



Regeneration, Environment  
and Growth

## **West Dunbartonshire Council**

### **Scheme of Assistance for Private Sector Housing**

**APRIL 2018/19**



## **Scheme of Assistance for Private Sector Housing**

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# Part 1

## Introduction

The Housing (Scotland) Act 2006 introduces a 'Scheme of Assistance' for housing purposes, based on the principle that individual owners (including owners of privately rented houses) have primary responsibility for maintaining their properties in good condition, with assistance available from Local Authorities when necessary.

Part 2 of the above Act requires Councils to publish a 'statement of assistance'. This Statement of Assistance sets out how this Council provides advice, information and assistance for homeowners to improve the quality of private housing in West Dunbartonshire.

The primary purpose of the legislation is to encourage homeowners to undertake repairs and improvements to their homes and to eventually remove the requirement for local authorities to offer financial assistance from publicly funded sources. West Dunbartonshire Council therefore expects all home owners to finance repairs and improvements to their homes through their own financial arrangements.

West Dunbartonshire Council's Scheme of Assistance seeks to offer a range of assistance that most closely suits the particular needs of homeowners, private landlords and their tenants. The Council is aware that offering only grant assistance is not always the most helpful means of ensuring prolonged interest from homeowners and private landlords in property maintenance. Information, advice and where necessary practical assistance can play a crucial role in helping owners take responsibility for looking after their property.

### 1.1 Aims

The Scheme of Assistance, (SOA), arose from the findings of the Housing Improvement Task Force (HITF) which was set up by the Scottish Government in 2000, to undertake a comprehensive review of housing policy as it relates to the condition of private sector housing in Scotland. The findings were reported in 2003 and led to the introduction of the Housing (Scotland) Act 2006. The philosophy behind the SOA is to assist homeowners in taking responsibility for their own properties and for Councils to make the most effective use of the limited public funding that is directed towards home improvements and repairs.

Therefore the aim of the Scheme of Assistance for Homeowners is to:

- encourage home owners to recognise that they have the primary responsibility for maintaining their homes;
- provide a fair and sustainable approach to providing assistance to help homeowners improve, repair and adapt their homes;
- more effectively address disrepair in private housing
- maximise the impact of public resources by leveraging in owners' contributions and assist a far greater number of homeowners than was possible under the Council's previous grants focused approach;

- assist older and disabled residents in private properties to live independently in their home for as long as they choose to do so.

To assist in the ongoing development of the Scheme of Assistance the Council has engaged external consultants to undertake a house condition survey of a selection of privately owned homes in West Dunbartonshire. The overall aim of this project is to obtain a comprehensive knowledge of the condition of private sector housing in the area and of the circumstances of its occupants. The information gathered may also assist in decision making on the implementation of the Housing (Scotland) Act, 2006, and the strategic policy documents relating to the Local Housing Strategy, Energy Efficiency and Fuel Poverty.

## **1.2 Access to Assistance**

The underlying objective for the Scheme of Assistance is to provide applicants with appropriate levels of information that enables them to make informed choices and allows them to control their own outcomes. Homeowners will therefore be able to decide on how much assistance, if any, that they wish to utilise.

The Council's Private Housing Advice (PHA) section will generally be the first point of contact for most homeowners who require information or advice regarding the repair, maintenance or improvement of their homes. However Lomond & Clyde Care & Repair Service can also offer impartial advice and practical assistance to homeowners on improving, repairing and maintaining their property regardless of their age or disability.

The Health & Social Care Partnership is generally the first point of contact for homeowners who require an adaptation to their home to suit the needs of a disabled occupier. The Health & Social Care Partnership will arrange for a member of Occupational Therapy staff to carry out an assessment of the disabled occupier's needs then refer them to Lomond and Clyde Care and Repair to facilitate an application for financial assistance and to guide the owner through the project.

