

**REPORT TO:** Cabinet

**MEETING DATE:** 14 May 2013

**BY:** Executive Director (Services for Communities)

**SUBJECT:** East Lothian Council Scheme of Assistance, Below Tolerable Standard Strategy and Housing Renewal Area Policy

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## **1 PURPOSE**

- 1.1 To propose changes to the Council's Scheme of Assistance and seek approval thereof;
- 1.2 To seek Cabinet approval of a Below Tolerable Standard (BTS) Strategy; and
- 1.3 To seek Cabinet approval of a Housing Renewal Area Policy

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that Cabinet approve changes to the Council's Scheme of Assistance as outlined in paragraphs 3.8 to 3.20
- 2.2 It is recommended that Cabinet approve the Council's Below Tolerable Standard (BTS) Strategy
- 2.3 It is recommended that Cabinet approve the Council's Housing Renewal Area Policy

## **3 BACKGROUND**

- 3.1 The Housing (Scotland) Act 2006 requires local authorities to set out:
  - (a) a strategy for ensuring compliance with section 85(1) (duty to close, demolish or improve houses which do not meet the tolerable standard) of the Housing (Scotland) Act 1987 (c. 26);

- (b) the authority's policy for identifying parts of its area for designation under section 1 (housing renewal areas) of the Housing (Scotland) Act 2006 (asp 1);
- (c) a strategy for improving the condition of houses by providing or arranging for the provision of assistance under Part 2 of the Housing (Scotland) Act 2006 (asp 1).
- 3.2 The Council has not yet met the requirements set out in (a) and (b) above.
- 3.3 In relation to (c) above, Part 2 of the Housing (Scotland) Act 2006 requires local authorities to provide a range of information and advice, practical and financial assistance to support owners and private tenants to repair, maintain, improve and adapt their properties. Section 72 of the Act requires local authorities to prepare and make publicly available a statement setting out the circumstances in which assistance will be provided and the form such assistance will take. These duties are underpinned by the general principle of promoting responsible home ownership to homeowners and private landlords. To comply with Section 72 of the Act, the Council approved and published its Scheme of Assistance in April 2010. Minor amendments have been made to the Scheme since its approval to reflect changes in the Council's Financial Assistance Policy, as approved by Cabinet on an annual basis. (Private Sector Housing Grants)
- 3.4 Subsequent to the publication of the Scheme of Assistance and prior to the development of a Below Tolerable Standard (BTS) Strategy and Housing Renewal Area Policy, the Council undertook a Private Sector Stock Condition Survey.
- 3.5 Results from the stock condition survey indicate that housing conditions in East Lothian are generally better than or in line with the Scottish average across all key condition indicators. Some of the key findings are:
- 55% of private sector housing fails the Scottish Housing Quality Standard (SHQS) and 9% of dwellings require extensive repairs;
  - Just over 2% of dwellings fall below the tolerable standard (BTS). Dwellings which are BTS are predominantly semi-detached or detached houses. Just under 40% of all households living in BTS housing have a low income;
  - Disrepair and poor energy efficiency are most prevalent in the private rented sector and just over 17% of private rented properties fail the Repairing Standard<sup>1</sup>;
  - Geographically, disrepair is most prevalent in rural areas and in some town centres, notably Haddington and Prestonpans;

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<sup>1</sup> The Repairing Standard sets out the minimum standard that private rented housing must meet. Private landlords have a statutory obligation to ensure that their properties meet the standard.

- Low income households and households headed by someone aged over 65 are most likely to live in a property which is in need of extensive repair or has low energy efficiency;
- Only 22% of households perceive there is a requirement to repair their property and only 2% consider there to be major repairs required.

### **Scheme of Assistance**

- 3.6 A number of initiatives have been developed since the Council's initial Scheme of Assistance was put in place which now need to be reflected within the policy document and a number of further changes need to be made to reflect priorities identified through the stock condition survey.

### **Advice and Information**

- 3.7 The Council itself provides a range of advice and information in relation to repairs, maintenance, adaptations and energy efficiency. This, in the main, takes the form of leaflets and information sheets which are available to download from the Council's website. The Council also supports the provision of advice through a range of partner organisations.

