

Scheme of Assistance for Homeowners and Private Tenants 2025-2029



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Introduction

Background

Section 72 of the Housing (Scotland) Act 2006 places a statutory requirement on South Ayrshire Council to produce a statement of assistance for private homeowners. This statement details how the Council will improve the quality of private sector housing by offering targeted information, advice and practical assistance. The statement also explains how assistance can be provided to homeowners and tenants of privately rented accommodation to allow them to live independently in their own home. In addition, this document also highlights South Ayrshire Council's local priorities and some areas where discretionary grant may be available to homeowners. The most recent version of this strategy has been in operation from 2019.

Aims

The purpose of this document is to promote greater responsibility amongst homeowners for the repair and maintenance of their homes and highlight the ways in which the Council can help homeowners achieve this. The document also states how the Council can help people with disabilities remain independent in the community through the provision of advice, information and assistance.

The aims of the Scheme of Assistance are to:

- Encourage owners to recognise they have the primary responsibility for maintaining their homes;
- More effectively address disrepair in private housing by providing good quality, up to date, information, advice and assistance.
- Make use of enforcement powers within the 2006 Act allowing the progression of works to address disrepair in private sector homes.
- Help older and disabled residents in private properties to continue to live independently in the community where practical; and
- Assist homeowners and private tenants to secure housing solutions that best meets their needs.

There are four main elements to South Ayrshire's Scheme of Assistance:

- Advice and Information
- Practical Assistance
- Financial Assistance
- Enforcement Action



Strategy

South Ayrshire Council has developed its [Local Housing Strategy](#) which runs from 2024 until 2029. The Scheme of Assistance directly supports six of the outcomes:

- SP1.** Appropriate housing options are available to meet local needs.
- SP2.** Housing, Health and Social Care work effectively together to ensure early interventions prevent housing crisis and housing solutions meet the needs of the household.
- SP3.** Effective information sharing arrangements between Housing, Health and Social Care support positive outcomes for people accessing services.
- SP4.** People across South Ayrshire have access to the information, advice and support they need to help them overcome adversity and live independently.
- HH4.** Homeowners landlords and tenants are aware of their rights and responsibilities in relation to property condition and are supported to uphold them.
- HH6.** Repair, improvement and adaptation advice and assistance is available to homeowners and tenants across South Ayrshire.

The Scheme of Assistance also supports the following strategic outcomes detailed within the

[Council Plan 2023-2028:](#)

Priority 1 Places and Spaces – Moving around and the environment.

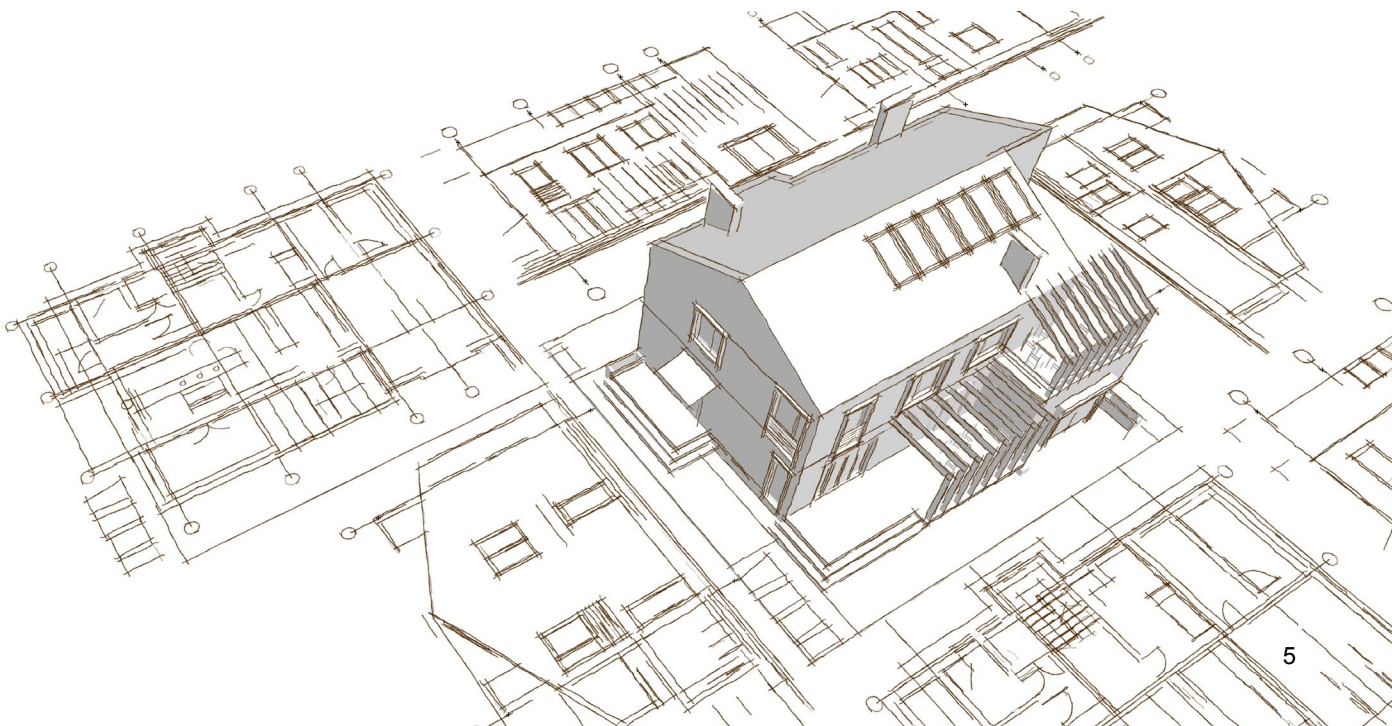
Everyone can access streets, places and spaces that make a positive contribution to wellbeing, are well connected, well designed, and maintained.

