

**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

We welcome the vision and objectives and the integration of energy efficiency, fuel poverty, climate change and economic development policy agendas.

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

The challenges will be significant; it can be difficult to engage home owners and landlords in 'free' initiatives.

At present there can be too many options; the process needs to be simplified so that people can easily find out what is available for their property, from whom, what the costs (if any) will be and where additional support (especially from local agencies) and funding can be sourced from.

Many disadvantaged and vulnerable consumers, such as older people and people with disabilities, will face practical difficulties in participating in energy efficiency programmes (e.g., to clear loft spaces) and will require additional support. There could be an enhanced role here for local agencies such as Care and Repair and other support bodies.

The document notes the particular difficulties that exist for householders living in older or traditionally built houses, such as the relative merits/costs/benefits of solid wall insulation in rural homes and Victorian tenements. Rural householders, who are much more likely to be off the mains gas grid, face particular disadvantages, as do private rented sector tenants.

Generally, householders in the greatest need should be targeted first.

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

Incentives should be simple and easy to understand. A national and local promotional campaign is needed to stress it is a Scottish Government programme and that it has limited cost implications for the householder over time. Good practice examples should be highlighted and householders should be encouraged to visit demonstration projects and routed to trusted local contractors. Sources of additional support for disadvantaged householders, such as older people and people with disabilities, should be highlighted.

The Scottish Government has acknowledged the important role of local authorities in delivering these objectives.

Earmarked resources could be made available to allow each LA to create a new post to undertake this work - a Scotland-wide coordinated/simplified approach could then be adopted by the new post-holders with a centralised portal being established. The portal would allow homeowners and landlords to enter their post code and other details for their property to see what is available, from whom etc and who the contact is in the LA. Improvements and the associated cost savings would then be held in one database to facilitate accurate reporting.

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

Targeted funding for fuel poor households and hard to treat properties should be simplified, fast-tracked and prioritised, with capacity for additional advice and support identified (e.g., from councils, RSLs, Care and Repair agencies, CABs and the wider third sector). There is an associated need for clear information and incentives towards participation. The programme should maximise loft top-up, draught-proofing and cavity wall insulation.

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

Clear information needs to be presented on what householders can do to improve energy efficiency, particularly where house construction does not lend itself to efficiency improvements – e.g., cavity wall insulation.

Incentives and financial support may need to be tailored to allow owners to participate.

Improvement programmes in remote and island areas should seek to maximise the involvement of local construction and related/supply businesses, thereby investing in local skills and supporting the local economy. These businesses may need to be supported through additional training and targeted support (see comments on Skills and Training).

5. (b) How should these be addressed?

For householders, through a system of financial incentives, highlighting the financial and other benefits of implementing the improvements for the householder and the environment.

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?

Local authorities and other social housing providers have already played a vital role in improving the energy efficiency of the public sector stock and giving advice to owners on how to obtain information on the available

opportunities and incentives to improve energy efficiency insulation and heating.

They could provide a similar role in bringing about a step change in retrofitting Scotland's housing by taking a more proactive role, depending on the level of funding made available through the options listed in Para 1.35. Local authorities can work with local partners to identify and target households in greatest need of support.

As well as substantial retrofit works, local authorities have a key role to encourage all households to implement the top 20 energy saving tips, including insulation measures such as hot water cylinder jackets.

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

In addition to national awareness raising, promotion and regulation, as well as highlighting good practice, the SG needs to simplify access to advice and funding. This could be done, for example, via the coordinated approach and centralised portal suggestion referred to in Q3 above.

The SG should utilise local authority knowledge of their respective areas so that support can be targeted to where it is most needed and where it will be most beneficial.

We support the proposal to pool the available SG funding (£65m) with Energy Company Obligations (£120m) to maximise the potential impact of the programme. Once operational, good practice in programme delivery should be identified and widely disseminated as early as possible.

Importantly, the SG needs to monitor energy prices – and tariff charge modelling by energy companies - constantly so that energy efficiency improvements and reductions in domestic energy consumption are passed on to households in terms of actual financial savings. This is important to avoid the associated negative impacts on fuel poverty levels. The SG NRP budget should be reviewed in the light of changing energy prices and tariff charges.

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

This could provide additional funding to support the programme.

One obvious option would be to provide financial incentives through a cut in VAT for repair and improvement works. This was advocated by Scottish Care and Repair agencies as far back as the mid-1990s.