- 3.8 Difficulty in finding a tradesperson to carry out work is a common barrier for owners organising repairs. The Council launched a Trusted Trader Scheme in 2012 which helps consumers in East Lothian to find reliable and trustworthy tradespeople. There are currently 32 businesses that are signed up to this scheme. The Scheme of Assistance therefore needs to be amended to reflect this initiative.

### **Practical Assistance**

- 3.9 The Council's Scheme of Assistance recognises that there will be cases when a higher level of assistance is required. In limited circumstances, 'practical assistance' is available which provides more dedicated support to some groups of owners and tenants. This assistance is provided either by the Council or through a partner agency. Practical Assistance currently takes the following form:

- Provision of a range of 'Care and Repair' services to assist homeowners, private landlords and tenants over the age of 60 or aged over 50 and disabled to maintain, repair or improve their home;
- Provision of services to alleviate fuel poverty and improve the energy efficiency of stock through the Energy Saving Scotland advice centre, East Lothian Energy Advice Centre and the Warm and Well Project
- Provision of assistance to carry out common repairs through a service provided by the Council's Private Sector Housing Team

- Provision of assistance to help owners of properties which are BTS and / or in serious disrepair to bring the property up to a reasonable standard. This service is provided by the Council's Private Sector Housing Team.
  - Taking of enforcement action in the form of Work Notices to ensure property is brought up to a reasonable standard.
- 3.10 It is proposed that the current provision of practical assistance to assist older and disabled homeowners maintain, repair and adapt their home remains unchanged along with the provision of services to alleviate fuel poverty and improve energy efficiency.
- 3.11 It is proposed that the provision of services to assist owners and landlords carry out common repairs and to bring properties up to a reasonable standard are amended.
- 3.12 East Lothian Council has to prioritise delivering the Council's statutory obligations in relation to the administration of grants to provide disabled adaptations in the private sector – a growing service area. It is therefore proposed that the Scheme of Assistance is amended to reflect this position. It is recognised that organising repairs to common parts of a building with a number of different owners can be difficult. It is often the case that the main issue faced by owners trying to organise common repairs is communicating and reaching agreement with their neighbours. The Council is therefore in the process of putting in place a contract so that mediation services can be provided in common repair cases, where appropriate. It is considered that the provision of mediation by skilled volunteers is a better way of assisting those involved in common repairs projects. It is proposed that the Scheme of Assistance is amended to reflect the changes outlined in this paragraph.
- 3.13 This report brings forward a revised strategy to tackle housing which is Below the Tolerable Standard. This contains actions to proactively target households most at risk of living in a BTS property with advice and information (3.23 – 3.31). This is considered to be the most effective response within constrained resources. Additionally, over the past year, the Council has participated in a 'Homes Again Project' which provides owners with a range of services aimed at bringing properties back into use, a number of which need to be brought up to the relevant standard. This can include specialist advice and help to identify the extent of repairs and maintenance required. This service will continue in 2013/14. It is proposed that the Scheme of Assistance is amended to reflect the changes outlined in this paragraph.
- 3.14 The current Scheme of Assistance sets out enforcement action in the form of a Work Notice as a type of assistance. It is proposed that reference to enforcement action is not included within the section on assistance to reinforce the message that the Scheme of Assistance seeks to encourage owners, landlords and tenants to maintain, repair and improve properties themselves, without the need for statutory action. Enforcement action, instead, should be referred to in a separate section

as a separate course of action the Council has to power to take if it chooses to do so.

### **Financial Assistance**

3.15 The Scheme of Assistance currently sets out the financial assistance which can be provided to fund repairs, maintenance and improvements as follows:

- Historic Buildings Grants/Conservation Area Grants (provided by Historic Scotland)
- Grants or Loans to improve the energy efficiency of properties (provided by government programmes, fuel companies and private sector initiatives)
- Priority Works Grants for common repairs and to bring BTS Empty Homes back into use (provided by the Council)

3.16 Financial assistance in the form of Historic Buildings Grants/Conservation Area Grants and grants or loans to improve the energy efficiency of properties remain available as currently set out. In line with the paper approved at Cabinet on the 12 March 2013, no grants will be available for common repairs or to bring BTS Empty Homes back into use (Priority Works Grants) and the Council's Scheme of Assistance will be amended to reflect this position.