Access to assistance from the Private Housing Advice section, Health & Social Care Partnership or Care & Repair can be by self referral, or by third party, (where consent has been given), by either:

- telephone,
- email or web contact, or
- written correspondence, or
- visiting the PHA office or other offices preferably by appointment.
- arranging home visits if appropriate
- publications

On contact with the PHA section, an initial assessment will determine what assistance may be offered and how best to deliver it. The format for any assistance will be dependant on the needs of the specific applicant and may involve referral to a more appropriate service/agency. (See Part 6 for contact details)

## Part 2.

### Home Improvements & Repairs

The main theme of the Scheme of Assistance is to encourage homeowners to organise and finance home improvements or repairs themselves with various elements of assistance being available from the Council. There are three main elements to the Scheme:-

- Advice & Practical Assistance
- Statutory Notices
- Financial Assistance

#### 2.1 Advice and Practical Assistance

West Dunbartonshire Council will provide information and advice that will assist the homeowner in arranging home improvements or repairs by:-

- Offering free advice to the homeowner on how to carry out repair and maintenance works to their home. (via telephone, web site, leaflets or a site visit if necessary).
- Carrying out site visits if necessary to assist owners identify what works require to be carried out.
- Providing advice on how to obtain quotations from contractors
- Providing advice on choosing a suitable contractor for the type of work that they need carrying out.
- Referring on to other Council departments or external organisations that can offer specific advice, for example:-
  - Environmental Health
  - Trading Standards
  - Health & Social Care Partnership
  - Welfare Rights & Money Advice Service
  - Housing
  - Building Standards
  - Planning
  - Current schemes for energy advice
  - Lomond & Clyde Care and Repair
  - Citizens Advice Bureau
  - Strathclyde Fire & Rescue
  - Health & Safety Executive
  - Professional associations such as Royal Institute of British Architects (RIBA) or Royal Institute of Chartered Surveyors (RICS)
- Offering advice, and assisting homeowners on how to engage with neighbours to carry out communal works. In the case of tenement properties the Tenements (Scotland) Act 2004 provides support to homeowners to carry out essential communal repairs to their building.

## 2.2 Financial Assistance

Grant funding has been a means for effecting repairs and improvements within the private housing sector for approximately 50 years. The introduction of the Housing (Scotland) Act 2006 changes this by offering local authorities new ways to engage with homeowners to encourage them to take responsibility for their own property and move away from dependence on the grants system.

West Dunbartonshire Council therefore expects all home owners to finance the repairs and improvements to their homes through their own financial arrangements utilising savings or discussing options with banks, building societies, credit union or from the National Lending Unit.(If it becomes available). Only once these sources of funding have been fully explored and proof provided that such availability of funding is not an option, will the Council consider giving access to a means tested grant subject to availability of funding. (See Appendix 1)

## 2.3 Statutory Notices

The Housing (Scotland) Act 2006 provides powers for local authorities to carry out works where an owner's fails to co-operate with other joint owners, or with the council, on a voluntary basis. The aim of the Scheme of Assistance is to promote individual responsibility, with minimal statutory intervention. However, there are situations where enforcement action may be appropriate, either to enable the Council to deal with emergency works or address issues of public safety, or to assist owners in dealing with common repairs where they have been unable to get agreement with neighbouring owners. Enforcement may be by way of a Maintenance Order or Works Notice and these are generally served by officers of the Environmental Health department.

**Note: The serving of a notice does not give automatic right to financial assistance.**

The main emphasis for Scheme of Assistance is to enable homeowners to maintain their own properties and to remove the reliance on Local Authorities taking action on their behalf. This will be done primarily by providing them with the type of information that they need to carry this out. However there may be instances where intervention in the form of enforcement by the Local Authority will be necessary.

Enforcement powers available to the Council such as Maintenance Orders and Works Notice's these are intended for use where all other avenues have been explored and have failed. Council officers will therefore work jointly with owners to achieve a satisfactory outcome before resorting to enforcement power

The 2006 Act gives local authorities enforcement powers to ensure that needed repairs or maintenance are carried out. This enforcement may take the form of either a Maintenance Order or a Work Notice.

### **2.3.1 Maintenance Orders**

Local authorities can issue a maintenance order where owners have not, or are unlikely to, maintain their house to a reasonable standard. They can also issue one if the benefit of a work notice has been reduced or lost because of a lack of maintenance.

The order requires owner(s) to submit a maintenance plan, which will secure the maintenance of the house for up to five years. Owners are responsible for implementing it but the local authority can step in to enforce the order if the owner fails to do so.