Priority 2 – Live, Work, Learn.

Housing Everyone can find a good quality home that they can afford, that meets their needs and is in an area where they feel safe and connected.

Lifespan of Statement

This is South Ayrshire Council's third Statement of Assistance. It will run from 2025 until 2029.



South Ayrshire Council's Statement of Assistance

Information, Advice and Practical Assistance

Providing good quality, up to date advice and information is an integral part in helping homeowners to fully understand their maintenance responsibilities. Appropriate, uncomplicated and well-targeted advice, information and assistance can focus the attention of homeowners on key elements of property maintenance and highlight the importance of planned maintenance.

Information

The Council has introduced a suite of information for any homeowner that is looking for a guide to repairs, maintenance, adaptations and finding alternative housing. South Ayrshire Council has also subscribed to "Under one Roof" which provides common repair and retrofit support for tenement flat owners in Scotland. The information available covers the following subjects:

- [Aids and adaptations](#)
- [Building maintenance for the home you own](#)
- [Checking your building](#)
- [Identifying and preventing damp and condensation](#)
- [Organising common repairs](#)
- [Organising repairs to your building](#)
- [Paying for building repairs and maintenance](#)
- [Housing options - Housing advice - South Ayrshire Council](#)
- [National Advice for tenement flat owners](#)

This information is largely designed to guide homeowners to carry out any maintenance work themselves. It is accessed via the South Ayrshire Council's website and receives a good uptake. During the period April 2018 – March 2024 leaflets were accessed over 16,000 times via the website

Further information will now be developed to cover:

- Factoring services and self-factoring
- Home safety
- Home repair emergencies



The South Ayrshire Trusted Trader Scheme

This is a resource available to the public enabling them to source reputable contractors working in their area. It is a local business partnership scheme aimed at increasing consumer confidence, promoting good practice within local business, and helping protect citizens from doorstep crime.

The Trusted Trader scheme is a directory of local businesses that have been vetted by Trading Standards and Trusted Directory Services and have made a commitment to treat their customers fairly.



The Scheme is based on customer experience and customer feedback. Trade members of the scheme ask their customers after a job is completed to provide feedback on what they thought of the job and the feedback is published on an independent website. The aims of the scheme are to:

- increase consumer confidence.
- help protect citizens from doorstep crime.
- encourage good practice within local business.
- promote vetted local businesses.
- the ability to showcase official reviews and feedback.

Anyone requesting advice and assistance in relation to the Scheme of Assistance will be signposted to the Trusted Trader Scheme to identify, for themselves, suitable contractors to carry out any works.