3.17 The Council has recently been successful in bidding for funding from the Scottish Government's Empty Homes Loan Fund in conjunction with Scottish Borders, West Lothian and Fife Council. The aim of the fund is to bring empty properties back into use as affordable housing. The Council is currently finalising details of how the fund will operate and will launch the fund in the first quarter of 2013/14. Full details of the scheme will be lodged in the Members Library in due course and it is proposed that the Scheme of Assistance is amended to reflect the availability of this additional finance when the scheme is launched.

### **Meeting the Needs of Older and Disabled People**

3.18 The Scheme of Assistance also sets out the assistance available to older and disabled homeowners to carry out adaptations to their properties to ensure their home is suitable for their needs. This includes practical and financial assistance to carry out adaptations provided by the Council and East Lothian Care and Repair. It is proposed that this assistance remains unchanged.

### **Below Tolerable Standard (BTS) Strategy**

3.19 As outlined in 3.1, the Housing (Scotland) Act 2006 requires the Council to put in place a strategy for ensuring compliance with section 85(1) (duty to close, demolish or improve houses which do not meet the tolerable standard) of the Housing (Scotland) Act 1987 (c. 26).

- 3.20 The tolerable standard is the principal measure of housing quality in Scotland. The current standard is set out in the Housing (Scotland) Act 1987 with changes introduced through the Housing (Scotland) Act 2001 and Housing (Scotland) Act 2006.
- 3.21 The tolerable standard is a condemnatory standard; a house that falls below it is not acceptable living accommodation. It applies to all housing tenures.
- 3.22 East Lothian Council has a duty to secure that all houses within the area which do not meet the tolerable standard are closed, demolished or brought up to the tolerable standard within a reasonable period of time.
- 3.23 The findings of the Private Sector Stock Condition Survey indicate that around 2% of private housing in East Lothian is BTS. This equates to around 701 dwellings. This is lower than the national average.
- 3.24 Identifying properties that fail the tolerable standard is extremely difficult and it is not possible to undertake a programme of individual inspection. Therefore an approach which targets households most likely to be living in a BTS dwelling is required. The BTS Strategy seeks to reduce the number and proportion of dwellings which fail the tolerable standard by raising awareness of the tolerable standard among 'at-risk' households, particularly those living in the private rented sector.
- 3.25 The Council will only use enforcement action to deal with BTS dwellings as a last resort.
- 3.26 The Council's proposed BTS Strategy is attached at Appendix 1.

### **Housing Renewal Area Policy**

- 3.27 Again, as outlined in 3.1, the Housing (Scotland) Act 2006 requires the Council to put in place a policy for identifying parts of its area for designation under section 1 (housing renewal areas) of the Housing (Scotland) Act 2006 (asp 1). Housing Renewal Areas (HRAs) were introduced by the Housing (Scotland) Act 2006 and replace Housing Action Areas (HAAs).
- 3.28 Local authorities can designate an HRA on either or both of the following grounds:
- Where a significant number of the houses are sub-standard; or
  - Where the appearance or state of repair of any house is adversely affecting the amenity of the area.
- 3.29 The HRA Policy sets out the circumstances in which the Council may consider designating an HRA, the extent of works which may be included in an HRA, the process for designating and implementing an HRA and varying or revoking an HRA Designation Order.
- 3.30 The Council's proposed policy is attached at Appendix 2.

#### **4 POLICY IMPLICATIONS**

- 4.1 The policy implications arising from this report are set out within the report and its appendices.

