

COMHAIRLE NAN EILEAN SIAR

HOUSING (SCOTLAND) ACT 2006

SCHEME OF ASSISTANCE

(Including Section 72 Statement)

HOUSING SERVICES



Revised September 2011

Scheme of Assistance

A. BACKGROUND

- A.1 The Housing (Scotland) Act 2006 has changed the frame work of local authority powers in relation to the repair and improvement of private housing, and adaptations for people with a disability. This legislation became fully enacted on 1 April 2010.
- A.2 The Scottish Government's policy vision includes the following:
- That there will be a cultural change in attitudes to housing quality in the private housing sector
 - Private owners will become more aware of repair and maintenance responsibilities and be more proactive in carrying them out
 - Private owners will invest more of their own resources to ensure their homes have a sustainable future
- A.3 In order to use the powers contained in the Act a local authority must make a declaration, known as a **Section 72 Statement**, which demonstrates the types of assistance which will be available. The Comhairle's approved Section 72 Statement, which takes account of the guidance provided by Government, can be found at page 4.
- A.4 The main source of finance for the activities covered by the Scheme of Assistance is through the receipt of Capital Grant which is paid to the Comhairle by the Scottish Government. The Comhairle is able to set its own budget for private housing assistance from within its overall Capital Grant allocation.

B. THE ASSISTANCE STATEMENT

- B.1 The Section 72 Statement includes details relating to:
- The types of assistance which are available
 - Information and advice
 - Practical help
 - Financial support
 - The priorities for assistance
 - Adaptations for disabled people
 - Below Tolerable Standard housing (BTS)
 - Energy efficiency
 - Changes to the 'means testing of resources' regime – which has been generally discontinued (other than for individuals with a disability)
 - The move towards loan rather than grant support – with loans coming from a wide range of sources
 - The revised grant funding regime which has come into place as a result of the general move away from grant support
 - The switch in focus from "professional" to "amateur" landlords

C. ENERGY EFFICIENCY

- C.1 The Section 72 Statement takes the opportunity to strengthen the Comhairle's approach on energy efficiency in the private sector.

D. ENFORCEMENT POWERS

- D.1 **Maintenance Orders**
Under Section 42 of the 2006 Act, the Comhairle has the power to serve a Maintenance Order on the owner of a house which requires the owner to develop a maintenance plan for the property, for up to a five year period. If the owner fails to carry out the maintenance which the plan sets out, the Comhairle is able to enforce the plan and recover the costs for doing so from the owner.

The Comhairle has agreed that Maintenance Orders may be used:

- Where the Comhairle has previously invested public funds in the treatment of a property through the award of a grant and, on inspection after a year or more following completion of work, the property is found to be lacking maintenance the Comhairle may, after discussing the situation with the owners and where they fail to agree to a voluntary maintenance plan, serve a maintenance order. For grant cases

determined under the Housing (Scotland) Act 2001, this will be a maximum period of five years from the completion of grant works and for cases under the Housing (Scotland) Act 2006 a ten year period will apply.

- Where serious lack of maintenance of common parts comes to the notice of the Comhairle
- In response to a request by a majority of owners of a building with multiple owners
- Where lack of maintenance of a non-flatted property is causing damage to an adjacent property

D.2 **Housing Renewal Areas**

The Comhairle does not intend to utilise every power available in the Housing (Scotland) Act 2006 but will employ those which are considered to be appropriate to tackle the Private Sector Housing issues in the Outer Hebrides. For example, there are presently no proposals to create Housing Renewal Areas in the islands because it is not considered to be appropriate given the nature and dispersed pattern of the housing stock.

E. SERVICE IMPLICATIONS

- E.1 Financial: The services set out in the proposed Section 72 Statement will be delivered within established budgets.
- E.2 Legal: The adoption of a Section 72 Statement was a legal requirement by 1 April 2010. Certain new provisions for people with a disability became mandatory from 1 April 2009 and these were introduced in advance of the enactment of the full Act (Appendix B).
- E.3 The Comhairle's Scheme of Assistance has been approved according to the requirements of the 2006 Act, the Housing (Scotland) Act 2006 (Scheme of Assistance) Regulations 2008, and the Statutory Guidance issued by Scottish Ministers in March 2009. The Scheme of Assistance and the Section 72 Statement were reviewed and amendments were approved in the summer of 2011.
- E.4 Personnel: The Housing Services Team has been reviewed to enable appropriate services to be delivered throughout the islands using the new powers.
- E.5 Service Plan: A Section 72 Statement is required for the effective delivery of the private housing priorities in the Local Housing Strategy.
- E.6 The Comhairle's Scheme provides assistance and encouragement to improve and repair existing housing which will cause the least environmental impact in the Outer Hebrides.

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PURPOSE OF THIS STATEMENT

1. This Statement is produced as required by the Housing (Scotland) Act 2006, Section 72. It sets out the circumstances in which Comhairle nan Eilean Siar will prioritise particular types of information, advice, practical support and financial assistance to private house owners in relation to works carried out to private houses. It will apply until further notice.

VISION

2. *The Comhairle will maintain and improve private sector housing, protect our built heritage, support households and revitalise communities in the Outer Hebrides. To achieve these outcomes the Comhairle will deliver, fairly and efficiently, information, advice and practical and financial assistance in partnership with owners, landlords, tenants, and other services and stakeholders.*

STRATEGY

3. In reflecting the requirements of the Housing (Scotland) Act 2006, this Statement also reflects national policy priorities on the repair and improvement of sub-standard housing, promotion of responsibility of owners to look after their property, and enabling the most vulnerable people in our communities to live independently.

4. The Comhairle's Local Housing Strategy 2011-2016 identifies the following key outcomes:

- Housing Quality
- Housing Supply
- Independent Living
- Reduced Homelessness
- High Quality Housing Advice

5. The Comhairle's Local Housing Strategy has set out the issues relating to the overall housing stock of the islands and a number of specific objectives for Private Sector stock as follows -

- Reduce the number of currently occupied BTS properties by 350 by 2016.
- Assist 1000 vulnerable households to minimize their fuel costs by 2016.
- Assist 1500 older and other vulnerable households to live in properties free from serious disrepair and which meet the tolerable standard by 2015.
- Increase the number of older people, disabled people and other vulnerable adults who are being supported to live independently in a homely environment.

In addition the Comhairle aims –

- To link action on housing repair and improvement effectively with policies on conservation and heritage in order to preserve and enhance the islands' built environment

PARTNERS

6. The Comhairle will deliver assistance along with the following services and partners:

- Tighean Innse Gall through: Western Isles Care and Repair; Taigh Blath, TEAS and the Home Safety Project.
- Western Isles Health Board
- Hi-Scot Credit Union
- Energy Saving Trust
- Crofters Commission
- Citizens Advice Bureau
- Scottish Government, Department of Work and Pensions
- Landlord Accreditation Scotland

Contact details of all these partner organisations are contained in Appendix A.

PRIORITIES FOR ASSISTANCE

7. The funding to implement this Section 72 Statement of Assistance is a limited resource. Therefore, resources are targeted to ensure that help goes to those most in need and the Local Housing's Strategy's strategic objectives are achieved. Assistance is prioritised by type of works and existing house conditions (Comhairle Private Sector Housing Policies provide further detail - Page 15)
8. The Priority Works for Assistance are:
 - 1) Essential adaptations for people with disabilities
 - 2) The improvement and repair of Below Tolerable Standard properties (BTS)
 - 3) Energy efficiency measures which help to reduce fuel poverty
9. **Tolerable Standard**

The Housing (Scotland) Act 2006 revised the existing Tolerable Standard. A house is deemed to meet the Tolerable Standard 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;
 - (ca) has satisfactory thermal insulation;
 - (d) has an adequate piped supply of wholesome water available within the house;
 - (e) has a sink provided with a satisfactory supply of both hot and cold water within the house;
 - (f) has a water or waterless closet available for the exclusive use of the occupants of the house and suitably located within the house;
 - (fa) 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;
 - (g) has an effective system for the drainage and disposal of foul and surface water;
 - (ga) 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; "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";
 - (h) has satisfactory facilities for the cooking of food within the house;
 - (i) has satisfactory access to all external doors and outbuildings.

SUMMARY OF ASSISTANCE AVAILABLE

10. It is a principle of the Housing (Scotland) Act 2006 that the responsibility for the repair, maintenance and improvement of a house lies with the owner. Therefore, in the first instance, information and advice will be provided to enable owners to carry out the necessary activities themselves and this may require owners to secure their own finance to carry out the works through borrowing. Practical assistance will be provided, if required. The Comhairle may give financial assistance in the form of grant in order to achieve strategic priorities, subject to certain qualifying criteria being met.

• Information and Advice

Information and advice will be provided to enable households to either; carry out works themselves, or to be better informed when going through the process of appointing a contractor to carry out works for them. It is intended that information and advice will be available for all enquiries where possible, and certainly made available for all priority works.

Information will be provided where possible, mainly through the provision of written information, on specific topics for example; maintenance, selection of a contractor, etc. and will be available in all area offices of the Comhairle and on the Comhairle's website.