[South Ayrshire Trusted Trader | South Ayrshire Trading Standards](#)

Advice

There are occasions when information alone is not sufficient to meet need. In these circumstances tailored advice is available to complement the existing information. Advice services will be available in person, over the telephone or via a dedicated email address. Examples of the advice we provide includes:

- Housing options for people with disabilities or lifelong illnesses
- Setting up maintenance accounts and organising common repairs
- Identifying maintenance issues
- Identifying suitable contractors to carry out required works

There are occasions when the type of advice requested is better provided by other departments of the Council or external organisations. In these circumstances, customers will be referred to specialist advice providers such as:

- Environmental Health
- Building Standards
- Housing Options
- Energy Agency
- Money advice service via Information and Advice Hub
- Police Scotland
- Fire Scotland



Practical Assistance

The provision of information and advice will assist most homeowners to meet their maintenance needs. However, there are homeowners who need practical assistance to enable them to carry out maintenance and repair work or to organise an adaptation. The Council will offer practical help in the following areas:

- Assistance with completing application forms for financial assistance;
- Requesting quotations from the client's selected contractors, reviewing the content and instructing works on the clients behalf.
- Assisting in the collection of all required supporting documentation to be submitted with applications for financial assistance;
- Corresponding with homeowners who have a shared responsibility for common repairs.
- Onward referral to organisations for specialist services

Financial Assistance – Repair and Improvement

The Council will provide a range of information on possible funding options available for repairs and improvements on request.

We will always recommend that customers seek professional guidance from an independent financial advisor. Information on how to find a financial advisor can be obtained from the Financial Conduct Authority (FCA) via their website (<https://www.fca.org.uk/>), by telephone (0800 111 6768) or on request via email (consumer.queries@fca.org.uk).

Customer Services Money Advice Team

The Council's Information and Advice Hub provides assistance to those struggling with debt by checking financial circumstances and helping to consider the best options available to deal with debts. This team can negotiate with creditors on behalf of their customers.

For free, confidential and impartial assistance with debt:

Call 0300 123 0900 and ask for the Information and Advice Hub

Visit 1-3 Mainholm Road, Ayr, KA8 0QF

[Digital Referral Form](#)



Local Priorities for Discretionary Grants

Section 71 of the Housing (Scotland) Act 2006 gives local authorities discretion to decide the works which will be eligible for grant assistance. The local priorities in South Ayrshire are detailed below.

Mixed Tenure Grant

The meaning of mixed tenure properties within this Scheme of Assistance is a block of flats made up of properties that are privately owned and Council owned. They have been created by various housing policies including the Right to Buy (RTB).

Typically, the Council and private owners within these tenements experience difficulties progressing common repairs and maintenance largely relating to:

- Internal close areas, most commonly repair or replacement of security doors and door entry systems;
- Structural repairs; or
- Repairs within the curtilage of the building, this includes, footpaths, steps, etc.

If owners do not agree to the cost of carrying out repairs, then the ability to effectively maintain common areas is restricted, and in some cases prevented. The cost of carrying out common repairs and maintenance works can be the main obstacle to works progressing, with property co-owners often not realising or prioritising the costs involved in effectively maintaining a property with commonly owned parts.

From 2018 until 2023 the Council approved more than 183 mixed tenure grant applications for homeowners in over 100 blocks of flats, helping maintain commonly owned property elements against the Scottish Housing Quality Standard (SHQS).

The Council will continue this support by providing discretionary grants with varying levels of grant award (subject to budget constraints) where the follow criteria apply:

- the property is within a block where owners share a responsibility for the cost of common works; and
- the owner is liable to pay £1000 or more towards the overall cost of the work; and
- the work is necessary to help achieve regulatory compliance (e.g. SHQS, Energy Efficiency Standard for Social Housing, etc.) and/or meets the strategic aims of South Ayrshire Council's Housing Service.

A 50% flat rate grant will be offered to owner occupiers for **planned maintenance works** within mixed tenure blocks. The grant award in this circumstance will be 50% of the **final cost of works** confirmed on completion.

For planned maintenance works, where a property is not the owner's sole or principal residence (This includes privately rented properties, short term lets, empty homes and second homes) the following percentage of grant award will apply, based on the owner's proportionate share of the original cost of works:

An estimated proportionate share of under £1000 are not eligible for grant award
£1,000 to £5,000 – 25%
£5,001 to £10,000 - 30%
Works estimated to cost over £10,000 will be eligible for 35%

There will be no change to the percentage grant award on receipt of the final costs of works.

For unexpected **essential works (e.g. where common roofs or components have been collectively allowed to get to the end of their useful life through the avoidance of effective planned maintenance)** a maximum flat rate grant of 20% will be offered within mixed tenure blocks to all private co-owners (subject to available resources) where each proportionate share of the cost of works is £1,000 or over.

Registered Social Landlords are ineligible for Mixed Tenure grant awards.

Housing Renewal Area Grant

The Council has developed a policy for designating localities as Housing Renewal Areas where there is a significant number of sub-standard residential properties.

