



OLDER PRIVATE HOUSING STRATEGY- CONSULTATION DRAFT

SUMMARY

AUGUST 2007



PREFACE by the Executive Member for Housing,
Glasgow City Council



Glasgow City Council and its predecessors have a long history of action on unsatisfactory conditions in private housing. Over the past 25 years, well over £500m has been invested in the city's private housing through the Council, in the form of grants paid directly to householders. The Council has also strongly supported the housing association movement in its refurbishment programmes for older tenements since 1974.

Publicly-funded improvement and repair projects for private housing replaced the large-scale slum clearance and redevelopment which was pursued in the 1950s and 1960s. They have been vital to improving living conditions, preserving and strengthening communities, and retaining the city's heritage, and they have remained widely popular and successful.

The new powers and procedures introduced by the Housing (Scotland) Act 2006 are as yet untried and offer both risks and opportunities. The Council has to make sure that they are used as effectively as possible in order to deliver a more vigorous and effective approach to addressing problems in the city's older private housing. To do this we will need to strengthen our partnerships with all those involved.

The purpose of this Consultative Draft Older Private Housing Strategy is to help in building those partnerships, and to ensure that new policies and programmes are developed with the involvement of the full range of stakeholders, on the basis of a comprehensive analysis of the problems and issues.

The Council is keen to have the widest possible response to this consultation, and to learn from it. Everyone with an interest in older private housing in the city is urged to take part.

A handwritten signature in black ink, appearing to read 'George Ryan'.

Councillor George Ryan

RESPONDING TO THE CONSULTATION

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The Council welcomes your comments, input and responses to the consultation questions.

Submissions are invited as soon as convenient, but in any case by **Friday 14 December 2007**.

Please direct your submissions to Sheila Brown, Housing Strategy Officer, at the above postal address or if possible send an electronic copy to the above email address.

We will be publishing full responses on the Council website so please advise in your submission if you wish your comments to remain confidential.

The full Consultation Draft is available on the Council's Housing Strategy website at:

http://www.glasgow.gov.uk/en/Business/Housing/HousingStrategy/Older_Private_Housing/

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THE NEW STATUTORY FRAMEWORK FOR PRIVATE HOUSING IMPROVEMENT AND REPAIR

The Housing (Scotland) Act 2006 introduces a new framework for public intervention in the maintenance and improvement of private housing.

It is a fundamental principle of the 2006 Act that primary responsibility for maintenance and improvement of residential property lies with the owner.

The key features of the new framework are:

Housing Action Areas (HAAs) are replaced by Housing Renewal Areas (HRAs). The HRA widens the powers available to local authorities to treat unsatisfactory housing on an area basis by removing the need for at least 50% of the houses to be below the Tolerable Standard. To declare a HRA it will be required only that, in the local authority's view, a significant number of houses are sub-standard, or the appearance or condition of houses is adversely affecting the amenity of the locality. Owners will be required to carry out the works specified in a HRA Action Plan. There are provisions for consultation.

Various types of compulsory repair and improvement notices are replaced by a single Work Notice. This enables the local authority to require repairs to be carried out or the improvement and repair works included in a HRA Action Plan to be implemented.

The local authority will be able to issue a Maintenance Order requiring owners to prepare and implement a 5-year plan for maintenance of residential buildings.

The duty for the local authority to provide minimum levels of grant is removed even where a compulsory Notice for repair or improvement is issued. Instead, the local authority will be required only to provide 'assistance'. This may include information, advice, training, support staff, loans or guarantees, although it may continue to include grants. Grants will be mandatory only for standard amenities (baths, basins, showers and toilets) for people with a disability.

People selling private houses will be required to provide a Purchaser's Information Pack including a comprehensive physical survey and information on energy efficiency. One of the main reasons for this is to ensure that people buying private houses will know the likely levels of repair and improvement spending which will be required and will therefore pay a realistic price and will be able to afford the necessary works. Similar

arrangements will be made for people exercising the Right to Buy social rented houses.

The local authority is required to produce strategies to improve or demolish all Below Tolerable Standard houses and to set out a policy for identifying Housing Renewal Areas. This Consultation Draft strategy sets out the Council's preliminary thinking on these strategies.

The 2006 Act makes various other provisions including extensions to the Tolerable Standard to cover electrical safety and thermal efficiency; power to require residents to leave their home while repair or improvement works are carried out; introduction of a repairing standard for private rented property, to be enforced by a Private Rented Housing Panel and the right for tenants with disabilities to make adaptations.

The Housing (Scotland) Act 2001 introduced means-testing for improvement and repair grants. The Antisocial Behaviour etc. (Scotland) Act 2004 introduced the statutory registration of private landlords, and a power for the local authority to issue Antisocial Behaviour Notices requiring a landlord to take reasonable steps to deal with antisocial behaviour by a tenant.

THE ISSUES

THE OLDER PRIVATE HOUSING STOCK

1.1 Glasgow has around 74,000 houses built privately before 1945 and still privately owned, and about another 21,000 houses built before 1945 by social landlords (the Council and housing associations) but since sold to their tenants under the Right to Buy. Tenements and four-in-a-blocks present particular problems because responsibility for repair and improvement of common parts is shared between several owners.

1.2 Over three-quarters of older private houses are owner occupied, and almost one quarter are privately rented. Community-based housing associations own over 14,000 pre-1919 properties. These houses are often interspersed with owner-occupied and privately rented houses within the same close. Associations' role as owners within closes is vital to management of the older private stock. The Glasgow Housing Association (GHA) provides a property management service to around 26,000 former council houses sold under the Right to Buy.

1.3 The older private housing stock has increasingly been housing single people and couples rather than families. Pensioner households and lone parent families account for about 14% and 8% of households respectively.

THE KEY ISSUES THAT AN OLDER PRIVATE HOUSING STRATEGY MUST ADDRESS

BELOW TOLERABLE STANDARD (BTS) HOUSING

1.4 The Tolerable Standard identifies housing of such a low quality as to be unacceptable. Its definition is shown below.

THE TOLERABLE STANDARD

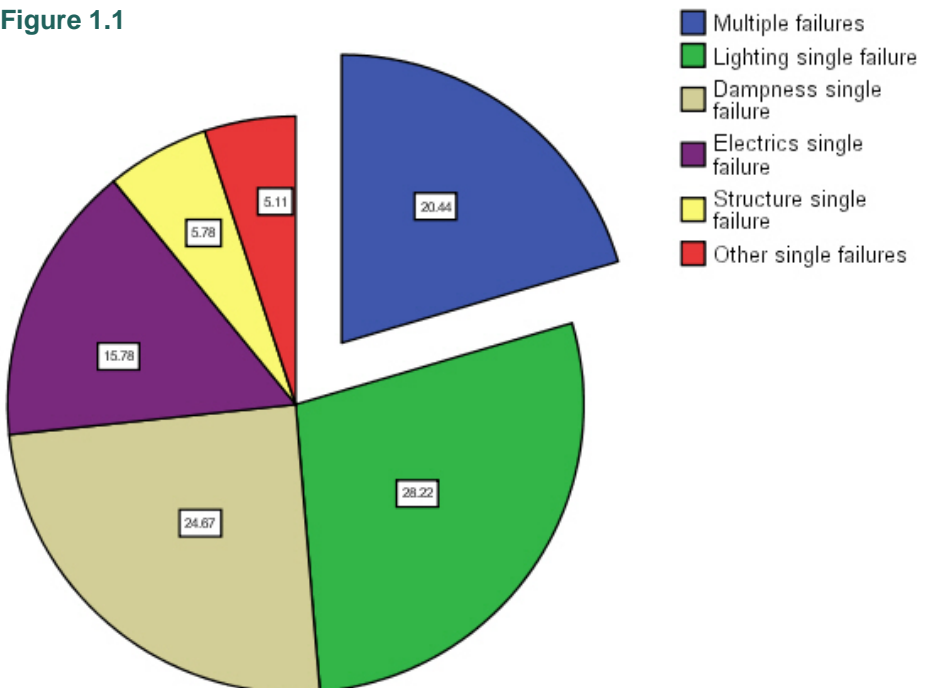
A house meets the Tolerable Standard as updated in 2006 if it:

