

**4. Please indicate which category best describes your organisation**

**(Tick one only)**

<b>Executive Agencies and NDPBs</b>	<input type="checkbox"/>
<b>Local authority</b>	<input checked="" type="checkbox"/>
<b>Other statutory organisation</b>	<input type="checkbox"/>
<b>Registered Social Landlord</b>	<input type="checkbox"/>
<b>Representative body for private sector organisations</b>	<input type="checkbox"/>
<b>Representative body for third sector/equality organisations</b>	<input type="checkbox"/>
<b>Representative body for community organisations</b>	<input type="checkbox"/>
<b>Representative body for professionals</b>	<input type="checkbox"/>
<b>Private sector organisation</b>	<input type="checkbox"/>
<b>Third sector/equality organisation</b>	<input type="checkbox"/>
<b>Community group</b>	<input type="checkbox"/>
<b>Academic</b>	<input type="checkbox"/>
<b>Individual</b>	<input type="checkbox"/>
<b>Other – please state...</b>	<input type="checkbox"/>

## CONSULTATION QUESTIONS

1. Are the vision and objectives as set out in sections 19 and 20 appropriate for Scotland's Sustainable Housing Strategy? Please answer Yes or No and provide fuller explanation if you wish.

Yes  No

2. What do you think are the main barriers that prevent home owners and landlords from installing energy efficiency measures?

- Common ownership
- High capital cost to landlord for installation of new technologies and concerns regarding future maintenance/ replacement costs for relatively new technologies.
- Concerns and risk for social landlords in taking on responsibility for becoming energy supplier and collecting payments from tenants where CHP or District Heating Schemes being considered
- Perceived cost – residents are often unable to see a direct impact of the savings from passive measures such as loft/cavity insulation as opposed to direct savings made by turning down / switching off their heating.
- It can be extremely confusing with letter drops/information from utility companies and door step selling and sometimes difficult to understand funding mechanisms
- Residents are often suspicious of “free” works – can be concerned that companies are bogus callers
- Unwillingness to clear loft space or move furniture to allow skirtings to be taped before installing cavity wall insulation
- Many residents have concerns regarding problems that were experienced with first generation cavity wall insulation.

3. Please explain any practical solutions and/or incentives to overcome any barriers you have identified.

- More publicity by Scottish Government about available funding.
- Simplification of funding streams and provision of special advisors to advise councils and landlords regarding funding packages.
- Local based energy advice teams to guide owners and tenants through the processes.

- Any solution/incentive needs to be fully resourced in a time where constraints on budgets within local government are at an unprecedented level. The Scottish Government would need to consider providing dedicated funding to source additional services, staffing etc.

4. Given Scotland's diverse range of housing, what support is needed to enable people to get energy efficiency measures installed?

- The National Retrofit Programme (NRP) should provide enabling measures, similar to the Universal Home Insulation Scheme (UHIS), to overcome any potential barriers. This could include funding for loft clearances, cavity fill extraction, publicity, scaffolding and individual property surveying. The survey could identify individual properties that would qualify for affordable warmth or specific measures e.g. tariff change, fuel change etc.
- A process whereby details of this service are tailored through one channel to avoid confusion. All companies signed up to the scheme should be required to use the same branding to avoid more confusion.

5. (a) What specific issues need to be addressed in respect of improving energy efficiency in rural areas, particularly more remote or island areas?

5. (b) How should these be addressed?

6. Taking into account the models and funding sources outlined in section 1.20-1.37, what role might local authorities and other agencies play in bringing about a step change in retrofitting Scotland's housing?