The Council will tackle this disrepair through the use of enforcement powers available and will, in some circumstance, offer homeowners a discretionary 50% flat rate grant to carry out essential maintenance work (subject to budgetary constraints, and strategic priorities).

The qualifying criteria are determined within the [Housing renewal areas - South Ayrshire Council](#)

Energy Efficiency – Home Energy Scotland

Home Energy Scotland is a Scottish Government programme managed by Energy Saving Trust. They are a network of local advice centres covering all of Scotland providing free, impartial, expert advice. An extract from their website is provided below, detailing the services they offer:

- **Home Energy**
 - Help to save energy and money and make your home warmer
 - A free Home Energy Check over the phone or online to pin-point savings.
 - In some instances an advisor can visit you at home.
- **Renewables**
 - Help to work out which renewables systems are right for you and your home.
 - Information about financial support and reputable installers.
- **Travel**
 - Help you save fuel whilst driving.
- **Loans and support**
 - Assessing your eligibility for financial support, benefits, and incentives to help you take control of your energy bills through discounted energy rates you might not be aware of.

Home Energy Scotland can be contacted free of charge on **0808 808 2282**



Assistance for Owners of BTS properties

South Ayrshire's 2024 Local Housing Strategy reported that there are at least 272 dwellings Below Tolerable Standard (BTS) as of March 2023. This figure has increased from 267 in South Ayrshire's 2015 Housing Needs and Demands Assessment

A house meets the Tolerable Standard if it:

- **is structurally stable;**
- **is substantially free from rising or penetrating damp;**
- **has satisfactory provision for natural and artificial lighting, for ventilation and for heating;**
- **has satisfactory thermal insulation;**
- **has an adequate piped supply of wholesome water available within the house;**
- **has a sink provided with a satisfactory supply of both hot and cold water within the house;**
- **has a water closet or waterless closet available for the exclusive use of the occupants of the house and suitably located within the house;**
- **has a fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house;**
- **has an effective system for the drainage and disposal of foul and surface water;**
- **in the case of a house having a supply of electricity, complies with the relevant requirements in relation to the electrical installations for the purposes of that supply;**
- **“the electrical installation” is the electrical wiring and associated components and fittings, but excludes equipment and appliances;**
- **“the relevant requirements” are that the electrical installation is adequate and safe to use**
- **has satisfactory facilities for the cooking of food within the house; and**
- **has satisfactory access to all external doors and outbuildings.**
- **has satisfactory equipment installed for detecting fire, and for giving warning of fire or suspected fire, satisfactory equipment installed for detecting, and for giving warning of, carbon monoxide present in a concentration that is hazardous to health**

The Council is committed to assisting homeowners to achieve this minimum standard of living. Information, advice and practical assistance will be offered to progress repair and maintenance works where requested. The Tolerable Standard assessment is carried out by Environmental Health.

The Housing Strategy and Regeneration service will work in partnership with Environmental Health to identify owners who may benefit from information, advice, or assistance with the aim of reducing the number of homes that fall below the Tolerable Standard.



Adaptation of Homes for People with Disabilities

The Council and the Health and Social Care Partnership are committed to helping people with disabilities remain independent in the community for as long as practically possible. Over the course of the previous Scheme of Assistance, from 1st April 2018 until 30th March 2023, the Council approved 650 applications for mandatory grant for private sector disabled adaptations and spent £2.7 million on these works.

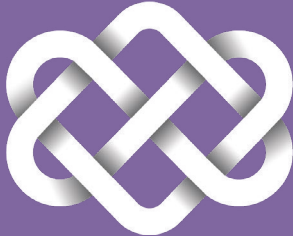
The Housing (Scotland) Act 2006 places a duty on all local authorities in Scotland to provide mandatory grant assistance for most essential adaptations and for the provision of a standard amenity.

Grant will be awarded only where an application is supported by a recommendation from an Occupational Therapist, after an assessment of need has been carried out and eligibility for provision of a service has been established.

Assessment of Need

An initial enquiry/referral can be made (by an individual, a carer/family member, a health and social care professional or any third sector agency) directly to the South Ayrshire Health and Social Care Partnership's Community Occupational Therapy team. This team has a duty to carry out an assessment of need, in whichever capacity is deemed suitable by a Community Occupational Therapist. The contact details are as follows:

Community Occupational Therapy Team
Health and Social Care Partnership,
South Ayrshire Council
Overmills Day Centre
Westwood Avenue
Ayr,
KA8 0QZ
Telephone: 01292 281993



south ayrshire
health & social care
partnership

Request for assistance referred to Community Occupational Therapy will be screened based on the information received at the point of referral, to determine the outcome of the referral. When a referral has been screened and is allocated to a suitable specialist within the Community Occupational Therapy Team they, will be responsible for carrying out a holistic assessment of need in accordance with relevant legislation, local policies and procedures.

