



Community Services Housing Services



THE HOUSING (SCOTLAND) ACTS

1987 - 2006



HOUSING STANDARDS



*To realise the potential of
communities by ensuring that people
have access to affordable, sufficient
and suitable housing in Argyll &
Bute*

The Private Sector and the Council

Argyll and Bute Council is *the* strategic housing authority for the council area. That means the council has an interest in private housing as well as the socially rented stock.

Although private housing is owned by private individual it is also part of the strategic asset of Argyll and Bute. It reflects our prosperity, is inextricably linked to opportunities for young people, for attracting incomers, and for retaining older people in communities.

For example, if houses aren't adapted for older people, fall into disrepair and are no longer habitable or if private rented sector tenants can't live securely in good quality housing – applications to housing associations increase and pressure on limited social stock increases, with a corresponding demand for new build affordable homes.

For these reasons public authorities have an interest in ensuring the private housing stock plays its role in the local housing system and that the best use is made of existing housing.

House Conditions – the legal standards

HOUSING STANDARDS

1. **The Tolerable Standard** originated in the Housing (Scotland) Act 1969 with amendments in 2001 and 2006.
2. **Sub-Standard Houses**
3. **Amenity** – both terms were introduced in the Housing (Scotland) Act 2006 as standards against which a local authority might initiate action for improvement.
4. **The Scottish Housing Quality Standard** was introduced in 2004 and, for private houses, *is an aspirational standard* with no statutory backing. However, Registered Social Landlords (i.e. Housing Associations), have to ensure their stock meets the SHQS by 2015 and this may become a more important measure of private housing quality in the future.

These four standards apply to all houses, irrespective of tenure.

5. **The Repairing Standard** - applies only to **private rented houses** and is the legal standard for most private landlords to meet.

THE TOLERABLE STANDARD FOR HOUSING

The Standard:- A house meets the tolerable 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 with hot & cold water
- has a water or waterless closet available for the exclusive use of the occupants of the house and suitable located within the house
- has a fixed bath or shower and wash-hand basin, each provided with a satisfactory supply of hot and cold water and suitable located within the house
- has satisfactory facilities for the cooking of food within the house
- has an effective system for the drainage and disposal of foul and surface water
- in the case of a house having a supply of electricity, it complies with the relevant requirements in relation to the electrical installation for the purposes of that supply
- has satisfactory access to all external doors and outbuildings

Failure on any one item represents below tolerable standard housing.

SUB STANDARD HOUSING

The Standard:- A house is substandard if it is;

- below the tolerable standard
- in a state of serious disrepair
- in need of repair and is likely to deteriorate rapidly or damage other premises if nothing is done to repair it

For the definition of 'serious disrepair' refer to the Scottish Housing Quality Standard below.

AMENITY

Under the 2006 Act local authorities have a new power to deal with housing which may not be sub-standard, but whose appearance or state of repair is affecting the amenity of an area. This is a fairly subjective assessment with no set criteria for judgement.

Enforcement of amenity issues can only be done in a declared Housing Renewal Area (HRA) followed by the service of a Works Notice. Since Argyll and Bute Council has no programme for HRA's amenity will usually be dealt with on a voluntary basis with owners and amenity grant assistance.

THE SCOTTISH HOUSING QUALITY STANDARD

The Scottish Housing Quality Standard (SHQS) is an aspirational standard. There is a requirement for Registered Social Landlords to ensure their stock reaches this standard by 2015 but there is no requirement for private owners to do likewise. The SHQS is detailed below.

Housing Quality Criteria	Criteria Definition	Criteria Elements	Failure Assessed By:
COMPLAINT WITH THE TOLERABLE STANDARD	The Tolerable Standard	Below Tolerable Standard	Single Primary Failure
FREE FROM SERIOUS DISREPAIR	Primary Building Elements	Wall Structure Internal floor structures Foundations Roof structure	Single Primary Element Failure. An element fails where it requires repair or replacement of more than 20%.
	Secondary Building Elements	Roof covering Chimney stacks Flashings Rainwater goods External wall finishes Access decks/ balustrades Common access stairs/ landings, pathways within the curtilage of the dwelling Individual dwelling balconies / verandas Individual dwelling, attached garages, internal stairs Damp Proof Course Windows/doors Common windows/roof lights Underground drainage	Failure by two or more elements. An element fails where it requires repair or replacement of more than 20%.
ENERGY EFFICIENT	Effective Insulation	Cavity insulation where technically feasible and appropriate ¹ 100mm loft insulation where appropriate ² Insulation of hot water tanks and pipes (and cold water tanks as an ancillary measure)	Single Element Failure
	Efficient Heating	A full house central heating system that has an acceptable efficiency rating ³ , or similarly efficient heating system that is developed in the future	Single Element Failure
	Additional energy efficiency measures	Additional energy efficiency measures, where technically feasible ⁴ , necessary to achieving a minimum NHER rating of 5 or SAP rating of 50 for mains gas central heating systems and 60 for all other heating systems	Single Element Failure where a necessary, practical measure has not been implemented

¹ In some types of housing, it is not possible to install cavity wall insulation; in other cases installation may be

