APPENDIX II

ITEM: 7
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SCHEME OF ASSISTANCE CONSULTATION RESPONSE

The following comments were returned as part of the public consultation process. This was based on a number of questions.

Information and Advice
Have we covered the most important items here?
Are there any other areas that require addressing?
Are there any other (leaflet topics) that you think would be helpful?
Can you suggest any other places we can distribute them?

Common Repairs
Is there any other assistance required?

Moray Care & Repair
Should Care & Repair provide any other services?
Should Care & Repair provide this service to others and if so, to whom?

Handyperson Service
Should the handyperson service be expanded and if so, what other assistance could be provided?

Practical Assistance
Would you consider that the practical assistance service would be useful?
What other assistance should be included?

Enforcement Powers
Do you feel that the use of enforcement powers would have the desired effect?
What other options should we consider?

Avenues for Funding
Do you agree that commercial loans are an effective way to finance home repairs and improvements?
If not, what other options should we consider?

Grant Assistance
Should the test of resources take into account the capital amount of any savings an applicant may have?

Consultee	Comments	Recommended Response	Reason for Response	Recommendation
Staff member Legal Services The Moray Council	I cannot comment on the Consultation questions as I feel that they are more for the Departments/Sections that will be providing the Service. I would however query p.6 in which it states: "As well as providing Practical Assistance the council will also provide additional assistance to help owners: • find out what their responsibilities are for repairing common parts • know about their title deeds/land certificate • know what they can expect from a property manager or factor • organise repair or maintenance work themselves • deal with uncooperative owners and disputes • find legal advice" My interpretation of this section is that the Council will provide the above assistance. The Housing (Scotland) Act 2006 only states that "A local authority may provide" (Section 71). • Does the Council intend to bind itself to provide these services when there is no obligation to do so under the act? • Who will provide these services? • Will these be provided even where the Council does not own the relevant adjoining property? • What will these entail? There is an element of legal work involved in Title deed/ land certificate explanation and common parts investigations etc. I would be concerned that we are binding ourselves to provide such advice even when the Council is not involved as a landowner. My understanding is that legal will not be providing this service where the Council is not involved as a landowner. Accordingly who will provide this advice and how?	Legal not being asked to provide this service. Information provided by Home Improvement services staff will allow owners to determine this information for themselves.		Accepted – but it should be noted that this is Information & Advice only

Consultee	Comments	Recommended Response	Reason for Response	Recommendation
	The above also seems to suggest that the Council will assist in helping owners deal with uncooperative owners and disputes. Not sure what that will entail in practice but my interpretation is that we will act as a sort of mediation service. Who will provide that service? In regards to assisting in helping to find legal advice, how will this be done? Will there be a list of Solicitors? How do we make sure we are not seen to favour one solicitor over the other? Do you envisage the Council contacting the solicitors on behalf of the service user or simply directing them to CAB or a list of solicitors?	Information provided by Home Improvement services staff will allow owners to deal with these problems themselves. Contact details of Law Society provided.		Information & Advice only
Manager Community First (Moray) 115 South St Elgin IV30 1JD	General Comments: a) The Handyperson Service (Moray) is a project of Community First (Moray) which is an independent voluntary sector organisation. We would have appreciated this being made clear in the document. Also we feel it would have been appropriate for us to have received a copy of this consultation document directly – it was purely accidental that we became aware of it. b) Although it is useful to have guidance questions I also have some comments to make on the wider document which I will put in the relevant places. c) There has been a good effort to make this document accessible with regard to language. However, of necessity, there is a level of jargon. There are terms e.g. 'mandatory' and 'discretionary' and 'test of resource' which would benefit from clear definition at the beginning of the document. Q1 Yes, Q2 No. Q3 – Mortgage to Rent opportunities Q4 – Libraries and health centres Q5 – There should be some flexibility built in so that new needs can be accommodated.	Comments noted		

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	Central Heating and Energy Saving Section I think it would be clearer if the Government Assistance scheme was put first, followed by the paras about what the Council will consider (currently first paras) This section does not appear to have anything about insulation – which has separate funding pots which can be applied to. Q6 – No, Q7 – No	Accepted		Changes made
	Handyperson Service Please amend to read as follows: "The Handyperson Service (Moray) is an independent voluntary sector organisation. HPS provides a small repair and assistance service, delivered by volunteers, for which there is no charge. It is available to all elderly, disabled or otherwise vulnerable people who cannot afford or find a local tradesman to do the task and who do not have family or friends who can help." Q8 – presumably you will let us know what feedback you get on this question? An additional part – how could this be funded - would possibly have been useful.		This area is not under the scope of the proposed scheme as it is an independent organisation.	Section removed from SofA.
	Practical assistance section The terms 'Energy efficient', 'modern, facilities', 'healthy, safe and secure' all have the potential to be very subjective. So in the context of 'Standards' which have to be met there should be clearer descriptions of what these terms mean. Para before Q9. Advice and information should be available on request, not just if an owner decides to carry out repairs but if they are considering carrying out repairs. Q9 – Yes	Comments noted	This is explained within the relevant sections or up to the professional judgement of the officer involved.	