- a) is structurally stable
- b) is substantially free from rising or penetrating damp
- c) has satisfactory provision for natural and artificial lighting, for ventilation and for heating
- d) has satisfactory thermal insulation
- e) has an adequate piped supply of wholesome water available within the house

- f) has a sink provided with an adequate supply of both hot and cold water within the house
- g) has a water closet or waterless closet available for the exclusive use of the occupants of the house and suitably located within the house
- h) has a fixed bath or shower and a wash-hand basin, all with a satisfactory supply of hot and cold water suitably located within the house
- i) has an effective system for the drainage and disposal of foul and surface water
- j) in the case of a house having a supply of electricity, complies with the relevant requirements in relation to the electrical installation for the purposes of that supply
- k) has satisfactory facilities for the cooking of food within the house
- l) has satisfactory access to all external doors and outbuildings

- **There are at least 7,650 BTS houses in Glasgow. Of these about 6,000 fail on only one item and may not need comprehensive improvement**
- **The most common single Tolerable Standard failures are lighting/ventilation/heating, dampness and electrics**

Figure 1.1



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- **Rising and penetrating damp affect one quarter of BTS houses and are always a sign of significant external disrepair**
- **The 1,650 BTS houses that fail the Tolerable Standard on more than one element are also in poor condition across a whole range of non-BTS issues. They require comprehensive treatment or demolition. This is a large number in relation to current programmes.**

DISREPAIR

1.5 Disrepair is more frequent among common parts in tenements and four-in-a-blocks.

- **The worst disrepair is to roofs. For most roof elements, the proportions of properties requiring over 20% repair ranges from one fifth to two fifths. The worst elements are rooflights, rainwater goods, flashings and chimneys.**
- **About one fifth of common tenement closes require modernisation, rising to two-fifths for closes with BTS properties.**
- **By contrast, levels of internal disrepair and disrepair to external walls are generally low, with some significant problems in the West End and South areas.**

THE SCOTTISH HOUSING QUALITY STANDARD

1.6 The primary purpose of the Scottish Housing Quality Standard (SHQS) is to specify the standards of improvement to social housing which must be achieved by 2015. However, it also applies to private housing as a guide to the kind of quality levels which local authorities should aim to achieve, resources permitting. It covers state of repair, modern facilities, health, safety and security, and the Tolerable Standard items.

- **Almost 17 out of every 20 older private houses in Glasgow fail the Scottish Housing Quality Standard**

ENERGY EFFICIENCY

1.7 Pre-1919 properties generally have only moderate energy efficiency. Their energy efficiency can be improved through installation of central heating, double glazing of windows, loft insulation, installation of back and front close doors, and floor insulation of the ground or basement flats. But, except for

gable ends, it is extremely difficult to improve the thermal efficiency of their external walls further.

1.8 Much of the older private housing stock still lacks basic improvements in energy efficiency. Nearly two thirds of pre-1919 dwellings still have single glazing. Fuel poverty is also a significant issue resulting in large part from poor standards of energy efficiency.

- **Although it is difficult to raise pre-1919 stone-built tenements to very high levels of energy efficiency, there is wide scope for improvement**

AREA CONCENTRATIONS OF OLDER PRIVATE HOUSING IN POOR CONDITION

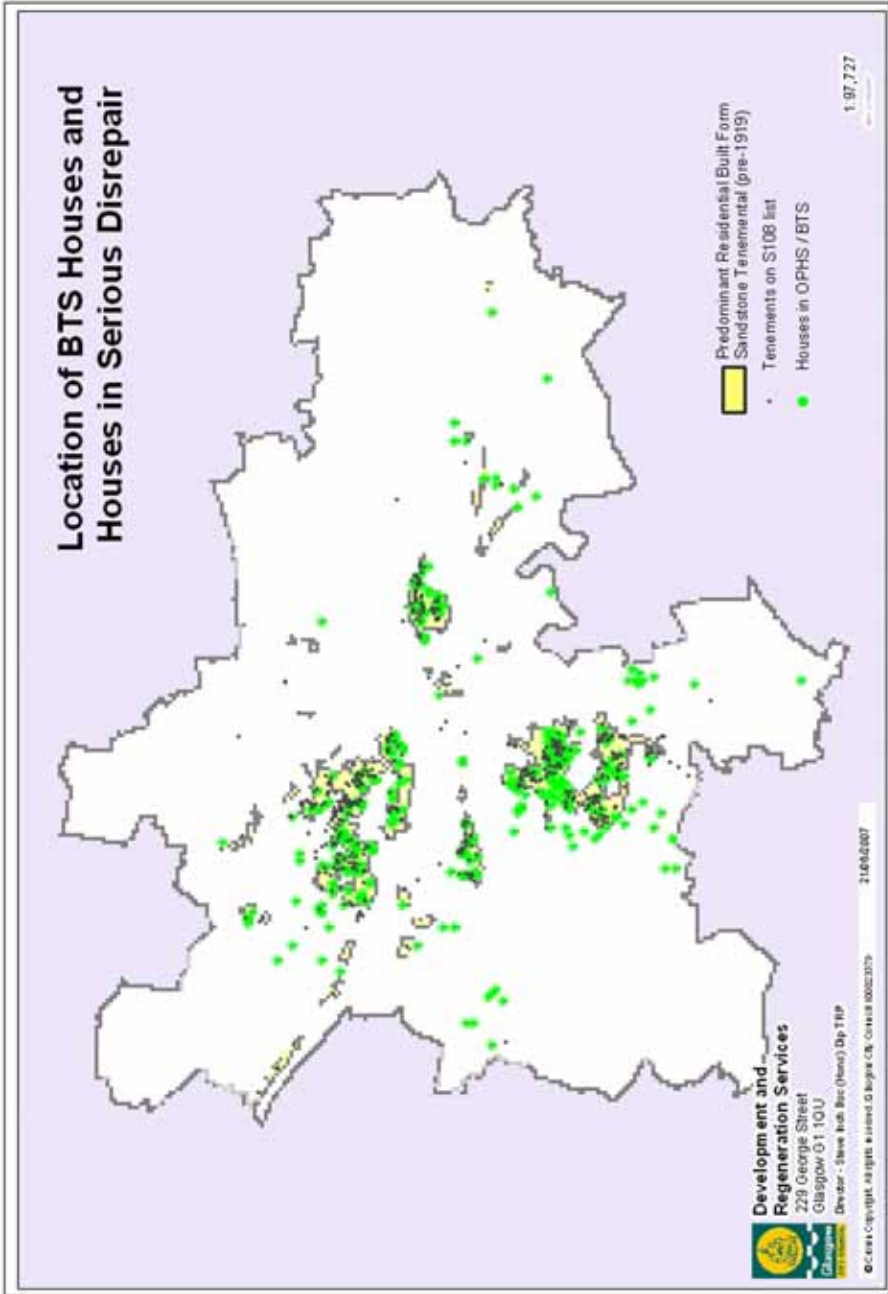
1.9 Poor conditions in the older private housing stock are concentrated in certain areas (**Please see Map on Page 7**).