Where the outcome of assessment by a suitable specialist recommends an adaptation, onward referrals will be completed to any relevant parties, which may include, but is not limited to; Social Work, Housing, Health and third sector agencies. Technical input from the Building Standards Service will also be required.

Where a recommended adaptation affects communal areas this will be subject to gaining permissions from all relevant parties and adhering to legislation and safety procedures.

[Adapting common areas of property: guide - gov.scot](#)

If, following an assessment, an adaptation is not recommended then no further action can be taken in regards to a mandatory grant application.

Mandatory Grant

Where an essential adaptation is recommended and all relevant parties agree to meet the need through provision of an adaptation, the Council will fund 80% of the costs. Any extension required solely for the installation of a standard amenity can be considered as an essential adaptation. The applicant's income or savings will not be taken into consideration.

If the applicant or anyone within the household is in receipt of any of the following income replacement benefits, 100% of the cost of the essential adaptation or provision of a standard amenity will be met by the Council:

- Income support
- Income based jobseeker's allowance
- Universal Credit
- Pension credit (guarantee element)
- Employment support allowance (income related)

If the applicant or anyone within the household is not in receipt of any of the afore mentioned income replacement benefits, then the Council will offer an 80% grant award towards the cost of the essential adaptation.

Where an applicant requires financial assistance for the 20% short fall, information and advice can be provided by Housing Grants regarding benevolent funding through third sector organisations e.g Turn2us

Turn2us Grants Search

The percentage grant award offered by the Council may be subject to change if there are any amendments to legislation by the Scottish Government.

Discretionary Grant

Where an 80% mandatory grant is being awarded and the applicant, after receiving advice and assistance, is unable to fund all of the remaining costs of the adaptation, the Council may exercise in exceptional circumstances its discretion under the Act to award an additional grant to cover the remaining costs. This will be considered on a case-by-case basis within the Adaptation Review Group

Consideration will be given to the affordability of the ongoing maintenance of an adaptation as part of the financial assessment for the discretionary grant and ongoing financial assistance may be provided.



Grant Applications

Information on how to complete a grant application form and organise the additional documentation required is contained in the grant application pack. This pack is issued by South Ayrshire Council - Housing Grants to people who have an assessed need for an adaptation. Contact can be made with the Council's Housing Grants department for further information about the grant application process. The contact details are as follows:

Housing Grants
South Ayrshire Council
Housing Strategy and Regeneration
County Buildings
Wellington Square
Ayr
KA7 1DR
Telephone: 01292 612894
Email: HousingGrants@south-ayrshire.gov.uk



Written approval must be given by Housing Grants for all Grant Funded works before any works commence. Funding cannot be paid retrospectively. If work commences before the application is approved, funding will not be awarded.

Circumstances in which Mandatory Grant may not be approved.

- South Ayrshire Council is unlikely to approve an application for mandatory grant in the following circumstances:
- An owner of the land or premises in which the adaptation is to be carried out has not consented in writing to the application and/or to being bound by the conditions detailed in section 83 of the Housing (Scotland) Act 2006.
- Where work has begun without good reason before the application was approved.
- The application relates to premises that contain more than one house and the adaptation would prevent the improvement of any other house in the premises.
- The house to which the application relates will not provide long term suitable living accommodation for the applicant and their household after completion of the proposed works.
- The adaptation does not reflect best value.
- The property and/or the grounds are in a poor condition and would impact upon the effectiveness of the adaptation.
- The property does not have the required infrastructure to support the adaptation, as considered reasonable by the Council.

