

REPORT TO COMMUNITIES COMMITTEE – 1 APRIL 2021

BELOW TOLERABLE STANDARD POLICY

1 Reason for Report / Summary

- 1.1 The Below Tolerable Standard Policy has been reviewed to take account of the impending legislation changes and the relevant Local Housing Strategy 2018-2023 outcomes. The purpose of this report is to approve the policy.

2 Recommendations

The Committee is recommended to:

- 2.1 Discuss the comments received from Area Committees.**
2.2 Approve the reviewed Below Tolerable Standard Policy.

3 Purpose and Decision Making Route

- 3.1 The Housing (Scotland) Act 2006 requires local authorities to include a Below Tolerable Standard policy within their Local Housing Strategies. This policy has been reviewed to take account of Aberdeenshire Council's current Local Housing Strategy and impending legislation changes.
- 3.2 For consultation purposes, the policy has been shared with colleagues in Environmental Health and Building Standards and has been considered by each Area Committee prior to being presented to Communities Committee for approval.

4 Discussion

- 4.1 The Tolerable Standard is a basic level of repair that a property must meet to make it fit to live in. Anything short of this could be defined as "Below Tolerable Standard". The definition of the Tolerable Standard is detailed within the Below Tolerable Standard Policy which is attached at **Appendix 1** to this report.
- 4.2 The Housing (Scotland) Act 1987 (Tolerable Standard) (Extension of Criteria) Order 2019 will come into force on 1 February 2022. This introduces two new elements in the Tolerable Standard Guidance:
- i. Satisfactory equipment for detecting fire and giving warning in the event of a fire or suspected fire
 - ii. Satisfactory equipment for giving warning if carbon monoxide is present in a concentration that is hazardous to health

These impending changes are likely to lead to an increase in the number of properties that could be defined as Below Tolerable Standard.

- 4.3 The aim of the policy is to contribute towards reducing the number of houses that are, or at risk of falling below the tolerable standard.
- 4.4 The key changes made to the policy take account of impending legislation changes and the relevant outcomes specified within the Local Housing Strategy 2018-2023.
- 4.5 Details of actions and outcomes supporting this policy and ultimately reducing the risk of properties falling below the tolerable standard are outlined in the action plan appended to the policy at **Appendix 1**.
- 4.6 Comments from Area Committees are set out in **Appendix 4**.

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(s) is(are) agreed.

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

- 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 The following Risks have been identified as relevant to this matter on a Corporate Level: ACORP002 – Changes in government policy, legislation, and regulation (including; Education reforms and potential impact on integration of children’s services; Brexit), failure to comply with the impending fire detection regulations will result in an increase in Below Tolerable Standard Properties. [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 had no comments 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 D 1.1d of the List of Committee Powers in Part 2A of the Scheme of Governance as it relates to the Committee’s powers to decide on all policy issues within its housing remit.
- 6.3 This policy has been reviewed in compliance with the Policy Development and Review Framework

Alan Wood, Director of Infrastructure Services

Report prepared by Nicola Murray, Private Sector Housing Team Leader
1 March 2021

List of Appendices –

- Appendix 1 – Reviewed Below Tolerable Standard Policy
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Below Tolerable Standard Housing Policy

**Local Housing Strategy
2018-2023**

January 2021

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1. Introduction

Section 10 of the Housing (Scotland) Act 2006 requires Local Authorities to set out a strategy to deal with houses that do not meet the Tolerable Standard. This policy sets out Aberdeenshire Council's proposals to comply with its duties to ensure that housing meets the Tolerable Standard.

2. Background

The basic principle of the Housing (Scotland) Act 2006 is that owners are primarily responsible for the repairs and maintenance of their own homes. In Aberdeenshire there are more than 116,000 households, 81% of these in the private sector. Inevitably, some of these houses are poorly maintained. The Scottish House Conditions Survey 2015-17 reported 60% of housing stock in Aberdeenshire to be in disrepair, this number is high (although a marked reduction from the 2011 survey which reported 67% of homes being in disrepair) and highlights the need for continued intervention.

3 Strategic Outcome

The Aberdeenshire Local Housing Strategy 2018-2023 sets out our key housing plans. This policy links to the Local Housing Strategy and will contribute to 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 “.

4 Lifespan of the Policy

The Below Tolerable Standard policy forms part of the wider 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.

