



Below Tolerable Standard Housing Policy

**Local Housing Strategy
2018-2023**

January 2021

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1. Introduction

Section 10 of the Housing (Scotland) Act 2006 requires Local Authorities to set out a strategy to deal with houses that do not meet the Tolerable Standard. This policy sets out Aberdeenshire Councils proposals to comply with its duties to ensure that housing meets the Tolerable Standard.

2. Background

The basic principle of the Housing (Scotland) Act 2006 is that owners are primarily responsible for the repairs and maintenance of their own homes. In Aberdeenshire there are more than 116,000 households, 81% of these in the private sector. Inevitably, some of these houses are poorly maintained. The Scottish House Conditions Survey 2015-17 reported 60% of housing stock in Aberdeenshire to be in disrepair, this number is high (although a marked reduction from the 2011 survey which reported 67% of homes being in disrepair) and highlights the need for continued intervention.

3 Strategic Outcome

The Aberdeenshire Local Housing Strategy 2018-2023 sets out our key housing plans. This policy links to the Local Housing Strategy and will contribute to delivering the outcome;

“The quality of private sector housing is maintained and improved to promote health and wellbeing by addressing disrepair and enhancing energy efficiency “.

4 Lifespan of the Policy

The Below Tolerable Standard policy forms part of the wider Local Housing Strategy 2018 - 2023. The delivery of the strategy will be measured by the performance indicators included under each priority in the strategy. These are reported annually to Communities Committee and to Area Committees.

The Below Tolerable Standard Policy has been approved by Communities Committee on the 1st April 2021 and will be reviewed in 2024. If significant changes are made, the policy will be submitted to Communities Committee for further approval.

5. Policy Statement

This policy will contribute towards:

- ***Reducing the number of houses that are below the Tolerable Standard; and***
- ***Prevent houses from falling below the Tolerable Standard by encouraging homeowners to repair, maintain and improve their homes through the Council's Scheme of Assistance***

6. Definition of the Tolerable Standard

The Tolerable Standard, defined in the Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Act 2006 is a basic level of repair a property must meet to make it fit to live in. A house meets the standard if it:

- is structurally stable;
- is substantially free from rising or penetrating damp;
- has satisfactory provision for natural and artificial lighting, for ventilation and for heating;
- has satisfactory thermal insulation;
- has an adequate piped supply of wholesome water available within the house;
- has a sink provided with a satisfactory supply of both hot and cold water within the house;
- has a toilet available in the house, in a suitable place for exclusive use of the occupants of the house which is not shared by any other households;
- has a fixed bath or shower and a wash hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house;
- has an effective system for drainage and disposal of foul and surface water;
- The house must have a supply of electricity and comply with the relevant requirements in relation to the electrical installations for the purposes of that supply;
 - “the electrical installation” is the electrical wiring and associated components and fittings, but excludes equipment and appliances;
 - “the relevant requirements” are that the electrical installation is adequate and safe to use;
- has satisfactory facilities for the cooking of food within the house. This does not mean a landlord has to provide a cooker, but there must be somewhere suitable for any tenant to install their own; and
- has satisfactory access to all external doors and outbuildings.

Failure against any of the above criteria may render a house below the Tolerable Standard.

6.1 The Housing (Scotland) Act 1987 (Tolerable Standard) (Extension of Criteria) Order 2019 will come into force on 1 February 2022. This introduces two new elements in the Tolerable Standard Guidance:

- satisfactory equipment for detecting fire and giving warning in the event of fire or suspected fire
 - one smoke alarm installed in the room most frequently used for general daytime living purposes (normally the living room/lounge);
 - one smoke alarm in every circulation space on each storey, such as hallways and landings;
 - one heat alarm installed in every kitchen;
 - all smoke and heat alarms to be ceiling mounted; and
 - all smoke and heat alarms to be interlinked.