Specific information and advice may also be given verbally if the client has made an enquiry to discuss a particular fault or problem that their house is suffering from. However, in some cases it may not be possible to give adequate advice without providing Practical Assistance to the householder and carry out a site visit to assist in determining the nature and extent of the problem.

• Practical Assistance

Practical assistance may involve the Comhairle, or a partner organisation, recommending, overseeing or carrying out some of the repair or maintenance process on behalf of the owner or owners. This process may include the assessment of building problems and identifying solutions, survey work, designing a programme of works, and if appropriate, finding, arranging and managing a suitable contractor to carry out the works. This type of service, in many circumstances, will be available to older people and people with a disability, through the Care and Repair service. The Comhairle may also provide assistance to facilitate the establishment and management of buildings with multiple owners and to promote maintenance, repair and improvement.

• Financial Assistance

If requested, the Comhairle will provide information on where owners can obtain loans or obtain more information and advice on loans. The Comhairle recommends that owners should always seek independent financial advice before taking on loans. The Comhairle will make grants for adaptations available to people with disabilities. The Comhairle may also make grants to other owners to assist in meeting the Comhairle's Local Housing Strategy objectives, to the extent permitted by available finance. Grants will be allocated according to the Comhairle's stated private sector housing policies and priorities and on the terms set out in this Statement.

• Monitoring

The Comhairle will monitor all enquiries for assistance to ensure that the Scheme is effective, is within the terms of the legislation and Scottish Government guidance and is appropriate in meeting the needs of private sector housing in the Outer Hebrides.

INITIAL ACCESS TO ASSISTANCE

11. Access to assistance from the Comhairle will in the first instance be to:

For Lewis and Harris: Development Department
Comhairle nan Eilean Siar
Council Offices
Sandwick Road
Stornoway
Isle of Lewis
HS1 2BW
Telephone: 0845 - 6007090 or 01851 - 822691: Fax 01851 - 705349
E-mail: PrivateHousingEnquiries@cne-siar.gov.uk

For Uists and Barra: Development Department
Comhairle nan Eilean Siar
Council Offices
Balivanich
Isle of Benbecula
HS7 5LA
Telephone: 0845 - 6007090 or 01870 - 604990 : Fax 01870 - 602332
E-mail: PrivateHousingEnquiries@cne-siar.gov.uk

Alternatively, visit the webpage: <http://www.cne-siar.gov.uk/housing/pshgrant.asp> where a variety of information is available.

EQUAL OPPORTUNITIES AND SERVICE STANDARDS

12. The Comhairle is committed to equal opportunities. Equality measures have been incorporated into the Statement of Assistance, including:

- Providing advice and assistance to any homeowner who needs it, with particular sensitivity to the needs of the most vulnerable such as older people, people with disabilities and minority ethnic customers.
- Ensuring that literature will be made available when required in Braille, large print, and on CD. Translation services can be made available when requested.
- Providing an interpreter when needed.
- Facilitating access to loans which are Sharia-compliant when required.

- Ensuring that our services are accessible to all communities by engaging with community groups and attending external events.
- Regularly reviewing, consulting upon and monitoring our services to ensure that they are non-discriminatory.

13. The Comhairle is committed to providing an excellent service to its customers and will always aim to:

- Deal with you honestly, fairly and politely.
- Give you the information you need.
- See things from your point of view.
- Respect your right to confidentiality.
- Be trustworthy and reliable.
- Take account of the needs of people with a disability and those whose first language is not English.
- Be efficient and effective.
- Have a user-friendly complaints procedure if things do go wrong.

14. All applications for financial assistance will be acknowledged within 10 business days.

15. The Comhairle will seek Homepoint accreditation for its housing information and advice services relating to this Statement.

ADAPTATIONS AND STANDARD AMENITIES FOR PEOPLE WITH A DISABILITY

16. If you live in a property which you own or rent from a private landlord, and you think you need assistance to provide an adaptation to make it suitable for you to continue to live in, then Appendix B provides the appropriate advice on how to proceed with the request and the types of assistance which may be available to you. Assistance may also be available to adapt or move to a home more suited to your particular needs.

CARE AND REPAIR

17. Western Isles Care & Repair assists home owners aged 60 or over and people with disabilities, to organise repairs or adaptations to their property. The Scheme of Assistance for Minor Works provides practical help with small repairs and tasks around the home that owners may find difficult to do. These services are generally free, although there may be a charge for materials used or specialist fees in connection with the supervision of improvement or repair works. Care and Repair also provide a service for disabled people to carry out any necessary adaptation works in their homes. This assistance includes getting drawings produced to show the adaptations proposed, obtaining competitive quotations for the works and liaising with the contractor, client and Occupational Therapists throughout the course of the work

Contact details for Care and Repair are contained in Appendix A.

HOUSE CONDITION WORKS

18. When a household contacts the Comhairle to seek assistance, the Comhairle will provide information and advice, and where appropriate, practical assistance.

INFORMATION AND ADVICE

19. A variety of sources of information are available in the form of leaflets, booklets, and websites:

- Information on property maintenance to include the basics of repairing, improving and adapting properties
- Information on sources of advice and practical assistance including local and national advice sources, and any practical assistance available locally (e.g. Care & Repair)
- Information for common owners to cover including the role and remit of property managers, responsibility for paying for repairs and maintenance, the importance of title deeds and legislation on tenements, maintenance plans, and potential financial assistance option.
- Local awareness campaigns
- Targeted information for house purchasers, estate agents, lenders and builders

20. A list of websites providing information is at Appendix C and will be updated by the Comhairle.

21. If you require this information to be translated or interpreted, or to be made available in alternative formats, such as audio, please contact the Development Department at the address shown in Paragraph 11 of this document. The Comhairle will endeavour to respond to such requests within 14 working days.
22. Advice includes:
- Locally available advice provided by the Comhairle or its partner agencies
 - National advice sources
 - Broad advice on type of financial assistance options available
 - Referral for community care assessments
 - Talks to residents groups/associations when requested
23. The Comhairle cannot give legal or financial advice to individuals but can signpost people to where this type of advice can be found.

PRACTICAL ASSISTANCE

24. Practical assistance will be prioritised towards assisting older people, people with a disability and people on low incomes. It can enable households in multiple ownership properties to work together to carry out communal works. It may be delivered directly by the Comhairle or referred to a partner organisation, for example:

Western Isles Care and Repair helps owner occupiers aged 60 or over, people with a disability or clients who are considered to be vulnerable to arrange repairs, improvements or adaptations to their home.

Factors/Property Managers, including private companies and RSLs, can organise and carry out repair and maintenance works on behalf of owners. A management fee may be charged for providing this service.

Landlord Accreditation Scotland (LAS) is a voluntary scheme by which landlords and letting agents can assure tenants that the tenancy arrangements they have adhere to the high standards outlined in the Scottish Core Standards for Accredited Landlords. LAS provide access to support, information and landlord training in all aspects of managing residential property in Scotland.

FINANCIAL ASSISTANCE

25. Generally speaking, owners have three potential sources of finance for house condition works: owners' own financial resources such as savings; loans (normally secured on the property); and, subject to meeting qualifying criteria, grants from the Comhairle or other agencies (e.g. Crofters Commission). The Comhairle aims to assist a balance to be struck between these sources to ensure that its strategic objectives will be achieved.
26. Financial assistance will be prioritised in accordance with the Priority Works for Assistance:
- 1) Essential adaptations for people with disabilities
 - 2) BTS properties
 - 3) Energy efficiency measures

LOANS

27. A range of loans may be available to owners to help finance necessary works to their houses:

• Commercial loan products

In many circumstances these may provide a satisfactory solution. An owner's existing lender will often be prepared to make a further advance against home improvements or repairs, especially where these safeguard the value of the property which is the security for the original loan. Commercial loans may require interest to be paid as part of each monthly payment. In other cases, for example, an equity loan payments are not required in regular amounts but the loan amount will become payable in full, plus a pre-agreed amount of interest accrued, on the sale of the property or the death of the house owner.

• Hi-Scot Credit Union / Loan Guarantee Scheme

Hi-Scot Credit Union can make loans for home repairs and improvements but, generally speaking, the house owner must have been saving with them before any advance of funding will be considered. Currently the maximum amount of loan available is £7,000. The Scheme of Assistance aims to encourage owners to save with the Credit Union to ensure that funding is available for maintenance or repairs which

may be required to their home. Alternatively, if more major repairs or improvements are required then a track record of saving with the Credit Union should improve the home owner's opportunity to obtain a loan.

This Scheme should enable tenants of houses in Crofting tenure, Fisherman's holdings or Cottars to obtain adequate loan funding towards the improvement or repair of their own home in circumstances where they might not otherwise be able to access loans due to the lack of security which these forms of tenure can offer to a commercial lender. Further details on this scheme can be obtained from Hi-Scot Credit Union.

