



# **Below Tolerable Standard Housing Policy**

**Local Housing Strategy  
2012 – 2017**

**September 2012**

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## **1. Introduction**

- 1.1 The policy sets out how Aberdeenshire Council proposes to comply with its duties to ensure that housing meets the Tolerable Standard.
- 1.2 The policy ensures that Aberdeenshire Council meets the requirements of Section 10 of the Housing (Scotland) Act 2006 which specifies that local authorities must set out a strategy to deal with houses that do not meet the Tolerable Standard.<sup>1</sup>
- 1.3 The policy describes how Aberdeenshire Council will assist homeowners and tenants to deal with issues affecting the Tolerable Standard of their homes.

## **2. Background**

- 2.1 The Scottish Government's Housing Improvement Task Force (HITF) was established in 2000 to review the national policy framework for housing improvement in private housing. The findings of the work from the HITF are embodied in the Housing (Scotland) 2006 Act. The aims of the Act are to improve the quality of private housing in Scotland. Aberdeenshire Council has a duty under the Housing (Scotland) Act 2006 to produce a policy on how it will address housing that is below the Tolerable Standard.
- 2.2 The basic premise 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 102,000 households. Over 83,000 of these are owned by, and are the responsibility of private owners. Some of those houses are poorly maintained. The continuous Scottish House Condition Survey reported in November 2011 that approximately 56,000 houses or 67% of private sector housing in Aberdeenshire is in disrepair. Of these, 39,000 or 48% are in critical disrepair. There is also less than 1% or 1,030 houses that fall below the Tolerable Standard. All of the houses that are below the Tolerable Standard are in the private sector.

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<sup>1</sup> The Tolerable Standard is defined in the Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Act 2006.

### **3 Strategic Outcome**

3.1 The overarching aims of the Private Sector Housing Strategic Outcome Statement are to improve the quality of private sector housing. The Below Tolerable Standard policy aims to:

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

### **4 Lifespan of the policy**

4.1 The Below Tolerable Standard Policy forms part of the Local Housing Strategy 2012 - 2017. This strategy is subject to annual review, the outcome of which will be published as part of the Private Sector Housing Strategic Outcome Statement annual update. The Below Tolerable Standard Policy has been approved by Social Work & Housing Committee in September 2012 and will be reviewed in 2015. If significant changes are made, the policy will be submitted to Social Work & Housing Committee for further approval.

## Policy Statement

The Below Tolerable Standard Policy will:

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

## Supplementary Guidance

### 1. **Criteria for determining if a house is below the Tolerable Standard.**

#### 1.1 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 a satisfactory supply of both hot and cold water within the house;
- has a water closet or waterless closet available for the exclusive use of the occupants of the house and suitably located within the house;
- has a fixed bath or shower and a wash hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house;
- has an effective system for drainage and disposal of foul and surface water;
- in the case of a house having a supply of electricity, complies with the relevant requirements in relation to the electrical installations for the purposes of that supply;
  - “the electrical installation” is the electrical wiring and associated components and fittings, but excludes equipment and appliances;
  - “the relevant requirements” are that the electrical installation is adequate and safe to use;
- has satisfactory facilities for the cooking of food within the house; and
- has satisfactory access to all external doors and outbuildings.

1.2 Failure against any of the 12 criteria renders a house to be below the Tolerable Standard. The definition of the Tolerable Standard was revised by the Housing (Scotland) Act 2006 to include thermal insulation and electrical installations. It is likely that these revisions will mean that there is an increase in the number of housing that is below the Tolerable Standard.

1.3 Housing that is below the Tolerable Standard constitutes the poorest level of housing, raising concerns about the impact on the health, mental and physical and well being of the occupants.

## 2. Identification of houses that are below the Tolerable Standard

2.1 General statistics are available on the numbers of housing that fall below the Tolerable Standard houses, but relatively little information is available on specific properties. The Scottish House Condition Survey 2008 – 2010 indicates that there are less than 1,000 houses that are below the Tolerable Standard, which equates to less than 1% of the total housing stock. The table below shows that all of the houses that are below the Tolerable Standard are in the private sector.

<b>BTS Information SHCS 2008 – 2010</b>				
	<b>BTS status</b>	<b>Private Sector</b>	<b>Social Sector</b>	<b>Total</b>
<b>Aberdeenshire</b>	not BTS	99%	100%	99%
	BTS	1%	0%	1%
	Total	100%	100%	100%
<b>Scotland</b>	not BTS	98%	99%	98%
	BTS	2%	1%	2%
	Total	100%	100%	100%

2.2 Although it is difficult to ascertain exactly where houses that fall below the Tolerable Standard are, when these properties are identified, the Council will offer information, advice and practical assistance through the Scheme of Assistance. The approach will be proactive and will be monitored through the Scottish House Condition Survey data, utilising local knowledge & expertise of staff, analysis of triggers for investigation and conducting drive by surveys of settlements within Aberdeenshire to ensure this position is still an accurate reflection of the situation. It is accepted that monitoring the situation through the use of the Scottish House Condition Survey data may be difficult due to the fact that it does not report on where the housing is that is below the Tolerable Standard; however, it will be used as one of the triggers for investigation to assess if the levels of below Tolerable Standard housing are significantly increasing.