- **There are major concentrations of poor conditions on the inner South Side and in the West End, and lesser concentrations in Govan/Ibrox, Dennistoun and some other areas. This creates a case for area-focused planning and action.**
- **Concentrations of poor conditions are often associated with poverty, except in the West End where they are associated with private renting**

HERITAGE AND CONSERVATION ISSUES

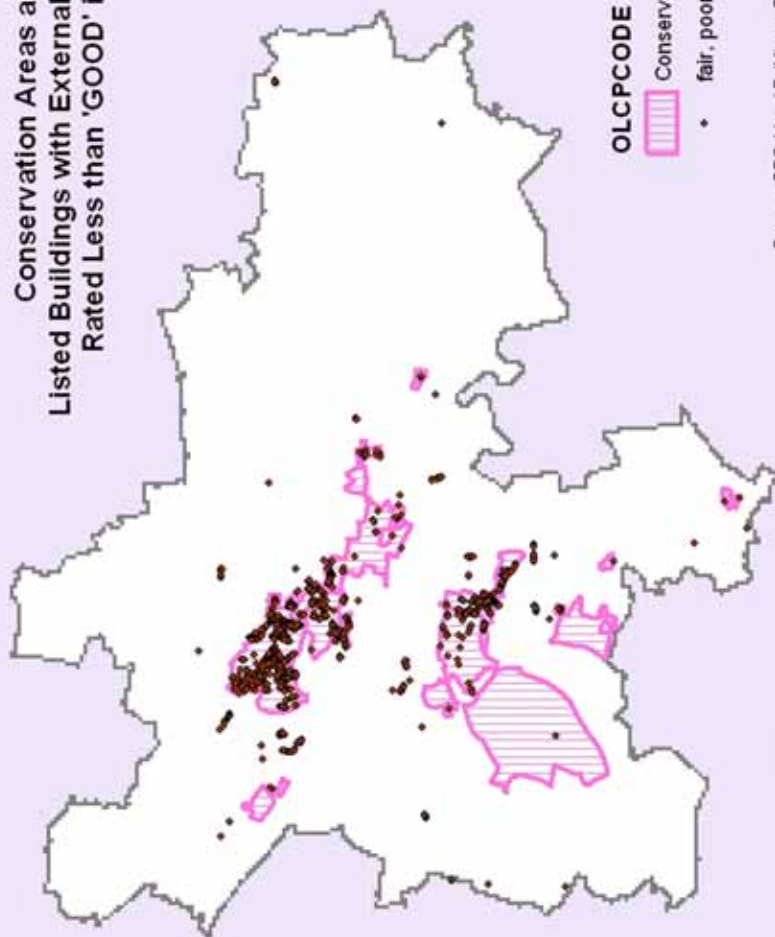
1.10 The Map on Page 8 shows the city's Conservation Areas and the location of residential listed buildings which are not in good external condition.

- **Policies and programmes for older private housing must recognise heritage issues. Almost one third of the older private stock is in Conservation Areas and there are many individual listed buildings.**
- **Only around a quarter of homes in listed buildings are in good external condition**
- **There is a strong overlap between the areas with poor private housing conditions and areas with Conservation Area or listed building designations**




NOTE: TENANTS in S108 list are those awaiting treatment for serious disrepair

Conservation Areas and Listed Buildings with External Condition Rated Less than 'GOOD' in 2004



OLCPCODE

 Conservation Area

• fair, poor or very poor

Source: DRIS, Listed Buildings - Buildings at Risk Survey 2004

GROUND CONDITIONS

1.11 Glasgow has a heritage of poor ground conditions in many areas, associated with shallow mineworkings and mine shafts, and with quarries and brick pits, infilled with poorly compacted, and often contaminated material. Structural damage can be caused to houses by settlement and subsidence. Timely remedial action through grouting, capping and/or decontamination is therefore essential.

ETHNIC MINORITY ISSUES

- **Ethnic minorities are more likely to be living in BTS conditions and to be overcrowded**

DISABILITY

- **Provision for people with disabilities or limited mobility in the older private stock is currently very limited. This is a key issue in enabling people to live in the community and avoid inappropriate institutional care.**

RESIDENTS' VIEWS ON REPAIR AND IMPROVEMENT

1.12 The active involvement of owner occupiers, private landlords and local housing associations is vital to maintaining and improving the older private housing stock

- **Owner occupiers usually place a higher priority on internal repair and modernisation issues than on common parts, and know more about them**
- **Only a minority of owner occupiers intend to remedy defects, mainly because of the cost, and very few intend to make improvements**
- **Many owner occupiers are relatively inexperienced as owners and may not be planning to stay in their current home in the longer term**

LANDLORD REGISTRATION AND HMO LICENSING

- **Landlord registration and licensing of houses in multiple occupation (HMOs) offer opportunities to promote higher standards of management, maintenance and improvement**

RESOURCES

PUBLIC RESOURCES

2.1 The Council's spending on existing private housing by activity is shown in **Figure 2.1**. The priorities in recent years have been:

- **Housing Action Areas (HAAs)** to treating BTS houses.

The HAA programme averaged just under £9m (150 units) per year in 2001-07. However it is now taking a sharp downturn, to an estimated £2.25m in 2007/08, sufficient to fund only 45 units. This is because a full package of improvement requires owners' voluntary agreement to decanting and to additional items, and the amounts of grant available on the basis of the means test introduced by the 2001 Act are inadequate to persuade some owners to participate.

- **Compulsory repairs**

This is aimed at serious disrepair. Priority is given to structural instability (sometimes including ground consolidation work), dampness and dry rot. Most of this spending is in practice part of the BTS treatment programme. This programme has been treating about 55 houses per year.

- **Voluntary repairs excluding Right-to-Buy properties**

This programme is for property in serious disrepair, with priority given to structural instability, dampness and rot. Many of the properties treated would be classed as BTS. An average of 307 houses were treated per year in 2004-07.

- **Care & Repair and Disabled Adaptations**

In 2006/07, 166 Care & Repair grants were paid, and 509 for adaptations.

- **Lead Pipe Replacement**

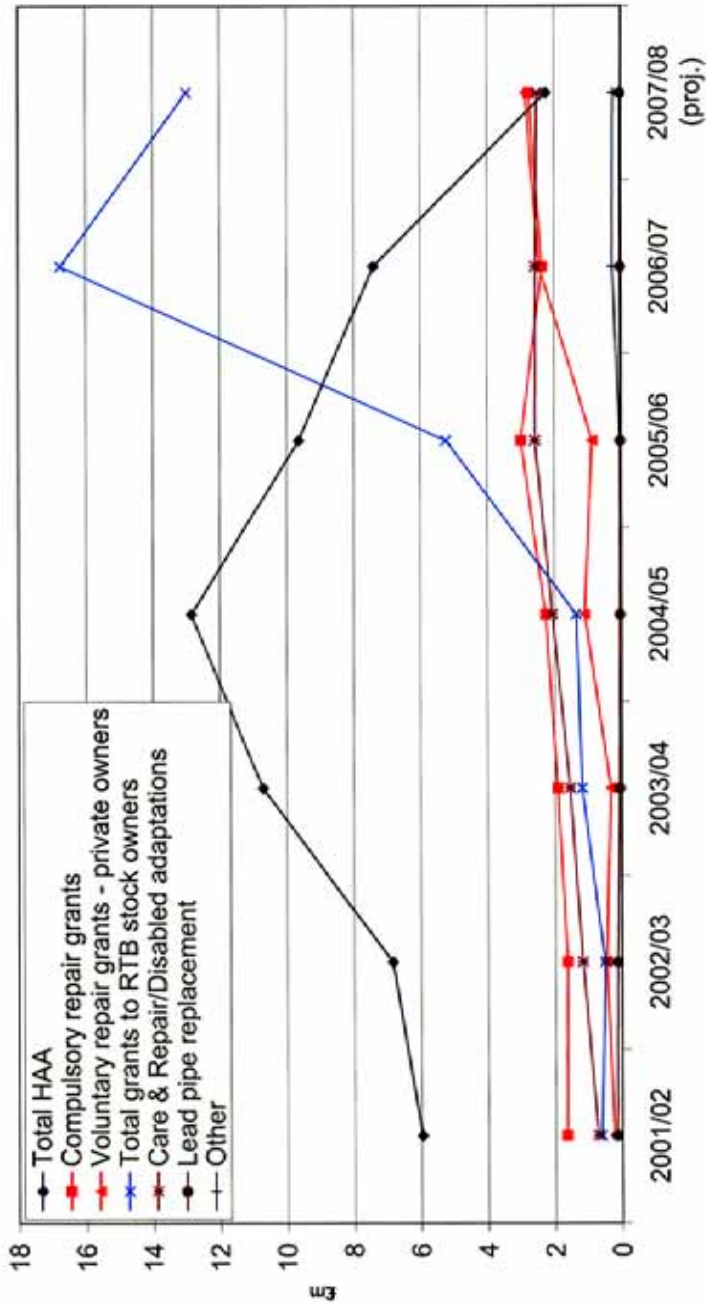
This is a small and falling element of the programme. The number of grants paid was 344 in 2001/02, but this fell to 48 in 2006/07.