The Below Tolerable Standard 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

This policy will contribute towards:

- ***Reducing the number of houses that are below the Tolerable Standard; and***
- ***Prevent houses from falling below the Tolerable Standard by encouraging homeowners to repair, maintain and improve their homes through the Council's Scheme of Assistance***

6. Definition of the Tolerable Standard

The Tolerable Standard, defined in the Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Act 2006 is a basic level of repair a property must meet to make it fit to live in. A house meets the standard if it:

- is structurally stable;
- is substantially free from rising or penetrating damp;
- has satisfactory provision for natural and artificial lighting, for ventilation and for heating;
- has satisfactory thermal insulation;
- has an adequate piped supply of wholesome water available within the house;
- has a sink provided with a satisfactory supply of both hot and cold water within the house;
- has a toilet available in the house, in a suitable place for exclusive use of the occupants of the house which is not shared by any other households;
- has a fixed bath or shower and a wash hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house;
- has an effective system for drainage and disposal of foul and surface water;
- in the case of a house having a supply of electricity, complies with the relevant requirements in relation to the electrical installations for the purposes of that supply;
 - “the electrical installation” is the electrical wiring and associated components and fittings, but excludes equipment and appliances;
 - “the relevant requirements” are that the electrical installation is adequate and safe to use;
- has satisfactory facilities for the cooking of food within the house; and
- has satisfactory access to all external doors and outbuildings.

Failure against any of the above criteria may render a house below the Tolerable Standard.

- 6.1** The Housing (Scotland) Act 1987 (Tolerable Standard) (Extension of Criteria) Order 2019 will come into force on 1 February 2022. This introduces two new elements in the Tolerable Standard Guidance:

- satisfactory equipment for detecting fire and giving warning in the event of fire or suspected fire
 - one smoke alarm installed in the room most frequently used for general daytime living purposes (normally the living room/lounge);
 - one smoke alarm in every circulation space on each storey, such as hallways and landings;
 - one heat alarm installed in every kitchen;
 - all smoke and heat alarms to be ceiling mounted; and
 - all smoke and heat alarms to be interlinked.

- satisfactory equipment for giving warning if carbon monoxide is present in a concentration that is hazardous to health
 - CO detectors to be fitted in all rooms where there is a fixed combustion appliance (excluding an appliance used solely for cooking) or a flue.

These impending changes will likely lead to an increase in the number of properties that do not meet the tolerable standard.

7. Identifying Sub-Standard Housing

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. It should be noted that the SHCS is a continuous sample survey and measurements only relate to occupied housing. The sample sets for the 2015-17 only represent 0.23% of Aberdeenshire's housing stock.

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

Knowing where these properties are is challenging, and data relating specifically, to property condition is limited however our aim is to increase reporting through raising awareness and utilising local knowledge and expertise.

We will be proactive in our approach and by thoroughly investigating and providing appropriate advice or assistance to all:

- Complaints and queries to Environmental Health, Housing and Building Standards.
- Data compiled by the local authority in relation to empty homes and stock conditions

- Data compiled by the local authority in relation to applications for housing where the applicant has cited their current accommodation may be BTS

8. Assistance

8.1 Assistance to Owner Occupiers:

We will engage with owners and encourage them to take responsibility to address any critical repair that renders a property BTS. In all cases we will offer

- Advice information and practical assistance through our Scheme of Assistance
- Referrals for private water supply grants
- Referrals to Home Energy Scotland (HES) / Save Cash and Reduce Fuel (SCARF) for advice and assistance on energy efficiency measures
- In exceptional circumstances, and where all other options have been explored, financial assistance (subject to resources) may be available for critical repairs to prevent homes from becoming BTS or empty.

8.2 Assistance to the private rented sector:

The Housing (Scotland) Act 2006 states that private rented properties must meet the 'Repairing Standard' and be 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.

Where a rented property does not meet this standard, and the landlord refuses to carry out the necessary repairs, the tenant can apply to the First Tier Tribunal for Scotland (Housing and Property Chamber). The First Tier Tribunal aims to address poor house conditions within the private rented sector, they will determine whether the landlord has failed to comply with their duty and if necessary they can order the landlord to carry out the repairs and apply various penalties if the landlord fails to do so.

We will actively encourage, promote and where necessary assist applications to the First Tier Tribunal where properties fall short of the required standards.

8.3 Assistance to the Social Sector

All local authorities and Registered Social Landlords (RSL's) stock are required to meet the Scottish Housing Quality Standard (SHQS). Should any social rented properties fall below the Tolerable Standard we will make engage with Services and RSL's to ensure that they are brought up to the SHQS standard which is higher than the Tolerable Standard.

9 Enforcement Powers

Ultimately the aim of this policy is to prevent houses falling below the Tolerable Standard and to encourage homeowners to take responsibility for repairs and maintenance of their homes however, there are a range of powers available to the local authority to assist with addressing disrepair, these include:

- Works Notices are available to be used where houses fail to meet the Tolerable Standard and/or are in disrepair. A works notice requires the owner or landlord to take action to remedy the problem.
- Working with private landlords and tenants to ensure that they meet their obligations under the Repairing Standard. This could include assisting a tenant to make an application to the First Tier Tribunal.
- Dangerous and Defective Buildings Notices are available if a property needs repair work carried out to prevent deterioration or to remove a danger to people living in or around it.