Some examples include:

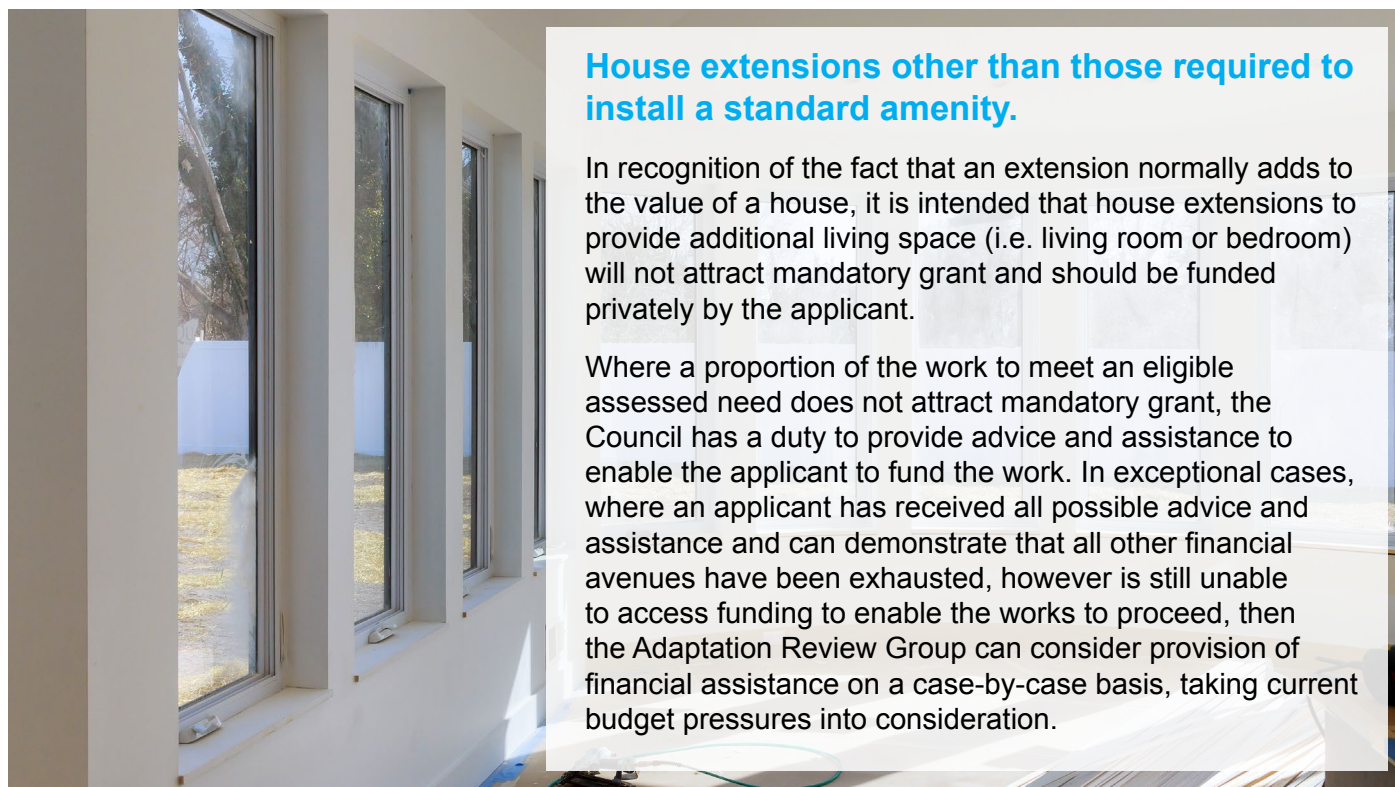
- A house that does not meet the Tolerable Standard.
- A house that does not lend itself to the required adaptation e.g. external access to an upper flat.
- An adaptation that cannot achieve Planning consent or will not meet Building Regulations.
- Appropriate infrastructures are not in place and would potentially incur significant additional costs.
- The final decision to not issue an approval for an application for a mandatory grant will be taken by the Adaptation Review Group.

Alternative Housing Options

In all cases, alternatives to an adaptation that may provide a more satisfactory solution and ensure 'best value' should be discussed, investigated and considered by all parties at the initial stages and throughout the process. Information and advice will be offered to the applicant and will include a range of suitable housing options, for example;

- Buying or renting a new home privately on the open market including the provision of information on the availability of Scottish Government Shared Equity Schemes
- Getting independent financial advice <https://www.fca.org.uk/>
- Applying for suitable accommodation from the Council or a Registered Social Landlord [Housing options - Housing advice - South Ayrshire Council](#)
- Information and Advice on housing solutions from external organisations:-
- [Housing Options Scotland | Right Home, Right Place](#)
- <https://accessiblehousingscotland.com/>

Where the cost of the adaptation does not reflect best value, or where there would be technical difficulties in carrying out the necessary adaptation, the Council has a right to consider alternative solutions to meeting the assessed need. In circumstances where a single or multiple adaptations do not meet best value; the case will be referred to the Adaptation Review Group for consideration of the most appropriate solution. This may include a joint solution of identifying alternative accommodation that requires an element of adaptation to meet long term needs and will take into account the financial circumstances and the support requirements.