- **Repairs and Improvements by Right to Buy Owners**

There is a Scottish Executive ring-fenced allocation for the GHA programme. This programme started slowly but has built up, reaching £16.2m and over 3,000 units in 2006/07. There is also a small 'LSVT' programme for owners in estates transferred to housing associations by the former Scottish Homes.

- **Other items** include energy efficiency funding, slum clearance, other loans, surveys etc.

Figure 2.1 TOTAL GLASGOW CITY COUNCIL SPENDING ON EXISTING PRIVATE HOUSING by activity



2.2 Since the 2001 Act the Council has had extended powers to give grants for wiring and mains-powered smoke detectors, heating systems, thermal insulation, fire-retardant doors and entry-phone systems. Shortage of funds has meant that of these, only wiring/smoke detectors and entry-phones have been funded.

LISTED BUILDINGS

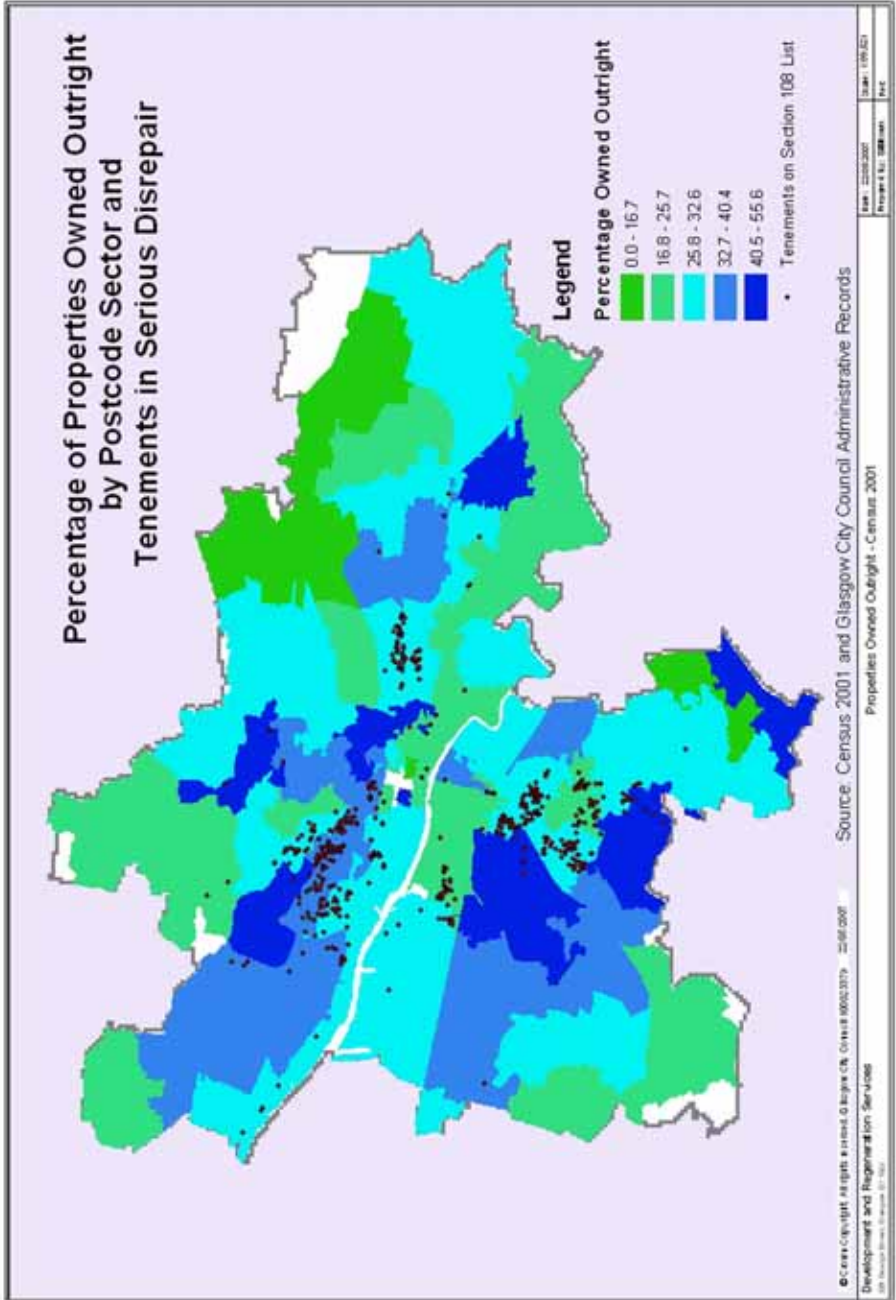
2.3 In the case of buildings listed as being of historical or architectural importance, the Council has had powers since 1997 to carry out urgent preservation works, serve Repairs Notices or compulsorily acquire. Unlisted buildings in conservation areas may be included in emergency works. To date, the Council has served 4 urgent works notices and 5 listed buildings repairs notices directly affecting older private housing, and made one compulsory purchase. Grant aid to assist Glasgow's built heritage is now the responsibility of the Glasgow City Heritage Trust, co-funded by Historic Scotland and the City Council. The Trust will give grants for external repairs to listed and unlisted buildings in Conservation Areas.

PRIVATE LANDLORDS

2.4 Some landlords will be able to find the cash to pay for repairs and improvements, but many will have to borrow. Repairs and improvements are likely to increase the value of the property and the rent obtainable for it. They therefore have a commercial return. But this return may not materialise immediately or be enough to finance the additional borrowing required. The landlord's capacity to borrow will depend on their existing level of borrowing and their overall financial position.

OWNER OCCUPIERS

2.5 Owner occupiers benefit from repairs or improvements in terms of quality of life, but obtain no financial return until they sell the property. Even then the increase in value is usually less than the cost of the works. Owners' capacity to finance repairs and improvements depends entirely on their borrowing capacity, income and other assets. Their borrowing capacity depends in turn on their 'equity' in their property, in other words the share of its value which is not offset by an outstanding mortgage.



OWNERS' EQUITY IN THEIR PROPERTY

2.6 Less than one third of owner occupied households in Glasgow owned their home outright in 2001. **The Map on Page 13** shows how the level of outright ownership varies across the city, in relation to the incidence of serious disrepair. Generally, areas with high levels of disrepair tend to show moderate levels of outright ownership by Glasgow standards. There are two important exceptions. Parts of the West End have both high disrepair and high outright ownership, and areas around Queens Park, East Pollokshields and Ibrox have high disrepair and low outright ownership.

OTHER DEBTS

2.7 Many owners have non-mortgage debts, such as credit card borrowing and student loans. These affect their borrowing capacity.

HOUSE PRICES

2.8 An owner's future gains from general increases in house prices will be greater if their house has a high value than if it has a low value. **The Map on Page 15** shows prices for 2-bedroom pre-1919 tenement flats. Almost all the areas in the West End with high levels of serious disrepair have average prices above £112, 000, whereas none of the south side areas of disrepair have prices at these levels. Govanhill and Ibrox in particular have quite low prices, in the £50,000 - £80,000 range.

OWNERS' INCOMES

2.9 Some areas with serious disrepair stand out as having low incomes. These include Govanhill and East Pollokshields, and also parts of the West End.

VIABILITY OF 'EQUITY' LOANS

2.10 A major innovation in the 2006 Act is the concept of an **equity loan**. This is a loan to finance repairs or improvements which is repaid out of the sale proceeds when the owner eventually sells the property. It would have little or no effect on the owner's current outgoings. It could enable owners to pay for repairs or improvements themselves, with less grant than has hitherto been awarded, or even no grant. Generally speaking, the information on house values and owners' equity suggests that equity loans are likely to be more viable in the West End than on the South Side.

THE TEST OF RESOURCES

2.11 The means test (the 'Test of Resources') for repair and improvement grants came into force (apart from transitional provisions) in 2003. If the applicant or their partner receives Income Support, Income-based Jobseekers' Allowance, or the Guarantee Element of Pension Credit, they receive 100% grant. For other owners, for some categories of work (BTS work, compulsory repairs, common works, lead pipe replacement, disabled adaptations and standard amenities) a minimum grant of 50% is awarded regardless of income. Otherwise, owners may receive between 0% and 100%.