- It is right that Local Authorities are central to the process of identifying properties and using funding streams to upgrade all tenure housing in their area as we know the issues within our area. This could include having a 'one stop shop' for all energy issues and funding available within the area. However, there is a concern that Local Authorities do not have the resources to undertake such a role in terms additional staffing requirements and funding to sustain this. This would need to be addressed through the provision of additional new funding to supplement this.
- It should however be recognised that in the current financial climate, Local Authorities have limited resources to undertake such a role so expertise from Energy Saving Scotland Advice Centres (ESSACs) and the Energy Saving Trust (EST) are likely to require to be increased in areas. As part of this programme Local Authorities will need more accurate information about stock in their areas and this could be achieved through the Assessor/Valuation Boards sharing stock information.

7. What role should the Scottish Government play in a National Retrofit Programme?

- The Scottish Government should take the strategic lead in managing the NRP and also give guidance on how the plethora of other funding sources could compliment the NRP. In addition to this there should be more publicity about the NRP and funding provided to supplement local Energy Advice Teams.

8. What role could the devolution of additional powers play in achieving more retrofit?

- In a time where local authorities have constrained resources and the continuous need to identify efficiencies, devolved powers would be ineffective without the funding to support that role.

9. What further action is needed to achieve the scale of change required to existing homes?

- Mechanisms need to put in place to support this such as Local Energy Teams (and subsequent funding of).

10. How can we make sure a National Retrofit Programme maximises benefits to all consumers (for example, older people, those from ethnic minorities, those with long term illness or disability)?

- Tie in survey duties with energy advice
- Simplify and improve access to the EAP scheme
- Promotion of scheme to vulnerable consumers through established groups, advice centres (resourced by Scottish Government).

11. (a) Should the Scottish Government consider whether a single mandatory condition standard (beyond the tolerable standard) should apply to all properties, irrespective of tenure?

Yes  No  Not at this time

11. (b) If so, how would that be enforced?

- It could be enforced through Building Standards however the standard would need to be carefully considered in view of the recognition within this consultation document of the traditional 'hard to treat' and that insulation measures should only be installed where it is cost effective and of a benefit to the property.
- Over recent years there has been an increase in enforcement and monitoring activity relating to existing enforcement powers i.e. dangerous/defective buildings and the building standards compliance agenda in general. This has placed a strain on existing resources. There

has been a deterioration in the condition of our built environment, perhaps, linked to the financial climate and the apparent inability of property owners to maintain their buildings. New enforcement powers, linked to any future 'condition standards', and any further increase in enforcement activity would require an additional resource. In addition, a review of existing building regulation requirements and legislation would be required. On 1 October 2012 'reasonable inquiry' processes relative to domestic building warrant approvals will be introduced across Scotland. The new requirements place a burden on both local authority building standards services and customers/property owners. The requirements for targeted and enhanced inspection activity link directly into a Scottish Government desire for greater compliance in terms of the built environment in general. Potentially, building standards, environmental health, trading standards or others, could have a role to play in terms of enforcement activity, however, any such role would require full consideration given the backdrop highlighted above. Legislative change would be required with a related review of statutory enforcement responsibilities.

12. (a) In box 6 we identify a checklist for maintaining a quality home. Do you agree with our proposed hierarchy of needs?

Yes  No

12. (b) If you think anything is missing or in the wrong place please explain your views.

- We agree with the principal of the hierarchy of needs. However we believe the wording or prioritisation should be reviewed. i.e.
  1. Make sure that your home is wind, watertight and properly ventilated to keep it healthy and structurally sound
  2. Make sure that any work carried out is of a good quality
  3. Make sure your boiler is safe and is working efficiently
  4. Consider retrofitting appropriate insulation...

13. Should local authorities be able to require that owners improve their properties, in the same way they can require that they repair them? For example, could poor energy efficiency be a trigger for a work notice? Please answer Yes or No and provide further explanation if you wish, for example on how this might work.

Yes  No

- While agreeing with the use of enforcement to repair and maintain properties, enforcing improvement requires careful consideration, given the current economic climate as many owners are already struggling to find finance to carry out essential repairs. Reduced equity, along with reduced or no repair grant availability, means there is less incentive for owners to repair their homes, never mind improve.