House extensions other than those required to install a standard amenity.

In recognition of the fact that an extension normally adds to the value of a house, it is intended that house extensions to provide additional living space (i.e. living room or bedroom) will not attract mandatory grant and should be funded privately by the applicant.

Where a proportion of the work to meet an eligible assessed need does not attract mandatory grant, the Council has a duty to provide advice and assistance to enable the applicant to fund the work. In exceptional cases, where an applicant has received all possible advice and assistance and can demonstrate that all other financial avenues have been exhausted, however is still unable to access funding to enable the works to proceed, then the Adaptation Review Group can consider provision of financial assistance on a case-by-case basis, taking current budget pressures into consideration.

Voluntary Additional Improvements to the Specification of Essential Adaptations

If the applicant wants to make additional improvements, including providing additional accommodation or to upgrade the specification of the works, then the cost of the essential adaptation or standard amenity will be funded, as above, with the applicant meeting any additional costs. Any additional improvements being pursued by the applicant must be approved by Occupational Therapy prior to any works commencing.

Breach of Conditions of Grant

South Ayrshire Council can seek recovery of the full amount of grant in the event of:-

A breach of conditions as detailed within the Housing (Scotland) Act 2006 and as stated within the application form. The conditions are recorded on completion of the works for a period of 10 years.

On the sale of the property where-

The owner requests removal of the grant conditions from their property title

Or

Where the prospective buyer is unwilling to accept responsibility for the conditions recorded on the property title and there is a request to remove the conditions.



Maintenance and Aftercare

Grants are not available for maintaining equipment or adaptations. Ongoing maintenance and upkeep of adaptations such as wet floor showers etc are the responsibility of the homeowner.

Where ongoing essential maintenance of equipment within an adaptation is required i.e. LOLER/Service, the funding of this will be discussed, by Community Occupational Therapy, with the applicant prior to works commencing.

Assistance with Reinstatement

Owner Occupiers

The Council has a duty to provide assistance with reinstatement of any property which has previously been adapted. This assistance will take the form of provision of advice and information, no financial reimbursement will be offered.

Private Tenants

Tenants in private rented accommodation can apply for a mandatory grant to carry out adaptation work but must obtain consent from their landlord. Private landlords cannot unreasonably withhold consent.

Where a landlord has consented to adaptations but placed a condition requiring reinstatement in terms of S.52 (5) (b) of the 2006 Act, the Council will expect the landlord, in the first instance to seek a new tenant who will use the adaptations. The Council will assist in identifying a suitable tenant. Failing this the Council will offer advice and assistance to meet the cost of reinstatement of those adaptations which reduce the prospect of the property being let.

Applications for financial assistance towards reinstatement will be considered on a case-by-case basis and will take account of the length of time the adaptation has been in use in the property.

Adaptation Review Group

An Adaptation Review Group comprising representatives from Housing, Social Work, Occupational Therapy and Building Standards will monitor the operation of the Scheme of Assistance in respect of adaptations. and will consider:

- referrals (where the work required is complex)
- non approval of request for grant assistance
- requests for discretionary payments and
- assistance with reinstatement.

Definitions

Standard Amenity

Standard amenities are defined in the Housing (Scotland) Act 1987 Section 86 (1), as amended by the Housing (Scotland) Act of 2001 and 2006 as:

- A sink provided with a satisfactory supply of both hot and cold water within the house.
- A WC available for the exclusive use of the occupants of the house and suitably located within the house; and
- A fixed bath or shower and wash-hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house.
- Where additional or replacement facilities are essential to the needs of a disabled person.

Adaptations

Under Section 73 (3) of the Housing (Scotland) Act 2006 adaptations are defined as:

Structural work or work that involves other permanent changes to the house but excluding (a) work to extend any structure to create living accommodation, and (b) work to create living accommodation in a separate building from the current living accommodation.

Minor Adaptations and Equipment

Equipment to assist a disabled person with daily living (for example, shower stools) may be provided by the Health & Social Care. Minor stand alone adaptations would not be put forward for grant funding but may be funded by the Health & Social Care Partnership.

Major Adaptations

- The type of adaptation work currently covered by Mandatory Grant can include:
- Installation of a stairlift
- Widening doors for wheelchair access
- Wet floor shower
- Provision of a standard amenity

This list is not exhaustive.....