2.12 The Council is experiencing considerable difficulty in promoting repairs and improvements using this test. The main problems with the current means test are:

- **The assessment determines the percentage grant an applicant will get without considering the actual cost. A person may be able to pay 50% of a bill of £6,000 but cannot necessarily afford to pay 50% of £60,000.**
- **Future changes in circumstances are not taken into account, e.g. retirement or the birth of a child.**
- **Maintenance payments are considered as an addition to income when they are received, but not as a call on income when they are paid.**
- **Outgoings on non-mortgage debts such as credit cards or student loans are not taken into account.**

2.13 There is also a separate means test for non-occupiers (mainly landlords), which appears to be working satisfactorily.

HOUSING ASSOCIATIONS

2.14 Ten community-based housing associations have comprehensively improved 362 tenement dwellings in Glasgow since 2000, using £27.5m of grant from the Council or Communities Scotland, together with another 15% financed from their own resources. This is a much lower rate of progress than was seen in the 1980s and 1990s. The associations would be able to manage a larger programme if grant finance was available and owners were able to find their share of the cost.

CREDIT UNIONS

2.15 Credit Unions are only allowed to serve members who have a 'common bond'. Since 2003 the Glasgow Credit Union has been able to define its common bond as living or working in the city. As a result, it has emerged as a potential lender to owners for repair and improvement. The main advantage of a Credit Union is its ability to lend according to social rather than commercial criteria.

FUNDING FOR ENERGY EFFICIENCY MEASURES

2.16 There are alternative sources of funding for energy efficiency measures:

- The Scottish Executive Warm Deal provides insulation grants
- The Scottish Executive Central Heating Programme (CHP), for over-60s, provides for first-time installation of central heating and replacement of older systems
- The UK Energy Efficiency Commitment (EEC) requires each energy utility to invest £9 per customer per fuel per year in energy conservation
- The Scottish Community and Householder Renewables Initiative (SCHRI) funds renewable energy technologies

OBJECTIVES AND PRIORITIES

3.1 The following key priorities are proposed for the Older Private Housing Strategy:

- To eradicate Below Tolerable Standard housing
- To raise the standard of management and maintenance in tenements to a level which will prevent houses from falling below the Tolerable Standard through disrepair, and to ensure that closes that have received public investment subsequently maintain good standards
- To engage with communities to devise effective local strategies for the main areas with high concentrations of disrepair in the older private housing stock, in order to improve housing and environmental conditions and to ensure continuing private investment in these areas
- To link action on housing repair and improvement effectively with action on private landlord regulation, HMO licensing and antisocial behaviour in order to ensure that management issues are addressed along with physical conditions
- To provide a comprehensive and effective service for older people and people with disabilities to enable them to remain in their own homes, where suitable, in good conditions and with necessary adaptations
- To remove the inequality in housing conditions which currently affects the Asian and migrant communities in private housing
- To promote higher standards of energy efficiency throughout the older private housing stock
- To address health issues effectively, in particular lead in water
- To link action on housing repair and improvement effectively with policies on conservation and heritage in order to preserve and enhance the city's historic neighbourhoods
- To assist in raising private housing to the Scottish Housing Quality Standard, as far as possible within available resources.

TARGETS

3.2 Targets to be achieved by the Council's older private housing programmes will be set in the final Older Private Housing Strategy, following public consultation and when the final shape of the Scottish Executive's guidance, regulations and funding proposals is known.

POLICY AND PROGRAMME OPTIONS

4.1 This section sets out the Council's early thinking on the way the new approach to housing repair and improvement might be implemented in Glasgow. The Council will have to follow the Scottish Executive and Communities Scotland regulations and guidance, which have not yet been issued. Therefore at this stage the Council cannot make any firm decisions

THE SCHEME OF ASSISTANCE

4.2 Replacement of the system of housing grants by a Scheme of Assistance under the 2006 Act is a fundamental change.

INFORMATION, ADVICE AND TRAINING

4.3 With the increased emphasis on owners' responsibility, there will be a need for expanded information and advice. There are a number of issues which need to be considered.

- **Delivery channels** It would be possible to make greater use of existing Information and Advice networks, for instance those run by the voluntary sector. However new posts within the Council are likely to be needed. This staffing would be at the expense of spending on actual works.
- **Standards** The Council will want advice services to adopt the national 'Homepoint' system of housing information and advice standards and competencies. It may not be practicable for the Council to give financial advice in the form of recommending particular lenders or financial products, as this is regulated by the Financial Standards Authority.
- **Languages** The Council's Race Equality Scheme 2005-2008 makes a commitment to work with all communities to ensure that information is in plain English and is available in accessible formats and community languages on demand.
- **Recommended contractors** Several local authorities already run accreditation or "Trusted Trader" schemes and there is also a national Construction Licensing Executive with similar objectives. Communities Scotland is currently examining the feasibility of building on these schemes.
- **Landlord and Property Manager Accreditation Schemes** Some local authorities have piloted Private Landlord Accreditation Schemes. Recently,

the Scottish Consumer Council has published proposals for a similar scheme for property managers. These schemes offer a 'badge' of approval to landlords in return for the voluntary adoption of high standards of management. It is felt that at present, the Council should focus its efforts on completing the process of statutory registration of landlords and agents through the 2004 Act, and use the powers to take enforcement action. Establishing accreditation schemes would therefore not be an early priority.

- **Charging for Advice** There will be an issue whether the Council should charge for information and advice services. The assumption would be that general advice would be free, but specific advice related to commissioning particular works could well be charged for.

SUPPORT

4.4 The 2006 Act envisages assistance by making available the services of staff of the local authority. The Council already provides this type of support through staff attending public meetings, or making house visits to explain how to go about getting repairs and maintenance done. It would be possible to go further. There are already some stair associations, and there could be a role for block associations, i.e. residents' associations covering all the houses in a whole street block together with the shared back court area between. The Council could consider making some financial assistance available to promote collective action by owners' and residents' associations, and/or designate a project officer to help.

4.5 Council technical staff could prepare specifications, obtain prices, ensure work is carried out to the required standard, and assist owners with the preparation and implementation of a Maintenance Plan. On the other hand these services could be provided by factors or local community-based housing associations. An arbitration service where owners are in dispute with their factor or other body could be particularly useful.

FINANCIAL GUARANTEES

4.6 The 2006 Act envisages that the local authority might guarantee repayment of money borrowed by an owner. The Council would have to safeguard its position through a specific legal agreement giving a claim over the owner's assets.

ACQUISITION OF LAND OR PREMISES

4.7 It is possible that the Council could occasionally be called upon to acquire

empty property with a view to onward sale on the open market. The power might also be used to acquire for environmental improvement purposes derelict land adjoining property being treated. This kind of activity ties up considerable amounts of capital and is therefore likely to be only on a limited scale.

THE FUTURE OF GRANTS FOR REPAIR AND IMPROVEMENT

4.8 It is clearly the intention of the Scottish Executive and Communities Scotland that in future, fewer grants should be paid to private owners, in order to promote more private spending per public pound spent. Removal of the mandatory right to grant, except for standard amenities for disabled people, is a central feature of the Act.

4.9 There is a considerable diversity of circumstances within the city. Owners of unsatisfactory houses may have high or low property values and incomes, even within an individual close. The issue is how to discriminate between these differing circumstances in a way that is fair and which will be effective in delivering necessary works.

4.10 The new framework implies that in many instances the Council should use its new compulsory powers to ensure that work is carried out and wholly paid for by owners even where they are unwilling. Many people will consider that such powers should only be used in relation to the most essential works. Yet an effective improvement package often requires work that is not strictly essential for immediate health and safety, but is needed to ensure that the building is attractive to new owners and that improvement is durable.

4.11 If grant were to be retained for compulsory works, but not for voluntary works, there is a danger that some owners would be tempted to allow their properties to deteriorate until the Council was forced to act. There is also a real possibility that if grant assistance was withdrawn rapidly, the Council might not be able to find enough viable improvement and repair projects to maintain even the current rate of progress. For these reasons, the Council's view is that it will often be necessary to continue to offer substantial grants.