These powers will only be used as a last resort and will only be used where all other alternatives have been exhausted.

10 Monitoring, Evaluation and Review

The Local Housing Strategy (LHS) 2018-2023 sets out the strategic outcome:

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

The action plan attached (Appendix 1) outlines some of the actions Aberdeenshire Council will take to assist in achieving this.

11. Resources

Resources are available to encourage and assist homeowners to take responsibility for the repairs and maintenance of their homes through the Scheme of Assistance.

ACTION PLAN

LHS Outcomes:

- *The quality of private sector housing is maintained and improved to promote health and wellbeing by addressing disrepair and enhancing energy efficiency.*
- *Fuel Poverty to be reduced for all households as far as reasonably practicable.*

Action	Indicator	Target 2019/20	Actual 2019/20
Support homeowners and private sector tenants to repair, maintain adapt and improve their homes by providing advice, practical support and in some circumstances financial assistance through our Scheme of Assistance and Below Tolerable Standard Policies.	Number of households in receipt of information and advice to help repair and maintain their homes.	1250	1513
	Number of households in receipt of practical assistance to help repair and maintain their homes.	300	383
	Number of households in receipt of financial assistance to help repair and maintain their homes		3
Improve management standards and engage with landlords in the private sector rented sector	Raise awareness and standards of housing by providing training and information sessions to landlords and agents in the private rented sector.	13	13
	Complete 10% routine checks to ensure that landlords are complying with the repairing standards	300	636
	Issue Quarterly newsletters to provide landlords with relative legislation changes and requirements	Quarterly	Complete
Improve energy efficiency of housing in the private sector	Energy efficiency measures installed in the private housing sector	320	266

USEFUL CONTACTS

Service	Provision	Contact Details
Aberdeenshire Council Landlord Registration	General information and advice for both landlords and tenants on repairing standard requirements and property condition specifically in the private rented sector.	<p>Aberdeenshire Council, Private Sector Housing Team Gordon House, Blackhall Road, Inverurie, AB51 3WA</p> <p>Tel: 01467 534853 Email: landlordregistration@aberdeenshire.gov.uk Web: https://www.aberdeenshire.gov.uk/housing/private-housing/private-landlords-registration/</p>
Aberdeenshire Council Care and Repair	A free service to owner occupiers and tenants of private landlords offering information, advice, practical and in certain circumstances financial assistance with repairs, improvements, and adaptations.	<p>Aberdeenshire Council, Care and Repair, Gordon House, Inverurie, AB51 3WA</p> <p>Tel: 01467 534753 Email: careandrepair@aberdeenshire.gov.uk Web: https://www.aberdeenshire.gov.uk/housing/private-housing/aberdeenshire-care-and-repair/</p>
Aberdeenshire Council Environmental Health Service	General advice on house condition, enforcement responsibilities and assessment of private water supplies	<p>Aberdeenshire Council, Environmental Health Gordon House, Blackhall Road, Inverurie, AB51 3WA</p> <p>Tel: 01467 539039 Email: environmental@aberdeenshire.gov.uk Web: https://www.aberdeenshire.gov.uk/environment/environmental-health/local-offices/</p>
Save Cash and Reduce Fuel (SCARF)	Provides households with free independent and impartial advice on energy efficiency.	<p>SCARF Cotton Street, Aberdeen, AB11 5EE</p> <p>Tel: 01224 213005 Email: info@scarf.org.uk Web: www.scarf.org.uk</p>

Appendix 2



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.	Below Tolerable Standard Policy
Aims and desired outcomes of the activity	To review and publish the revised Below Tolerable Standard 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 the standard of some peoples living accommodation	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)	YES			
Gender reassignment – (includes Transgender)	YES			
Marriage and Civil Partnership	YES			

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

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

Stage 10: What mitigating steps will be taken to remove or reduce negative impacts?		
<p>These should be included in any action plan at the back of this form.</p>	Mitigating Steps	Timescale

Stage 11: What monitoring arrangements will be put in place? How the EIA will be used to monitor the proposal	
<p>These should be included in any action plan (for example customer satisfaction questionnaires).</p>	<p>The policy sets out the action plan and indicators used for monitoring purposes.</p>

Stage 12: What is the outcome of the Assessment?		
<p>Please complete the appropriate box/boxes</p>	<p>1</p>	<p>No negative impacts have been identified –please explain.</p>

	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.