### **2.3.2 Works Notice**

A local authority has the power to serve a Work Notice on the owner(s) of any house which it considers to be sub-standard.

The Work Notice sets out the work which the local authority thinks is necessary to bring the house, or houses, up to, or keep it in, a reasonable state of repair including meeting the tolerable standard

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

Properties identified by West Dunbartonshire Council as BTS as detailed in the Housing (Scotland) Act 2006 will be prioritised to ensure the properties are brought up to standard or demolished. Formal action in terms of works notices or maintenance orders will be considered where appropriate.

### **2.4.1 Houses In Significant Breach Of The Tolerable Standard**

West Dunbartonshire Council will only consider the following categories to be works that may eligible for a grant:

- The house is structurally unstable and there is a risk of partial or total collapse as identified by an independent structural report.
- The first time provision of an internal toilet and wash hand basin for the sole use of the household.
- The provision of an adequate supply of wholesome drinking water.
- Works related to prevention of rising or penetrating damp identified by an independent specialist report.

West Dunbartonshire Council will **not** provide financial assistance where:

- The property is not the applicant's only or principal home.
- The property has been in the ownership of the applicant for less than 2 years.
- The property has been left unoccupied and fallen into disrepair.
- The owner acquired the house knowing its condition with a view to developing it.
- Replacement windows.

Home owners in these work categories will be provided with information and advice to help them carry out the work. If they are elderly or disabled, we will refer them for additional support from our partners at Lomond & Clyde Care & Repair.

There may be times when situations arise that have not been covered in the Scheme of Assistance or where there are special mitigating circumstances which require discretion on the part of the Strategic Director of Regeneration, Environment and Growth or as delegated by the authority. The Council reserves the right to exercise its discretion in these circumstances.

Following an enquiry or an assessment of an application an owner will be signposted to lending organisations to explore funding options such as private savings or commercial loans to pay for the home improvement or repair. Only when this route is **shown not to be an option**, (See appendix 1), and subject to availability of funding, will West Dunbartonshire Council consider financial assistance for the above noted improvements or repairs to a property.

The level of financial assistance that may be provided will be up to 100% of the approved cost of the works. Financial assistance will be subject to an income related means test.

Homeowners in receipt of prescribed benefits may receive the maximum 100% assistance if a grant application is approved.

*(Prescribed benefits: -Income Support, Pension Credit (guarantee element), income based job seekers allowance, income related employment & support allowance.)*

**N.B. Home owners should always seek independent financial advice before agreeing to any loan.**



## **Part 3.**

### **Adaptations & Standard Amenities for Disabled People**

Through the 2006 Act the Scheme of Assistance Regulations 2008 introduced a minimum 80% grant funding for certain adaptations to provide a disabled occupant with the Standard Amenities (See section 3.2.1) suitable for their purpose. The aim is to assist homeowners or private tenants to remain independent and living within their own homes and within the community in which they are familiar and supported. However not all adaptations and standard amenities are eligible for mandatory financial assistance and in such instances advice and practical assistance will still be available.(see section 2.1).

#### **3.1 Requesting an Assessment**

The Private Housing Advice section of West Dunbartonshire Council view adaptations for the needs of disabled persons as only one element of an overall support package. In order to fulfil this view, all applications for assistance to provide adaptations to private sector housing will be based on an assessment carried out by a member of Occupational Therapy staff.

The homeowner, or person acting on behalf of the homeowner, may contact the Health & Social Care Partnership either in person at their offices or via telephone, (See Part 6).

An assessment will be carried out to identify the needs of the person to define how to meet their assessed need. If it is appropriate to make an application to the PHA section for a grant towards adaptations, a level of priority will be applied according to individual circumstances.

Lomond & Clyde Care and Repair or the PHA surveyor may also become involved around this time to assist with any technical matters or to assist in completing an application form.

#### **3.2 Type of Assistance**

Initial assistance will be by the provision of advice and information. If on completion of an assessment it is shown that the applicant meets the criteria for financial assistance to carry out adaptations to their home, the PHA section will consider either a mandatory or discretionary grant following receipt of an appropriate application form and relevant supporting documents.