MODERN FACILITIES AND SERVICES	Kitchen Condition	Kitchen fittings in good and usable condition	Single Element Failure. An item fails where it requires repair or replacement of more than 25%.
	Kitchen Facilities	Adequate kitchen storage to current building standards where practical (1m ³ within or adjacent to the kitchen; space for a cooker and related activity space in front of it to allow safe use) Safe kitchen working arrangements, including worktop space on a least one side of, and at least the same width as, the cooker. Sufficient power outlets (6 or more sockets)	Single Element Failure
HEALTHY, SAFE AND SECURE	Healthy	Internal pipe work lead-free Mechanical ventilation in the kitchen and bathroom where this is require to tackle persistent problems of condensation dampness and mould growth Adequate noise insulation ⁵ where there are problems with external noise from e.g. traffic or factories A smoke detector present in the home ⁶ Safe electrical systems Safe gas and oil systems and appliances	Single Element Failure Persistent problem categorised by condensation or mould on more than 5% of the wall and ceiling area of bathroom and kitchen
	Effective Insulation	Cavity insulation where technically feasible and appropriate ¹ 100mm loft insulation where appropriate ² Insulation of hot water tanks and pipes (and cold water tanks as an ancillary measure)	Single Element Failure
	Safe	A smoke detector present in the home ⁶ Safe electrical systems Safe gas and oil systems and appliances	Single Element Failure
	Secure	Common stairwells, lifts, lobbies, courts, laundry and drying areas, refuse chutes and bin stores, where provided, in good and safe order Adequate lighting in common internal and external areas within the curtilage of the house Secure front and rear access doors Front door entry systems and secure rear access to enclosed common areas	Single Element Failure

MODERN FACILITIES AND SERVICES	Kitchen Condition	Kitchen fittings in good and usable condition	Single Element Failure. An item fails where it requires repair or replacement of more than 25%.
	Kitchen Facilities	Adequate kitchen storage to current building standards where practical (1m ³ within or adjacent to the kitchen; space for a cooker and related activity space in front of it to allow safe use) Safe kitchen working arrangements, including worktop space on a least one side of, and at least the same width as, the cooker. Sufficient power outlets (6 or more sockets)	Single Element Failure
HEALTHY, SAFE AND SECURE	Healthy	Internal pipe work lead-free Mechanical ventilation in the kitchen and bathroom where this is require to tackle persistent problems of condensation dampness and mould growth Adequate noise insulation ⁵ where there are problems with external noise from e.g. traffic or factories A smoke detector present in the home ⁶ Safe electrical systems Safe gas and oil systems and appliances	Single Element Failure Persistent problem categorised by condensation or mould on more than 5% of the wall and ceiling area of bathroom and kitchen
	Effective Insulation	Cavity insulation where technically feasible and appropriate ¹ 100mm loft insulation where appropriate ² Insulation of hot water tanks and pipes (and cold water tanks as an ancillary measure)	Single Element Failure
	Safe	A smoke detector present in the home ⁶ Safe electrical systems Safe gas and oil systems and appliances	Single Element Failure
	Secure	Common stairwells, lifts, lobbies, courts, laundry and drying areas, refuse chutes and bin stores, where provided, in good and safe order Adequate lighting in common internal and external areas within the curtilage of the house Secure front and rear access doors Front door entry systems and secure rear access to enclosed common areas	Single Element Failure

¹ In some types of housing, it is not possible to install cavity wall insulation; in other cases installation may be prohibited by building regulations because cavity wall insulation would lead to other problems such as water penetration and dampness.

² 100mm is the minimum existing insulation which will meet the standard, but where insulation is being installed it must meet the standard required by the building regulations.

³ An efficient central heating system is defined here as being:

- a solid fuel boiler with an annual seasonal efficiency of 55% or less
- a natural gas boiler with an annual seasonal efficiency of 55% or less
- an oil-fired boiler with an annual seasonal efficiency of 65% or less
- a gravity or semi-gravity heating system more than 20 years old.

An inefficient electric storage heating system is defined here as being:

- free-standing large volume storage heaters more than 20 years old
- free-standing compact storage heaters more than 20 year old
- electric fan-assisted storage warm air heating more than 20 years old
- electric wired underfloor heating, set in solid floors, more than 20 years old
- electric ceiling heating more than 20 years old.

⁴ Such measures might include coated double or even triple glazing. It is recognised that it will not always be technically feasible, without disproportionate cost, to bring certain houses up to the minimum thermal efficiency standard. Building Standard may be related if it is not reasonably practical to meet the minimum standards

⁵ In most cases, the insulation will be provided through double or triple glazing.

⁶ Existing smoke detectors may be hard wired or battery powered; new installations must be hard wired.