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

The main action needed is the provision of adequate funding backed up by a sustained information and educational programme. As the Consultation concedes, despite the efforts made and funding provided already, many homes in Scotland are still inadequately heated and insulated. Additional ideas/sources of funding, such as those put forward by Homes for Scotland (and the VAT option in Q8 response above), would be a good way to enhance incentives and provide additional funding and environmental benefits.

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)?

As noted above, there is a need to present clear information, provide additional advice support (e.g., via Care and Repair and other local support agencies) and simplify and fast-track access to targeted funding for fuel poor households and disadvantaged groups with specific needs.

Many of these disadvantaged groups live in private rented accommodation where it can be very difficult to gain landlord permission for improvements. New initiatives should be taken to encourage landlords to improve their properties and the quality of life of tenants.

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?

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

(a) We have significant concerns about the feasibility, practicality and appropriateness of the implementation of any such standard beyond BTS. This could result in more demolition – at a time when more homes are urgently needed.

We believe that stronger enforcement through this type of standard is not the way forward. Instead, the focus from the SG should be on educating the wider public on their responsibilities regarding repairs and maintenance, as per the clear direction of the 2006 Act.

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.

Number 5 in Box 6 should read 'Review your boiler or heating system(s) .....' and there is a case for it being placed after Number 1 or Number 2.

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

The key responsibility for decisions to improve a property should remain with the owner(s) of that property.

In the current economic climate many owners are struggling to carry out basic repairs to their properties. Local authorities are having to serve notices to secure repairs to mixed tenure and privately owned properties (although these tend to be largely in terms of the Building (Scotland) Act 2003 and Environmental Protection Act 1990). Where authorities take enforcement action they have to pay the costs and try to recover these from owners which is often problematic and costly.

There may also be legislative and title issues – e.g., determining who is responsible for paying to insulate a loft space is not always clear cut.

For these practical issues, it would not be a good idea for poor energy efficiency to trigger an improvement work notice.

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

This could only work if finance was made available within local authorities both to carry out this work and to pay for these shares, which can be costly to try to recover and in some cases cannot be recovered. Securing these resources internally within councils, given the current financial planning framework with no ring fenced budgets, would be very difficult to achieve and implement, and would therefore, quite wrongly be borne by council tax payers.

Private sector landlords often hold up repairs and improvements, which lead to costs inflating over time. This is particularly the case in mixed owner/landlord blocks of flatted property. New powers should aim to speed up the repairs and improvement process.

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

This would be beneficial to ensure that routine maintenance, such as cleaning of gutters, is carried out. However, we again stress that local authorities would need adequate funding to carry out and if necessary enforce this work.

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

The process needs to be simplified as the levels of bureaucracy involved, and the resultant resource levels, are putting local authorities off.

A new learning environment has to be created to encourage owners – and in many cases, landlords - to carry out regular maintenance rather than more extensive works having to be undertaken at a later date due to the lack of earlier investment. This is particularly the case for tenements and other types of flatted property.

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

It is difficult to answer a) without further information on what is envisaged.

On b) yes, but adequate guidance would have to be issued with such a power. Without this there may be confusion about when such a power could/should be used and appeals, which can be costly, are likely to be received.

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

Yes in theory, but again this would need to be adequately resourced as many commercial premises are unoccupied and owners, where they can be traced, may not have the necessary funds to carry out works. Further, the premises in some cases are of little or no value.

Securing these resources internally within Councils could be difficult to achieve.

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

Our preference is for Option 2 – issuing of best practice guidance.

A much more proactive approach is required by property factors in engaging positively with their customers about effective property maintenance. In this regard, we very much welcome the new Property Factors (Scotland) Act 2011 which will come into force on 1 October 2012. The Act's Code of Conduct should result in a much better, more informed and transparent business relationship between factors and homeowners.

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

The introduction of the Home Report, and specifically the Energy Report, has been very useful in improving consumer awareness about energy efficiency and associated running costs.

It needs to be made easier for private sector tenants to have energy efficiency measures installed/increased. Consideration should be given to making it a condition of letting privately rented property that energy efficiency standards determined by the Scottish Government must be in place. The SHQS standard would be appropriate.

As mentioned above, for loft insulation, additional support to older and disabled people to clear lofts and replace goods afterwards would help these disadvantaged groups to take part in schemes.

As the next generation of householders, basic energy efficiency information should be provided to school students (e.g., about not leaving computers on standby, the need to shut doors, operation of thermostatic controls, insulation and other energy saving devices and tips).