28. The assessment of loans, and their associated terms, conditions and suitability for the individual client, is a specialised process and should only be carried out by suitably qualified and licensed individuals. In particular, equity release products can be complex and specialist advice may be required before any such product is considered.
29. Comhairle staff will under no circumstances recommend any type of loan product but simply point out the various options which may be available and advise the customer to seek professional guidance from an **Independent Financial Adviser**. Information on how to find a financial adviser can be obtained from the Financial Services Authority (FSA) website <http://www.fsa.gov.uk/pages/consumerinformation> or consumer helpline 0845 606 1234. These advisers should investigate and utilise the existing financial lending markets to assist individuals to fund their own works.
30. The Comhairle does not currently intend to make loans available itself using the powers contained in the 2006 Act.

GRANTS (Towards Carrying out Repairs or Home Improvements)

31. The Comhairle will only consider applications for grants to achieve the strategic objectives of the Local Housing Strategy outlined above (page 5, paragraph 5) and which fall within the Priority Works categories. To enable fair assessments to be carried out the Comhairle will operate a priority pointing system to determine whether or not the condition of a house falls within the Priority Works category. All payment of grant will be subject to availability of resources. Grants will not be available where the income of the owners exceeds £65,000 per annum.
32. The works required must be identified and agreed with the Comhairle and thereafter the estimated potential costs calculated. This will be known as the "Approved Works Cost". The Comhairle will only consider works which are necessary to keep the house above the Tolerable Standard and will not support over specified works or items of a purely aesthetic nature. The inclusion of such items will affect any calculation for grant assistance.
33. The owners should consider appointing a suitably qualified agent to organise the work on their behalf and supervise the works on site. The Comhairle may consider any fees incurred in such an appointment as part of the overall project costs however the agent must hold relevant professional indemnity insurance before any fee will be considered.

OWNER OCCUPIERS

Owner occupiers (Sole or Main Residence)

As the legislation aims to get home owners to take more responsibility for paying for repairs and improvements to their home then owners will be expected to demonstrate that they are making an affordable contribution towards the cost of necessary works before any grant award can be considered. In cases where the proposals cost less than £3,500 per owner, the costs are expected to be met in full by the owner using savings or, if necessary, commercial sources of borrowing or the Hi-Scot Credit Union. This is because it is considered that works to this value are of an order similar to the outgoings that should be expected from time to time on the upkeep of a property. However people who are over 60, or who have a disability, and may be unable to make such a contribution may be eligible for practical assistance through the Scheme of Assistance for Minor Works, administered by Western Isles Care and Repair

Approved Works Cost over £3,500. Where funding permits, eligible owners will normally be offered financial assistance to cover any shortfall in funding of the Approved Works Cost. Other than in exceptional circumstances will not exceed £50,000. The cost of the remaining balance should be met by the owner. Normally this will be resourced by the owner through savings or borrowing.

Extreme Financial Hardship. Where the applicant can demonstrate that they cannot provide their required contribution from their own resources the Comhairle may, in exceptional circumstances award financial assistance in excess of 90% of the approved works costs. In these circumstances a charge will be taken out against the Title Deed of the property for a ten year period, requiring the owner to repay a proportion of the award if the property no longer remains their main residence.

Owner occupiers (other than sole or main residence)

The owner occupier of a property which is not their sole or main residence will not be eligible for financial assistance.

Owner occupiers within properties affected by a Registered Social Landlord's capital works

Owner occupiers required to contribute to works carried out by an RSL on its own properties in pursuit of their improvement programme will be given assistance in accordance with the priorities set out for owner occupiers above, and will be dependant on the availability of resources.

Non-participation in Works.

If an owner does not agree to participate in common works, the offer of financial assistance will be withdrawn after 3 months, and enforcement action may be taken i.e. Work Notice served on the property, together with a repayment charge raised against the property under Part 7 of the 2006 Act.

Crofting Tenure

Tenants of Croft houses are recommended, in the first instance, to seek assistance from the Crofters Commission through the Crofting House Grant Scheme. This Scheme provides financial help towards the Improvement and Repair of houses in crofting tenure, provided the cost of work to be carried out is greater than £10,000. Further details on eligibility and amounts of grant are available on the Crofters Commission website or contacting them at the address shown in Appendix A:

<http://www.crofterscommission.org.uk/Scottish-House-Grant-Scheme-CHGS.asp>

If funding is not available through the Crofting House Grant Scheme or the amount being offered is insufficient to carry out the repairs or improvements then the Comhairle may be able to offer assistance through its Loan Guarantee Scheme or ultimately through an award of financial assistance (grant). This option may also be available to Cottars and Tenants of Fisherman's Holdings if there are no alternative funding sources available to them.

PRIVATE LANDLORDS

Treatment of applications from private landlords will depend on whether the landlord is 'amateur' or 'professional'. An amateur landlord is normally defined as one owning only a single dwelling for rental, where the property is held on a personal basis and not through a company. Other landlords are considered to be 'professional'.

If the property is owned by an 'amateur landlord' then assistance equivalent to that available for an owner occupier will be given on the basis of the landlord's personal assets, income and outgoings. If the property is owned by a 'professional landlord', then information and advice will be offered.

Where the works required are common works, and a landlord is unable to raise the necessary funds to pay for their share of the work, the Comhairle may carry out their share of the works in default and place a charge on the property under Part 7 of the 2006 Act.

COMMERCIAL PROPERTIES

Sole traders owning or having repair and maintenance responsibility for a commercial property within predominantly residential tenement structures affected by repair or improvement works will be given the same assistance as owner occupiers, on the basis of their personal assets, income and outgoings.

Commercial premises will not normally be considered for financial assistance if the premises are used as a shop which is part of a chain of more than two shops in the same ownership or operated by the same person, premises which are owned and operated by a Limited Company, or premises which are owned by a Limited Company which is responsible for repair costs in connection with the premises. In these circumstances, commercial premises will be given the same assistance as professional landlords and given information and advice.

ENERGY EFFICIENCY

34. Improving the energy efficiency of the existing housing stock is a key national priority, which is linked to action to address fuel poverty. In 2006 the Comhairle's published a Fuel Poverty Strategy which identified a number of objectives to reduce fuel poverty in the islands. The Comhairle will therefore continue to work actively to identify areas and buildings which are least energy efficient and/or most at risk of fuel poverty.

Advice and Assistance

35. The Energy Savings Trust provides free, independent and impartial energy advice to households and businesses throughout the Outer Hebrides drawing on government funding and a variety of other sources including CERT funding from suppliers. Home owners who are only seeking to improve their energy efficiency will be advised to contact the Energy Savings Trust in the first instance and their contact details are shown in Appendix A.

Financial Assistance

36. The Comhairle is not a provider of funding for stand alone energy efficiency measures and will therefore seek to direct such enquiries to appropriate alternative sources of grants. Financial assistance may however be included as part of more comprehensive works being carried out on the house and such works can be included as an "Approved Works Cost". Generally speaking, measures to improve the energy efficiency of a house will be encouraged and will not be considered as unnecessary high specification works.
37. The 2006 Act added satisfactory thermal insulation to the Tolerable Standard, and the Scottish Government Guidance indicated that this should be interpreted as requiring the roof to be insulated. Normally such a Tolerable Standard failure can be addressed as part of a wider improvement or repair scheme. All requests for insulation grants where no other works are required will be re-directed to the Energy Savings Trust for assistance or advice.
38. When Comhairle grant is made available for works, a condition will be to improve the energy efficiency of the property to contribute to carbon reduction targets and to reduce fuel poverty. Owners will be required to demonstrate that the appropriate energy efficiency works have been carried out to the satisfaction of the Comhairle. For the purposes of grant, energy efficiency measures deemed appropriate for the type of property involved will be treated in the same way as other works. Information on energy efficiency schemes will also be provided and if owners can access grants from other organisations, for example Taigh Blath, they can use this funding to carry out the energy efficiency works as an alternative to Comhairle funding for the energy efficiency works.

LEAD PIPING

39. Replacement of lead piping in the water supply which is the responsibility of the owner can be included as an integral part of any grant application being sought for the repair or improvement of the property. However, as the costs involved in replacing lead piping in the drinking water supply are normally low, i.e. below £3,500, such works are unlikely to be considered eligible for financial assistance.

WORK NOTICES

40. The Comhairle may issue Work Notices where necessary to ensure that:
- Below Tolerable Standard (BTS) failures or houses in Serious disrepair are being addressed or
 - Where property or its immediate environment has come to the Comhairle's attention as being in poor condition and following inspection is considered to be sub-standard or by reason of adversely is affecting the amenity of an area.

In connection with work required by a Work Notice, the Comhairle will always provide a form of assistance. Financial assistance will be provided in accordance with the provisions set out in this Statement.

REVIEW AND APPEAL

41. Where an applicant for assistance is dissatisfied with the decision they receive, they may request a review within 21 days of the decision being issued. The request should be addressed to the Private Sector Housing Manager, Development Department. A review will then be carried out by a person senior to the person who made the decision and who had no involvement in the decision. The applicant will be notified of the decision in writing within 28 days of receipt of the request for the review.

