

Members' Library Service Request Form

Date of Document	05/03/14
Originator	Tony Mcauley
Originator's Ref (if any)	
Document Title	Response to Scottish Governments 5 year review and consultaion on Home Report legislation.

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Cabinet

Additional information:

Authorised By	Richard Jennings
Designation	Head of Development
Date	05/03/14

For Office Use Only:	
Library Reference	43/14
Date Received	10/03/14
Bulletin	Mar14

REPORT TO: Members' Library Service

MEETING DATE:

BY: Head of Development

SUBJECT: Response to the Home Report Consultation

1 PURPOSE

- 1.1 To notify members of the response to the Scottish Governments consultation and 5 year review of Home Report legislation.

2 RECOMMENDATIONS

- 2.1 Members are asked to note the report.

3 BACKGROUND

- 3.1 East Lothian Council is responsible for enforcing the requirements of the Housing (Scotland) Act including the provisions relating to Home Reports.
- 3.2 Home Reports were introduced in 1 December 2008 and consisted of 3 main parts, a single survey, a property questionnaire and an energy report (EPC). They were intended to give more information upfront about the condition, energy performance and valuation of the property.
- 3.3 They were introduced due to concerns over the problems created by the practice of setting artificially low asking prices and to address the problem of buyers paying for multiple valuations and surveys. In addition they were also to improve information given out on property condition and thereby provide an incentive for repair or maintenance works to be carried out.
- 3.4 Scottish Government undertook a 5 year review to ascertain whether Home Report legislation was having a positive impact.

3.5 The consultation asked a number of key questions on the operation of the legislation and the answers are given in the attached response.

4 POLICY IMPLICATIONS

4.1 None

5 EQUALITIES IMPACT ASSESSMENT

5.1 This report is not applicable to the wellbeing of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

6.1 Financial - None

6.2 Personnel - None

6.3 Other - None

7 BACKGROUND PAPERS

7.1 The consultation can be found at <http://www.scotland.gov.uk/Publications/2013/12/5279/downloads>

7.2 Response to the Consultation.

AUTHOR'S NAME	Tony McAuley
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DATE	5-3-14

4. Consultation Response Form



The Scottish Government
Riaghais na h-Alba

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

EAST Lothian Council

Title Mr Ms Mrs Miss Dr Please tick as appropriate

Surname

McAuley

Forename

Tony

2. Postal Address

John Muir House

Trading Standards Service

Haddington

Postcode EH41 3HA Phone 01620 827919 Email tmcauley@eastlothian.gov.uk

3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

 Yes No

CONSULTATION QUESTIONS

Section 1

Q1) Do you think the Home Report is meeting its original objectives?

Yes

Q1a) If yes, please explain why

I believe that there has been a reduction in prospective buyers commissioning surveys which in turn has reduced that expense for potential buyers. However there is some concern that various banks and building societies still insist on the buyer commissioning a survey before a mortgage is approved. I cannot comment on whether the home report addresses the problem of improving information about property condition and thereby provide an incentive for repair or maintenance works to be carried out;

Q1b) If no, please explain why

Q2) Are the original Home Report objectives still appropriate?

Yes

Q2a) If yes, please explain why

The original Home Report objectives are still sound in terms of the focus of reducing multiple surveys, providing consistency and transparency to the market.

Q2b) If no, please explain why

Q3) Should the Home Report play a more central role in promoting energy efficiency and property condition improvements among home owners?

Yes

Q3a) If yes, please explain why

This key concept of living and transition to a low carbon economy is fundamental. I would agree that this would aspirationally be an added positive of the Home Report legislation. There is greater focus on energy efficiency and carbon management linked to reducing energy costs for householders. Giving greater emphasis to energy performance could give greater transparency on energy costs and have better informed buyers making more informed choices. The example of bringing the energy efficiency information to the front of the Home Report document so that it is the first document a potential buyer reads is sound. I would also support the inclusion of further information about whether a property is subject to Green Deal Finance in the Property Questionnaire to better inform prospective buyers.

Q3b) If no, please explain why

Q4) Should a national register of Home Reports be established?

No

Q4a) If yes, please explain why including who should have responsibility for development and maintenance

Q4b) If no, please explain why

I am not convinced that the added bureaucratic burden of keeping a register of Home Reports would provide proportionate realisable positives or outcomes.

Q5) Do you think the upfront cost of Home Reports is preventing potential sellers from putting their property onto the market?

No, we do not have any evidence that this is the case.

Q5a) If yes, please provide details

Q6) Are you aware of any schemes available (e.g. deferred payment) to help potential sellers to pay for Home Reports?