- However, there are circumstances where the council is unable to progress common works programmes due to owners refusal to participate, which is to the detriment of our tenants. There should therefore be consideration given to the ability of the local authority to enforce certain types of works in certain circumstances, eg door entry systems.
- It should be noted that any increase in powers to enforce has to be balanced against the availability of resources within local authority to use such powers and to undertake works and then seek to recover costs from owners. The council has limited resources to undertake enforcement activity and therefore serious disrepair will always have to be prioritised over enforcement of 'desirable' but not essential works. .
- The recent introduction of Maintenance Orders has added another level of enforcement which, although useful, has to prioritise serious issues of disrepair which is affecting the fabric of owner's properties
- If it were to be introduced, it could only be considered if all other elements of the property were in a good state of repair. It would not be appropriate to serve a notice to fit loft insulation if the roof was in a serious state of disrepair.

14. Should local authorities have a power to enforce decisions taken by owners under the title deeds, tenement management scheme or by unanimity? For example, should they have explicit powers to pay missing shares of owners who are not paying for communal repair work, in the same way they can for agreed maintenance work ? Please answer Yes or No and provide further explanation, if you wish.

Yes  No

- The current guidance and legislation around missing shares, does not appear to limit or restrict the use of missing shares to maintenance type work, even though that may have been the intention. However, the proposal is contradictory: a unanimous vote to do work but requiring the local authority to enforce the decision?.
- The proposed power could place an excessive burden on local authorities if it had to pay missing shares for all refusing owners with common repair responsibilities.
- Any powers for the local authority to enforce works decisions under TMS need to be matched by an ability to put a repayment charge on the title in order to recover costs

15. Should local authorities be able to automatically issue maintenance orders on any property which has had a work notice? Please provide further explanation if you wish.

Yes  No

- The local authority already has this power if it believes the properties are unlikely to be maintained but if works have been carried out following the serving of the notice, either by the owners or in default, is it a good use of resources to then serve a maintenance order when the property should then be in a good state of repair?. It is unlikely that any major work would be required during the maintenance order timescale. It would appear to be a lot of effort and cost, taking account of recording fees etc, to possibly have to carry out what is only likely to amount to cyclical work such as gutter cleaning, close cleaning and grass cutting in default.
- If a works notice has been served, and owners recharged for work, this may be an incentive for owners to ensure they maintain their property to protect their investment.

16. Should the process for using maintenance orders be streamlined , and if so, how? Please answer Yes or No and provide further explanation, if you wish.

Yes  No

- Proposals/Considerations as follows:-
  - Streamline the process regarding interested parties when serving Orders and Plans, for example why serve on managing agents when they could be notified by landlords and they have no obligation to comply with the order?
  - A factor has to receive a copy for each property – but for one block/close all works would be the same therefore would one generic order per block not be enough?
  - Requirement to register orders and plans against titles is not only time consuming but costly at £60 per registration, plus a further £60 if varied or if revoked. This can affect the number of notices issues as the costs for a significant project such as one being undertaken by NLC of over 300 owners become considerable.
  - Works Notices which deal with much more serious disrepair only require to be recorded in the council building standards notice register. Could this not apply to a maintenance order too?
  - If a plan is produced, the plan could be registered on titles and order removed from building standards register?
- In conclusion, we find Maintenance Orders to be difficult and cumbersome to use, requiring extensive resources both financial and in terms of staff time. We do of course recognise, their usefulness in providing a way to tackle poor maintenance however, they could be made more user-friendly.

17. Should local authorities be able to: a. issue work notices on housing affecting the amenity, and b. require work such as to improve safety and security on properties which are outwith a Housing Renewal area? Please answer Yes or No and provide further explanation if you wish.

Yes  No

- A Housing Renewal area requires 2 houses or more, however one house in serious neglect and disrepair can affect the amenity of the area.
- Councils should be able to install or replace a door entry system to protect the safety and security of its tenants living in a block of flats.