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 An Equality Impact Assessment has been carried out and no negative impacts have been found.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – Financial implications arising from this report will be contained within current budgets.
- 6.2 Personnel - There are no personnel implications arising from this report.
- 6.3 Other - None

#### **7 BACKGROUND PAPERS**

- 7.1 Housing (Scotland) Act 2006
- 7.2 Report to Cabinet: Housing (Scotland) Act 2006: Scheme of Assistance, 30 March 2010
- 7.3 Implementing the Housing (Scotland) Act 2006, Parts 1 and 2 Advisory Guidance for Local Authorities Volume 2: Housing Renewal Areas and Repair, Improvement and Demolition, Scottish Government, 2009
- 7.4 Implementing the Housing (Scotland) Act 2006, Parts 1 and 2: Advisory and Statutory Guidance for Local Authorities: Volume 4 Tolerable Standard

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<b>DATE</b>	25 April 2013

## Draft Strategy for Tackling Below Tolerable Standard (BTS) Housing

### 1. Context

- 1.1. The Strategy for Tackling Below Tolerable Standard (BTS) Housing sets out how the Council will deal with BTS housing.
- 1.2. This Strategy sits within a range of policies and strategies which collectively aim to improve the condition of private sector housing including the Scheme of Assistance<sup>1</sup> and the Housing Renewal Area (HRA) Policy<sup>2</sup>.

### 2. The Tolerable Standard

- 2.1. The tolerable standard has been the principal measure of housing quality in Scotland for over 40 years. Introduced for the first time through the Housing (Scotland) Act 1969 the current standard is set out in the Housing (Scotland) Act 1987. Both the Housing (Scotland) Act 2001 and the Housing (Scotland) Act 2006 introduced changes to the tolerable standard.
- 2.2. The tolerable standard is a condemnatory standard; a house that falls below it is not acceptable living accommodation. It applies to all housing tenures.
- 2.3. 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 (this criteria was introduced through the Housing (Scotland) Act 2006);
  - 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 an effective system for the drainage and disposal of foul surface water;
  - In the case of a house having a supply of electricity, complies with the relevant requirements in relation to the electrical installations for the purposes of that supply (this criteria was introduced through the Housing (Scotland) Act 2006);
    - The 'electrical installation' is the electrical wiring and associated components and fittings, but excludes equipment and appliances

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<sup>1</sup> The Scheme of Assistance sets out the Council's approach to providing information, advice and assistance to homeowners, private landlords and private tenants in relation to repairs and maintenance. See <http://www.eastlothian.gov.uk/privatehousing> for more information.

<sup>2</sup> Currently under development.



- The 'relevant requirements' are that the electrical installation is adequate and safe to use.
- Has satisfactory facilities for the cooking of food within the house;
- Has satisfactory access to all external doors and outbuildings.

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

### **3. Local Authority Duties and Powers**

3.1. East Lothian Council has a duty to secure that all houses within the area which do not meet the tolerable standard are closed, demolished or brought up to the tolerable standard within a reasonable period of time.

3.2. The Council also has a duty to publish a strategy for ensuring compliance with 3.1 above.

3.3. There are a range of powers available to East Lothian Council to enable it to comply with its duties in relation to BTS housing. These powers are primarily aimed at encouraging homeowners to deal with the issue themselves, without the need for statutory action. Powers include;

- Providing information, advice and assistance through the Scheme of Assistance.
- Serving a statutory notice requiring an owner to take action. A notice may be served under Housing, Building, Planning or Environmental Health legislation and could include a requirement for the owner to carry out repairs, prevent occupation of a property or require the property to be demolished;
- Designating a HRA to tackle poor house condition on a geographic basis; and
- Enforcing necessary work and recharging costs as a last resort.

3.4. While the duties and powers relating to BTS housing are not tenure specific, social housing stock must meet the higher Scottish Housing Quality Standard (SHQS) by 2015.