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	Q10 – should include assistance with energy/insulation advice.		This area covered in Energy Conservation section.	
	Q11 – I believe the whole of the proceeding section should be split into two. One part relating to Empty Properties and one to Occupied Properties. They are very different issues. Also it is a relatively big section whose size could be seen as threatening and perhaps disproportionate in a document relating to assistance. Empty properties which have become BTS should be open to Enforcement procedures from an early stage.	Comments noted	Any enforcement action will be carefully considered and initially each proposed action will be requested through committee.	
	With occupied properties there are immediately issues of equality – do you take the same action if e.g. the house owners are drug addicts living in a hovel of their own making or an elderly couple who have virtually no income but are living in an old house in serious need of upgrade? And what responsibilities do you have to rehouse? It should be clear that there must be no danger to public health or insult to public well-being (i.e. running down of the neighbourhood). The whole section might have a better tone if it included 'what if' scenarios focussed on the routes which different potential BTS situations might take. Q13 – oddly worded! Of course commercial loans could be an effective way to finance home repairs and improvements – so could robbing a bank! They are only any good if you can afford to pay them back. OAP's and economically inactive people cannot access commercial loans (unless you count loan sharks as commercial?), and they are the most likely people to be living in	Any equality issues will be taken into account at an early stage.		

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	BTS housing. Q14 – Mortgage to Rent.	Already available		
	<u>Applicant contribution</u> Plain language starts to fail! Is an Income Assessment the same as a Test of Resources? And do they both mean Means Test? Say it like it is. Q15 – Yes, but not the value of the house.	Comment noted		
	<u>Monitoring</u> What does 'the number of National Lending Unit loans completed' mean?			Number of successful loan applications
	What does 'customer satisfaction' refer to?			Current customer satisfaction survey forms
	<u>Contact details</u> Should include a number for energy advice.	Already provided		
Staff member Legal Services The Moray Council	The feedback form at the end of the Draft includes many questions which I believe to be beyond the scope of Legal Services and I, therefore, feel it inappropriate to comment on them. I would however make the following comments:			
	• In the first sentence of the introduction it may be useful to refer to the specific section of the Housing Act 2006. ie. Section 72 (1).	Accepted		Inserted into document
	• In the third line "each authority will" should be changed to "each authority may".	Accepted		Changes made
	• The final sentence of the introduction should be changed from "THIS will be supported" to "THIS may be supported".	Accepted		Changes made
	• Under the Equalities section at paragraph two, the first line reads "the Council will ensure that no individual is discriminated against…". This statement is unrealistic as it is not possible to make this guarantee. I would suggest the sentence is re-worded.	Accepted		Changes made

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	• In the Common Repair section, on page six, the text reads "as well as providing practical existence the Council will also provide…" the legislation does not make such additional assistance mandatory so I suggest the word "may" be substituted for the word "will".	Accepted		Changes made
Director of Development Services Castlehill Housing 4 Carden Place Aberdeen AB10 1UT	Q3. No it is pretty inclusive. Q4. Related organisation could distribute on your behalf. Q 5. Financing common repairs is likely to be the main obstacle so information in relation to this would be useful.			
	Q6. The possibility of a small repairs service, that is works beyond the scope of the handyman service but not grant eligible – could be considered. The intention could be to focus on preventative work, that is work that if not attended to would lead to serious damage in the long-term. There may be scope for this but further research would be needed. Q7. No I think if a subsidised small repairs service were to be introduced it should be for the current client group or just for older people as it is easier to define those eligible and to target those least able to help themselves. Q8. See suggestion above, this may be a better place to put a small repair. Q9. Yes but finance or lack of it may make it difficult for works to be implemented. Q11. If powers are used how are works funded?	To be considered at a future date but will be dependent on funding.		
	Q13. There are a very limited number of products available and research has shown that older people are not likely to take up these products and are therefore more likely not to deal with problems if no public funding is available.	Funded through Housing Grant funds.		
	Q14. The council could consider secured low interest loans.	Comment noted.		May be considered at a future date.