42. If the applicant remains dissatisfied then they may appeal the decision to the Environment and Protective Services Panel. The decision of the Environment and Protective Services Panel is final.

CONDITIONS OF FINANCIAL ASSISTANCE

43. The grant will be paid subject to the following mandatory conditions which will apply to the house for **ten** years from the date on which, in the Comhairle's opinion, the work has been completed satisfactorily:

- Condition A is that the house must be used as a private dwelling; but that does not prevent the use of part of the house as a shop or office or for business, trade or professional purposes.
- Condition B is that the house must not be occupied by the owner or a member of the owner's family (within the meaning of Section 83 of the 1987 Act) except as that person's only or main residence.
- Condition C is that the owner of the land or premises must take all practicable steps to keep it in a good state of repair.
- Condition D is that the owner of the land or premises must, if required to do so by the local authority, certify that the conditions A to C are, in so far as they apply, being observed.

44. Breach of any of these conditions may result in the grant having to be repaid with interest in accordance with Section 86 and 87 of the Housing (Scotland) Act 2006.

45. The owner of the house may at any time within the period of ten years be required to certify that these conditions are being observed.

46. When the grant has been paid, the Comhairle will arrange for a Notice to that effect to be recorded in the Register of Property Deeds. The Comhairle is required to pay a standard charge to record the grant in the Register and therefore this amount is deducted from the final payment of each grant.

REVISING THIS STATEMENT OF ASSISTANCE

47. This Statement of Assistance was reviewed in the summer of 2011 and the outcomes reported to the Comhairle in September 2011. The amendments were approved and are incorporated into this document.

If you have views on the Statement, please make them known to:

**Private Sector Housing Manager
Development Department
Comhairle nan Eilean Siar
Council Offices
Sandwick Road
Stornoway
Isle of Lewis
HS1 2BW
Telephone 01851 - 822691
Fax 01851 - 709340**

E-mail: PrivateHousingEnquiries@cne-siar.gov.uk

CONTACT DETAILS OF PARTNER ORGANISATIONS

- **TIGHEAN INNSE GALL**

41a Point Street, Stornoway, Isle of Lewis, HS1 2XF
 Tel - 01851 706121 Fax - 01851 702425
<http://www.tigheaninnsegall.org>
- **Western Isles Care And Repair (Including Scheme of Assistance for Minor Works)**
 - Stornoway (Lewis and Harris) 41a Point Street, Stornoway, Isle of Lewis, HS1 2XF
 Tel - 01851 704347 Fax - 01851 702425
 - Balivanich (North & South Uist, Benbecula) Cothrom Offices, Ormiclate, South Uist, HS8 5SB
 Tel - 01878 710200 Fax – 01878 710220
 - Castlebay (Barra) Old Ticket Office, Castlebay, Isle of Barra, HS9 5XD
 Tel - 01871 810323 Fax - 01871 810323
 - Taigh Blath 41a Point Street, Stornoway, Isle of Lewis, HS1 2XF
 Tel - 01851 701060 Fax - 01851 702425
 - TEAS 41a Point Street, Stornoway, Isle of Lewis, HS1 2XF
 Tel - 01851 706121 Fax - 01851 702425
 - Home Safety Project 41a Point Street, Stornoway, Isle of Lewis, HS1 2XF
 Tel - 01851 706121 Fax - 01851 702425
- **WESTERN ISLES HEALTH BOARD**

NHS Western Isles, 37 South Beach Street, Stornoway, Isle of Lewis, HS1 2BB
 General Enquiries, Tel - 01851 702997
<http://www.wihb.scot.nhs.uk/>
- **HI- SCOT CREDIT UNION**

9 Cromwell Street, Stornoway, Isle of Lewis, HS1 2DB
 Tel - 01851 701865 Fax - 01851 701542
<http://www.hi-scot.com/>
- **ENERGY SAVING TRUST**

3rd Floor, Ocean Point, 94 Ocean Drive, Edinburgh, EH6 6J
 Tel - 0131 555 7900 or **Freephone - 0800 512012**
<http://www.energysavingtrust.org.uk>

Changeworks (Contact through 0800 512012)
<http://www.changeworks.org.uk/>
- **CROFTERS COMMISSION**

The Business Centre (Unit 3), Crossapol, Isle of Tiree, Argyll, PA77 6UP
 Tel - 01879 220 240 Fax – 01879 220 249
<http://www.crofterscommission.org.uk>
- **CITIZENS ADVICE BUREAU**
 - Stornoway 41-43 Westview Terrace, Stornoway, Isle of Lewis, HS1 2HP
 Tel 01851 705727 Fax 01851 706913
 - Balivanich 45 Winfield Way, Balivanich, Benbecula, HS7 5LH
 Tel 01870 602421 Fax 01870 602008
 - Castlebay Castlebay, Isle of Barra, HS9 5XD.
 Tel 01871 810608 Fax 01871 810875
<http://www.cas.org.uk/>
- **LANDLORD ACCREDITATION SCOTLAND LTD**

25 Maritime Street, Edinburgh, EH6 6S
 Tel - 0131 553 2211 Fax - 0131 553 6628
<http://www.landlordaccreditationscotland.com/>

SCHEME OF ASSISTANCE – PRIVATE SECTOR HOUSING POLICIES (NON ADAPTATION CASES)

Subject	POLICIES GENERAL ELIGIBILITY
Starting Work Before Approval of Financial Assistance	Financial assistance will not be approved for any works started prior to the formal written approval, except in special circumstances and where before the works are started the applicant submits, in writing, good reasons for starting the work and has written authority for proceeding.
Assistance for Second or Holiday Homes	<p>Financial assistance will not be approved for a house, which on the completion of the works is to be used as a second or holiday home, or would otherwise breach the conditions laid out in Section 83 of the Housing (Scotland) Act 2006.</p> <p>Notwithstanding the above, a house will not be considered as <i>"likely to be used as a holiday home"</i> where the owner of the house has supplied clear evidence that: the house will be improved for use as his only or main residence in advance of an impending retirement and/or move to the area; the period between the completion of the improvement and the full time residence and use will not exceed ten years; and during the period referred to above, the house will be let or kept available for letting for general needs housing as opposed to holiday needs.</p>
Previous grant or financial assistance received within the previous 10 year period for the same house.	Where financial assistance, either through a grant award or a subsidised loan, has been given in the previous ten years then further assistance will not be available unless the application complies with the conditions of subsection (3) of Section 88 of the Housing (Scotland) Act 2006.
Previous Grants or financial assistance given to applicant within 10 years	Financial assistance will not be approved for a house where the applicant, the applicant's spouse or cohabitee has been paid grant or received assistance in the previous ten years for the improvement or repair of another house in the Outer Hebrides, except in cases where the house is being adapted to meet the needs of a disabled occupant.
Duration of Grant approvals	A condition of grant approval is that the specified works will be carried out within 18 months of the date of approval; grant approvals will be cancelled where the works have not been started within 18 months of grant approval period; extensions to this period may be made from 18 months to 24 months only where works have already started, to enable work to be completed; and where works have not been completed after the expiry of 24 months, any instalment paid and interest thereon will be recovered, subject to a right of appeal.
Property Assessment and Priority Pointing	All applications made under the Scheme of Assistance (except applications for adaptations for the disabled) will be prioritised using a Property Assessment form. Points will be awarded for items which fail the Tolerable Standard or where facilities are lacking. Applications will require a minimum number of Property Assessment points to be achieved before an application will be considered eligible for assistance. Applications with the highest total number of points will be given priority for assistance.
Priority Pointing Qualifying Threshold	All grant applications (except for disabled adaptations) will be assessed using the Priority Pointing Property Assessment form and will require to have achieved a minimum number of Property Assessment Points before they are considered eligible for financial assistance. The threshold for qualification is 20 points.
Works costing less than £3,500	Where the cost of works is less than £3,500 the house owner will be expected to meet the entire cost of carrying out the work themselves. Assistance through Western Isles Care and Repair may be available to carry out priority works costing less than £3,500, but assistance will be dependant on the financial circumstances of individuals within the target client groups.

