

## REPORT TO KINCARDINE AND MEARNS AREA COMMITTEE – 2 MARCH 2021

### HOUSING RENEWAL AREA POLICY

#### 1 Reason for Report / Summary

- 1.1 The Housing Renewal Area Policy has been reviewed to take account of relevant Local Housing Strategy 2018-2023 outcomes. The purpose of this report is to seek the views of the Area Committees before consideration by the Communities Committee

#### 2 Recommendations

**The Committee is recommended to:**

- 2.1 Consider the reviewed Housing Renewal Area Policy and provide any comments or recommendations for consideration by the Communities Committee on 1 April 2021.**

#### 3 Purpose and Decision-Making Route

- 3.1 The Housing (Scotland) Act 2006 requires local authorities to set out a policy detailing how it will identify areas that could potentially be designated as a Housing Renewal Area. This policy also links to the Council's Scheme of Assistance and Below Tolerable Standard Policy and the Local Housing Strategy 2018-2023.
- 3.2 For consultation purposes, the policy has been shared with colleagues in Housing and Building Standards and Environmental Health and will be considered by each Area Committee prior to being presented to Communities Committee for approval.

#### 4 Discussion

- 4.1 A Local Authority can designate a Housing Renewal Area when it considers that a significant number of houses in a locality are substandard; and/or the appearance or the state of repair of any house in the locality is adversely affecting the area; and where officers believe it to be the most appropriate action to take to address these issues. Aberdeenshire Council's criteria for identification of a potential Housing Renewal Area are detailed in the policy attached at **Appendix 1** to this report.
- 4.2 According to the Scottish Housing Conditions Survey (SHCS), the level of Below Tolerable Standard in privately owned properties across Aberdeenshire is relatively low (4%). The table below details the findings from the SHCS last 3 surveys for Aberdeenshire as well as the Scottish average.

SHS	2013-15	2014-16	2015-17	Scottish Average
<b>Rising Damp</b>	4%	6%	1%	3%
<b>Disrepair</b>	63%	61%	59%	70%
<b>Urgent Disrepair</b>	33%	30%	30%	30%
<b>Extensive Disrepair</b>	5%	4%	5%	6%
<b>Critical Repair</b>	42%	39%	38%	50%
<b>BTS</b>	5%	5%	4%	1%

- 4.3 When tackling disrepair, Housing Renewal Areas are not a common feature across Scotland. This is mainly because gathering the data and evidence required to meet the criteria coupled with the subsequent implementation of an action plan is particularly resource intensive.
- 4.4 This policy, together with the Council's Scheme of Assistance and Below Tolerable Standard Policies aim to contribute towards reduction of the number of houses that are, or at risk of falling below the tolerable standard.
- 4.5 The key changes made to the policy take account of the relevant outcomes specified within the Local Housing Strategy 2018-2023.

## 5 Council Priorities, Implications and Risk

- 5.1 This report helps deliver the Strategic Priorities "Health and Wellbeing" within the Pillar of "Our People", having the right people, in the right place, at the right time.
- 5.2 This report helps deliver against Aberdeenshire Council's Local Housing Strategy.
- 5.3 The table below shows whether risks and implications apply if the recommendation is agreed.

Subject	Yes	No	N/A
Financial		<b>x</b>	
Staffing		<b>x</b>	
Equalities	<b>x</b> EIA attached as <b>Appendix 2</b>		
Fairer Scotland Duty		<b>x</b>	
Town Centre First	<b>x</b> TCFP impact assessment attached as <b>Appendix 3</b>		
Sustainability		<b>x</b>	
Children and Young People's Rights and Wellbeing		<b>x</b>	

- 5.4 An Equality Impact Assessment has been carried out as part of the development of the proposals set out above. It is included as **Appendix 2** and there are no negative impacts identified. The positive impacts are that the policy aims to ensure that properties meet the tolerable standard and aid our most vulnerable people.
- 5.5 A Town Centre First Impact Assessment has been carried out, highlighting a positive impact. It is included as **Appendix 3**.
- 5.6 The following Risks have been identified as relevant to this matter on a Corporate Level: ACORP007 – Social risk (e.g. population changes, poverty & social inequality, demographic changes, crime, antisocial behaviour) condition or appearance of housing may make communities unsustainable [Corporate Risk Register](#).

The following Risks have been identified as relevant to this matter on a Strategic Level; ISSR002 & ISSR005 – Regeneration and Affordable Housing. [Directorate Risk Registers](#).