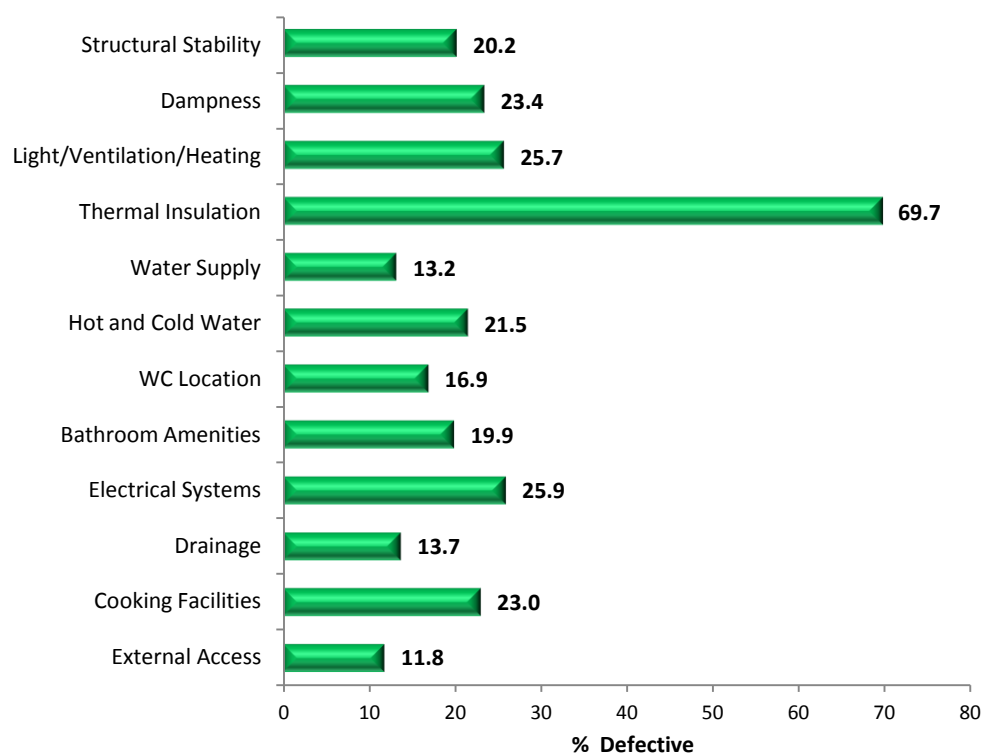
### **4. Below Tolerable Standard Housing in East Lothian**

4.1. A Private Sector Housing Condition Survey was carried out in 2010/11. The findings of the survey indicate that around 2.1% of private housing in East Lothian is BTS. This equates to around 701 dwellings.

4.2. A broad range of defects are evident however the most common reason for failure is as a result of insufficient thermal insulation. Table 1 outlines the proportion of properties which fail under each defect.

**Table 1: BTS Dwellings by Defect**

Base = 701 BTS dwellings



East Lothian Council, 2011

4.3. Of the total BTS stock around half of the properties fail only on one or more of the criteria introduced through the Housing (Scotland) Act 2006, these new measures relate to the thermal insulation of the property and the electrical system meeting 'relevant requirements'. The remaining properties fail on one of more of the pre-2006 standard but may also fail on thermal insulation and / or the electrical system.

4.4. The rates of BTS failure vary depending on geographic area and property type. Geographically the highest rates of BTS failure are recorded in the Rural East sub-area and in Haddington and North Berwick town centres. BTS failures are also higher within the private rented sector, in pre-1919 housing and in detached properties. Table 2 shows the distribution of BTS dwellings by geographic area and house type.

**Table 2: Distribution of BTS Housing by Area and Housing Type**

	Post-2006 BTS		Pre-2006 BTS	
	dwgs	%	dwgs	%
<b>SUB-AREAS</b>				
West	58	0.7	56	0.7
Central	216	1.9	185	1.6
Non-Rural East	88	0.9	33	0.3
Rural East	338	8.2	81	2
<b>TOWN CENTRES</b>				
Not in Town Centre	634	1.9	326	1
Musselburgh	11	2.6	11	2.6
Prestonpans	2	1.6	0	0
Tranent	4	3.1	4	3.1
North Berwick	12	5.3	4	1.8
Haddington	34	10.6	9	2.8
Dunbar	3	1	0	0
<b>DWELLING TENURE</b>				
Owner occupied	483	1.6	295	1
Private-rented	219	5.4	60	1.5
Unobtainable	0	0	0	0
<b>DATE OF CONSTRUCTION</b>				
Pre - 1919	350	5.4	142	2.2
1919 - 1944	105	2.5	26	0.6
1945 - 1964	105	2.3	105	2.3
1965 - 1974	122	2.4	82	1.6
1975 - 1989	20	0.4	0	0
Post-1989	0	0	0	0
<b>MAIN HOUSE TYPE</b>				
Detached House	245	2.9	133	1.5
Semi-Detached House	218	2.6	152	1.8
Terraced House	106	1.2	17	0.2
Four-In-Block	43	1.2	13	0.3
Tenement Flat	77	2	38	1
Other Flat	12	1.8	2	0.3
<b>Table Total</b>	<b>701</b>	<b>2.1</b>	<b>355</b>	<b>1</b>