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	Q15. Yes.	Comments noted		
Care & Repair Advisory Committee member.	Q1. I feel that the most important items are being considered under the scheme.			
	Q2. One has to start somewhere and I am sure as the scheme develops it will require fine tuning and other areas will require addressing.			
	Q3. The list is fairly comprehensive and is a good starting point. As the scheme develops I am sure there will be other areas to cover.			
	The trusted traders leaflet could perhaps include "architects etc" although I seem to recall that this was a very delicate area to cover and may have legal implications for the council. Consultations with Trading Standards will be required.	Comments noted		Section has been removed from SofA.
	Q4. Access points and web site will cater for most people. Disabled Adaptations leaflet could be made available at health centres and hospitals.	Comments noted		Added to list of potential sites.
	Q5. As the council will provide assistance to help owners find legal advice could this also include financial advice?	Accepted		Changes made.
	Q6. Feel the Care and Repair service works very well at the moment. It is also currently fairly stretched and any additional services put on it will have a knock on effect on staffing etc.	Comments noted		
	Q7. The initial idea of Care and Repair was to target the elderly, low incomed and disabled groups. To include this service to others would require a complete new set up and would lend the service to be handled in house which in itself may not be a bad thing. However a complete revamp of staffing and working arrangements would be required and not sure the council would wish to consider this under the current restraints.	Comments noted		
	Q8. The handyperson service works well at the moment. Any expansion of assistance could have Health & Safety issues.			
	Q9. What is being proposed is a sound starting point. It will be critical that owners are fully aware of just what any council survey covers and that it will be their responsibility to have other works fully checked out.	Comments noted		
	Q 10. Practical assistance may have to be limited to what's proposed in the scheme otherwise any other practical assistance may have legal implications for the council.	Comments noted		

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	Q11. It is always better if owners willingly co-operate and agree to carry out the necessary repairs/improvements. However the use of Enforcement Powers could have the desired effect as long as the council is prepared to use their powers to the full.	Comments noted		
	Q12. Feel the council is limited here. With grant funding likely to diminish the chances of getting owners to voluntarily carry out repairs will also diminish. Owners are going to have to be persuaded and enforcement may be the only option. Compulsory purchase could also be an option but unlikely under current council restraints.	Comments noted		
	Q13. With grant funding likely to diminish in years ahead it may be the only effective means of financing repairs/improvements. There will always be reluctance for owners to go down the equity release road and there may also be difficulties with the Financial lending bodies.	Comments noted		
	Q14. As grant funding is likely to diminish Commercial loans may be the only option.	Comments noted		
	Q15. Yes to some extent. I do however, feel it is unfair on owners who have scraped and saved for their retirement to be punished because they have some savings, whereas others who have neglected their responsibilities and perhaps wasted their finances gain through having done so. I feel that owners who have more than enough funds carry out repairs/improvements or obtain commercial loans should always be asked to heavily contribute towards the cost. The fixing of any threshold figure is always going to difficult.	Comments noted		Savings will not be included in the calculation.
Jewish Community member, Alford AB33 8ED	Q7. Those with long term mental health problems? Q8. Picture hooks, taking things down from height to safer level, cleaning cooker, cutting grass, cleaning windows. Q9. Yes.	Comments noted		Included in document
	Q11. Yes and no. Depends on who you are dealing with. Q13. In this commercial market it will be difficult to get commercial loans.	Comments noted		
	Q14. Micro loans/housing association taking on part ownership and doing up the property. Q15. Yes	Noted for future investigation		

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Occupational Therapy staff member, The Moray Council	Q4. Citizens' Advice Bureau. Disabled Living Centre, Elgin. Handyperson Scheme. SCARF.	Comments noted		Added to list of potential sites.
Housing staff member The Moray Council	Q4. I assume the leaflets would also be available in libraries – but what about places like private letting agents, solicitors, CAB etc? Q5. It may be worth adding somewhere in here that if the property is in a block containing council owned properties then the local are housing office should be contacted to discuss in the first instance. Page 6 – para 2 – Just being picky, but tenements/flats can be separated vertically as well. Page 6 – para 8 – mention contacting local housing office? Page 6 – last para – the list sometimes changes is it worth putting a note in about that?	Comments noted Comments accepted Accepted		Added to list of potential sites. Changes made. Changes made.
Housing staff member The Moray Council	Q4. Homelessness leaflets are available from libraries and GP surgeries too. Q15. Yes capital should be taken into account for means testing, using the same thresholds as the DWP for other means tested benefits. I can't see anything about Clawback clauses should the adapted house be sold within X no of years. Should we be clawing back grant funding paid out where a house is then sold within say 10 years. Why pay out grant to improve a BTS property and then have the owner sell it in a few years for a big profit. Need to add Housing Needs to the contact page at the end. You might want to consider adding something about recommending disabled persons seek advice on housing options from Housing Needs on page 14. "Adaptations to a house can be of real benefit to someone with a disability; however, they are only one of a number of other possible solutions available. It is therefore important that anyone seeking any type of disability-related adaptation or assistance with any housing related issues make contact with the Housing Needs Team for advice on housing options, and the Community Occupational Therapy Team.	Accepted Comments noted Comments noted Accepted		Added to list of potential sites. This option was considered but to maintain continuity was discarded. Grant repayment is voluntary and would be difficult to police otherwise. Changes made.