## **6 Scheme of Governance**

- 6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the [Scheme of Governance](#) and relevant legislation.
- 6.2 The Committee is able to consider this item in terms of Section B.1.2 of the [List of Committee Powers in Part 2A](#) of the Scheme of Governance as it relates to the Committee's powers to consider, comment and make recommendations to Services and any other appropriate Committee on any matter of the policy which impacts its Area.
- 6.3 This policy has been reviewed in compliance with the Policy Development and Review Framework.

**Alan Wood**  
**Interim Director of Infrastructure Services**

Report prepared by Nicola Murray, Private Sector Housing Team Leader  
Date: 15/01/2021

### **List of Appendices –**

Appendix 1 – Reviewed Housing Renewal Area Policy  
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**Appendix 1**

**Aberdeenshire**  
COUNCIL



# **Housing Renewal Area Policy**

**January 2021**

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## 1. Introduction

- 1.1 This policy sets out how Aberdeenshire Council proposes to deal with sub-standard<sup>1</sup> housing. It ensures that Aberdeenshire Council meets the requirements of Section 10 of the Housing (Scotland) Act 2006 which requires local authorities to set out a policy for how it will identify parts of its area for designation as a Housing Renewal Area.
- 1.2 This policy links with Aberdeenshire Council's wider Scheme of Assistance and Below Tolerable Standard Policy of encouraging homeowners to take responsibility for the repairs and maintenance of their homes.

## 2. Background

- 2.1 Primary responsibility for repairs and maintenance of homes rests with the owner. In Aberdeenshire over 81% of the housing stock is owner occupied or privately rented. Inevitably some of these homes will fall into disrepair through inadequate maintenance regimes. The Scottish House Conditions Survey 2015-17 reported 38% of housing stock in Aberdeenshire to be in disrepair. Local Authorities have a number of powers to address poor quality housing, the designation of a Housing Renewal Area is one of these powers.

## 3. Strategic Outcome

- 3.1 The Aberdeenshire Local Housing Strategy 2018-2023 sets out our key housing plans. This policy links to the Local Housing Strategy and will assist in delivering the outcome

***“The quality of private sector housing is maintained and improved to promote health and wellbeing by addressing disrepair and enhancing energy efficiency “.***

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<sup>1</sup> Sub-standard housing is defined in Section 68 Housing (Scotland) Act 2006.

#### 4. Lifespan of policy

- 4.1 The Housing Renewal Area policy forms part of the Local Housing Strategy 2018 - 2023. The delivery of the strategy will be measured by the performance indicators included under each priority in the strategy. These are reported annually to Communities Committee.
- 4.2 The Housing Renewal Area policy has been approved by **XXX** and will be reviewed in 2024. If significant changes are made, the policy will be submitted to Communities Committee for further approval.

#### 5. Policy Statement

The Housing (Scotland) Act 2006 stipulates that local authorities can designate Housing Renewal Areas to improve the quality of private sector housing.

Aberdeenshire Council will consider using these powers if:

- There is a significant number of sub-standard housing; **and/or**
- The appearance or condition of the housing is adversely affecting the area; **and**
- It is believed to be the most appropriate action to take to address these issues.

## **Supplementary Guidance**

### **6. Criteria for determining a Housing Renewal Area**

- 6.1 A Local Authority can designate a Housing Renewal Area when it considers:
- A significant number of houses in a locality are sub-standard; **and/or**
  - The appearance or state of repair of any house in the locality is adversely affecting the area; **and**
  - Officers believe it to be the most appropriate action to take to address these issues.
- 6.2 For the purposes of this policy, a “significant number” will be determined on a case by case basis, but would generally mean an individual property or a number of properties within the area under discussion that has been identified as sub-standard or where the state of repair or appearance of the properties is/are affecting the quality of the neighborhood. Aberdeenshire Council’s criteria for determining a Housing Renewal Area will also include:
- The views of residents and other interested parties
  - Complaints relative to public health and/or housing
  - The level of below tolerable standard housing
  - The level and condition of disrepair
  - The level of empty homes
  - Evidence of increased antisocial or criminal behavior
  - The impact of taking no action to address this
- 6.3 Where individual houses are sub-standard, we will adopt a proactive approach and engage with owners to encourage them to take responsibility for the repairs and maintenance of their home. Information, advice, and practical assistance will be offered through the Scheme of Assistance to facilitate repairs or engagement with the Empty Homes Officer. If this fails, we will consider enforcement action through the use of Work Notices or Maintenance Orders. Enforcement powers will only be used when all other avenues have been explored.