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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) Authors: I/We have completed the equality impact	Name: Nicola Murray Position: Team Leader Date: Signature:	Name: Position: Date: Signature:

	assessment for this policy/ activity.	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:

Appendix 3



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.

Project Information	
Title of Committee Paper	Below Tolerable Standard 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	

1)	
Please describe the aims of the committee paper?	To agree the reviewed Below Tolerable Standard Policy

2) 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.	

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

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

Question 7: Sign off and Authorisation	
3) Author: I have completed the TCIA impact assessment for this policy/ activity.	Name: Nicola Murray Position: Team Leader Date: 15 th January 2021 Signature:
4) Consultation with Service Manager	Name: Ally Macleod Position: Housing Manager Date: 15 th January 2021
5) Authorisation by Director or Head of Service	Name: Rob Simpson Position: Head of Service Date:
6) Have you consulted with your Town Centre First Ambassador?	No
7) TCFIA author sends a copy of the finalised form to: tcfia@aberdeenshire.gov.uk	Date Sent:

Appendix 4 - Below Tolerable Standard Policy Review – Area Committee Comments

Date	Committee	Comments	Response
02/03/21	Formartine Area Committee	1. It was suggested that the Communities Committee consider petitioning the Scottish Government to consider amending the legislation and definition of tolerable to be more ambitious.	We could provide this feedback to the Scottish Government when there is an appropriate opportunity e.g., through a consultation process.
02/03/21	Kincardine & Marr Area Committee	1. Members suggested changing the wording “satisfactory equipment ” (Pg. 301) when looking at equipment to detect fires and carbon monoxide to reference the current standard regulations.	<p>Agreed - wording will be changed to reference the requirements, these are:</p> <ul style="list-style-type: none"> • one smoke alarm installed in the room most frequently used for general daytime living purposes • one smoke alarm in every circulation space on each storey, such as hallways and landings • one heat alarm installed in every kitchen • All alarms should be ceiling mounted and interlinked. <p>Where there is a carbon-fuelled appliance (such as boilers, fires (including open fires) and heaters) or a flue, a carbon monoxide detector is also required which does not need to be linked to the fire alarms.</p>

09/03/21	Marr Area Committee	<ol style="list-style-type: none"> 1. Support the proposed revisions to the Below Tolerable Standard Policy; 2. Noted that if houses failed to have the required equipment for detecting fire and carbon monoxide there may be implications for house insurance matters; 3. Potential for delays in meeting the requirements due to a shortage of skilled electricians, and in view of restrictions relating to Covid-19. 4. Recommend the promotion of the requirements and deadlines through Council communications channels to ensure widespread circulation of relevant information. 	<p>Acknowledged - Government guidance has been followed and considered for private rented properties throughout the pandemic.</p> <p>Agreed - Following approval, Officers will liaise with Corporate Communications.</p>
09/03/21	Banff & Buchan Area Committee	<ol style="list-style-type: none"> 1. The policy needs to be clearer in showing that it relates to private landlords/ housing rather than Council houses. 2. It is important to be sensitive to the exposed nature of tenants who wish to make complaints about their landlords, and look for ways to protect them 	<p>The policy relates to all types of housing within Aberdeenshire, although, it is highly unlikely that Social Housing would ever fall Below Tolerable Standards for any reason other than, for example, the tenant's lifestyle.</p> <p>The Team have alternative routes for contacting landlords where tenants are reluctant to make a formal complaint if they deem it necessary.</p>

16/03/21	Garioch Area Committee	1. The Committee noted that the work is ongoing as part of the Council's wider strategy to help to improve the standard of homes across all tenures.	
16/03/21	Buchan Area Committee	<ol style="list-style-type: none"> 1. To request that Officers make it clear in the Policy that properties "should have a supply of electricity ...", 2. To request that Officers clarify, within the Policy, what "satisfactory facilities for cooking of food" means, 3. having noted that Section 9, Enforcement Powers, reads "These powers will only be used as a last resort ...", to request that this statement be reconsidered with the intention of providing a better basis for recourse 	<p>Agreed – the words "in the case of a house having a supply of electricity, "will be replaced by "the house must have a supply of electricity".</p> <p>Agreed – this statement will be qualified by inserting the words "This does not mean a landlord has to provide a cooker, but there must be somewhere suitable for any tenant to install their own"</p> <p>Agreed – suggested wording "Ultimately the responsibility for repairing and maintaining a house lies with the owner. Aberdeenshire Councils will aim to encourage and support owners to do this without the need for enforcement. However, in cases where all other alternatives have been exhausted, Aberdeenshire Council will use enforcement powers"</p>