18. Should local authorities be able to issue repayment charges for work done on commercial properties, in the same way they can for residential premises? Please answer Yes or No and provide further explanation below, if you wish.

Yes  No

- Within our area, many properties in need of repair are over commercial properties. The attitude of many commercial property owners, the majority of whom trade on lower floors at street level, is that if the water penetration affecting the flats above them does not affect them or their ability to trade why should they pay for repairs that will affect their profit margins. It also has to be considered that the current financial climate has increased the problems of gaining financial commitment from commercial property owners, many of whose shops are currently without tenants.
- Many title deeds that contain commercial properties, are based on rateable values and therefore place the majority share for the costs on the commercial properties.
- Currently if the council serves a Works Notice on a building containing commercial properties, work is unlikely to be carried out and therefore left to the council to make the decision to carry out in default, with no guaranteed recovery through the courts.
- A repayment charge over the title would allow interest to be charged which if at an appropriate level, taking account of the fact that no VAT can be recovered, may act as an incentive for the commercial properties to seek their own finance to progress the work themselves. This would provide equity with any other private owner.

19. What action, if any, do you think the Government should take to make it easier to dismiss and replace property factors?

- The success of the Property Factors Act in terms of registration, increasing the obligations on factors and the empowering rights for owners should be assessed before any changes made.

20. What action can be taken to raise the importance placed by owners and tenants on the energy efficiency of their properties?

- An increase in awareness of council tax reductions for properties that have good energy efficiency performance.
- It may be appropriate however that rather than simply a reduction for a measure installed, the discount would be linked to an increase in the energy efficiency in keeping with the proposals in the EESSH i.e. a 42% proven increase in energy efficiency. This would enable the increase in energy efficiency of the stock, regardless of whether public or private to be more easily measured.
- As outlined previously, the reluctance of many owners to carry out insulation measures can be attributed to the way it is 'sold', i.e. the door to door approach. The issue also relates to many contractors. Government leaflet drops often covering the same area which also led to the confusion.
- As outlined, branding should be enforced for measures to try to make sure that the same message is being portrayed regardless of the route. Also the requirement for contractors to inform the council before visiting an area would enable more publicity to take place before they approached owners and would increase the likelihood of assuring householders, particularly the elderly, that the offer of 'free' insulation was indeed genuine.
- Increasing the information made available to owners and tenants on the benefits of energy efficiency, particularly in relation to cost savings, is crucial. Unless there is an appreciation there will be a cost benefit then many home owners will not make changes. Information should also include what would be involved, how long it will take, what they will require to do.
- Bringing forward the roll out of the introduction of smart meters would enable owners to see the benefits that passive measure such as the installation of insulation was making to their homes as opposed to the direct measures such as control of their heating.

21. Should the Scottish Government introduce minimum energy efficiency standards for private sector housing?

- Yes . This could be introduced as a target with a programme of incentives to encourage implementation. If measurement of an increase in the level of energy efficiency of the housing stock as a whole is to be considered then this has to be closely linked, if not mirroring, the EESSH. Such an approach makes it easier for owners to understand all the measures they should consider to increase the efficiency of their homes. If undertaken the measures would be recorded within the HEED database for easier monitoring.

- Regardless of the approach, considerable guidance would be required for owners (Please also refer to response 11 (b)).

22. How could we amend EPCs to make them a more useful tool for influencing behaviour change to improve energy efficiency?

- As above, use them to inform the council tax reduction (see Q20)
- Offer free or substantially discounted EPC's to all owners which will give them the information they require to make more informed decisions regarding energy efficiency improvements.
- Supplement EPCs with energy behavioural information – how is energy used?
- Link to the implementation of a smart meter to enable households to review their continuing energy usage.

23. Are there other key principles that we ought to consider when looking at the possible introduction of regulations?

- Regulation will have to be set to a minimum standard and require to be supported with adequate funding to assist those that do not have the ability to financially meet the required standard.