No

Q6a) If yes, please provide details

Q7) Are there any issues with the majority of Home Reports being commissioned through selling agents?

No, we haven't come across any immediate concerns.

Q7a) If yes, please explain why

Q8) Should other organisations be allowed to carry out the Single Survey (including valuation) and/or the Energy Report? No

Q8a) If yes, what other organisations and why

Q8b) If no, please explain why

The scheme must have credibility to succeed in dealing with the 3 main issues raised. There for the current scheme through RICS does offer that credibility to the process. However if other organisations were in a position to fulfil a similar role but this would have to be investigated further if they can offer similar framework to RICS members.

Q9) In your experience is the requirement for a Home Report before marketing a property leading to delays in properties coming onto the market?

No

Q9a) If yes, please outline the implications of this

Q10) Are Home Reports a useful marketing tool for sellers? Yes

Q10a) If yes, please explain why

I believe it gives a sound platform for sellers and their agents to market a property in a consistent manner highlighting such matters as energy efficiency.

Q10b) If no, please explain why

Q11) Is the 12 week deadline for marketing a property after completion of a Home Report appropriate and reasonable? Yes

Q11a) If yes, please explain why

I believe the likelihood of any material changes to the property conditions are small when a seller has put their property on the market.

Q11b) If no, please explain why

Q12) Is the 28 day provision for removing a property from the market without requiring a new Home Report appropriate and reasonable?

Yes

Q12a) If yes, please explain why

The reasons highlighted regarding sellers going on holiday or other short term reasons are sound in relation to the 28 day provision. It provides an element of flexibility for the seller in terms of their personal circumstances.

Q12b) If no, please explain why

Q13) Are there any issues with potential buyers accessing Home Reports?

Yes

Q13a) If yes, please provide an overview and outline the implications of This.

There is some anecdotal evidence that some agents were reluctant to provide a Home Report if the potential buyer did not wish to proceed with viewing the property. This is obviously contrary to the requirements and spirit of the Home Report framework.

Q14) Is this the most appropriate way to enforce Home Report legislation?

Yes. We believe that local enforcement through Trading Standards is the best means of driving up standards of compliance through business advice, support and intervention when required. Evidence is that in the main compliance is high and buyers are getting the relevant information required.

Q14a) If no, please explain why and how this could be improved?

Q15) What are your views on mortgage lenders' acceptance of Home Report valuations?

There is some evidence that some lenders are still insisting on a survey prior to offering a mortgage.

Q16) Are the redress options available to buyers reasonable and appropriate? Yes

Q16a) If no, please explain why and how these could be improved

Q17) Do these exceptions need to be amended? Yes

Q17a) If yes, please explain what amendments are required and why

As we are the 5 year review stage this is a good opportunity to review the exemptions to ascertain if they are still valid and if some should be removed or added.

Q18) Does the single survey element of the Home Report provide an appropriate and useful level of information? Yes

Q18a) If no, please explain why and what information should be removed and/or added

Q19) Should the repairs categories in the Single Survey be amended to make them consistent with the categories used in the Scottish House Condition Survey? Yes

Q19a) If yes, please explain why

If the intention is to bring consistency in reference to the Scottish House Condition Survey to ensure accurate and factual data, then yes.

Q19b) If no, please explain why

Q20) Is the valuation element of the Single Survey a useful element of the Home Report? Yes

Q20a) If yes, please explain why

We believe it is valuable however some clarity is needed on its application to lenders in terms of what is acceptable and what isn't.

Q20b) If no, please explain why

Q21) Is the information provided in the Energy Report appropriate and useful? Yes

Q21a) If yes, please explain why

The information is useful at giving a snapshot of the efficiency of the property and what improvements may be made to make the property more energy efficient. There are some concerns on the variability and reliability of EPC's.

Q21b) If no, please explain why

Q22) Is the information provided in the Property Questionnaire appropriate and useful? Yes and No

Q22a) If yes, please explain why

The property questionnaire is a good indicator of other material information that buyers may wish to see such as factoring, parking and Council tax, matters which can concern buyers.

Q22b) If no, please explain why

There is much variability in how the questionnaire is filled out and there is not a prescription for one to be completed in full. It is to the best of the knowledge of the homeowner and in some cases, if a repossession; it is not filled out at all. There is some concern that in its present form it may not be as valuable and reliable as intended.

Q23) Should an additional question on land maintenance fees be added to the Property Questionnaire? Yes

Q23a) If yes, please explain why

This is one of the most contentious areas for buyers of property, potential large ongoing hidden fees and charges. More transparency is required to give material information to buyers on this particular area. It is especially true for buyers of new properties which the Home Report legislation doesn't apply to.

Q23b) If no, please explain why