2.3 Triggers for investigation for identification of below Tolerable Standard housing will come from:

- Complaints/Queries to Environmental Health
- Complaints/Queries to Building Standards
- Complaints/Queries to Housing Service
- Data compiled in relation to housing that is in disrepair
- Data compiled in relation to empty homes
- Information held by Aberdeenshire Care & Repair Project in relation to the quality of private sector housing
- A significant increase in the number of housing that is below the Tolerable Standard based on the Scottish House Condition Survey key findings.

- 2.4 In addition to the triggers for investigation, details of specific houses that are below the Tolerable Standard come to the attention of the Council in a number of ways:
- Requests for Closing & Demolition Orders;
  - Occupants of housing that is below the Tolerable Standard, looking to be re-housed;
  - Enquirers seeking information and advice about repairing and improving housing that is below the Tolerable Standard;
  - Sampling of water from and risk assessment of properties served by private water supplies;
  - Information obtained by the Aberdeenshire Care & Repair Project through general enquiries, Scheme of Assistance and their Small Repairs Service;
  - Service Level Agreement with SCARF (Save Cash and Reduce Fuel) to undertake home energy efficiency improvements;
  - Information the council holds in relation to empty homes.
- 2.5 Where individual houses are below the Tolerable Standard, the Council's approach will be proactive to encourage the homeowner to deal with addressing elements that render a property below the Tolerable Standard. They will be encouraged to take responsibility for the repairs and maintenance of their home. Information, advice and practical assistance will be offered through the Scheme of Assistance to facilitate the repairs. If this fails, then enforcement action through the use of Work Notices or Maintenance Orders may be used. Enforcement powers will only be used when all other avenues have been explored.

### **3. Assistance to improve houses that are below the Tolerable Standard**

#### **3.1 Homeowners**

- 3.1.1 The Council will seek to address housing that is below the Tolerable Standard through the provision of information, advice and practical assistance. This will be delivered through the Council's Scheme of Assistance.
- 3.1.2 Financial assistance will be provided to address the adequacy and wholesomeness of private water supplies in the form of private water supply grants. Grants are available to **all** homeowners and private tenants to improve private water supplies, including the replacement of lead piping on those supplies. The grants are administered by Aberdeenshire Council. A grant of up to £800 can be awarded for improvements to the supply. Additional grant can be awarded depending upon costs and the applicant's financial circumstances. The grant scheme is funded by the Scottish Government.



3.1.3 The Aberdeenshire Care and Repair Project may also be able to identify funding for persons over the age of 60 or who have a disability through charitable fundraising to address below Tolerable Standard housing.

3.1.4 In terms of energy efficiency measures, SCARF will advise clients on financial packages that can be accessed to improve the energy efficiency of their homes. Aberdeenshire Council will continue to support all Scottish Government and Westminster initiatives that allow for insulation to be installed in the private sector.

## 3.2 Private rented tenants

3.2.1 The private rented housing panel aims to address poor house condition in the private rented sector. All private rented properties must meet the "Repairing Standard." If a rented property does not meet the standard, and the landlord refuses to carry out the necessary repairs, the tenant can apply to the private rented housing panel<sup>2</sup> for a decision by a Private Rented Housing Committee on whether the landlord has failed to comply with that duty. The Committee can then order the landlord to carry out the necessary repairs. Various penalties apply if the landlord fails to do so. Compliance with the Repairing Standard will help reduce the risk of properties falling below the Tolerable Standard.

3.2.2 The Repairing Standard is a basic standard; landlords are required to ensure that their houses meet the Repairing Standard and to 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
- The house has satisfactory provision for detecting fires and for giving warning of fire or suspected fire.

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<sup>2</sup> The private rented housing panel can help tenants and landlords to resolve any differences they may have regarding repairing issues and fair rents. The panel makes it quicker and easier for tenants to get their landlord to meet their legal obligations.

3.2.3 Aberdeenshire Council will actively encourage and promote the use of the private rented housing panel.

### 3.3 Social Sector Properties

3.3.1 Aberdeenshire Council and all Registered Social Landlords (RSL's) are improving all of their stock to meet the Scottish Housing Quality Standard by 2015. However, should any social rented properties fall below the Tolerable Standard every effort will be made to bring them up to the Scottish Housing Quality Standard which is a higher standard than the Tolerable Standard.

### 3.4 Energy Efficiency

3.4.1 A Service Level Agreement is in place with SCARF and the Aberdeenshire Energy Efficiency Advice Project to provide free and impartial information and advice to residents to help to improve the energy efficiency of their homes. This should assist with the requirement that to meet the Tolerable Standard, houses must have satisfactory thermal insulation.