24 How could regulation be used to support the uptake of incentives?

- More detailed information and guidance to lead people to incentives should come first rather than use regulation to force people to take up incentives.

25. In section 2.68 we identify design options for the standard. Do you have any views on the options set out in that report? Are there other options that we should be considering?

- With regard to approach (4), imposing conditions on an incoming owner could affect a person's ability to sell. The EPC will highlight what requires to be carried out without imposing insulation requirements, particularly when there may be other elements of the property requiring attention and more of a priority.

26. Do you agree that any regulations for private sector housing ought to reflect the energy efficiency capacity of the property and/or location, as is proposed for the social sector?

Yes  No

- Agree with the principal however realistically this would not be practical given the much more varied range of house types within the private sector.

27. If you agree with Q26, should houses of the same type in the social and private sectors be expected to meet the same standard?

Yes  No

- Where mixed tenure exists, private owners within reason should not be able to prevent a social landlord undertake works to standards laid down for their stock. It would be only proposed where a council was able to attract grant aid for an owner.
- It would however be considered appropriate to monitor improvements in both sectors based on the same set of requirements and based data.

28. Are there other specific issues we need to consider in introducing regulation on the energy efficiency of the home for particular groups of people, for example older people, those with disabilities, people from minority ethnic communities?

- Need to consider the impact of regulating energy efficiency against a person's ability to pay and other priorities they may have.
- The repairing standard for private rented housing should be reviewed to ensure any private rented property meets an adequate energy efficiency standard.

29. Should we consider additional trigger points to point of sale or rental? If so, what?

Yes  No

- Where possible but only where it can be carried out as part of proposed or ongoing work, e.g. increase insulation following re-roofing which should also make reference to ventilation within work specification, e.g. roof tile vents or soffit vents.

30. Should rollout of any regulation across the owner occupied and PRS sectors be phased or all at once? If you think that rollout should be phased how do you think this should be done?

Yes  No  n/a

- It should be phased - tackling the worst properties first.

31. What other issues around enforcement do we need to think about when considering how different approaches to regulation might work?

- Consideration will need to be given not just to suitability but also the condition of the existing structure, e.g. no point laying loft insulation if there is severe water ingress and the roof requires to be replaced.

32. In sections 2.76-2.79 we suggest that one way of regulating would be to issue sanctions.

(a) Do you think that sanctions on owners should be used to enforce regulations?

Yes  No

(b) Should owners be able to pass the sanction or obligation on to buyers?

Yes  No

- Would be difficult to apply a standard set of sanctions to apply to all outgoing or incoming owners without taking account of other factors, such as ability to pay, existing house condition and house type (which may not lend itself to standard insulation and may require much more costly work such as insulated render). Also, if owners can't afford to do the works, enforcement may lead to more empty or abandoned properties, thereby passing the problem to local authorities. A system of incentives is considered to be a better approach.
- It should be left to the seller and buyer to decide as to the outcome they want: passing responsibilities would potentially affect (reduce) the selling price obtained.

33. The Scottish Government does not intend to regulate before 2015. The working group will consider what options for timing of any regulation might be appropriate, but, given all the points set out in sections 2.80-2.81, from when do you think it might be appropriate to apply regulations?

- It should commence after the implementation of EESH.

34. (a) In Section 3.4 we describe the range of legislative and policy levers that we believe are available to help us transform the financial market such that it values warm, high quality, low carbon homes. Do you agree that this is the full range of levers?

Yes  No

34. (b) Can you suggest any other ways to help transform the market for more energy efficient, sustainable homes?

- Increasing building standards.

35. What changes would be required to current survey and lending practice to enable mortgage lenders to take account of the income from new technology or savings on energy bills?

N/A

36. Section 3.15 lists a range of challenges that may prevent the benefits of a more sustainable, energy efficient home being fully recognised in its value. What further challenges, if any, need to be addressed?

