

Report

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Report to:	Community Resources Committee
Date of Meeting:	3 February 2009
Report by:	Executive Director (Community Resources) Executive Director (Finance and Information Technology Resources) Executive Director (Housing and Technical Resources)

Subject:	Housing (Scotland) Act 1987 - 9 to 13 Lamb Street, Hamilton
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ♦ advise on action taken, in terms of Standing Order No 36(c) because of the timescales involved, by the Executive Director (Community Resources), in consultation with the Chair and an ex officio member, to instruct repairs to the building forming 9 -13 Lamb Street, Hamilton.

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1)** that the action taken in terms of Standing Order No 36(c), by the Executive Director (Community Resources) in consultation with the Chair and an ex officio member to instruct repairs to the building forming 9 -13 Lamb Street, Hamilton, be noted.

3. Background

- 3.1.** The building forming 9 -13 Lamb Street consists of one commercial premise and two residential flats, one of which, due to extensive disrepair is presently uninhabitable.
- 3.2.** The state of the building was first highlighted to the Council in June 2005 by a member of the public who expressed concerns over issues of public safety. Whilst temporary repairs instructed by one of the owners, removed the immediate hazard, a survey of the property by officers from Environmental & Strategic Services revealed extensive internal and external disrepair.
- 3.3.** In an attempt to address the situation Repair Notices, made in terms of Part V of the Housing (Scotland) Act 1987 were served on the three owners. With the work required by the Notice not undertaken within the timescale provided, and there being no indication that the said works will be undertaken by the owners, the only means of progressing the repairs is for the Council, in terms of the powers available to it, to instruct the work.

- 3.4. Under Section 85 (1) of the Housing (Scotland) Act 1987, a duty is placed on the local authority: to improve, close or demolish sub tolerable houses. The tolerable standard is defined in Section 86 of the Housing (Scotland) Act 1987. Properties which would fail the tolerable standard include those which are: structurally unstable, significantly affected by rising or penetrating dampness etc.
- 3.5. In this respect, Housing and Technical Resources were asked to secure a contractor and a cost for the repairs required.

4. Current Position

- 4.1. It is clear that this substantial building in the town of Hamilton will rapidly deteriorate to the point of no recovery unless action is now taken under the Council's policy.
- 4.2. Estimated costs are £65,000. The Council has made use of the valuation roll, with the percentages reflecting the proportional variance between the three properties.
- 4.3 Allocation of costs on the basis as outlined in section 4.2 would be as follows:-
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|----------------------------|--------|
| ♦ Flat 1/1, 13 Lamb Street | 3.06% |
| ♦ Flat 1/2 13 Lamb Street | 3.06% |
| ♦ 9 – 11 Lamb Street | 93.88% |
- 4.4 The next steps involve the Council commissioning the work and paying for it. Debtors accounts would be raised against the owners for the amounts remaining after applying grant as all of the work involved in making the building wind and watertight qualifies for repairs grant at an enhanced rate of 50%.
- 4.5 In the event that owners did not pay the bills, Charging Orders would be registered against the properties for the debt and each property could not be sold unless the respective debt was discharged. All owners have been notified of the proposals.

5. Employee Implications

- 5.1. There are no employee implications.

6. Financial Implications

- 6.1. The estimated cost of the repair is £65,000. All costs associated with the repair are to be recovered from the owners of the three properties. In the event of non payment, charging orders shall be registered against the properties in question.

7. Other Implications

- 7.1. Delivery of this recommendation would satisfy the obligation placed on the Council in terms of Section 85(1) of the Housing (Scotland) Act 1987.

8. Equality Impact Assessment and Consultation Arrangements

- 8.1. This report does not introduce a new policy, function or strategy or recommend a change to existing policy, function or strategy and therefore no impact assessment is required.
- 8.2. There was also no requirement to undertake and consultation in terms of the information contained in this report.

Norrie Anderson
Executive Director (Community Resources)

Linda Hardie
Executive Director (Finance and Information Technology Resources)

Jim Hayton
Executive Director (Housing and Technical Resources)

23 December 2008

Link(s) to Council Objectives

- ◆ Improve the quality, access and availability of housing
- ◆ Improve the quality of the physical built environment

Previous References

None

List of Background Papers

- ◆ Housing (Scotland) Act 1987
- ◆ Appendix A - Repair Schedule

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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