## 4. **Enforcement Powers**

4.1 Enforcement powers, including the serving of Work Notices, are available to be used with regard to houses in serious disrepair and / or failing to meet the Tolerable Standard. These powers will only be used if there is no other acceptable alternative. Specific circumstances will be taken into account in reaching a decision to take enforcement action.

4.2 One of the aims of the policy is to prevent houses falling below the Tolerable Standard and to encourage homeowners to take responsibility for the repairs and maintenance of their homes, thereby negating the need to take enforcement action.

## 5. **Targets, Monitoring & Review**

5.1 The private sector housing strategic outcome statement aims to assist the improvement of the quality of private sector housing by reducing the number of properties that has disrepair to critical elements by 350 per year and to improve the energy efficiency of 3,500 houses per year. The private sector housing strategic outcome statement also aims to improve 400 houses each year to ensure elements of the Tolerable Standard are addressed. This will be reported on annually as part of the Local Housing Strategy. These targets will be monitored and reviewed each year to ensure they are realistic and achievable.

5.2 IT systems will be developed through the course of 2012 / 2013 to assist in the identification of housing that is below the Tolerable Standard or is likely to fall below the Tolerable Standard.

## **6. Resources**

6.1 There are three main sources of funding for private sector housing and improvements to housing that fall below the Tolerable Standard:

- Information, advice and practical assistance through the Scheme of Assistance to encourage homeowners to take responsibility for the repairs and maintenance of their homes;
- Scottish Government initiatives to improve the energy efficiency of housing;
- Private Water Supply Grants where Aberdeenshire Council reclaims expenditure incurred in administering the Private Water Supply Grant scheme from the Scottish Government.

## 12 Points of Contact

Service	Service provided	Website Address	Contact Details
Aberdeenshire Council Environmental Health Service	General advice on house condition, enforcement responsibilities and assessment of private water supplies.	<a href="http://www.aberdeenshire.gov.uk/privatehousing/index.asp">http://www.aberdeenshire.gov.uk/privatehousing/index.asp</a>	Aberdeenshire Council Planning & Environmental Services Gordon House Blackhall road Inverurie AB51 3WA  Tel – 01467 628153 For housing issues e-mail <a href="mailto:private.housing@aberdeenshire.gov.uk">private.housing@aberdeenshire.gov.uk</a>  For private water supply issues e-mail <a href="mailto:environmental@aberdeenshire.gov.uk">environmental@aberdeenshire.gov.uk</a>
Aberdeenshire Care & Repair Project	A free service to owner-occupiers and tenants of private landlords who live within Aberdeenshire, offering information, advice and practical assistance with repairs, improvements and adaptations.	<a href="http://www.castlehillha.co.uk/carerepair_shire.html">www.castlehillha.co.uk/carerepair_shire.html</a>	Aberdeenshire Care & Repair 3 Banavie Court Bridge Street Ellon AB41 9LA  Tel - 01358 721672 E-mail - <a href="mailto:shona.milne@castlehillha.co.uk">shona.milne@castlehillha.co.uk</a>
Save Cash & Reduce Fuel (SCARF)	Provides households with independent, free and impartial advice on energy efficiency.	<a href="http://www.scarf.org.uk/">www.scarf.org.uk/</a>	SCARF 1 Cotton Street Aberdeen AB11 5EE  Tel – 01224 213005 E-mail - <a href="mailto:info@scarf.org.uk">info@scarf.org.uk</a>

**Outcome Table 1: Below Tolerable Standard Housing**

Local Housing Strategy Outcome	Relevant Indicators	Data Frequency/Type/Source	Baseline (2008 / 2010 SHCS Data)	Targets	Timescale
To improve 400 houses to ensure elements of the Tolerable Standard are addressed.	No of houses that are BTS.	SHCS Annual Updates	Less than 1,000	Reduce	Annual to 2017.
	No of energy efficiency measures installed where no loft insulation was present.	Fuel Poverty Strategic Outcome Statement Annual Update.	361 (UHS 2011/2012)	350 measures.	Annual to 2017.
	No of households provided with information, advice and practical assistance.	Scheme of Assistance Annual Update.	671 Information/advice 2011 / 2012  216 Practical assistance 2011 / 2012	1,750 Information/advice  250 Practical Assistance.	Annual to 2017.
	No of private water supply grants.	Environmental Health Annual Update	750 houses in 2011 / 2012	750 households per year	Annual to 2017.
Key actions and commitment by local Partners for this outcome.	<ol style="list-style-type: none"> <li>1. All Council services, Aberdeenshire Care &amp; Repair Project and SCARF will work together to try and reduce the number of houses that are BTS.</li> <li>2. Establish an effective means of identifying and locating BTS housing to enable resources to be directed at those areas that require the most assistance.</li> <li>3. Monitor and review the Scheme of Assistance to ensure that homeowners are assisted to carry out repairs, maintenance and improvements to their homes.</li> <li>4. Raise awareness amongst homeowners, landlords and private sector tenants about responsibilities regarding repairs and maintenance to homes.</li> </ol>				