### **7. Identification of Housing Renewal Areas**

- 7.1 We believe that there are not a substantial number of sub-standard houses or houses in a state of serious disrepair in any localised area to warrant declaring a Housing Renewal Area within Aberdeenshire. However, this will be monitored, and the position may change depending on if it is felt that this is no longer an accurate reflection of the situation.
- 7.2 Our approach will be proactive, and evidence led. Any assessment of a potential Housing Renewal Area will be led by the Private Sector Housing Team with support from Environmental Health, Building Standards, and any other relevant service.
- 7.3 Triggers that warrant further investigation of a potential Housing Renewal Areas will include:



- Complaints/Concerns received by Housing, Environmental Health, Building Standards, Planning, or other Council Service.
- Evidence of relevant issues (e.g. substandard condition of housing or amenity areas)
- Locally collected data relating to house conditions (e.g. Below Tolerable Standard data, Scottish House Condition Survey etc.)
- Locally collected data in relation to empty homes
- Areas that **council officers** or partner organisations have identified as having high concentration of sub-standard housing or poor visual amenity areas.

7.4 In addition to the proactive approach, awareness of the rights and responsibilities of homeowners will be raised through the Scheme of Assistance and will link in with any regeneration initiatives that are undertaken through the framework for Regeneration to improve the quality of private sector housing.

## **8. Assistance for dealing with sub-standard housing**

### **8.1 Homeowners**

8.1.1 We will seek to address sub-standard housing through the provision of advice, information, and practical assistance. In some cases, financial assistance (Subject to resources) may be available. This will be delivered through the Council's Scheme of Assistance.

### **8.2 Private Tenants**

8.2.1 The Housing and Property Chamber, First Tier Tribunal for Scotland aims to address poor house condition in the private rented sector. All private rented properties must meet the "Repairing Standard." If a rented property does not meet the standard, and the landlord refuses to carry out the necessary repairs, the tenant or the Local Authority can apply to the Housing and Property Chamber for a tribunal hearing. Ultimately, if the tribunal decides that a landlord has failed to comply with their duty, they will issue a Repairing Standard Enforcement Order which compels the landlord to carry out the required repairs. Various penalties apply if the landlord fails to do so including the tribunal issuing a Rent Relief Order (RRO). An RRO reduces any rent payable under the tenancy by whatever amount the tribunal decides up to a maximum of 90%.

8.2.2 Landlords are required to ensure that their properties meet the Repairing Standard and are maintained in a reasonable state of repair. A house meets the Repairing Standard if:

- It is wind and watertight
- The structure and exterior of the house (including drains, gutters, and external pipes) are in a reasonable state of repair and in proper working order
- The installations in the house for the supply of water, gas, and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order
- Any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order
- Any furnishings provided by the landlord under the tenancy are capable

of being used safely for the purpose for which they are designed, and

- The house has satisfactory provision for detecting fires and for giving warning of fire or suspected fire.

## **9. Monitoring, Evaluation & Review**

- 9.1 The Local Housing Strategy 2018-2023 aims to assist homeowners and landlords to improve of the quality of housing in the private sector. Progress will be monitored by regularly evaluating the locally agreed performance indicators for each priority within the LHS.
- 9.2 The Housing Renewal Area policy will be reviewed in 2024.

## **10. Resources**

- 10.1 Resources are available to encourage homeowners to take responsibility for the repairs and maintenance of their homes through the Scheme of Assistance. Resources will be identified, as appropriate if a Housing Renewal Area is to be designated.

## EQUALITY IMPACT ASSESSMENT

EIA Version	Date	Author	Changes
1	14/01/21	Nicola Murray	

Stage 1: Title and aims of the activity (“activity” is an umbrella term covering policies, procedures, guidance and decisions including those that affect services the council delivers).	
Service	Housing and Building Standards
Section	Strategy
Title of the activity etc.	Housing Renewal Area Policy
Aims and desired outcomes of the activity	To review and publish the revised Housing Renewal Area Policy
Author(s) & Title(s)	Nicola Murray, Private Sector Housing Team Leader

Stage 2: List the evidence that has been used in this assessment and explain what it means in relation to the activity you are assessing.		
Evidence	What does it say?	What does it mean?
Internal data (customer satisfaction surveys; equality monitoring data; customer complaints).	Concerns / complaints regarding substandard housing, including the level of disrepair, or appearance of houses within an Area.	People in Aberdeenshire potentially living in properties that fall short of the expected standard
Internal consultation with staff and other services affected.	The reviewed policy has been shared with colleagues in Housing & Building Standards and Environmental Health	All feedback and comments have been accepted and are reflected within the policy

External consultation (partner organisations, community groups, and councils).		
External data (census, available statistics).		
Other (general information as appropriate).		

