

## Services to Owners Policy

### 1. The Principles and Objectives of the Services to Owners Policy

#### 1.1 *Principles*

The Council's Services to Owners Policy is influenced by the following principles which will underpin the Council's approach to the provision of and charging for services to owners in mixed tenure blocks of flats;

- **Consistency** - the Council will apply the Services to Owners Policy in a fair and consistent manner so that all owners in receipt of a service are treated in a similar manner to achieve similar outcomes across Highland;
- **Openness** - the Council will provide explanatory leaflets on the Services to Owners Policy and information on the operation of the policy (whilst maintaining individual confidentiality);
- **Legality** - the Council will ensure that its Services to Owners Policy reflects the legal framework and best practice;
- **Responsiveness** - the Council seeks to have a policy which is capable of responding to a wide range of complex individual needs and circumstances;
- **Equal Opportunities** - The Council will act in a manner to encourage equal opportunities and will aim to ensure that information on the Services to Owners Policy is accessible to all, and to implement the policy in a manner consistent with equal opportunities. An Equality Impact Assessment has been carried out on this policy to ensure that no group is disadvantaged by it, and follow up reviews will be carried out every two years.

#### 1.2 *Objectives*

- Enable the Council to provide services to its tenants and meet its repairs obligations
- Specify the types of housing services that are provided to private owners
- Ensure shared responsibility for these services is placed on private owners
- Adopt the principle of full cost recovery where housing services
- are provided to private owners.

### 1.3 **Procedures**

The policy is supported by detailed procedures covering:

- guidance on when owners will be charged
- the process of recharging owners
- the action the Council will take if payment is not made
- communication with tenants and owners on services and costs.

## 2. **Background**

- 2.1 The Council's Housing Management services are funded through the Housing Revenue Account (HRA), within which the principal income source is Council house rents.
- 2.2 As a result of Right to Buy legislation most Council housing is now part of mixed tenure estates. Some of the HRA services provided by the Council offer a direct benefit to neighbouring owners.
- 2.3 This policy sets out the arrangements for the provision of these services and confirms that owners should be recharged for services provided.

## 3. **Scope of the policy**

- 3.1 This policy covers arrangements for providing the following services to property owners:
- a) Day-to-day repairs and planned maintenance to common areas
  - b) Caretaking services
  - c) CCTV services.
- 3.2 The following services are **excluded** from the policy:
- **Improvement works:** There are occasions when the Council will want to carry out capital investment in properties that include privately owned houses. Property owners who are concerned about meeting the cost of this type of communal work can get practical, and in some cases, financial help through the Highland Council Scheme of Assistance.
  - **Grounds Maintenance:** Extensive areas of common grassed/landscaped areas are a feature of many Council housing estates, and this land is held on the Housing Revenue Account, even although many of the individual houses are no longer owned by the Council. This land is adopted by the Council and maintained as part of the Council's overall Grounds Maintenance Service for Council owned land, with costs charged to the Housing Revenue Account.

## **4. Legal Context**

4.1 A wide range of legislation is relevant to this policy:

- Housing (Scotland) Act 1987: sets out the requirements for the Council's Housing Revenue Account
- Housing (Scotland) Act 2001: contains provisions for the "Right to Repair"
- Title Conditions (Scotland) Act 2003: sets out the legal framework for title deeds and conditions
- Tenements (Scotland) Act 2004: provides details of the Tenement Management Scheme for communal blocks
- The Housing (Scotland) Act 2006: contains provisions for private sector repair and improvement including the Scheme of Assistance
- Property Factors (Scotland) Act 2011: sets out arrangements for property factoring services, including disputes.

4.2 The Tenements (Scotland) Act 2004 sets out rules for the "Tenement Management Scheme". These are default rules that apply where individual title deeds do not make specific provision for matters such as making decisions on work required and allocating costs between owners. The general principles are that decisions can be taken by the majority of owners and that costs are allocated equally between owners.

4.3 Under the Tenement Management Scheme any owner can instruct emergency work and the owners of all flats in the block will be liable for the cost of such work. For the purposes of this policy the definition of emergency work is work which requires to be carried out:

- to prevent damage to any part of the property;
- in the interest of health and safety and which cannot wait for a Scheme Decision to be made;
- to comply with statutory timescales set out under the Right to Repair scheme.

