



Below Tolerable Standard Housing Policy

**Local Housing Strategy
2024-2029**

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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 Councils 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 2021, the National Records of Scotland reported that Aberdeenshire Council had a total of 120,682 dwellings across all tenures. Around 71% (85,684) of these dwellings are privately owned, 18% (21,723) are social housing and 11% (13,275) are privately rented. Inevitably, some of these houses are poorly maintained. The Scottish House Conditions Survey 2016-18 reported 58% of housing stock in Aberdeenshire to be in disrepair, this number is high (although a slight improvement from the 2015 survey which reported 60% of homes being in disrepair) and highlights the need for continued intervention.

3 Strategic Outcome

Aberdeenshire Council's [Local Housing Strategy 2024-2029](#) sets out our key priorities for the housing service over the next 5 years. This policy links to the Local Housing Strategy and will contribute towards delivering these outcomes:

- ***Ensure that the quality of private sector housing is maintained and improved to the required standards***
- ***Improve energy efficiency of housing in the private sector***

4 Lifespan of the Policy

The Below Tolerable Standard policy forms part of the wider Local Housing Strategy 2024 - 2029. 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 Communities Committee on the 13th of February 2025 and will be reviewed in 2029. 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 is defined in Housing Legislation and is the minimum standard a property must meet to be considered suitable for human habitation. 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.
- the house must have a supply of electricity and comply with the relevant requirements in relation to the electrical installations for the purposes of that supply and is adequate and safe to use.
- has satisfactory facilities for the cooking of food within the house. This does not mean a landlord has to provide a cooker, but there must be somewhere suitable for any tenant to install their own.
- has satisfactory access to all external doors and outbuildings.
- has satisfactory equipment installed for detecting and for giving warning of fire or suspected fire.
- has satisfactory equipment installed for detecting and for giving warning of, carbon monoxide present in a concentration that is hazardous to health.

Failure against any of the above criteria may render a house below 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 (2%). The table below details the findings from previous for Aberdeenshire as well as the Scottish average.

Although there was a [Scottish House Condition Survey](#) in 2022 it was only produced at a national level because Covid enforced changes on how data was collected. Therefore, local authority level comparative data will not be available until after the 2024 SHCS has been completed.

It should also be noted that the SHCS is a continuous sample survey, and measurements only relate to occupied housing. The sample sets represent a very small number, around 0.23% of Aberdeenshire's housing stock.

SHCS	2014-16	2015-17	2017-19	Scottish Average
Rising Damp	6%	1%	3%	3%
Disrepair	61%	59%	58%	71%
Urgent Disrepair	30%	30%	23%	28%
Extensive Disrepair	4%	5%	5%	6%
Critical Repair	39%	38%	18%	20%
BTS	5%	4%	2%	2%

Source: Scottish House Condition Survey [Scottish House Conditions Survey - Local Authority Analysis](#)

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 Below tolerable Standard.

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 Below Tolerable Standard 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 Below Tolerable Standard 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 and reasonably fit for human habitation.
- It is structurally and externally in a reasonable state of repair and in good working order.

- It has a fixed heating system that is plumbed in or hardwired.
- The installations in the house for the supply of water, gas and electricity (including residual current devices), and any other type of fuel, for sanitation, heating and hot water are in a reasonable state of repair and in good working order.
- It is free of lead pipes from the boundary stopcock to the kitchen tap.
- Any fixtures, fittings and appliances provided by the landlord as part of the tenancy are in good working order.
- Any furniture provided by the landlord as part of the tenancy can be used safely for the purpose for which it was designed.
- There is satisfactory provision for and convenient access to spaces for food storage and food preparation.
- Common parts can be safely accessed and used.
- Common doors are secure and fitted with satisfactory emergency exit locks.

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 landlords have 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 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) and the [Energy Efficiency Standard for Social Housing](#) (EESH). 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.

The responsibility for repairing and maintaining a house lies with the owner and, Aberdeenshire Council 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

10 Monitoring, Evaluation and Review

The Local Housing Strategy 2024-2029 sets out the strategic outcome:

“Ensure that the quality of private sector housing is maintained and improved to the required standards”

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:

- *Ensure that the quality of private sector housing is maintained and improved to the required standards*
- *Improve energy efficiency of housing in the private sector*

Action	Indicator	Target 2024/25
Effectively communicate and engage with landlords and agents in the private rented sector, providing them with information and support to help them understand their obligations and responsibilities.	Number of quarterly newsletters issued	4
	Number of landlord information sessions held	3
Conduct routine checks and inspections of privately rented properties to ensure compliance with regulations	10% quality checks undertaken for new and renewed landlord registrations	10%
Continue to develop and enhance working relationships with internal services such as Housing Options and Environmental Health to ensure a collaborative approach to improving standards within the private rented sector.	Number of property condition reports / investigations carried out	
	Number of property condition reports with no priority awarded	
	number of property condition reports with priority awarded	
Make 3rd party applications to the Housing & Property Chamber where landlords fail to carry out repairs or fail to comply with the repairing standard.	Number of 3 rd party applications made to the Housing & Property Chamber	
Improve energy efficiency of housing in the private sector	Secure funding from the Scottish Government to install measures in the private housing sector to improve energy efficiency.	
	Ensure that all households have access to our delivery partner, SCARF and their Home Energy Advice Team (HEAT) to identify possible energy efficiency improvements within their homes and provide assistance to source any grants or schemes available to help with these.	

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.	Aberdeenshire Council, Private Sector Housing Team Tel: 01467 534853 Email: landlordregistration@aberdeenshire.gov.uk Web: https://www.aberdeenshire.gov.uk/housing/private-housing/private-landlords-registration/
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.	Aberdeenshire Council, Care and Repair, Tel: 01467 534753 Email: careandrepair@aberdeenshire.gov.uk Web: https://www.aberdeenshire.gov.uk/housing/private-housing/aberdeenshire-care-and-repair/
Aberdeenshire Council Environmental Health Service	General advice on house condition, enforcement responsibilities and assessment of private water supplies	Aberdeenshire Council, Environmental Health Tel: 01467 539039 Email: environmental@aberdeenshire.gov.uk Web: https://www.aberdeenshire.gov.uk/environment/environmental-health/local-offices/
Save Cash and Reduce Fuel (SCARF)	Provides households with free independent and impartial advice on energy efficiency.	SCARF Cotton Street, Aberdeen, AB11 5EE Tel: 01224 213005 Email: info@scarf.org.uk Web: www.scarf.org.uk