Stage 3: Evidence Gaps.	
Are there any gaps in the information you currently hold?	No

Stage 4: Measures to fill the evidence gaps.		
What measures will be taken to fill the information gaps before the activity is implemented? These should be included in the action plan at the back of this form.	Measures:	Timescale:

Stage 5: What steps can be taken to promote good relations between various groups/areas?	
These should be included in the action plan.	

Stage 6: How does the policy/activity create opportunities for advancing equality of opportunity?

Stage 7a:

Are there potential impacts on protected groups?

The protected groups covered by the equality duty are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Who is affected by the activity or who is intended to benefit from the proposed activity and how?

Complete the table below for each protected group by inserting "yes" in the applicable box/boxes below.

	Positive	Negative	Neutral	Unknown
Age – Younger	YES			
Age - Older	YES			
Disability	YES			
Race – (includes Gypsy Travellers)	YES			
Religion or Belief	YES			
Sex	YES			
Pregnancy and maternity	YES			
Sexual orientation – (includes Lesbian/ Gay/Bisexual)				
Gender reassignment – (includes Transgender)				
Marriage and Civil Partnership				

Stage 7b: Do you have evidence or reason to believe that this policy, activity etc. will or may impact on socio-economic inequalities?

This is about trying to be fair to everyone. Part of that is realising that not everyone may be starting at the same place. Some individuals and families may have low income, may have very little or no savings which means they are living from month to month therefore changes to council policies/services may have a greater adverse impact on them.

On this basis you should consider potential impacts on individuals/families by:

- Place: on specific vulnerable areas or communities (SIMD, regeneration, rural) e.g. housing, transport.
- Pockets: household resources, (Income, benefits, outgoings) ability to access a service
- Prospects: peoples life chances e.g.access to, or ability to access: employment, training, services (such as council or health) or support.

Groups of people who may be impacted include, but not limited to:

<ul style="list-style-type: none"> <li>• Unemployed</li> <li>• Single parents and vulnerable families</li> <li>• People on benefits</li> <li>• Those involved in the criminal justice system</li> <li>• People in the most deprived communities</li> <li>• People who live in rural areas</li> </ul>	<ul style="list-style-type: none"> <li>• Pensioners</li> <li>• Looked after children</li> <li>• Carers including young carers</li> <li>• Veterans</li> <li>• Students</li> <li>• Single adult households</li> <li>• People who have experienced the asylum system</li> </ul>	<ul style="list-style-type: none"> <li>• Those leaving the care setting including children and young people and those with illness</li> <li>• Homeless people</li> <li>• People with low literacy/numeracy</li> <li>• People with lower educational qualifications</li> <li>• People in low paid work</li> <li>• People with one or more protected characteristic</li> </ul>
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Please complete by inserting "yes" in the applicable box/boxes below.

Socio-economic disadvantage	Positive	Negative	Neutral	Unknown
Pockets: Low income/income poverty – cannot afford to maintain regular payments such as bills, food, clothing	YES			

Pockets: Low and/or no wealth – enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	YES			
Pockets: Material deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure and hobbies	YES			
Place: Area deprivation – where you live, where you work	YES			
Prospects: Socioeconomic background – social class i.e. parents education, employment and income , educational achievement.	YES			

Stage 8: What are the positive and negative impacts?		
Impacts.	Positive	Negative
Please detail the potential positive and/or negative impacts you have highlighted above. Detail the impacts and describe those affected.	The policy aims to ensure that properties meet the tolerable standard therefore improving conditions for people such as the elderly, disabled or all occupiers of homes equally.	
	The policy will provide assistance to aid meeting tolerable standards therefor having a positive outcome for people who are vulnerable in our communities, who are unemployed, in poor health etc	

**Stage 9: Have any of the affected groups/areas been involved, engaged with or consulted?**

If yes, please give details of how this was done and what the results were. If no, how have you ensured that you can make an informed decision about mitigating steps?