<p>Works limited to Essential Works required – “Approved Works Cost”</p>	<p>Assistance from the Comhairle will only be available where the works to be carried out are necessary to keep the house above the Tolerable Standard. Assistance will not be given where works are over-specified or are purely of an aesthetic nature. The proposals will therefore require to be agreed in advance and will be known as the “Approved Works Cost”. To assist the determination of reasonable costs within the Approved Works Cost, the Comhairle will allocate allowances for costs up to a maximum acceptable value for certain types of work. This will allow applicants to install for example, a more durable kitchen, whilst still ensuring that the project can demonstrate value for money and that works have not been over specified.</p> <p>Where costs are considered to be excessive, and are not covered by the allowances, then the Comhairle may require either (a) additional supporting information to justify the cost or (b) alternative quotations for the high cost works.</p> <p>If agreement on the Approved Works Cost cannot be reached then the case should, in the first instance, be referred to the Private Sector Housing Manager for determination. Thereafter, if the matter remains unresolved, the case may be referred to the Environmental and Protective Services Panel for determination.</p>
<p>Substantial Works - Restrictions on scale of new building works to existing houses</p>	<p>Assistance towards Substantial Works will only be considered when the proposed works:- will not change “the identity of the existing house”, will not produce a “ total floor area more than twice the original”; utilise at least 75% of the external walls of the existing house, and will comprise at least one other element (e.g. joists, rafters) of the existing house in addition to foundations and walls; and otherwise comply with the guidance in SDD Circular no 20/1981.</p>
<p>Restrictions on enlarging existing houses -Assistance towards extensions</p>	<p>Owners are expected to fund the provision of additional living accommodation themselves. Assistance in such cases will therefore be restricted to the provision of advice, and may include suggesting alternative funding sources. Where there are other qualifying works which require to be carried out to the house at the same time then, to receive assistance, the size of the additional accommodation should not be greater than the following :</p> <p>Kitchen – 12 m² Bathroom – 8m² Bedroom – 10m²</p> <p>For the purpose of calculating kitchen areas, any area used for the swing of access doors to the kitchen will be discounted.</p> <p>N.B. There is a separate policy for applications to adapt a house to meet the needs of a disabled occupant.</p>
<p>Limitation on eligible decoration works</p>	<p>Only the decoration work necessitated by repair or improvement works will be eligible for assistance, and will be limited to the cost of filling and taping plasterboard joints along with the application of two coats of emulsion paint and painting or staining of facings, skirting and other internal woodwork.</p>
<p>Restrictions on assistance for modern houses</p>	<p>Houses which are less than ten years old will be restricted to assistance through the provision of information and advice under the Scheme of Assistance (except where the application relates to the adaptation of the home for the benefit of a disabled person).</p>
<p>Valid Applications</p>	<p>An application will only be considered as valid or complete when all the application forms and supporting information have been submitted to the satisfaction of the Director of Development. The Director of Development will write to an applicant identifying any shortfalls in the application and the letter will state clearly what is required to enable the application to progress and the timescale for submitting the outstanding information. Failure to submit the required information within the stated timescale will result in the application and papers being sent back to the applicant.</p> <p>In making an application for assistance an applicant agrees that they will not withhold any information reasonably requested in order to assist the determination of their application. In accordance with the Housing (Scotland) Act 2006 Section 89, a person who misrepresents their situation or makes false claims or statements has committed an offence and consequently the application will be rejected.</p>

Houses for Sale or Recently Sold	<p>Houses which are for sale or which have recently been acquired within 12 months will not be considered eligible for direct financial assistance or grant as it could be reasonably expected that any new owner should have made financial provision for the required works prior to purchasing the property.</p> <p>Owners of such property may however be eligible for assistance through the loan guarantee scheme, provided other commercial lending options have been exhausted.</p>
Improving Empty houses	<p>Assistance may be available to bring houses which have been unoccupied for more than twenty four months back into use provided that, on completion, they are to be occupied as the owner's main residence and otherwise comply with the Comhairle's policy on Substantial Works and Houses for Sale or Recently Sold. In the interests of Best Value the Comhairle will not however support applications from cases where the amount of direct funding required is likely to exceed half of the total costs.</p>
Loan Guarantee Scheme	<p><i>Details of the Scheme are currently being drawn up by the Director of Finance and Corporate Resources</i></p>
Proof required to demonstrate need for Financial Support	<p>To access direct financial assistance an owner must be able to demonstrate that some or all of the funding for the project cannot be sourced from elsewhere. To enable this to be demonstrated the owner will require to make a clear written declaration of all available funding and their sources which will then be compared against the Approved Works Cost.</p> <p>Where the owner is required to obtain funding through borrowing from a lender then a form (Appendix B), must be completed by the lender or independent financial advisor which indicates the maximum amount that the client is able to borrow towards the project. In cases of extreme financial hardship this may indicate that the owner is unable to make any contribution.</p>
Contributions from other publicly funded sources	<p>Grants or funding from other publicly funded sources or charitable bodies will be considered for the purposes of the Scheme of Assistance as part of the owner's contribution. Failure to disclose any such award may result in the withdrawal of all or part of the offer of assistance by the Comhairle.</p> <p>If grant assistance has been given through the Crofter Building Grant Scheme then no direct financial assistance will be available through the Scheme of Assistance as this constitutes double funding/subsidy. Financial assistance through the Loan Guarantee Scheme may however be available.</p>
Private Landlords	<p>The Section 72 Statement provides a definition of an amateur landlord and indicates that assistance equivalent to that available for an owner occupier will be given on the basis of all of the landlord's personal assets, income and outgoings. The assessment of assets will include the value of the rented house, together with the income received from rent. In all such cases the house must be occupied as the tenant's main residence and comply with the grant conditions set out in the Act and Comhairle policies. For the avoidance of doubt no assistance is available to provide holiday or short term let accommodation.</p>
Upper Income Threshold for Financial Assistance	<p>In accordance with the Section 72 Statement, direct financial assistance/grant will not be available where the income of all the joint house owners exceeds an upper limit approved by the Comhairle. The current limit is £65,000.</p>

Subject	POLICIES GOVERNING DEMOLITION WORKS
Demolition of BTS and Ruinous Houses, Closing and Demolition Orders	<p>Closing Orders or Demolition Orders can be made on all vacant BTS houses, or on BTS houses becoming vacant when their occupants are re-housed; Undertakings given under Section 117 of the Housing (Scotland) Act 1987 in respect of houses in a dangerous, dilapidated or seriously unstable condition will be not accepted; Undertakings given under Section 117 of the Housing (Scotland) Act 1987 that "the building will not be used for human habitation" will not be accepted without evidence provided by the owner that the house will be used for a stated purpose; and within a specified time, the building will be brought into a reasonable state of repair, having regard to its age, type, location and intended use;</p> <p>Where a house which is the subject of a demolition order has not been demolished within the prescribed period, the Comhairle will enter and demolish the building and sell materials thereof, subject to the owner having the right of appeal against such a decision;</p> <p>Demolition work will be undertaken by the Comhairle at its own expense where:</p> <ul style="list-style-type: none"> the owner is unable to demolish the building without undue hardship; or the ownership of the building cannot be established; <p>Subject to the above, where the Comhairle enters and demolishes a building under Section 22 of the Housing (Scotland) Act 1987, the Comhairle shall recover the demolition costs from the owner, if necessary, by making a Charging Order in favour of itself in respect of such expenses.</p>
Vacant Houses Fit Only for Demolition	<p>Priority will be given to the demolition of those vacant houses that are unstable, dangerous, or in a condition that is seriously detrimental to the amenity of the area;</p> <p>The re-use of materials from the demolition of houses, particularly dressed and selected local stone, to encourage and increase the skill and craft of drystone walling may be used to effect improvements to the amenity of the Outer Hebrides, provided priority is given to public and community projects.</p>
Maximum cost for the demolition of ruinous houses	<p>The maximum demolition cost is set at £4,000 per house (and may be increased by up to 25% in the areas identified Appendix A (Scheme of Assistance - Cost Allowances – Geographical Percentage Uplift)).</p>

Subject	POLICIES GOVERNING DELEGATED POWERS (Environment and Protective Services Panel)
Contentious or sensitive applications	<p>The determination of contentious applications for financial assistance to persons for the acquisition, construction or improvement of housing.</p>
Determination of appeals in connection with applications for financial assistance.	<p>The determination of appeals against decisions of the Director of Development in connection applications for assistance and property assessments.</p>

Subject	POWERS DELEGATED TO THE DIRECTOR OF DEVELOPMENT
Determination of appeals in connection with the closure or demolition of derelict houses.	It is delegated to the Environment and Protective Services Panel to: determine appeals against decisions of the Director of Development to: authorise entering and demolition of a building; and authorise the recovery of the demolition costs, by the making of a Charging Order, if necessary; determine undertakings given under Section 117 of the Housing (Scotland) Act 1987 and not dealt with by the Director of Development under delegated powers; authorise the service of a Notice indicating that the Director of Development has rejected an undertaking given under Section 15 of the Housing (Scotland) Act 1987; renew or not renew Suspension Orders under Section 117 of the Housing (Scotland) Act 1987 for periods in excess of five years.
Determination of applications under the Scheme of Assistance	The Director of Development has delegated powers to determine applications made through the Scheme of Assistance (including adaptations for the benefit of a disabled person). Approvals under this delegation shall only be given where the application meets the criteria set out in the Comhairle's Section 72 Statement. In cases where the safeguards within Comhairle's Scheme of Delegation require delegation not to be exercised, the application will be referred to the Environment and Protective Services Panel.
Duration of Grant Approvals	Where financial assistance has been approved and the works have not been started within 18 months from date of approval, the Director of Development can cancel the offer of assistance. Alternatively the Director of Development may authorise an extension of time from 18 months to 24 months only where works have already started, to enable work to be completed.
Houses in serious disrepair - Maintenance Orders	To serve Maintenance Orders under Section 42 of the Housing (Scotland) Act 2006 in accordance with the Section 72 Statement.
Closure and Demolition of BTS and Ruinous Houses	Serve Closing and Demolition Orders under Section 116 of the Housing (Scotland) Act 1987.