The principles of the Tenement Management Scheme have been applied in developing this policy.

## **5. Day-to-day repairs and planned maintenance**

5.1 There are a number of situations where day to day repairs need to be carried out in common areas of properties such as flats and 'four in a blocks'. This will include repair, maintenance or renewal of gables, chimneys, rhones, pipes, roofs, walls, fences, common paths, common external doors, common stairways, common windows, common lighting and electricity or other common elements.

5.2 Where emergency repairs are required to common areas of properties in mixed ownership, the Council will undertake the work. The Council will subsequently issue a bill to individual house owners based on a pro-rata share of the actual cost of the repair (i.e. if there are 6 flats involved each

owner would be billed for 1/6<sup>th</sup> of the actual cost of works). It should be noted that the Tenement Management Scheme empowers owner occupiers to instruct emergency works themselves, and in these cases the Council will pay a proportionate share of costs.

- 5.3 Where planned works are required, but there are no health and safety or legal implications for the Council that require the repair to be carried out immediately, the need for the work and an estimate of cost will be provided to property owners in advance.
- 5.4 The principles of the Tenement Management Scheme, as set out in Schedule 1 of the Tenements (Scotland) Act 2004 will be applied, and the view of the majority of owners on whether to proceed with the repair will prevail. The Council will generally offer to instruct and carry out the works required. If the Council instructs the works the costs will be allocated on a pro-rata basis as set out above.
- 5.5 In cases where the Council is not the 'majority' owner the other owners may elect to obtain quotes from independent contractors. In that event the Council will not organise or administer the repair but will agree to pay a proportionate share of the costs subject to being satisfied that the repair has been undertaken to an acceptable standard and on receipt of an invoice.
- 5.6 Where planned maintenance is to be carried out, property owners will be advised in advance of the work proposed and an estimate of the cost. The principles of the Tenement Management Scheme will be applied, and the majority decision on whether to proceed with the works will prevail. If the Council carries out the works, costs will be allocated on a pro-rata basis as set out above.
- 5.7 Where the Council organises repair or planned works, owners will receive an invoice for the works.
- 5.8 If the invoice is not paid by owners, the outstanding sum will be pursued through the Council's debt recovery procedures.

## **6. Caretaking and CCTV services**

Caretaking services are provided in specified flatted blocks in Inverness. Three of these blocks also have a CCTV service.

- 6.1 As with day-to-day repairs and planned maintenance, the principles of the Tenement Management Scheme apply and place an obligation on property owners to pay a proportionate share of costs subject to a majority decision. Future decisions on whether or not to continue with the service in particular blocks can be made under the Tenement Management Scheme.
- 6.2 Owners will be charged in advance for caretaking and CCTV service and can opt to pay in full, or to agree a repayment plan. Any agreed repayment plan should ensure payment of the full amount due within the charge period.

- 6.3 Owners and tenants will be issued with details of service standards annually. These service standards as well as the cost of providing the service will be reviewed annually. Both tenants and owners who benefit from the service will be involved in this review.
- 6.4 Where the Council is the 'majority' owner it will organise and administer the caretaking service on behalf of all properties using existing caretaking staff.
- 6.5 In cases where the Council is not the 'majority' owner the other owners may elect to obtain quotes from independent contractors. In that event the Council will not organise or administer the caretaking service but will agree to pay a proportionate share of the costs agreed by the majority of owners, subject to routine inspection of work and receipt of an invoice.
- 6.6 If the caretaking / CCTV charge issued by the Council is not paid by owners, the outstanding sum will be pursued through the Council's debt recovery procedures.

## **7. Monitoring and Review**

- 7.1 The Housing and Property Service will monitor the volume and value of invoices issued and paid for services by owners.
- 7.2 Service standards will be measured through customer surveys on response repairs and annual feedback on caretaking services.
- 7.3 The policy itself will be reviewed every 5 years, unless significant operational issues require an earlier review.

## **8. Complaints**

- 8.1 Owners and tenants will be able to make complaints about the standard of the above services through the Council's Complaints Procedures. Owners will also be able to apply to the Homeowners Housing Panel as established by the Property Factors (Scotland) Act 2011. If owners dispute a decision made under the Tenement Management Scheme they will ultimately have recourse to the Sheriff Court.

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