- Where there is a carbon-fueled appliance (such as boilers, fires (including open fires) and heaters) or a flue, a carbon monoxide detector is also required which does not need to be linked to the fire alarms.
 - CO detectors to be fitted in all rooms where there is a fixed combustion appliance (excluding an appliance used solely for cooking) or a flue.

These impending changes will likely lead to an increase in the number of properties that do not meet the tolerable standard.

7. Identifying Sub-Standard Housing

According to the Scottish Housing Conditions Survey (SHCS), the level of Below Tolerable Standard in privately owned properties across Aberdeenshire is relatively low (2%). The table below details the findings from the SHCS last 3 surveys for Aberdeenshire as well as the Scottish average. It should be noted that the SHCS is a continuous sample survey and measurements only relate to occupied housing. The sample sets for the typically only represent around 0.23% of Aberdeenshire’s housing stock.

SHCS	2014-16	2015-17	2017-19	Scottish Average
Rising Damp	6%	1%	3%	3%
Disrepair	61%	59%	58%	71%
Urgent Disrepair	30%	30%	23%	28%
Extensive Disrepair	4%	5%	5%	6%
Critical Repair	39%	38%	18%	20%
BTS	5%	4%	2%	2%

Knowing where these properties are is challenging, and data relating specifically, to property condition is limited however our aim is to increase reporting through raising awareness and utilising local knowledge and expertise.

We will be proactive in our approach and by thoroughly investigating and providing appropriate advice or assistance to all:

- Complaints and queries to Environmental Health, Housing and Building Standards.
- Data compiled by the local authority in relation to empty homes and stock conditions
- Data compiled by the local authority in relation to applications for housing where the applicant has cited their current accommodation may be BTS

8. Assistance

8.1 Assistance to Owner Occupiers:

We will engage with owners and encourage them to take responsibility to address any critical repair that renders a property BTS. In all cases we will offer

- Advice information and practical assistance through our Scheme of Assistance
- Referrals for private water supply grants
- Referrals to Home Energy Scotland (HES) / Save Cash and Reduce Fuel (SCARF) for advice and assistance on energy efficiency measures
- In exceptional circumstances, and where all other options have been explored, financial assistance (subject to resources) may be available for critical repairs to prevent homes from becoming BTS or empty.

8.2 Assistance to the private rented sector:

The Housing (Scotland) Act 2006 states that private rented properties must meet the 'Repairing Standard' and be maintained in a reasonable state of repair. A house meets the repairing standard if:

- It is wind and watertight
- The structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order
- The installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order
- Any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in

- proper working order
- Any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed, and
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- The house has satisfactory provision for detecting fires and for giving warning of fire or suspected fire.

Where a rented property does not meet this standard, and the landlord refuses to carry out the necessary repairs, the tenant can apply to the First Tier Tribunal for Scotland (Housing and Property Chamber). The First Tier Tribunal aims to address poor house conditions within the private rented sector, they will determine whether the landlords has failed to comply with their duty and if necessary they can order the landlord to carry out the repairs and apply various penalties if the landlord fails to do so.

We will actively encourage, promote and where necessary assist applications to the First Tier Tribunal where properties fall short of the required standards.

8.3 Assistance to the Social Sector

All local authorities and Registered Social Landlords (RSL's) stock are required to meet the Scottish Housing Quality Standard (SHQS). Should any social rented properties fall below the Tolerable Standard we will make engage with Services and RSL's to ensure that they are brought up to the SHQS standard which is higher than the Tolerable Standard.

9 Enforcement Powers

Ultimately the aim of this policy is to prevent houses falling below the Tolerable Standard and to encourage homeowners to take responsibility for repairs and maintenance of their homes however, there are a range of powers available to the local authority to assist with addressing disrepair, these include:

- Works Notices are available to be used where houses fail to meet the Tolerable Standard and/or are in disrepair. A works notice requires the owner or landlord to take action to remedy the problem.
- Working with private landlords and tenants to ensure that they meet their obligations under the Repairing Standard. This could include assisting a tenant to make an application to the First Tier Tribunal.
- Dangerous and Defective Buildings Notices are available if a property needs repair work carried out to prevent deterioration or to remove a danger to people living in or around it.