4.12 There are two possible approaches to restricting grant:

- (i) **By priority of the works** Grants could be restricted to high priority works, or might only be available in designated areas on a time limited basis.
- (ii) **By owners' means** Grant might be paid in accordance with an extended Test of Resources. This would take into account owners'

ability to borrow against their equity in the property. It is understood that this is one of the possibilities under consideration by Communities Scotland.

LOANS

4.13 The 2006 Act provides for the Council to give loans. An attraction of loans is that although they would involve up-front use of limited resources, over time the Council would build up a revolving fund in which loan repayments could be used to make further loans. Council loans could be of two types: standard and subsidised.

- **Standard loans** Under the 2006 Act, standard loans will be given for the amount of the approved expense of a repair or improvement project, if the applicant has been unable to obtain a commercial loan 'on fair terms'. At present, Council loans are normally more expensive than those available from High Street lenders, but in future the Council will have the discretion (subject to any Scottish Executive regulations) to offer whatever interest rate appears appropriate.
- **Subsidised loans** These would have a repayment element (like an ordinary mortgage) and an interest-free element (which would be repaid only on sale of the property). The permissible amount of such loans would be subject to regulations and guidance by the Scottish Executive and Communities Scotland. The Council would have to restrict the interest-free element of such loans to cases where there was sufficient equity to ensure repayment. Even then, the repayment obligation could cause hardship where the owner needed to move for reasons such as needing more space for a growing family, a new job, or caring for a relative.

In addition, owners might be able to access loans from private lenders in which the repayment obligation would be expressed in terms of a share of the value of the property when it is sold.

ISLAMIC LOANS

4.14 With a substantial Muslim community in Glasgow, which is disproportionately represented in unsatisfactory private housing, successful use of loans could depend on the availability of Islamic loans. The Council will need to ensure that suitable products are available.

MORTGAGE TO RENT

4.15 There could also be a role for Mortgage to Rent. This is a nationally-

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funded scheme administered by Communities Scotland and delivered by housing associations. Where owners cannot afford the costs of improvement, a housing association could take over the ownership of the property, with the owner remaining in the house but as a tenant of the association.

BTS ERADICATION STRATEGY

4.16 The 2006 Act places a duty on the local authority to develop and publish a strategy to eradicate BTS housing in its area. The strategy will need to have two parts:

- (i) Effective identification of BTS housing, and
- (ii) Tackling Tolerable Standard failures that have been identified.

IDENTIFICATION OF BTS HOUSING

4.17 In order to undertake systematic programmes to eradicate BTS housing, much more comprehensive information is required. It is proposed that the Council should carry out additional survey work in areas which have been identified as having concentrations of BTS problems, in order to produce a fuller listing of BTS houses. Priority for inspection will be given to the worst areas or to areas giving rise to concern for other reasons.

TACKLING BTS HOUSING - OPTIONS

4.18 Four ways of tackling BTS housing are presented below.

1. Comprehensive improvement

4.19 This is the current approach as used in Housing Action Areas (HAAs). It is expected that similar projects in future would be Housing Renewal Areas (HRAs). These projects produce houses meeting all modern standards and with at least a 30-year life without the need for further works.

4.20 This programme has very high unit costs, and consequently lifts only 5% of BTS houses with multiple failures – 80 houses - above the Tolerable Standard each year. In successful HAAs the level of grant has been running at around £70,000 per flat. To achieve eradication of sub-tolerable housing of this type within 15 years would require treatment of 100 houses per year, and at this rate of grant the cost would be about £7m per year. This far exceeds currently available resources. Reductions in grant levels would enable more declarations to be achieved, but at the risk of less comprehensive treatment.

4.21 In spite of the costs, there is a strong case for continuing comprehensive improvement programmes for properties failing the Tolerable Standard on multiple items. For these properties, the only practical alternative is demolition.

2. Addressing single item BTS failures

4.22 This option would be aimed at the 80% of BTS properties which fail the Tolerable Standard on only one criterion, and possibly also the 12% failing on only 2 criteria. Eradication of BTS conditions could be actively promoted through programmes of compulsory Work Notices.

4.23 Both compulsory and voluntary schemes are currently receiving 50% grant, with additional grant under the means test for compulsory projects and on a discretionary basis for voluntary projects. With lower levels of grant, resistance from owners is likely to be greater and this will increase the cost and difficulty of action.

3. Demolition

4.24 Demolition is expensive for the Council, very disruptive for the residents, and often has a negative effect on the character of the area. A significant proportion of the city's BTS housing appears to be in listed buildings or Conservation Areas, and under national and local planning policy, there is a presumption against demolition of such buildings.

4.25 There are however some advantages to demolition. In particular, replacement houses will be built to fully modern standards in terms of thermal efficiency, layout and facilities, and will have a longer life.

4.26 Demolition is currently used only as a last resort, usually where buildings have become structurally unstable and dangerous, and improvement is no longer practical. However, there is a case for considering greater use of demolition and debate would be valuable.

4. Promoting Effective Maintenance Regimes

4.27 Central to the BTS Eradication Strategy is the requirement for effective maintenance to prevent problems from recurring. Good maintenance is most crucial in relation to penetrating dampness.

4.28 Maintenance Orders are likely to be an important element of the strategy. There is a case for targeting specific advice through an intensive inspection

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programme to identify closes where no effective management regime is in place and there is a risk of BTS conditions arising. The Council could then advise owners how to establish such a regime. If the owners in such closes did not set up their own arrangements, a Maintenance Order could be served. However, it is unlikely that the Council could ever support Maintenance Orders on such a scale that they could by themselves head off all BTS problems caused by lack of maintenance. Successful eradication of BTS housing will require a broader improvement in maintenance standards. This will be promoted by increased programmes of public information and advice for private owners including landlords.

PROGRAMME PRIORITIES

4.29 In practice, all four of these BTS programme elements – comprehensive improvement, addressing single item failures, demolition and promoting effective maintenance regimes – will need to be pursued in parallel. The key questions are the degree of emphasis to be given to each one, and the priority to be given to different areas of the city.

4.30 It is proposed that applications for assistance from owners of BTS housing should be given preference. However, it will be important to avoid rewarding owners who allow their property to deteriorate.

DESIGNATION OF HOUSING RENEWAL AREAS (HRAs) AND LOCAL STRATEGIES

HOUSING RENEWAL AREAS (HRAS) AND BELOW TOLERABLE STANDARD (BTS) HOUSING

4.31 BTS houses tend to occur together in particular closes, with defects in the common parts as well as in individual flats. This makes it appropriate to set up a programme for the whole close. Hitherto this has been by means of Housing Action Areas (HAAs). The 2006 Act replaces HAAs by Housing Renewal Areas (HRAs). HRAs provide for a comprehensive HRA Action Plan including improvements as well as repairs, and will have a timetable for delivery, as well as a framework for consultation and enforcement. They also provide powers to require demolition, and in this event provide for rehousing. HRAs could also be appropriate for semi-detached or four-in-a-block properties.

4.32 HRAs could be used in different ways:

- **to address comprehensive improvement** For the 1,500 or so properties with multiple Tolerable Standard failures, comprehensive treatment through

improvement or possibly demolition will be necessary. The Council's view is that in order to make improvement via HRAs work effectively for these properties, substantial grant will still be required.

- **for the purpose of demolition** Use of the new power to require an owner or owners to demolish a property at their own cost will always require declaration of a HRA. The alternative route whereby the Council could acquire the property for demolition through compulsory purchase or voluntary sale will remain available, but would have a higher public cost.
- **to address BTS single item failures** The majority of BTS houses, some 6,000, fail the Tolerable Standard on only one item. For these houses, it could be acceptable to address only this particular item. The balance of costs and benefits in HRA declaration rather than simply using Work Notices will need to be considered carefully in each case.
- **outwith areas of BTS Housing** While BTS housing must clearly be the first priority, it will be possible to use HRAs to address problems even where no BTS housing is involved. HRAs could be used for instance to address environmental problems such as unmaintained front garden fences, walls or paths, or back courts in poor condition. Once again, the question would arise how far compulsion would be seen as acceptable if it was not accompanied by significant grants.