- The complexity of existing funding – it needs to be simplified.

37. (a) Sections 3.16-3.22 set out the action that Scottish Government is currently developing to encourage greater recognition of the value of sustainable homes. Do you agree that this action is appropriate?

Yes  No

37. (b) What further action is needed to influence consumers and the market?

- If energy efficient measures / appliances are subsidised so that they are more affordable than alternatives, this would have a positive influence on consumers.

38. What steps can we take to ensure that we design and develop sustainable neighbourhoods?

- The sharing of examples of best practice from home and abroad. This could feed into our planning system.

39. Section 4.10 sets out the main challenges to address in taking forward our aim of new build transformation. What further challenges, if any, need to be addressed?

- With regard to construction methods and technologies, the experience from pilot systems and other countries needs shared quickly with developers (perhaps through Homes for Scotland?).

40. What action is needed to increase the capacity for developing and bringing to market innovative methods of construction?

- In the current climate, incentives and/or grants may assist.

41. What further changes to the operation of the Government's affordable housing supply programme would help to enable it to champion greener construction methods and technologies in the medium term?

- Any requirement to meet higher energy standards has to be balanced against the need to increase the supply of affordable housing to meet needs identified in the Local Housing Strategy. The Scottish Government need to increase investment for affordable housing to ensure that requirements to meet higher energy standards are not at the expense of increasing the number of homes built. Therefore funding to incentivise higher standards and new technologies should be funded separately from the mainstream AHSP budget.
- Further analysis and research should be undertaken and disseminated to demonstrate the costs/benefits of these new technologies in terms of

cost of installation; cost of maintenance and replacement and benefits to both landlords and tenants.

42. What further action is needed to influence the construction industry to make greater use of innovative methods to deliver more greener new homes?

As per Q 40.

43. (a) Has Chapter 5 of this consultation identified the key challenges to ensuring Scottish companies have the skills to take advantage of the opportunities expected to be on offer?

Yes  No

43. (b) If not, What other challenges are there?

44. What further action is needed to ensure there is appropriate investment in skills and training to meet these opportunities?

- It is important to ensure that training and standards are applied consistently across the industry and workers on site. Project Managers and Clerk of Works have a key responsibility in this regard and this should be made aware to them: "Tool Box Talks" and on site induction and training programmes can and should be used more widely.

45. How can the construction industry be made more aware of the potential funding and support for skills and training development opportunities and engage effectively with those providing training to ensure that it meets their current and future needs?

- Access to funding needs to be clearer and simpler to access for building and construction companies. On the whole, most construction companies are aware of the need to train their staff but the number of bodies that have small amounts of funding available make accessing funding rather cluttered.
- The ability of realistic funding possibilities that owners will respond to provides a level of confidence to companies regarding taking on and training new staff. Without this longer term commitment, it will be difficult to get companies to commit to increasing their resource levels.

46. How do we ensure that skills and training opportunities are provided on an equitable basis to all groups in society?

- There could be incentives to take on individuals who have been out of work for particularly long periods of time and are furthest from the labour market. Perhaps particular funding streams could be devoted to ensuring training opportunities are more equitable. Community Benefit clauses are also a useful tool in this regard.

47. Apart from training and skills opportunities are there any other issues that should be addressed to make employment in construction and other industries becomes more representative?

- There are particular under-represented groups in the construction sector, and there have been successful programmes aimed at increasing participation among these groups. For example, Bridge Project to encourage more asylum seekers and immigrants into the industry, Women First in Castlemilk, and North Lanarkshire's Gateway programme which provided support to Congolese refugees looking to work in the industry.

48. Please describe any specific difficulties relating to skills and training that apply to those in remote and island areas and your view on how these may be addressed.

- On line assessment with internet/cam watching the trainees undergo or doing a part on camera to prove they can do it. Summer schools reasonably sited for access for remote trainees should also be explored.