### 3.2.1 Mandatory Financial Assistance

Adaptations eligible for mandatory financial assistance will be prioritised subject to availability of funding and any existing waiting list. The standard amenities and adaptations listed below are eligible for a minimum 80% grant funding or up to 100% assistance being provided by way of means testing on production of prescribed benefits.

*(Prescribed benefits:-Income Support, Pension Credit (guarantee element), income based job seekers allowance, income related employment & support allowance.).*

#### **Provision of or adaptation of Standard Amenities:**

The local authority may provide a grant for the provision of standard amenities listed below which, in the opinion of the local authority, meet the needs of a disabled person. This also includes houses which already have the standard amenity in question, but in the opinion of the local authority, the amenity to be provided is essential for the needs of a disabled person. No assistance is given for repair or replacement of neglected or damaged appliances. The homeowner should ensure that appliances are covered under the household insurance policy.

- A kitchen sink & base unit
- A water closet (or waterless closet) and wash hand basin.
- Washing facilities as per assessment.

A grant may also be available for certain structural works to a house or to the access to a house and includes:

- Provision of an external ramp and handrails to permit improved access from pavement to one entrance door.
- Alterations to widen doorways within the home.
- Alterations for the provision of a suitable bathroom facility

Extensions to homes to provide additional living/sleeping/bathroom accommodation or work to create accommodation in a separate building from the current living accommodation **are not** included within the scope of a mandatory grant.

No assistance is given for the provision of parking spaces and/or repairs to neglected or damaged ramps or access routes to entrance door.

(Application Process for financial assistance (adaptations) see Appendix 2)

### 3.2.2 Discretionary Financial Assistance

A discretionary grant may be available for the under noted adaptations but only when other sources of funding have been fully explored by the homeowner and proof provided that such availability of funding is not an option. (See 2.3 and Appendix 1)

- Installation of a ceiling track hoist
- The facilities recommended following an assessment of need by a member of Occupational Therapy staff

A discretionary grant or assistance may consist of:

- Provision of advice or practical assistance as noted in Part 2.1
- A minimum grant of 50% or up to 100% assistance being provided by way of income related means testing or on production of prescribed benefits. (*Income Support, Pension Credit (guarantee element), income based job seekers allowance, income related employment & support allowance*) (Also see appendix 2)

Extensions to homes to provide additional living/sleeping accommodation or work to create accommodation in a separate building from the current living accommodation **are not** included within the scope of a discretionary grant.

## **Part 4.**

### **Lomond & Clyde Care and Repair**

Lomond & Clyde Care & Repair is an independent charitable organisation whose primary aim is to assist elderly and disabled owner occupiers and those in the private rented sector with repairs and improvements, helping them to remain in the comfort and security of their own homes and includes:

- Advice and assistance (including technical advice) on necessary repairs, building alterations, suitable contractors and consultants.
- Advice and assistance on funding options including local authority grants for repairs, improvements or adaptations and grant applications to trusts and charities.
- Support to clients throughout the process of building repairs/alterations
- Advocacy in providing choices to clients in relation to re-housing options and other services such as health & social care.

Lomond & Clyde Care & Repair also provide the following services for elderly or disabled people:

- **Small Repairs:** Care & Repair employ a team of skilled trades people who carry out small jobs including joinery, minor plumbing and electrical work, changing light bulbs and curtains. Labour is free, the client is only charged for any materials used.
- **Free Home Safety /Security Audits** are carried out to identify hidden danger points in the home. General advice on home safety is given, including falls prevention and dealing with bogus callers.
- **Hearing Assessments:** Hearing assessments are carried out and if appropriate environmental aids for the sensory impaired are provided.
- **Trade Referral Service:** Care & Repair can give clients the names of reliable contractors from their list of approved contractors. In order to be accepted on to the list firms must provide references; a copy of their health & safety policy; proof that all relevant insurance documents are up to date and their equal opportunities policy. Care & Repair monitor their performance by seeking feedback from clients using the service

## **Part 5.**

### **General Information**

#### **Appeals process**

Homeowners have the right to appeal if they do not agree with the outcome of any enquiry or application. Correspondence should be addressed to the Housing Asset and Investment Manager 17 Overburn Ave Dumbarton G82 2RL If the customer is still dissatisfied with the outcome, they can follow the standard Council complaints procedure. (Forms are available on request)

#### **When assistance might be withdrawn**

If an applicant moves or sells the property while work is being carried out any grant would not be payable.