LOCAL STRATEGIES

4.33 There is a case for establishing specific local older private housing strategies for areas with major concentrations of BTS housing and problems of disrepair, including those in the inner south side (Govanhill, East Pollokshields, Shawlands, Langside and Battlefield) and in the West End, or with smaller concentrations such as Govan/Ibrox and Dennistoun. Such local strategies would help to ensure effective linkage of action on housing conditions with action on other issues, permit a strong input from people involved in other area strategies within the framework of area management and community planning, and promote community involvement. The Council will need to take care that the level of activity on local strategies does not outstrip the resources available to support them.

MAINTENANCE ORDERS

4.34 Under the 2006 Act, Maintenance Orders can be used to ensure that properties have a working Maintenance Plan in operation. One of the situations specifically mentioned in the Act is where there is a risk that the

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benefits of previous public action will be lost. A Maintenance Order may apply for up to 5 years, although it could be renewed. A grant can be paid towards the cost of opening a maintenance account. Rather than pay costs, it would probably be more useful for the Council to offer standard documentation for Maintenance Accounts, to ensure that all the relevant legal and practical issues are properly addressed. If an individual owner is unable to pay their share of the cost of the works specified in the Plan, the Council can advance their financial contribution. The Council can also act in default.

4.35 It is proposed that the Council should commence a programme of Maintenance Orders as soon as the powers come into effect. Initially, the programme would consist of the following:

- (i) Property that was subject to Council-aided major repair up to 5 years ago.
- (ii) Tenemental property in serious disrepair where a successful Maintenance Plan would produce major savings in terms of future repair works avoided. These properties would be identified through the inspections already mentioned.

4.36 The Council will have to set up monitoring arrangements, and will have to recover costs if owners default. The implications in terms of expenditure and staffing could be considerable. The Council will therefore have to move cautiously at the outset.

4.37 Once the notice is served and a Plan agreed by the Council, arranging the actual work can be performed by an outside agency and their costs will form part of the Plan. It is intended that all property management should be carried out by recognised property professionals, who could include existing property factors or local housing associations. A policy will have to be agreed as to how organisations are chosen to perform this function. It would be preferable to ask the owners to select a property manager – perhaps from a list of recommended companies or housing associations. Where they cannot agree, a property manager could be chosen by the Council on the basis of agreed criteria.

DISABLED ADAPTATIONS AND CARE & REPAIR

4.38 Over the last decade there has been an expansion of repair and improvement services aimed specifically at older people or those with a disability.

ADAPTATIONS FOR PEOPLE WITH A DISABILITY

4.39 Under the 2006 Act the Council must provide assistance for the adaptation of a house to make it suitable for the accommodation, welfare or employment of a disabled person or for reinstatement following such adaptations. Grant will be mandatory only for provision of a standard amenity to meet a disabled person's need. Standard amenities currently account for slightly less than half of the applications.

4.40 Grants are currently available where the applicant has been assessed by an occupational therapist (OT) as needing the proposed adaptation. They are given in line with the current means test and in accordance with priority ratings. Most priority 1 applications are dealt with on receipt and a waiting list accrues for the lower priorities.

4.41 Where applicants cannot afford their share of the cost of an extension, one answer could be to offer loans instead of grants. Most adaptations do not increase the value of the property, and some may reduce it. However, extensions (usually containing an additional bathroom and bedroom) do usually add value to the property.

4.42 Whether grants are given for reinstatement will depend on the Scottish Executive directions. For owners as opposed to renters, they might be considered a relatively low priority, since owners would normally reinstate only when cash is about to be received through sale. Renters would not have any capital receipt at the end of their tenancy and the prospective availability of grant for reinstatement would therefore be an important factor for them in deciding whether to exercise their right to adapt.

CARE & REPAIR

4.43 Glasgow Care & Repair, managed by Southside Housing Association, offers independent advice and assistance to help householders to repair, improve or adapt their homes so that they can live in comfort and safety in their own community. In the past it has assisted owner occupiers and private tenants aged 60 or over, but recently its role has been expanded to assist disabled home owners needing complex adaptations.

4.44 Currently Care & Repair service users can apply for grants for re-roofing, rewiring, rot works and damp-proof course insertion. The waiting time for Care & Repair is much shorter than for mainstream grants. The Scottish Executive considers Care & Repair a strategic priority, and pays for revenue funding for Care & Repair, along with the cost of providing the owners' grants.

4.45 The future of Care & Repair will be largely dependant on the proposed

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Scheme of Assistance. A major move from grants to loans might mean that many elderly owners may decide not to repair their homes even where it is essential. One possibility could be to limit grants to works required to address BTS conditions, in effect where there is damp.

4.46 A valuable extension to the advice element of Care & Repair would be to provide assistance to elderly home owners with repair and improvement even where there is no public financial input.

ENERGY EFFICIENCY AND FUEL POVERTY

4.47 The Council's commitments to the Glasgow Fuel Poverty Strategy suggest that, resources permitting, a significant level of priority should be given to energy efficiency improvements and to advice to those in fuel poverty. Local authorities must provide strategic direction to ensure improvement of the energy efficiency of the housing stock in their areas, and set targets. During 2007 the Scottish Executive is reviewing the future role of the local authorities in this area, and what more should be done to help householders. Impending climate change legislation is also likely to bring pressure to bear.

4.48 There is a conflict between improving the thermal efficiency of the city's housing stock and the conservation of its architectural heritage. There is a need to examine areas where this conflict can be mitigated, for instance by promoting technical solutions which meet both energy efficiency and conservation objectives.

4.49 We will also need to examine options for more innovative solutions such as the use of renewable energy technologies.

SAFETY

4.50 The Council can give assistance for fire precautions including means of escape, and for safety works. Means of escape is normally required where a house or flat has been converted for multiple occupation. Given that the landlord should have allowed for these measures in their business plan it is felt that financial assistance should not be offered, but only information and advice.

THE GHA INVESTMENT PROGRAMME

4.51 Following the transfer of the Council's housing stock to the GHA in March 2003, a major programme is in progress to bring the housing up to modern standards. The works involve improvements to common parts of tenements and four-in-a-blocks. Individual owners in buildings jointly owned with the GHA are required to contribute to the cost. Prior to the transfer, the GHA with the support of the Council and Scottish Executive gave an undertaking to provide assistance to affected owners on the basis of the provisions of the

2001 Housing Act. This gives a minimum grant of 50%, with additional grant on the basis of the means test. The Scottish Executive agreed to make £100m available over ten years from April 2003 to finance the grants, which are paid by the Council. It is the Council's understanding that this programme of assistance will not be affected by the 2006 Act, but will continue, as at present, until its scheduled completion in 2012/13.

4.52 Some owners have had difficulty in financing their share of costs within the timescale which the GHA is statutorily required to apply, i.e. one year. This can be due for instance to their having debts or outgoings not provided for in the means test. In March 2007 the Scottish Executive announced a pilot project to help these owners by offering loan assistance where they are unable to access funding from High Street lenders. The Council and Communities Scotland have opened discussions with Glasgow Credit Union to operate the scheme on their behalf. These discussions are continuing and details of the finalised scheme are not yet known.

COMMUNITY SAFETY, REGISTRATION OF PRIVATE LANDLORDS AND HMO LICENSING

4.53 Action on housing repairs and improvements will need to be co-ordinated with the use of new powers in relation to antisocial behaviour, regulation of private landlords and licensing of houses in multiple occupation (HMOs).

4.54 There is now a requirement for private landlords, with only a few exceptions, to be registered with the local authority. By April 2007, 11,404 landlords had applied for registration in Glasgow, together owning 20,473 properties. Over the next year the registration process will approach completion. It is an offence to let property while unregistered or without an undetermined application. To qualify for registration, landlords must be 'fit and proper'. This means that the local authority now has a means of enforcing satisfactory standards of management. In addition, Antisocial Behaviour Notices can be issued if landlords are not taking appropriate action to address antisocial behaviour by their tenants.

4.55 The HMO licensing process is complete in Glasgow and the Council is now dealing with three-yearly renewals as well as new applications.

4.56 Most private landlords are committed to ensuring good management of their properties and to complying with all relevant legislation. Concerns are limited to only a small minority. Taken together, the new powers will enable the Council to ensure that landlords play a proper part in collective action on maintenance and improvement, and manage their property satisfactorily.

