist you to remain independent within your home environment.

The assessment may be carried out over a period of time. If an adaptation to the home is the agreed solution, the Adaptations Service will confirm the applicant's needs; the proposed works (subject to appropriate building warrants and planning permission) and priority for works. You will be required to gain consent of the landlord (for tenants), and of any other owners where the adaptation is likely to impact on common areas of property.

Financial assistance

We will assist you through a grant application process in order to identify your entitlement of 80% or 100% towards the cost of the adaptation. Receipt of 100% is subject to income and benefit entitlement (or for those who can demonstrate financial hardship and have no resources).

Funding is available in the following situations:

- to allow access within your home to standard amenities
- for the provision of an additional or replacement standard amenity.
- for an extension or structural adaptation to allow provision of, or access to, a standard amenity.

It is important to note that extensions to provide additional living/bedroom accommodation are not included within the scope of financial assistance.

There are often conditions which may apply if you are awarded financial assistance. These conditions will be discussed with you in detail when a formal financial assistance application is made.

Hardship support

If you qualify for financial assistance (for example, 80% of the cost of approved works), but are unable to afford the remaining 20% cost of the adaptation, the Partnership may be able to help.

This support will only be provided in exceptional circumstances, such as:

- you are already living in the most suitable type of accommodation for your needs and the assessing officer confirms that the adaptation proposed would be suitable for the longer term.
- your assessed needs could only be met by staying in your current property and having it adapted,
- moving would have a significant detrimental impact on your health.

Each application for a hardship contribution will be judged on its own merits and due to demand, such assistance, even in exceptional circumstances, may not be provided.

Reinstatement of an Adapted Property

Where we provide Scheme of Assistance grant funding, we can provide information and advice to tenants and landlords concerning reinstatement of a property that has previously been adapted, to return that property to the original condition (for example, before the adaptation was carried out).

Where a landlord has agreed to the adaptation but placed a condition requiring reinstatement (in terms of S.52 (5) (b) of the 2006 Act), the Council will expect the landlord to firstly look for a new tenant who could make use of the adaptations.

The Partnership may be able to assist landlords to locate suitable new tenants. If a new tenant cannot be found, in certain circumstances we will meet 80% of reinstatement costs for those adaptations that are making it difficult to re-let the property. The Council will not give funding for reinstatement to owner occupiers.

Assistance for Grant

Where a person is vulnerable and unable to identify assistance to progress Scheme of Assistance applications the Partnership will provide assistance and signposting where required.

Contacts

- Adaptations Team
North Ayrshire Council Horseshoe Building
Ayrshire Central Hospital
Kilwinning Rd
Irvine KA12 8SS

Tel: 01294 400616

Email: AidsandAdaptations@north-ayrshire.gov.uk.
- Citrus Energy
Cunninghame Housing Association
71 Glasgow Street
Ardrossan

Tel: 0800 221 8089
- Housing Advice Team
North Ayrshire Council

Galt House
31 Bank Street
Irvine, KA12 0AD
Tel: 01294 314600

- Housing and Property Chamber
First-Tier Tribunal for Scotland
Glasgow Tribunals Centre
20 York Street
Glasgow, G2 8GT
Tel: 0141 3025900

Email: HPCAdmin@scotcourtribunals.gov.uk.

- Home Energy Scotland
Southwest Watson Peat Building
Ayr, KA6 5HW
Tel: 0808 808 2282

- Landlord Accreditation Scotland
Hopetoun Gate
8b McDonald Road
Edinburgh, EH 7 4LZ
Tel: 0131 553 2211

Email: info@landlordaccreditationscotland.com.

- Private Sector Advice Team
North Ayrshire Council
3rd Floor Cunninghame House
Irvine, KA12 8EE
Tel: 01294 324644

Email: psadvice@north-ayrshire.gov.uk.

- Scottish Association of Landlords (SAL)
Hopetoun Gate
8b McDonald Road
Edinburgh, EH7 4LZ
Tel: 0131 5640100

Email: info@scottishlandlords.com.

[Scottish Landlords website](#)

Feedback

Comments and views about any aspect of this document are welcomed. We also take the opportunity to encourage local people to become involved in the planning and delivery of housing solutions. To get in touch, please contact:

Team Manager (Private Sector Housing)

'Scheme of Assistance'

Freepost RTUT–LHEL–HEGJ

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Private Sector Housing Team

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