Ultimately the responsibility for repairing and maintaining a house lies with the owner. Aberdeenshire Councils will aim to encourage and support owners to do this without the need for enforcement. However, in cases where all other alternatives have been exhausted, Aberdeenshire Council will use enforcement powers

10 Monitoring, Evaluation and Review

The Local Housing Strategy (LHS) 2018-2023 sets out the strategic outcome:

“The quality of private sector housing is maintained and improved to promote health and wellbeing by addressing disrepair and enhancing energy efficiency “.

The action plan attached (Appendix 1) outlines some of the actions Aberdeenshire Council will take to assist in achieving this.

11. Resources

Resources are available to encourage and assist homeowners to take responsibility for the repairs and maintenance of their homes through the Scheme of Assistance.

ACTION PLAN

LHS Outcomes:

- *The quality of private sector housing is maintained and improved to promote health and wellbeing by addressing disrepair and enhancing energy efficiency.*
- *Fuel Poverty to be reduced for all households as far as reasonably practicable.*

Action	Indicator	Target 2019/20	Actual 2019/20
Support homeowners and private sector tenants to repair, maintain adapt and improve their homes by providing advice, practical support and in some circumstances financial assistance through our Scheme of Assistance and Below Tolerable Standard Policies.	Number of households in receipt of information and advice to help repair and maintain their homes.	1250	1513
	Number of households in receipt of practical assistance to help repair and maintain their homes.	300	383
	Number of households in receipt of financial assistance to help repair and maintain their homes		X
Improve management standards and engage with landlords in the private sector rented sector	Raise awareness and standards of housing by providing training and information sessions to landlords and agents in the private rented sector.	13	13
	Complete 10% routine checks to ensure that landlords are complying with the repairing standards	300	636
	Issue Quarterly newsletters to provide landlords with relative legislation changes and requirements	Quarterly	Complete
Improve energy efficiency of housing in the private sector	Energy efficiency measures installed in the private housing sector	320	266

USEFUL CONTACTS

Service	Provision	Contact Details
Aberdeenshire Council Landlord Registration	General information and advice for both landlords and tenants on repairing standard requirements and property condition specifically in the private rented sector.	<p>Aberdeenshire Council, Private Sector Housing Team Gordon House, Blackhall Road, Inverurie, AB51 3WA</p> <p>Tel: 01467 534853 Email: landlordregistration@aberdeenshire.gov.uk Web: https://www.aberdeenshire.gov.uk/housing/private-housing/private-landlords-registration/</p>
Aberdeenshire Council Care and Repair	A free service to owner occupiers and tenants of private landlords offering information, advice, practical and in certain circumstances financial assistance with repairs, improvements and adaptations.	<p>Aberdeenshire Council, Care and Repair, Gordon House, Inverurie, AB51 3WA</p> <p>Tel: 01467 534753 Email: careandrepair@aberdeenshire.gov.uk www. https://www.aberdeenshire.gov.uk/housing/private-housing/aberdeenshire-care-and-repair/</p>
Aberdeenshire Council Environmental Health Service	General advice on house condition, enforcement responsibilities and assessment of private water supplies	<p>Aberdeenshire Council, Environmental Health Gordon House, Blackhall Road, Inverurie, AB51 3WA</p> <p>Tel: 01467 539039 Email: environmental@aberdeenshire.gov.uk Web: https://www.aberdeenshire.gov.uk/environment/environmental-health/local-offices/</p>
Save Cash and Reduce Fuel (SCARF)	Provides households with free independent and impartial advice on energy efficiency.	<p>SCARF Cotton Street, Aberdeen, AB11 5EE</p> <p>Tel: 01224 213005</p>

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