THE REPAIRING STANDARD FOR PRIVATE RENTED HOMES

The Standard:- a private landlord will have to ensure that:

- **the property is wind and watertight and reasonably fit for human habitation** (taking account of the extent to which the house falls short of any building regulations, because of disrepair or sanitary defects);
- **the structure and exterior of the property** (including drains, gutters and external pipes) **are in reasonable repair and proper working order** (having regard to the property's age, character and prospective life and the locality. Where property forms part of a premises (e.g. a flat). This criterion includes any part of the premises that the owner is responsible for maintaining, solely or communally, but the repairing Standard only applies of any part of, or anything in, the premises that the tenant is entitled to use is adversely affected);
- **the installations in the property for the supply of water, gas and electricity and for sanitation, space heating and heating water are in reasonable repair and proper working order** (including installations outside the house but serving it, and which the owner is responsible for maintaining, solely or communally);
- **any fixtures, fittings and appliances provided under the tenancy are in reasonable repair and proper working order;**
- **any furnishings provided under the tenancy are capable of being used safely for the purpose for which they are designed; and**
- **there is satisfactory provision of smoke alarms.**

Failure on any item represents a failure to meet the repairing standard.

6	WC (or waterless closet) present
7	Bath &/or shower & wash hand basin with hot & cold water supply present
36A	Bathroom wash hand basin/fittings in good condition
36B	Bath or shower & fittings in good condition
36C	Main WC & fittings in good condition
36D	Hot & cold water supply to wash hand basin, bath/shower in good condition
42	Mechanical ventilation in bathroom (if more than 5% damp)

3	Adequate lighting, ventilation & heating
21	External wall finish in good repair
31	Cavity wall insulation

24	Individual balconies in good repair
28	Individual windows & doors in good repair
33	Hot water tank & pipe insulation
43	External noise insulation (double, triple glazing if required)
25	Attached garages in good repair

11	Adequate/safe electrical installations
13	Wall structure in good repair
14	Internal floor structures in good repair
45	Safe electrical system

49	Safe paths/paved areas/courts/drying areas
51	Safe bin stores

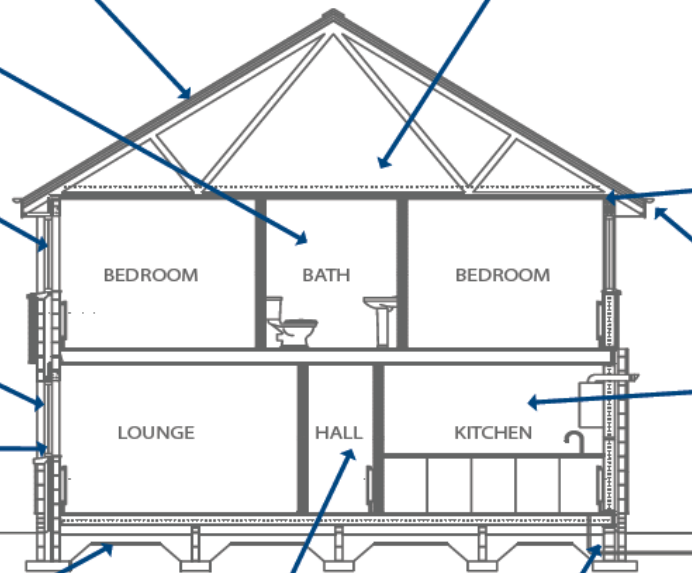
1	Structural stability
2	No rising damp or penetrating damp
15	Foundations in good repair
27	Damp proof course in good repair
30	Underground drainage in good repair

16	Roof structure in good repair
17	Main roof covering (slates, tiles etc) in good repair
18	Chimney stacks in good repair
19	Flashings in good repair

35	Minimum energy efficiency rating of National Home Energy Rating (NHER 5) or Standard Assessment Procedure (SAP 50 (gas)) or 60 (other systems)
----	--

10	Easy access to external doors & outbuildings
26	Internal stairs in good repair
44	Safe smoke alarms/detectors
53	Secure individual dwelling door locks

4	Wholesome water supply
8	Adequate foul/surface water drainage
41	Lead free pipe work (within the property)



Common elements for flats not shown here	
22	Common access decks/galleries in good repair
23	Common access stairs and landings in good repair
29	Common windows/roof lights in good repair
47	Safe lifts (lift car only)
48	Safe lobbies, hall & passages
50	Safe refuse chutes/chambers (multi-storey)
52	Adequate common/public lighting
54	Secure common front door entry system
55	Secure common front and rear access doors

12	Adequate thermal insulation (also element 32)
32	At least 100 mm of loft insulation (also element 12)

20	Rainwater goods (gutters etc) in good repair
----	--

5	Sink with hot & cold water
9	Fixed power source & space for cooking food
34A	Full central heating (range of fuel types)
34B	Efficient central heating
37A	Kitchen sink unit in good condition
37B	Kitchen cabinets/worktops in good condition
37C	Hot & cold water supply to sink in good condition
38	Safe kitchen working layout
39	Adequate number of kitchen electrical sockets (minimum 6)
40	Adequate kitchen food storage
42	Mechanical ventilation in kitchen (if more than 5% damp)
46	Safe gas/oil system & appliances

Colour key:

- Must meet Tolerable Standard (the basic legal minimum standard)
- Must be Free from Serious Disrepair
- Must be Energy Efficient
- Must have Modern Facilities and Services
- Must be Healthy, Safe and Secure