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

Yes, in principle, but only if adequately resourced.

The Scottish House Condition Survey reveals that conditions are worst in the private rented sector, although there are numerically more poor energy efficient properties in the owner occupied sector. Consideration could be given to targeting the private rented sector first, or targeting the poorest standards of homes (e.g., EPC rated F and G), or to introducing an advisory minimum energy standard that would let owners know if the property would gain a satisfactory EPC if it was marketed for sale.

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

See Q21 response above. EPC information should be easy to understand to let householders know about their energy running costs, what measures they can take to ensure their properties become more energy efficient and the costs of these improvements.

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

The following key principles should be considered:

- The implications of such regulations
- The costs to all parties
- Whether enforcement powers are proposed and if so how these are likely to work in practice
- Any guidance must be available at the same time as regulations are introduced

Who will monitor whether the regulations are being met?

Another opportunity would be to require utility companies to benchmark energy consumption in properties and notify householders of issues and savings opportunities.

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

The prospect of regulation being introduced is likely to increase the uptake up of incentives significantly and lead to a high number of requests for advice.

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?

In setting options it would have to be determined how the Scottish Government proposes to monitor what/whether energy efficiency measures have been implemented (other than through incentive schemes where there should be records available).

The options do not take fully into account the current financial pressures on householders, or the ability of disadvantaged groups, such as older and disabled people, to make the necessary arrangements. Additional support would need to be made available for these groups.

On option 4, would this mean that a property could not be sold until the recommendations from the Energy Report were met, or would this be the responsibility of the new owner? If the obligation is passed on to the new owners, how would this work in practice? No indication is given of how long householders would be given to implement the energy efficiency

improvements up to a certain standard. How would improvement action (or the lack of it) be monitored?

There is a case for separating out the obligations of owner/occupiers and landlords.

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

We recognise the points made about the difficulties in achieving set standards in mixed tenure blocks. However, as previously discussed, we would have concerns about the financial implications to owners - who either cannot or are struggling to meet the costs of even basic repairs – of having another burden added.

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

See comments above.

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?

As previously highlighted, these groups may need additional support to be made available. These support needs will need to be resourced for lasting, effective improvements to take place. A flexible approach needs to be taken with disadvantaged groups, tailored to local circumstances and local sources of support.

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

Yes  No

We agree that regulation, if introduced, would be most appropriate at the point of sale or rental. Traditionally, most home improvements are undertaken at these points when buyers are most likely to have finance available.

However, as noted above, we believe that continually highlighting the need for owners to invest in their properties via a sustained public messaging programme could, in the medium term, lead to a positive change in behaviour.

One suggestion would be that EPC compliance would have to be completed within a designated time limit, e.g., 3 years, irrespective of whether the property is being sold or re-let, or not. However, as noted above, clarity is required on how this would be monitored/enforced to ensure compliance.

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

A national information and promotional programme, encouraging the take-up of voluntary programmes, should pre-date any introduction of regulation.

If it is decided that regulation is going to be introduced, and will apply to both the owner and occupied and PRS at the same time, it could be phased but owners should be made aware of the timescales to give them the choice of whether to take measures to improve energy efficiency all at the one time or in stages, providing they can afford this.

Alternatively a phased approach could be used to roll this out to the least energy efficient properties (EPC F and G), across tenures, so that those in the greatest need could be helped first.

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

We have concerns around how regulation would be monitored/resourced/enforced and what would be the penalties.

Local authorities do not have the resources to carry out the duties being suggested. Fining owners would not have any effect if they do not have the resources to pay fines. Would this then lead to reports being submitted to the Procurator Fiscal?

Also, local authorities do not have the resources to carry out works in default – trying to recover costs is costly and often problematic.

Very few property enquires are dealt with by local authorities and we therefore rarely have information through this route that a house is being sold.

Also, private landlords do not notify local authorities about a tenant leaving a property.

Enforcement without adequate resourcing is therefore likely to be highly problematic, if not impossible.

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?  
No

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

The EPC gives prospective purchasers sufficient information on the energy efficiency of the property to allow them to make a decision in relation to the investment required if they purchase the property.

In some cases the seller might not be in a position to finance these works and similarly the purchaser may be financially stretched to take on the mortgage to purchase the property and therefore may not be able to carry out the improvements. This could slow down the operation of the market.

A prospective purchaser would need information to be available on how long they are allowed to carry out whatever energy efficiency improvements are needed (see the suggestion in Q29 above).