<p>Demolition of derelict /vacant houses and re-use of materials.</p>	<p>Authorise the re-use of materials from the demolition of houses where the Director is satisfied that it will be used in projects that will be of benefit to the amenity of the area and are planned to start and finish within a firm timescale; Determine if the owner is unable to demolish the building without hardship; Make Suspension Orders under Section 117 of the Housing (Scotland) Act 1987; Renew Suspension Orders for a period of up to five years; and Cancel Suspension Orders at any time if there was reasonable cause to believe that there had been a breach of the undertaking; Accept undertakings given under Section 117 of the Housing (Scotland) Act 1987; and Determine (cancel) Closing and Demolition Orders, where a house or building which had been the subject of an Order, had been rendered fit for human habitation; Arrange for the demolition of a house which is the subject of a Demolition Order in order to discharge the Comhairle's duty as defined in Section 123 of the Housing (Scotland) Act 1987 where:</p> <p>the owner of the house meets the Comhairle's criteria for determining hardship; and the owner of the house is willing to have the house demolished; or the ownership of the house cannot be established.</p>
<p>Maximum cost for the demolition of ruinous houses</p>	<p>The maximum demolition cost is set at £4,000 per house (and may be increased by up to 25% in the areas identified Appendix A (Scheme of Assistance - Cost Allowances– Geographical Percentage Uplift).</p> <p>Expenditure in excess of these limits may be authorised where specific circumstances prevent demolition being carried out for less than that amount.</p>
<p>Review of Cost Allowances</p>	<p>To ensure the Cost Allowances are maintained at a reasonable level, the Director of Development will review and, if necessary, amend the amounts annually at the beginning of each financial year.</p>

Scheme of Assistance: Cost Allowances towards Works – January 2010

N.B. Not applicable in Adaptation Cases – please refer to separate allowance guide

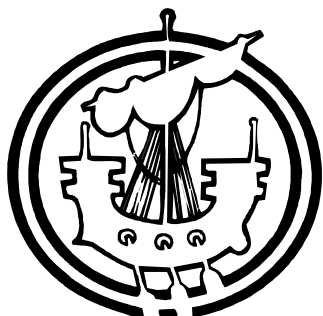
Cost Allowances

(a)	Replace dangerously substandard power supply	£ 5,000
(b)	Replacement of windows (Averaged out across all windows)	£ 700 per window
(c)	Replacement of External doors	£ 900 per door
(d)	Provision of kitchen fitments including sink	£ 5,000
(e)	Provision of bathroom fitments	£ 1,500
(f)	The provision of a hot water source	
	- <i>oil fired appliance</i>	£ 2,800
	- <i>solid fuel appliance</i>	£ 2,500
	- <i>gas appliance</i>	£ 2,500
	- <i>electric system</i>	£ 2,500

Where the cost for any works appears to be excessive, the Comhairle may request additional information relating to the cost or specification of the works from the applicant.

Geographical Percentage Uplifts

Cost allowances for Approved Works may be increased for the following areas as follows:		
a)	Uig & Great Bernera; and South Lochs	+10%
b)	Harris and Scalpay	+15%
c)	North Uist & Berneray; Benbecula; and South Uist & Eriskay	+20%
d)	Barra & Vatersay	+25%



A Guide to the Housing (Scotland) Act 2006 **Scheme Of Assistance**

Works To Meet The Needs Of Disabled People

Introduction

The Scottish Government has introduced new legislation to assist people with disabilities living in private housing.

Section 73(2) of the Housing (Scotland) Act 2006 and the Housing (Scotland) Act 2006 (Scheme of Assistance) Regulations 2008 (SSI 2008/406 – the Regulations) set out the duties of a local authority in relation to works required to meet the needs of a disabled person.

These duties are supported by Volume 6 of 'Implementing the Housing (Scotland) Act 2006: Statutory Guidance for Local Authorities', published by the Scottish Government on 29 January 2009.

The new duties came into effect on 1st April 2009 and the Comhairle has comprehensively reviewed its policies and procedures to enable the best delivery of the service whilst ensuring the needs of disabled people living in private sector housing are met as far as practicably possible.

Traditionally, assistance was given through the award of discretionary Disabled or Adaptation Grants for adaptation works, both major and minor, to be carried out in the disabled person's home which enabled them to remain within their own community. However the new Housing (Scotland) Act 2006 introduced a number of significant changes to the way grants are administered, some of which are mandatory and others which enable local authorities to exercise their discretion.

The following document outlines Comhairle Policy and Procedures for cases in the Outer Hebrides under the Scheme of Assistance and provides guidance to applicants on the eligibility criteria for the different types of assistance which may be available from the Comhairle.

REQUEST FOR ADAPTATIONS

A request for adaptations to be carried out to a house may be made in a number of ways. The most common methods of enquiry are:

- from the person requesting adaptations to their home or a member of their family;
- from healthcare professionals (including GP's and Hospital staff requests);
- from Department of Social and Community Services or home carer;

and can be made:

- direct to the **Department of Occupational Therapy**: (01851-708287 for Lewis & Harris) or (01870-602425 for North & South Uist / Benbecula / Barra);
- through **Western Isles Care and Repair**: (01851-704347, for Lewis & Harris) or (01878-710200 for North & South Uist / Benbecula) or (01871-810323, for Barra) or
- through the **Comhairle**: (01851-709489 for Lewis & Harris) or (01870-602425 for North & South Uist / Benbecula / Barra);

and may be made:

- in person; by telephone; in writing; or by e-mail.

Therefore there are a number of possible routes for an enquiry to be received for adaptations but in all cases they must ultimately be directed to the Department of Occupational Therapy for a thorough assessment of need to be carried out.

Please note that once an enquiry has been made it does not mean that this constitutes an application. Every case must be supported by a detailed, written referral from the OT Department before any financial or other assistance can be given by the Comhairle.

ELIGIBLE WORKS FOR ADAPTATIONS

Adaptations can cover a wide range of works and the proposals will depend on a person's specific individual needs. The document "**Occupational Therapy Services in the Western Isles – Policy and Practice on Provision of Equipment and Adaptations**" sets out clearly the types of work and eligibility criteria for all types of adaptation works. This document was comprehensively revised in April 2009 and takes into account the changes introduced by the Housing (Scotland) Act 2006. This document is available separately either as a hard copy from the Comhairle or can be accessed through the Comhairle's website:

<http://www.cne-siar.gov.uk/housing/documents/OTs Policy and Practice on Adaptations.pdf>

All adaptations must be supported by an appropriate referral from an Occupational Therapist and be in accordance with the Policy and Practice document. The OT assessment should identify the person's needs in the first instance and their eligibility for assistance second and be in accordance with local Community Care priorities.

The Housing (Scotland) Act 2006 makes all adaptation works mandatory, with the sole exception of works to extend a property to provide additional living accommodation which remain at an authority's discretion and are dealt with in more detail later on in this guide.

Typical types of work which may be recommended after assessment by the OT's are:

- Adapting bathroom facilities to meet the disabled person's needs e.g. removal of bath and provision of level access shower, provision of bathroom facilities on the ground floor.
- Adapting the home by improving accessibility e.g. provision of ramped access, provision of a stair lift, etc.

Scottish Government guidance states that where an applicant's need is determined as eligible and a priority for assistance through Community Care Assessment process, and they are entitled to grant, the work should be approved and the mandatory grant processed and paid within a reasonable timescale.

Needs which fall beneath the eligibility threshold are determined to be non-eligible rather than have unmet needs. As such, it is important that non-eligible cases are made aware that their request is not on a waiting list and, unless their needs change, they may always be in a lower priority category.

Adaptation works proposed should, wherever possible, take into account the evolving needs of the disabled person over the medium and long term to avoid the need for subsequent grant applications and the associated disruption whilst works are being carried out in the home.

The Housing (Scotland) Act 2006 gives local authorities discretionary powers to provide assistance to secure alternative housing solutions for disabled people where this is deemed to be the most appropriate solution. Further details on this are set out later in this guide.

Assistance is only available for a house which is a private dwelling and occupied as the only or main residence of the owner or a member of their family. Grant cannot be given to a mobile home or where the house is used as a second or holiday home.

TENANTS

The Act also enables the same level of assistance for permanent adaptations to be given to tenants, provided they have their landlord's consent to carry out the adaptation works. The landlord's consent cannot unreasonably be withheld under Section 52 of the 2006 Act. The landlord already has a duty to provide reasonable adjustments for the benefit of a tenant with a disability under the Disability Discrimination Act 1995, for example changes to kitchen taps, signs, door bells, etc. The 2006 Act allows applications to be made by tenants of social rented landlords. However, the Government's guidance states that such applications should be exceptional and only considered where no other funding is available through normal channels. – e.g. Housing Association Grant.

ENTITLEMENT TO FINANCIAL ASSISTANCE FOR ADAPTATIONS

All recommended adaptations, with the exception of work to provide additional living accommodation, are eligible for a mandatory grant award from the Comhairle at a minimum percentage of 80% of the assessed cost of works.