If any of the conditions detailed in Part 2, section 83 of the Housing (Scotland) Act 2006 are breached the local authority may demand repayment, as specified in sections 86 and 87 of the Act (See appendix 3).

#### **Assistance with reinstatement**

The Private Housing Advice team and Lomond & Clyde Care & Repair can provide advice should a customer require assistance with the reinstatement of a property after adaptations have been carried out. No financial assistance will be provided in this instance.

#### **Common repairs in blocks where the Council still owns property**

Homeowners who live in properties where the Council still owns flats may be able to receive assistance if common repairs are due to be undertaken by the Council. The level of practical assistance provided will depend on the priority of the repair. Homeowners can contact their local Housing Office or the Private Housing Advice team for assistance.

## **Part 6.**

### **Contact Information**

Advice is available to homeowners so that they can make decisions best suited to their needs when considering property repairs/improvements. Prior to seeking advice from West Dunbartonshire Council homeowners should have already considered all other possible options to finance improvements or repairs.

**The Private Housing Advice Service is located within the Housing Asset and Investment section at:**

West Dunbartonshire Council  
17 Overburn Ave  
Dumbarton  
G82 2RL

You (or your representative) may call in personally to speak to our team. However, to ensure we are in the office, it is preferable if you would initially telephone to arrange an appointment to discuss your enquiry.

In certain circumstances our Housing Grants Officer may visit you at your home.

Our Telephone number is     01389 608066 / 01389 608937

The Environmental Health section of Regulatory Services can provide general advice regarding housing in disrepair. They can be contacted at:

Environmental Health Section  
Regulatory Services  
West Dunbartonshire Council  
Council Offices  
2nd Floor  
16 Church Street  
Dumbarton  
G82 1QL

Telephone number is           0141 951 7957

Email address is ..... [environmental.health@west-dunbarton.gov.uk](mailto:environmental.health@west-dunbarton.gov.uk)

**Health & Social Care Partnership: Adult Care Team/Community Older People's Team**

**Dumbarton/Alexandria:**

16 Church Street  
Dumbarton  
G82 1QL  
Tel. (01389) 776499

**Clydebank:**

2 Stewart Drive  
Clydebank  
G81 6AQ  
Tel (01389) 811760

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**Lomond & Clyde Care & Repair is located at:**

Unit 3, Leven Valley Enterprise Centre,  
Castlehill Road, Dumbarton,  
G82 5BN

Telephone 01389 734188

Fax: 01389 765212

## **Appendix 1.**

West Dunbartonshire Council will consider granting financial assistance, for applicable home improvements and repair only when the homeowner has provided at least two forms of evidence indicating that they have sought a loan and/or re-mortgage/equity release or similar from a bank/building society/credit union or other commercial lending institution and that they have been unsuccessful in their application. Financial assistance is also subject to availability of funds at the time of the application.

**Two types of evidence required to indicate an unsuccessful application for a loan and equity release are:**

- 1) A letters from a bank/building society/credit union or financial institution stating that an application for a loan was unsuccessful and**
- 2) A letter from a bank/building society/credit union or financial institution stating that an application for re-mortgage/equity release on the property was unsuccessful.**

Conditions of a Grant (75.4)

(a) that the owners of any land on or premises in which the work is to be, or is being, carried out (other than land or premises proposed to be sold or leased under section 12(4) of the 1987 Act) have consented in writing to the application and to being bound by the conditions mentioned in section 83 (in so far as those conditions apply),

(b) where that work has begun, that there were good reasons for beginning it before the application was approved,

(c) that the house or houses to which the application relates will provide suitable living accommodation for such period, and conform with such requirements with respect to construction and physical condition and the provision of services and amenities, as the authority considers reasonable,

(d) that, if the house or houses to which the application relates form part of any premises containing more than one house, the work to be carried out will not prevent the improvement of any other house in the premises



## **Appendix 2.**

### **Application process for assistance (adaptations)**

#### **Stage 1**

A member of the Occupational Therapy staff will carry out an assessment to determine the person's needs. If an adaptation is essential to meet their assessed needs and they meet the eligibility criteria, they will then be referred to Lomond & Clyde Care & Repair to facilitate the grant application process. In more complex cases a feasibility study may be required prior to sending the referral to Care & Repair. This will require a joint visit with the OT and Care & Repair's Technical Officer. Occupational Therapy staff will continue to be involved while the grant application is being submitted to the Council and again at the completion of the works.