East Lothian Council, 2011

- 4.5. The Scottish House Condition Survey Key Findings Report 2011<sup>3</sup> indicates that overall the private sector in East Lothian shows lower levels of BTS housing than nationally, where 4% of private sector properties are BTS compared to 2.1% in East Lothian. However, the private rented sector in East Lothian shows slightly higher rates of BTS housing than nationally, where 5% of private rented homes are BTS compared to 5.4% in East Lothian.

<sup>3</sup> <http://www.scotland.gov.uk/Publications/2012/12/4995/7>

- 4.6. Unsurprisingly the Private Sector Stock Condition Survey findings show that geographic areas and house types with higher than average rates of BTS housing also show higher incidences of other house condition and socio-economic issues such as extensive disrepair, dampness and condensation, poor energy efficiency and fuel poverty.
- 4.7. Household circumstances also impact on the prevalence of BTS housing with a bias towards older households, in particular two person adult non-pensioner households where the head of household is aged between 55 and 64 years old. Low income households are also over represented in BTS housing, these households account for 39.7% of households in BTS dwellings. Consequently there is a divergence in the average household income of those households that occupy a BTS dwelling and those that do not. Average net household income for households in BTS housing is estimated at £23,451 per annum compared to £28,884 per annum for households living in dwellings which are non-BTS.
- 4.8. There are relatively low levels of awareness regarding repairs among households living in properties which are BTS. In the owner occupied sector only one third of households in BTS properties considered that their home needed either major or minor repair work.
- 4.9. Costs to improve BTS housing are estimated at £1.892M, at an average of £2,698 per defective dwelling. Costs range from under £1,000 to over £12,000 per dwelling although the dominance of thermal insulation improvements required moderates the average improvement cost.

## **5. Reducing and Preventing Below Tolerable Standard Housing**

- 5.1. The aim of the BTS Strategy is to reduce and prevent BTS housing in East Lothian by 2017. This will be achieved through a combination of supporting owners of housing which is currently BTS to bring the property up to standard and by preventing properties which are currently in disrepair or likely to deteriorate, from falling below the tolerable standard in the future.
- 5.2. There is a strong correlation between housing which fails the tolerable standard and other house condition and socio-economic issues. As such, where appropriate the actions contained within this strategy will be implemented in conjunction with other activities aimed at improving property condition and living standards in East Lothian in order to maximise use of resources.

### **Identifying Below Tolerable Standard Housing and Raising Awareness**

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

5.4. Resources do not allow the Council to undertake a programme of individual inspection to identify BTS dwellings and therefore an approach that targets households most likely to be living in a BTS dwelling is required. The Action Plan contained within this strategy outlines the steps East Lothian Council will take to secure that BTS dwellings are identified and appropriate action taken to ensure the house is closed, demolished or brought up to standard in a reasonable time.

5.5. The findings of the Private Sector Stock Condition Survey indicate that a significant number of households living in BTS properties are not aware that their home does not meet the minimum standard for satisfactory living standards. It is anticipated that by raising awareness of the tolerable standard and housing maintenance issues owners will be more likely to deal with disrepair without the need for further assistance.

### **Information and Advice**

5.6. The BTS Strategy places a significant emphasis on the importance of owners taking responsibility for the repair and maintenance of their properties. The Council will provide support and assistance to owners of BTS properties through the Scheme of Assistance which is published at [www.eastlothian.gov.uk/privatehousing](http://www.eastlothian.gov.uk/privatehousing).

### **Enforcement Action**

5.7. The Council will only use enforcement action as a last resort. The extent of any enforcement action will be largely dependent on the potential impact on the health and safety of the property residents and the general public as well as resource availability.

## **6. Action Plan**

### **Outcome**

The number and proportion of dwellings which fail the tolerable standard is reduced.