Where an applicant (or their partner, or a dependent, or anyone who resides or intends to reside with the applicant) is in receipt of a qualifying benefit then the application will be approved at 100% of the assessed cost of works.

The benefits which automatically qualify for grant at 100% level are:

- **Income Support**
- **Income Based Job Seeker's Allowance**
- **Pension Credit (Guarantee Element)**
- **Income Related Employment and Support Allowance**

Applicants who are on low incomes and who do not automatically qualify for 100% grant may still get more than the minimum 80%, but the actual percentage will be determined by an income test. The test is based on the Scottish Government's Grant calculator and may result in a percentage in the range between 80% and 100%. Proof of income must always be provided in support of any claim resulting in a percentage higher than 80%.

Cost Limited Works

All applications for adaptations will be subject to an assessment to determine whether or not an applicant's proposals are deemed to be excessive. This may, for example, be either in terms of the proposed specification or the size of an extension. The Comhairle may therefore assess that the actual cost of eligible works is less than the contractor's quoted cost for the works. In these cases reasonable cost limits will be applied in accordance with existing Comhairle Policies. The cost limits will be reviewed annually by the Comhairle and are detailed later in this document.

It should be noted that if any other grant or funding award has been approved, or is being sought for the same works, then this should be declared to ensure no double subsidy of costs exists.

EXTENDING LIVING ACCOMMODATION

Grants to provide additional living accommodation may be supported at the Comhairle's discretion but there is no mandatory requirement for assistance for this type of work in the 2006 Act.

The "**Occupational Therapy Services in the Western Isles – Policy and Practice on Provision of Equipment and Adaptations**" document sets out the eligibility criteria for such cases. Grant to provide extensions will only be considered where a case meets the required criteria and cannot otherwise be provided or contained within the existing house or an alternative, more cost effective solution cannot be achieved.

The percentage of grant will be at the equivalent level for a Mandatory grant and a minimum level of 80% of the assessed cost of works will be available. Higher percentage awards will be determined by using the same income test employed for determining percentages for Mandatory grants and proof of income will be required for awards higher than 80%.

The amount of eligible expense will be calculated in accordance with the Comhairle's policies on cost limited works.

If there is a difference between the actual cost of works and the amount of grant awarded then it is the owner or applicant's responsibility to secure the shortfall. In these circumstances it is reasonable to expect an owner or applicant to make a contribution towards the cost of extending their home as there is most likely to be a corresponding increase in the value of their property.

If the shortfall cannot be met by the applicant or owner from their existing resources, then all other potential sources of finance must be explored. Examples of funding solutions may be through borrowing to fund the works, financial assistance from family members, awards from charitable bodies (for example: the Mackenzie Trust or Armed Forces Associations or Benevolent Funds).

CONSULTANTS' FEES

Reasonable costs which are attributable to obtaining professional or technical advice regarding any proposed adaptations may be included as an eligible expense, for example - the cost of producing drawings for Planning or Building Warrant purposes.

However legal fees will not normally be entertained where, for example, a change in ownership results in title deeds requiring to be amended. **For the avoidance of doubt, any fees which do not relate to the actual building/adaptation works proposed should not be incurred without prior authorisation from the Comhairle.**

Where fees have been properly incurred, but the adaptation works do not proceed, then the costs may be reimbursed. Further advice on abortive fees can be obtained from the Comhairle.

CARE AND REPAIR

Western Isles Care and Repair are able to act as agents for elderly people and people with disabilities to enable applications to be made for funding assistance to the Comhairle and other funding bodies. However, no fees are charged for this service as the scheme is funded separately by the Comhairle. Contact details of all Care and Repair locations are shown at the beginning of this guide.

REINSTATEMENT WORKS

Information and advice will be provided to private tenants or their landlords (either amateur or professional) to assist in the reinstatement of any property which has previously been adapted. Assistance may be given in the form of advice on how to proceed with the reinstatement works or financially through the award of a grant.

Where a landlord (amateur or professional) has consented to adaptations but placed a condition requiring reinstatement in terms of S.52 (5)(b) of the 2006 Act, the Comhairle will expect the landlord in the first instance to seek a new tenant who will use the adaptations. Failing this, the Comhairle will meet the cost of reinstatement in full for those adaptations which reduce the lettable of a property. For example, a wet floor shower is perfectly acceptable for most people to use and so financial assistance would not be provided, whereas financial assistance may be offered for reinstatement of a standard WC in place of a *non-standard* WC.

The Comhairle will not give grants for reinstatement to owner occupiers.

SMALL ADAPTATION SCHEME

Where minor adaptations are required, and the works cost can be contained within a £900 limit, then an award through the Small Adaptation Scheme may be more appropriate. The Occupational Therapy Department manage this Scheme, including carrying out an individual's assessment of need, and therefore the most appropriate funding route for a case will be determined by the Occupational Therapist.

In these cases no formal grant application is made, and the Department of Occupational Therapy will instruct a contractor to carry out the works and arrange for payment to be made direct to the contractor for works properly carried out.

Initial enquiries should all be directed through the department of Occupational Therapy.

SERVICING OF ADAPTATIONS

The cost of ongoing maintenance or servicing is **not** eligible for grant assistance.

For houses in private ownership enquiries should, in the first instance, be referred to the Comhairle's Technical Services Department for advice on 01851 - 703773.

N.B. The tender for servicing of adaptations is currently under review and further details for private owners on this matter will be made available once the outcome is known.

Tenants of Hebridean Housing Partnership should contact their own Customer Services on 0845 – 6039180 or by e-mail to info@hebrideanhousing.co.uk for advice.

ASSISTANCE WITH HOUSE SALE, PURCHASE AND CONSTRUCTION

Where the long term assessed community care needs indicate that adapting the existing home is impractical then, as an alternative, assistance may be available to purchase or construct a home to provide more appropriate accommodation for the disabled person. Assistance with help to acquire or construct a house is entirely at the Comhairle's discretion and there is no mandatory right to a grant. In deciding whether or not this type of assistance is likely to be the most cost effective way of meeting need all other alternatives must have been reasonably explored.

House Sale and Purchase

Assistance for the sale or acquisition of a property will be determined depending upon the circumstances of each individual case.

Request for financial assistance must be:

- **Supported in writing by Occupational Therapists and**
- **Supported by a full breakdown of all costs (including purchase and selling prices and all associated fees, etc.) and**
- **Agreed in principle by the Comhairle**

before any offer, or commitment to purchase a new house is made.

In these circumstances, funding will only be available towards any shortfall which occurs between the proceeds from the sale of the original property and the purchase cost of the new property, together with any fees incurred (such as legal fees) as part of the process. The term "more appropriate accommodation" includes property more suitable to adaptation than the existing home.

The purchase price shall not exceed the seller's report valuation figure +10%, otherwise no award shall be made.

Construction

Financial assistance towards the construction of a house will normally be restricted to the cost of providing the necessary adaptations in the new home. This may include, for example, the provision of appropriate bathroom fittings being incorporated at the building stage to prevent the need for future adaptations. Assistance towards new build will be subject to the assessed works being contained within the Comhairle's published cost limits. Financial assistance will not be given towards the costs normally associated with building a new home and assistance under this part is likely to be limited to the extraordinary costs of providing facilities to meet the assessed needs of the disabled person. If any other grant assistance is being received towards the cost of building the new house – e.g. A Crofting House Grant or a Rural Home Ownership Grant, then the Comhairle must be informed in writing of the amount and type of grant being received.

CASES WHERE AN APPLICANT WISHES TO CARRY OUT WORKS BEYOND THE ASSESSED NEED

Where an applicant wishes to carry out works beyond the scope of assessed need then the Comhairle may determine the amount of grant assistance to be at the equivalent level for the works assessed as necessary. For example, if a person's assessed need indicates that a stair lift is required but the applicant wishes to provide an extension as an alternative solution, then the amount of eligible grant will be based upon the cost of fitting a stair lift. This fulfils the mandatory duty of the Comhairle to provide assistance, whilst at the same time allowing the applicant the flexibility to carry out the actual works that they desire. However any shortfall in funding between the actual cost of works and the amount of assessed award will be entirely the owner's responsibility and no additional financial assistance will be forthcoming from the Comhairle.

HOUSING GRANTS: SCHEDULE OF COST LIMITS FOR ADAPTATIONS

a)	Provision of a sink and other kitchen fitments, suitable for the use of a disabled person.	£3,000
b)	Provision of bathroom fitments suitable for the use of a disabled person, including tiling, non slip floor coverings, bi-fold doors, etc.	£3,500
c)	Construction of a new kitchen (Max floor area 16m ²)	£1000 per m ² (Max award £16,000)
d)	Construction of a new bathroom (Max floor area 14m ²)	£1000 per m ² (Max award £14,000)
e)	Construction of a new bedroom (Max floor area 14m ²)	£1000 per m ² (Max award £14,000)
i)	Provide 1500 mm paths up to a maximum permissible length of 30m	£45 per m run (Max award £1,350)
j)	The provision of a hot water source	
	- oil fired appliance	£2,800
	- solid fuel appliance	£2,500
	- gas appliance	£1,500
	- back boiler	£600
	- immersion heater	£100
k)	The provision of an adequate heating system for the benefit of a disabled person comprising a boiler and 5 radiators to the ground floor rooms only	£4,000 for Oil system £3,500 for Gas system or £2,500 for Electric system
l)	Provision of a hard wired smoke detector	£94 per detector

Where the cost for any works appears to be excessive, the Comhairle will request additional information relating to the cost or specification of the works from the applicant.