IMPLEMENTATION: AGENCIES, STRUCTURES AND NETWORKS

5.1 The Council will seek to involve a number of key partners in development and delivery of the Older Private Housing Strategy:

- **Private sector property managers** The 2006 Act and Antisocial Behaviour Act offer the potential to support property managers by making it easier to address the problem of owners who default on their responsibilities. They could also make it easier to deal with situations where owners believe that the property manager is defaulting on their responsibilities.
- **Owners** Community Councils, residents' associations, and stair or block associations could make a significant contribution at neighbourhood level.
- **Private Landlords** Private landlords will always be in an important position in relation to supporting effective factoring and in ensuring that their tenants comply with reasonable tenancy conditions. Willing compliance by landlords with the new Repairing Standard will avoid tying up the Council's resources in handling enforcement procedures resulting from tenants' applications to the Private Housing Panel. Landlords will continue to be eligible for assistance from the Council in relation to their repair and improvement responsibilities.
- **Housing Associations** Community-based housing associations' role in private housing repair and improvement could well be enhanced in the new regime. HAAs normally depend on an association for effective implementation. Associations may well play a similar role in HRAs. Many associations provide property management services in mixed tenure property and are likely to play a significant role in relation to Maintenance Orders.
- **The GHA** The GHA is committed to achieving high standards of improvement for its own stock and in respect of external and common parts the projects which it develops will be designed to deliver these standards for the private owners as well. The new HRA power could be used to ensure that at least some elements of the proposed improvement package are implemented even in buildings where there is no majority support, although this would require careful consideration. Maintenance Orders could be used to support the GHA's role.
- **Advice and Support Networks** Implementation of the new maintenance and improvement regime will draw on the expertise of existing networks including the Glasgow Advice and Information Network (GAIN), Strathclyde and Central Energy Efficiency Advice Centres, heritage and conservation bodies and the Council's own libraries service.

COUNCIL ORGANIZATION

5.2 Several different Council services have key roles to play in the new maintenance and improvement regime. A corporate working group has been established to co-ordinate implementation of the new regime. The Council will consider organizational changes where necessary to ensure effective delivery.

CONSULTATION AND ENGAGEMENT PROCESS

6.1 The consultation period for this draft strategy will last until the end of 2007. Discussions on the draft will be arranged in the ten Local Housing Forums and will be encouraged in Community Councils, residents' associations and housing association committees. The Council will be happy to arrange attendance of relevant staff at these meetings to explain the proposals and answer questions.

6.2 Following publication of this Consultation Draft strategy, the Council will convene a specialist Working Group bringing together all key stakeholders to help develop detailed policies and programmes. This Working Group will be a sub-group of the citywide Housing Investment Forum. The following will be invited to take part, in addition to Council services:

- Housing Associations
- Owner occupiers' representatives (via Community Councils)
- Factors' representatives
- Scottish Association of Landlords and Association of Residential Letting
- Agents
- Mortgage lenders' representative
- Communities Scotland

6.3 The Council will ensure that issues relating to equalities and environmental impacts are fully considered during the consultation, by promoting dialogue with relevant interests.

6.4 The timetable for completion of the final Strategy will depend on the timing of the Scottish Executive's final Guidance and regulations, but is likely to be around March 2008. If time permits, a further short period of consultation will be arranged on the final Strategy.

CONSULTATION QUESTIONS

THE ISSUES

1.1 Have the issues relating to older private housing in Glasgow been correctly identified?

RESOURCES

2.1 Have the issues relating to resources to maintain and improve older private housing in Glasgow been correctly identified?

PRIORITIES

3.1 Does this draft set out the right priorities for the Older Private Housing Strategy?

SCHEME OF ASSISTANCE

ADVICE

4.1 Is it agreed that the Council should divert some resources from funding works to providing more information and advice to owners?

4.2 How far should increased information and advice to private owners of older residential property be delivered by existing advice and information networks?

SUPPORT

4.3 Should the Council consider making some financial assistance available from Private Sector Housing Grant to promote collective action by owners' and residents' associations on housing repair and improvement?

4.4 Should the Council provide support services to owners, beyond those provided already, using its own staff, or should these be provided by factors or other agencies? If the Council provides support, should it charge fees?

FINANCIAL GUARANTEES

4.5 Are there circumstances in which the Council should act as guarantor for private borrowing or fundraising?

ACQUISITION

4.6 In what circumstances should the Council acquire property in order to assist in repair and improvement?

FUTURE OF GRANTS FOR REPAIR AND IMPROVEMENT

4.7 Is it agreed that grant should be withdrawn in future for some types of repair and improvement work?

LOANS

4.8 How should the Council make use of loans under the new legislation?

4.9 Is there a role for commercial equity loans? If so, what should be the Council's role in relation to them?

BTS ERADICATION STRATEGY

4.10 Are the proposals for identification of individual BTS houses satisfactory?

4.11 What priority should be given to each of the four programme elements for BTS eradication - comprehensive improvement, addressing single item failures, demolition and promoting effective maintenance regimes?

4.12 Is it agreed that there should be a targeted programme of inspections aimed at identifying buildings without an effective management regime, to enable the Council to give advice on how to establish such a regime or in the last resort to serve a Maintenance Order?

4.13 What areas should be targeted for action on BTS housing?

DESIGNATION OF HRAS AND LOCAL STRATEGIES

4.14 Would a reduction in the comprehensiveness of works to address BTS housing be acceptable in order to deliver more modest improvements with lower or no grants?

4.15 Should there be a programme of HRAs to address single item Tolerable Standard failures through a limited package of works?

4.16 Should HRAs be used to address problems of low quality other than BTS housing? If so, which types of problem and which areas should be considered?

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4.17 Should there be local strategies for older private housing in areas with concentrations of sub-standard housing, and if so in which areas?

MAINTENANCE ORDERS

4.18 Do you agree with the proposed initial priorities for selecting properties to receive Maintenance Orders?

4.19 What practical difficulties do you foresee in the implementation of Maintenance Orders?

DISABLED ADAPTATIONS AND CARE & REPAIR

4.20 Would a move to loans rather than grants be practicable for adaptations such as extensions which enhance the value of the property?

4.21 Would a move to loans rather than grants be practicable for the older or disabled owners who are served by the Care & Repair scheme?

ENERGY EFFICIENCY

4.22 What level of priority should be given to promoting improvements to energy efficiency?

4.23 Where repair or improvement grant is offered should we insist on improvements to the energy efficiency of the building also being carried out as a condition of offer?

COMMUNITY SAFETY, REGISTRATION OF PRIVATE LANDLORDS AND HMO LICENSING

4.24 What difficulties do you foresee in the operation of the Council's powers on landlord registration, antisocial behaviour, and HMO licensing in the context of housing repair and improvement?

IMPLEMENTATION

5.1 Has this section correctly identified all the key agencies which should be involved in delivery of the new improvement and repair regime, and their potential roles?

WHERE TO GET MORE INFORMATION

Practical advice for owners is available in **Common Repair, Common Sense: A Homeowner's Guide to the Management and Maintenance of Common Property**, Communities Scotland (November 2004), at

http://www.communitiesscotland.gov.uk/stellent/groups/public/documents/webpages/hmcs_006465.pdf.

The Scottish Building Standards Agency offers an on-line guide for home owners on how to improve **energy efficiency and sustainability** at

<http://www.sbsa.gov.uk/homeimprovements.html>

Information on the current system of grants for owners is available in the Scottish Executive booklet **Housing Grants: An applicant's guide to improvement and repair grants for private housing (2003)** at

<http://www.scotland.gov.uk/Publications/2003/09/18303/27476>.

Information about **private renting** for both tenants and landlords is available at <http://www.betterrentingscotland.com>.

Information about **GHA factoring services** is available at the website of GHA (Management) Ltd: <http://www.gham.org.uk>.

Advice on a wide variety of housing topics is available in the **Glasgow Housing Options Guide** at

<http://www.glasgow.gov.uk/en/Residents/YourHome/HousingOptions/>.

The Private Rented Housing Panel offers on-line guidance for tenants and landlords in the private rented sector, on their new statutory rights and responsibilities in relation to the new **Repairing Standard**.

www.prhpscotland.gov.uk