#### **Stage 2**

Care & Repair will visit the client to discuss the grant application process and gather personal/ financial information.

#### **Stage 3**

Lomond & Clyde Care & Repair will arrange for quotes based on the specification agreed with occupational therapy staff and Care & Repair's Technical Officer. When Care & Repair have all the relevant documentation, they will send the grant application to West Dunbartonshire Council for consideration. If an application is approved a letter will be sent indicating how much the Council will contribute towards the cost of the adaptation. No grant eligible work can begin until written confirmation from the Council that the grant has been approved has been received.

If any essential changes are required to the original estimate, prior permission **must** be obtained from the Private Housing Grants Officer via Care & Repair.

#### **Stage 4**

When the work is complete, the Occupational Therapy member of staff will visit to make sure the adaptation meets their assessed needs and if necessary provide any associated equipment. For example, a shower stool or grab rails.

#### **Stage 5**

On receipt of an invoice from the contractor Care & Repair will carry out an inspection to make sure that the work has been carried out to a satisfactory standard and to make sure that the customer is satisfied with all aspects of the contractors work. Care & Repair will then forward the invoice to the Council for payment.

#### **Stage 6**

Care & Repair will forward a final funding letter to the client advising them to pay their share of the cost of the adaptation to the contractor. If charitable funding has been raised to contribute towards the client's share a copy of the invoice will be sent to relevant trust or charity for payment.

***N.B Work should not be started on the house before the local authority has approved the grant application in writing.***

## **Appendix 3**

### **Housing (Scotland) Act 2006**

#### **Breach of conditions of grant (Section 86)**

(1) In the event of a breach of any of the conditions mentioned in section 83 which apply to any land or premises, the local authority must, subject to subsections (2) to (4), demand from the owner for the time being of the land or premises payment of the sums specified in section 87.

(2) If the authority is satisfied that the breach of any condition can be remedied it may, with the consent of the Scottish Ministers and subject to any conditions imposed by them, suspend the operation of subsection (1) for such period as they consider necessary to enable the breach to be remedied.

(3) If the breach is remedied within that period the authority may direct that the breach is to be disregarded for the purposes of this section.

(4) If the authority—

(a) considers that the breach cannot be remedied, but

(b) is satisfied that it was not due to the act, default or connivance of the owner for the time being of the land or premises,

it may, with the consent of the Scottish Ministers and subject to any conditions approved by them, direct that the breach is to be disregarded for the purposes of this section.

(5) On the application of the authority the sheriff within whose jurisdiction the land is, or premises are, situated may, whether or not any other relief is claimed, grant an interdict restraining a breach or apprehended breach of any of those conditions.

#### **Calculation of amount to be paid on breach of conditions (Section 87)**

(1) In the case of a grant, the sums mentioned in section 86(1) are—

(a) the whole amount of the grant in relation to the work in question, and

(b) interest on the grant accruing from the date of its payment or, where it was paid by instalments, from the date of payment of the final instalment to the date on which the amount mentioned in paragraph (a) is paid.

(2) In the case of a standard loan, those sums are—

(a) the whole amount of the loan in relation to the work in question, and

(b) any interest or other charge on the loan which has accrued to the date on which the amount mentioned in paragraph (a) is paid and which remains outstanding on that date.

(3) In the case of a subsidised loan, those sums are—

(a) the whole amount of—

(i) the repayment element, and

(ii) the interest free element,

of the loan in relation to the work in question,

(b) any interest or other charge on the repayment element which has accrued to the date on which the amount mentioned in paragraph (a)(i) is paid and which remains outstanding on that date, and

(c) any interest or other charge on the interest free element, for which the applicant would have been liable had that element been treated as forming part of the repayment element and which would have accrued to the date on which the amount mentioned in paragraph (a)(ii) is paid.

(4) The reference to “interest” in subsection (1)(b) is to compound interest at such reasonable rate as the local authority determines and with yearly rests.