Depending on the information supplied the Comhairle may restrict the amount of award for these works accordingly.

Cost limits will be varied in accordance with Comhairle policies by the following geographical uplifts.

a)	Uig & Great Bernera; Lochs, Westside of Lewis and Ness	+10%
b)	Harris and Scalpay	+15%
c)	North Uist & Berneray; Benbecula; and South Uist & Eriskay	+20%
d)	Barra & Vatersay	+25%

APPROVED POLICIES FOR ADAPTATIONS – HOUSING (SCOTLAND) ACT 2006

	POLICIES GENERAL ELIGIBILITY
Starting Work Before Grant Approval (8/12/92)	Grant assistance will not be approved for any works started prior to the formal approval of grant, except in special circumstances and where before the works are started the applicant submits, in writing, good reasons for starting the work and has written authority for proceeding.
Potential Holiday Homes (01/05/84)	Grant assistance will not be approved for a house, which on the completion of the works is clearly or likely to be used as holiday home, as this will breach the grant conditions laid down in the 2006 Act. Notwithstanding the above, a house will not be considered as " <i>likely to be used as a holiday home</i> " where the owner of the house has supplied clear evidence that: the house will be improved for use as his only or main residence in advance of an impending retirement and/or move to the area; the period between the completion of the improvement and the full time residence and use will not exceed five years; and during the period referred to above, the house will be let or kept available for letting for general needs housing as opposed to holiday needs.
Duration of Grant approvals (revised 04/09)	It is expected that the specified works will be carried out within 12 months of the date of approval; grant approvals will be cancelled where the works have not been started within 12 months of grant approval period; where a claim for grant has been made the final claim for payment must be made within 12 months of the first payment; where works have not been completed after the expiry of 12 months, any instalment paid and interest thereon will be recovered, subject to a right of appeal.
Limits on eligible decoration works (15/03/88)	The decoration work necessitated by grant aided works only will be eligible for grant assistance, and will be limited to the cost of: filling and taping plasterboard joints along with the application of two coats of emulsion paint; painting or staining of facings, skirting and other internal woodwork.
Proof of Income/ Ownership	An application will only be considered as valid or complete when all the application forms and supporting information have been submitted to the satisfaction of the Director of Development. The Director of Development will write to an applicant identifying any shortfalls in the application and the letter will state clearly what is required to enable the application to progress and the timescale for submitting the outstanding information. Failure to submit the required information within the stated timescale will result in the application and papers being sent back to the applicant.
Data protection policy	All applicants are requested to complete the Comhairle's Data protection forms to enable their application to be determined.
Appeals on Calculation of Grant percentage	Appeals on percentage of grant awards and should in the first instance be made through the supervisor of the person originally carrying out the assessment. Thereafter if a satisfactory conclusion has not been reached the matter should be referred to the Environment and Protective Services Panel. The decision of the Environment and Protective Services Panel is final.
Monitoring form	All applicants are requested to complete the Comhairle's Monitoring forms to enable their applications to be evaluated.
Restriction on Amount of grant award under Delegated Powers	Where any application attracts a grant payable of greater than £50,000 then that application should be referred to the Environment and Protective Services Panel for determination.

SUBJECT	COST LIMIT POLICIES												
Cost limits (Revised 12/09)	<p>Cost limits for specified work Adaptation Grants are as set out in the Comhairle's agreed Schedule of Cost Limits. Where the cost for any works appears to be excessive, the Comhairle will request additional information relating to the cost or specification of the works from the applicant. Depending on the information supplied the Comhairle may restrict the approved expense for these works accordingly.</p> <p>Cost limits for grant eligible works may be increased for the following areas as follows:</p> <table border="1" data-bbox="380 394 2028 508"> <tbody> <tr> <td data-bbox="380 394 596 423">a)</td> <td data-bbox="596 394 1289 423">Uig & Great Bernera; and Lochs; Westside of Lewis and Ness</td> <td data-bbox="1289 394 2028 423">+10%</td> </tr> <tr> <td data-bbox="380 423 596 453">b)</td> <td data-bbox="596 423 1289 453">Harris and Scalpay</td> <td data-bbox="1289 423 2028 453">+15%</td> </tr> <tr> <td data-bbox="380 453 596 482">c)</td> <td data-bbox="596 453 1289 482">North Uist & Berneray; Benbecula; and South Uist & Eriskay</td> <td data-bbox="1289 453 2028 482">+20%</td> </tr> <tr> <td data-bbox="380 482 596 508">d)</td> <td data-bbox="596 482 1289 508">Barra & Vatersay</td> <td data-bbox="1289 482 2028 508">+25%</td> </tr> </tbody> </table>	a)	Uig & Great Bernera; and Lochs; Westside of Lewis and Ness	+10%	b)	Harris and Scalpay	+15%	c)	North Uist & Berneray; Benbecula; and South Uist & Eriskay	+20%	d)	Barra & Vatersay	+25%
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d)	Barra & Vatersay	+25%											
Grant assistance towards heating for the Disabled (15/06/99 and 02/11/04, and revised April 09)	<p>Grant assistance may be given for the adaptation of a house to meet the established heating needs of a disabled person :</p> <ul style="list-style-type: none"> o provided they do not qualify for assistance under the EAGA scheme and o subject to a cost limit for providing an oil or gas fired boiler and 5 radiators to the ground floor rooms (for disabled person only). £4000 for oil or £3,500 for gas heating or £2,500 for electric central heating <p>The cost limits uplifts based on geographical area for grant eligible works will be applied to these heating grants as per policy ref CL1.</p>												
SUBJECT	POWERS DELEGATED TO THE DIRECTOR OF DEVELOPMENT												
Determination of applications for Adaptation Grants	<p>The Director of Development has delegated powers to determine applications for Assistance under the Housing (Scotland) Act 2006, including adaptations for the disabled. Approvals under this delegation shall only be given where the application meets the policy criteria set by the Comhairle. In cases where the safeguards within Comhairle's Scheme of Delegation require delegation not to be exercised, the application will be referred to the Environment and Protective Services Panel.</p>												
Duration of Grant approvals (Revised April 09)	<p>Cancel grant approvals where the works have not been started within 12 month period from date of grant approval, grant extensions, in special cases, from 12 months to 18 months only where works have already started, to enable work to be completed,</p>												

List and Addresses of Useful Websites

Comhairle nan Eilean Siar	
Home Page	http://www.cne-siar.gov.uk/
Housing page	http://www.cne-siar.gov.uk/services/housing.asp?servicename=Housing&snlid=3704
Housing Services Team	http://www.cne-siar.gov.uk/housing/index.asp
Private Sector Housing	http://www.cne-siar.gov.uk/housing/pshgrant.asp
Adaptations Advice	http://www.cne-siar.gov.uk/housing/documents/OTs Policy and Practice on Adaptations.pdf
Buy With Confidence Scheme	http://www.cne-siar.gov.uk/buywithconfidence/index.asp
Occupational Therapy	http://www.wihb.scot.nhs.uk/ http://www.cne-siar.gov.uk/housing/documents/OTs Policy and Practice on Adaptations.pdf
Tighean Inne Gall	http://www.tigheaninnsegall.org
Western Isles Care and Repair	http://www.tigheaninnsegall.org/careandrepair.html
Taigh Blath	http://www.tigheaninnsegall.org/taighblath.html
TEAS	http://www.tigheaninnsegall.org/teas.html
Home Safety Project	http://www.tigheaninnsegall.org/safety.html
Energy Saving Trust	http://www.energysavingtrust.org.uk
Changeworks	http://www.changeworks.org.uk/content.php?linkid=393
Housing (Scotland) Act 2006	http://www.opsi.gov.uk/legislation/scotland/acts2006/asp_20060001_en_1
Scottish Government (Housing)	http://www.scotland.gov.uk/topics/built-environment/housing/quality/16193
Crofters Commission	http://www.crofterscommission.org.uk/
Hebridean Housing Partnership	http://www.hebrideanhousing.co.uk/
Trust Housing Association	http://www.trustha.org.uk/
Cairn Housing Association	http://www.cairnha.com/?pid=1
Financial Services Authority (FSA)	http://www.fsa.gov.uk/consumerinformation/
Hi-Scot Credit Union	http://www.hi-scot.com/
Citizens Advice Bureau	http://www.cas.org.uk/
Landlord Accreditation Scotland Ltd	http://www.landlordaccreditationscotland.com/