<b>Action</b>	<b>Priority</b>	<b>Completion Date</b>
Develop a software solution for recording data relating to BTS housing to be used by Housing and Environment	High	June 2013
Develop and implement a standard format for assessing dwellings against the tolerable standard including technical aspects for use by Housing Environment	High	October 2013
Carry out a mapping exercise to identify dwellings at risk of BTS because of two or more characteristics i.e. location, tenure, property type, household	Medium	December 2013

Develop and implement a programme for raising awareness of the tolerable standard and Scheme of Assistance among residents in at-risk geographic areas/socio-economic groups	Medium	December 2014
Develop and implement a programme for raising awareness of tolerable standard, repairing standard and Scheme of Assistance among private landlords and private tenants	High	December 2014
Carry out analysis of dwellings in at-risk geographic areas to determine those most likely to fail on thermal insulation	Low	December 2013

## 7. Monitoring and Evaluation

- 7.1. It is important to ensure that progress towards achieving the outcome of this strategy is clearly measured and reported. It is acknowledged however that the evidence base for this strategy represents a snap shot in time and as it is unlikely that another Private Sector Stock Condition Survey will be completed in the short to medium term, therefore a pragmatic approach must be taken to evaluating the impact of the strategy.
- 7.2. While it is possible to monitor the number of dwellings which have been closed, demolished or improved through this strategy it is not possible to measure whether other dwellings have become BTS nor is it possible to monitor the number of properties which have been prevented from falling below the tolerable standard.
- 7.3. The Private Sector Stock Management and Standards Group will have overall responsibility for monitoring this strategy. A monitoring and evaluation framework will be developed in order to measure progress against the Action Plan and key milestones in achieving the outcome.
- 7.4. The implementation of this strategy will also be monitored as an action of the wider LHS 2012-17 and progress will be reported annually to the East Lothian Housing Partnership.

## Draft Housing Renewal Areas (HRA) Policy

### 1. Context

- 1.1. The Housing Renewal Area (HRA) Policy outlines how the Council will identify areas for designation of a HRA under the Housing (Scotland) Act 2006<sup>1</sup>. The Council will only pursue the designation of a HRA where the same outcome cannot be achieved through the voluntary engagement of owners.
- 1.2. This policy sits within a range of policies and strategies which collectively aim to improve the condition of private sector housing including the Scheme of Assistance<sup>2</sup> and the Strategy for Tackling Below Tolerable Standard (BTS) Housing<sup>3</sup>.
- 1.3. The HRA Policy acknowledges that areas requiring regeneration or renewal present a complex range of issues which may require involvement from a range of partners.

### 2. Designation of a HRA

- 2.1. Local authorities can designate a HRA on either or both of the following grounds:
  - Where a significant number of the houses are sub-standard; or
  - Where the appearance or state of repair of any house is adversely affecting the amenity of the area.
- 2.2. A locality may contain housing under both categories above, or may only satisfy one of the criteria.
- 2.3. For the purposes of this policy the following definitions in relation to sub-standard and significant apply:
  - 2.3.1. 'Sub-standard' housing is housing which is:
    - Below the tolerable standard;
    - In a state of serious disrepair; or
    - In need of repair and is likely to deteriorate rapidly or damage other premises if nothing is done to repair it.
  - 2.3.2. 'Significant' is a majority of the houses.
- 2.4. The Council will consider designating a HRA where the following criteria have been met:
  - Evidence has been gathered which indicates that the locality is suitable for designation of a HRA as per the permissible grounds outlined in 2.1. This may

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<sup>1</sup> As amended by the Housing (Scotland) Act 2010.

<sup>2</sup> The Scheme of Assistance sets out the Council's approach to providing information, advice and assistance to homeowners, private landlords and private tenants in relation to repairs and maintenance. See <http://www.eastlothian.gov.uk/privatehousing> for more information.

<sup>3</sup> Currently under development.

include data from local or national surveys and administrative records and other relevant information from local services and the community;

- Other means of improving the area to a satisfactory standard, particularly through the encouragement of property owners to participate on a voluntary basis in improvement and / or repair schemes, have not been successful in improving the quality of the housing or the amenity of the area;
- Consultation has taken place with residents and owners in the area; and
- An assessment has taken place of the estimated resources required to implement an Action Plan in the HRA.