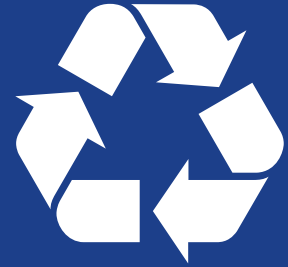
Funding arrangements for the provision of equipment will be reviewed during the term of this policy. Consideration will be given to possible options for improved efficiency to speed up the delivery of solutions and to maximise the use of the available budget.

Equipment Recycling Scheme

Housing Grants operates an equipment recycling scheme where certain pieces of removable equipment, funded by Mandatory Grant, which are no longer required by the applicant, can be offered to the Council for reuse.

The types of equipment South Ayrshire Council can consider recycling are:-

- Modular Ramps
- Ceiling Track Hoists
- Straight stairlifts
- Step Lifts
- Through Floor Lifts



Anyone wishing to discuss this option should contact Housing Grants to discuss further. Following the return of the equipment, arrangements can be made to offer this to individuals who have an assessed need for these items. Recycled equipment remains to be the property of South Ayrshire Council and is not subject to Mandatory Grant and the related conditions. Where South Ayrshire Council is notified of equipment that is no longer required and it is deemed to be suitable for reuse, arrangements will be made for it to be removed from the property.

Common Repairs/Maintenance Work and Missing Shares

Responsible homeowners with shared responsibility for common repairs and maintenance are often unable to progress essential work due to other owners being unwilling or unable to contribute their share of the costs. This often leads to lengthy delays resulting in further deterioration of the building.

The Council has developed information to assist homeowners who are organising common repairs and can also provide further advice and practical assistance on request.

Organising common repair - South Ayrshire Council

If homeowners continue to have difficulty, Section 50 of the Housing (Scotland) Act 2006 allows local authorities to pay missing shares when it is satisfied that:

- The proposed maintenance work and associated costs are essential and reasonable.
- The majority of owners have agreed to carry out the work
- The owners have set up a maintenance account, as defined within Scottish Government guidance (2006 Act)
- All owners have received notice that they should pay their share of the funds into the maintenance account and those in agreement have deposited their share.
- The apportionment of costs to the non-paying owner is correct in terms of the title conditions.

The payment of missing shares will only be used as a last resort after all options have been explored to try and engage with the owner(s) and enable them to fund the repair work themselves.

Where the Council has maintained contact with a non-paying owner there will be a requirement for that owner to enter a repayment arrangement with the Council prior to payment of the missing share. Repayments will include associated administrative expenses.

A Repayment Charge will be registered against the owner's property for the value of the missing share, plus administrative costs. The Council will therefore be able to recover the payment of the missing share when the owner sells their property.

Financial resources for the use of this Power are limited and dependant on annual budgets.

Guidance is available to Owners to help them meet the legislative criteria. We would encourage Owners to seek their own independent legal advice when arranging communal repairs and serving notices.

Enforcement

The Scheme of Assistance is based on the principle that owners, who have primary responsibility for maintaining their property, may require assistance from the Local Authority to exercise the rights and responsibilities that come with ownership. However, it is recognised that there are owners who are unwilling to maintain their property as opposed to unable. In these cases South Ayrshire Council has a range of existing and new powers that can be utilised to ensure owners take on responsibilities.

The Housing (Scotland) Act 2006 introduced powers for Local Authorities to make owners maintain their property to an appropriate standard.

Housing Renewal Areas

The first of these powers is the creation of Housing Renewal Areas where there are a significant number of sub-standard houses and/or a house, or where housing is adversely affecting the amenity of an area. The improvements under a Housing Renewal Area are enforced by the issuing of work notices or demolition notices which state the extent of the works that the owner must undertake and the timescale in which they must do so. Failure to comply with the terms of the Notice may result in the Council undertaking works and recovering all costs and fees from the owner.

Works Notices

Work Notices can be served on sub-standard housing out with a Housing Renewal Area on the same basis that they will state the extent of the works that the owner must undertake and the timescales in which they must do so.

Maintenance Orders

Maintenance Orders can also be served on the owners of property enforcing the preparation of a maintenance plan for the property covering a period of up to 5 years. These can be used where the owner has failed to maintain their property to an appropriate standard. Maintenance Orders can also be used to ensure that the improved standard of housing, as a result of serving of a Works Notice, is maintained.



For any further information, please contact
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