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**Stage 10: What mitigating steps will be taken to remove or reduce negative impacts?**

These should be included in any action plan at the back of this form.	Mitigating Steps	Timescale

**Stage 11: What monitoring arrangements will be put in place? How the EIA will be used to monitor the proposal**

These should be included in any action plan (for example customer satisfaction questionnaires).

The policy sets out the action plan and indicators used for monitoring purposes.

**Stage 12: What is the outcome of the Assessment?**

Please complete the appropriate box/boxes	1	No negative impacts have been identified –please explain.
	2	Negative Impacts have been identified, these can be mitigated - please explain. * Please fill in Stage 13 if this option is chosen.



	3	The activity will have negative impacts which cannot be mitigated fully – please explain. * Please fill in Stage 13 if this option is chosen

\* Stage 13: Set out the justification that the activity can and should go ahead despite the negative impact.

Stage 14: Sign off and authorisation.

Sign off and authorisation.	1) Service and Team	Housing & Building Standards, Private Sector Housing Team		
	2) Title of Policy/Activity	Below Tolerable Standard Policy		
	3) <b>Authors:</b> I/We have completed the equality impact assessment for this policy/activity.	Name: Nicola Murray Position: Team Leader Date: Signature:	Name: Position: Date: Signature:	
		Name: Position: Date: Signature:	Name: Position: Date: Signature:	
	4) Consultation with Service Manager	Name: Ally Macleod Date:		
	5) Authorisation by Director or Head of Service	Name: Rob Simpson Position: Head of Housing Date:	Name: Position: Date:	
	6) If the EIA relates to a matter that has to go before a Committee, Committee report author sends the Committee Report and this form, and any supporting assessment documents, to the Officers responsible for monitoring and the Committee Officer of the relevant Committee.			Date:
7) EIA author sends a copy of the finalised form to: equalities@aberdeenshire.gov.uk			Date:	

**TOWN CENTRE FIRST IMPACT ASSESSMENT (TCFIA)**

Aberdeenshire Council recognises that town centres have an important role to play in the sustainable development of local economies.

The Town Centre First Impact Assessment (TCFIA) allows officers in all services to identify the detrimental and beneficial effects that decisions we take may have on our town centres. It will allow officers to consider any implications that council decisions may have on Aberdeenshire’s key town centres. Examples of this include changes to: the provision of civic and community facilities, employment land, retail, residential buildings, cultural assets, transportation, leisure and tourism.

A Town Centre Ambassador has been nominated within your service; you can locate your Town Centre First Ambassador through the Town Centre First Principle Arcadia pages.

<b>Project Information</b>	
Title of Committee Paper	Housing Renewal Area Policy
Service	Infrastructure
Department	Housing
Author	Nicola Murray
Have you consulted your Town Centre First Ambassador?	No

1) Could your Project Paper cause an impact in one (or more) of the identified town centres? – Peterhead, Fraserburgh, Inverurie, Westhill, Stonehaven, Ellon, Portlethen, Banchory, Turriff, Huntly, Banff, Macduff.	
Yes – All	

2) If approved would your project cause an impact (either positive or negative) with regards to the footfall of any of these town centres?	
Yes	

3)	
Please describe the aims of the committee paper?	To agree the reviewed Housing Renewal Area Policy

4) What are the positive and negative impacts?		
Impact	Describe the positive impact?	Describe the negative impact?
Please detail any potential positive and negative impact the project may have on Aberdeenshire's Key Town Centres.	Providing homeowners with advice, practical assistance and in some circumstances financial assistance to repair, maintain and improve their homes will improve the condition and appearance and will have a positive impact on the community.	

5) What mitigating steps will be taken to reduce or remove negative impacts? If none see Q6	
Mitigating Steps	Timescale

6) Set out the justification that the activity can and should go ahead despite the negative impact.

## Question 7: Sign off and Authorisation

1) <b>Author:</b> I have completed the TCIA impact assessment for this policy/ activity.	Name: Nicola Murray Position: Team Leader Date: 15 January 2021 Signature:	
2) Consultation with Service Manager	Name: Ally Macleod Position: Housing Manager Date: 15 January 2021	
3) Authorisation by Director or Head of Service	Name: Rob Simpson Position: Head of Service Date:	
4) Have you consulted with your Town Centre First Ambassador?	No	
5) TCFIA author sends a copy of the finalised form to: <a href="mailto:tcfia@aberdeenshire.gov.uk">tcfia@aberdeenshire.gov.uk</a>	Date Sent:	