All the above should be seen in the context of resources for enforcement.

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?

There would have to be a significant lead-up national information and promotional campaign. The working group should take a cautious approach given the flatness of the property market and the impacts on households of the continuing recession.

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?

The active promotion of visible energy efficiency measures by public, private and third sector employers should reinforce behaviour change on the part of householders.

One suggestion would be green mortgages linked to lower utility costs = a new angle on affordable homes.

Also, tax breaks or reductions on insulation, energy, monitoring and micro-generation products would be helpful. Clear information is needed on the efficiency of improvement methods and where there is a revenue generating potential, the likely return should be provided by Government not sales representatives.

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?

One idea would be to offer advantageous green mortgage availability linked to a 'good' EPC rating and the full implementation of the energy efficiency action plan.

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 list captures the key challenges in the short to medium term. It is wholly disappointing that valuation professionals currently give such little credence to sustainability. In the longer term, if/as more homes are upgraded to become energy efficient, these challenges should become less significant.

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?

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

(a) Yes. Good practice examples like the Green Homes Network and the BRE's Innovation Park, plus the SG's public information programme, should all be influential in changing attitudes over time.

(b) We need to ensure that dissemination from demonstration projects is presented in a clear and simple way to allow people to make informed choices, and for them to easily participate in and take advantage of schemes (including micro-generation) to improve the energy efficiency of their homes.

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

Generally, this should be achieved through the local planning and building warrants process. As far as possible, new developments should be encouraged to implement the highest insulation standards.

Also, there is potential to kick start the stalled house building sector to deliver truly sustainable places and housing through the provision of new housing for people currently in fuel poverty.

More use could be made of CHP (combined heat & power) schemes which use renewable fuels, building in solar and micro generation technologies. In addition, new build housing should be more flexible, capable of being easily adapted for different needs and occupants over time.

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?

Strict enforcement of building regulations.

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

The SG needs to maximise market confidence. Developers need to know that they will get a return on their investment in implementing innovative construction methods.

There are opportunities to provide encouragement to designers to start using innovative solutions. For example, the current building regulations allow for innovation through meeting functional standards rather than prescribed standards. There are examples where projects are specified to a higher standard of sustainability than required by current building standards.

More training could be provided to building professionals such as architects, planners and building standards surveyors to make them aware of what is available so they can provide comprehensive advice.

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?

The programme's level of subsidy needs to be made more attractive to enable housing associations to recover costs quicker and for tenants to reap the benefits sooner.

By definition, an energy efficient home is more affordable – by linking this to cheaper green mortgages a new layer could be added to affordable housing provision.

Generally, more needs to be done to look at relatively low cost measures across all tenures and to get the 'greener' message over to householders through a concerted public messaging programme.

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

Competition in the house building industry could be stimulated by enforcing energy efficiency ratings/EPCs for new homes and highlighting the associated running costs. In this way running costs could increasingly

become a key advantage/selling point for very efficient homes (as is the case with cars) as they are more readily understandable by householders than the coded ratings.

Another useful opportunity would be to allow L.A.s to fast track planning and building warrant applications for developments using significant sustainable construction and energy technologies.

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?

The skills still exist – the key is getting the construction sector workforce back to work as soon as possible.

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

Further steps are needed by the SG to boost market confidence and coordinate skills and training initiatives.

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?

This can be achieved by BRE and other established trade bodies representing the construction sector disseminating good practice throughout the industry. The Scottish Government is already in a position to engage with those providing training, although research will be vital to ensure that future needs can be met.

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

Through proactive targeting of groups in the labour market which are currently under-represented. This should build on identified good practice of inclusion programmes in the construction and related sectors (e.g., through Youthbuild and other programmes aimed at including NEET group/young women, rehabilitating offenders, etc).

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

Short, medium and longer term targets should be set out in an action plan to ensure a more representative employment position.

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.

It will always be difficult to reach all geographical areas but on line training, use of training DVD's and holding training workshops could all be utilised.

Some specific geographical targeting and additional support may be necessary to ensure these areas benefit from their fair share of improvements. This could build on the experience of, and lessons learned by Highlands and Islands Enterprise and local networks in delivering skills and training programmes and workshops to more remote and islands communities. Local businesses, with detailed local insights into what can work best in the community setting, should be contracted to undertake the works wherever possible, thereby boosting local skills and supporting the local economy.

**East Renfrewshire Council**  
**28 September 2012**