2.5. Where a locality is subject to other regeneration or renewal activity the Council will consider designating a HRA where it will support the aims of the strategy and broadly meets the criteria as described.

### **3. HRA Action Plan**

3.1. Prior to designating a HRA a draft Action Plan will be prepared. The Action Plan will identify each house in the area which requires action, either on the house or in relation to the house, and what that action is.

3.2. An Action Plan for a HRA to deal with sub-standard housing will:

- Identify which housing ought to be closed or demolished; and
- Identify sub-standard housing and set out what work is needed to bring the housing up to, and keep it in, a reasonable state of repair.

3.3. An Action Plan for a HRA to deal with housing which is affecting the amenity of an area will identify housing which requires work to enhance the amenity of the area, and set out that work.

3.4. The Action Plan will also set out any standard which the house must meet on completion of the work.

3.5. The Action Plan can specify work to any house within the boundaries of the HRA. The Action Plan can also include works to non-residential premises where it is required to deal with sub-standard housing or housing which is affecting the amenity of the area.

### **4. Extent of Works**

4.1. Designating a HRA enables the Council to secure an improvement in the condition and quality of housing in the HRA. This may be through carrying out works to, or demolition of, properties. The Council will consider the extent of works required to ensure that the HRA designation results in sustainable improvements in an area.

4.2. Works may be specified in a HRA which cannot be contained in an individual work notice for a house outside a HRA. Works may extend to:

- Improving the safety and security of any houses or person;
- Reducing long term maintenance costs of any houses; and



- Enhancing the amenity.

4.3. The definition of a house includes facilities or areas which are communally owned as well as other related areas such as gardens or outhouses (including stairwells, bins stores, boundary walls, roofs, gardens, drying greens, yards and gardens).

## **5. Designation of a HRA**

5.1. Prior to the designation of a HRA the Council will carry out a three-month public consultation with owners on the draft designation order. Consultation will be carried out in accordance with the National Standards for Community Engagement.

5.2. The draft designation order will include:

- The reasons for the designation;
- An Action Plan; and
- A map delineating the HRA.

5.3. Formal notification will be made in the following ways at the outset of the three-month consultation:

- Serving notice to the owner and occupier of each house in the area;
- Publishing a notice in at least two newspapers, one of which will be local; and
- Posting a notice in public buildings such as local area offices, libraries, community centres or health centres as appropriate.

5.4. The notice will set out how the Council will apply its Scheme of Assistance arrangements to implementation of the HRA.

5.5. Following the public consultation the Council will make a decision on designating the HRA taking into account the responses received. The order can be modified in any way other than extending the area of the HRA.

5.6. If it is decided to proceed with the HRA an authorised signatory will sign the designation order on behalf of the Council, at which time the order is made. Notice will be given as soon as practicable after the designation is made as per 5.3. The notice will include a statement of how the local authority will support owners of the houses which the plan identifies through the Scheme of Assistance.

## **6. Variation or Revocation of a HRA Designation Order**

6.1. The Council can vary the designation order under two circumstances:

- If the owner of a house asks for a variation – this can only vary the Action Plan and any variation may only affect the house belonging to that owner.
- If it is considered that the variation will not significantly adversely affect anyone. This type of variation can be made at any time.

6.2. The Council must revoke the HRA designation order when the Action Plan has been fully implemented.

6.3. The Council can also revoke a designation order at any time if it considers it is no longer appropriate due to a change in circumstances.

6.4. In all cases the Council will notify anyone who the revocation affects. On revocation of a HRA any work notice which has been served to implement the Action Plan will also cease to have effect.

## **7. Implementing a HRA**

7.1. The Action Plan identifies the houses in the HRA which require work or demolition, and gives details of what that will involve. It may be that owners carry out work at some point during the consideration of the HRA designation order.

7.2. Where work is not otherwise carried out the Council can serve a notice on owners of houses and non-residential premises which the HRA Action Plan identifies, to implement the plan.

## **8. Resources**

8.1. The designation of a HRA will be based on a realistic assessment of staff resources and funding to support the HRA. The Council will take reasonably practicable steps to secure implementation of the HRA Action Plan within a defined timescale set at the time of designation.