

CONSULTATION QUESTIONS

Section 1

Q1) Do you think the Home Report is meeting its original objectives?

Yes No

Q1a) If yes, please explain why

We feel that the home report is meeting its original objectives in that every potential purchaser no longer requires to arrange a survey for a property of interest to them. However there are 2 main concerns which we feel need addressed. Firstly the practice of certain lenders choosing which reports they will accept based on whether the body or person providing the report is on a list of approved bodies. This severely limits the choice for consumers and in some cases may result in a second report being required. And secondly the question of the inclusion of any additional energy efficiency information in the reports. Both issues are expanded on in our responses below.

Q1b) If no, please explain why

Comments

Q2) Are the original Home Report objectives still appropriate?

Yes No

Q2a) If yes, please explain why

We agree that the original home report objectives are still appropriate; the original objective was to provide buyers and sellers with relevant and accurate information on the condition and value of property. There is no evidence to suggest that these objectives should be changed. In addition the introduction of the Consumer Protection from Unfair Trading Regulations 2008 could potentially create criminal offences for inaccurate information provided in or important information omitted from, a Home Report, if the buyer made a decision to purchase the property based on the inaccurate information. This particular piece of legislation can be used to tackle rogue traders who provide inaccurate or misleading home reports.

Q2b) If no, please explain why

Comments

Q3) Should the Home Report play a more central role in promoting energy efficiency and property condition improvements among home owners?

Yes No

Q3a) If yes, please explain why

With the advent of the Westminster Government Green Deal programme and the confusion over the different grants available for energy efficiency it may be an option to include some information of this nature in the Home

Report. If the information was provided as part of the report it may be useful for the consumer to use as a comparison with figures produced by private companies trying to sell and promote energy efficiency measures in the property. However our experience has shown recently that there is a great deal of confusion with the amount of energy efficient measures available to homeowners in the marketplace. It is imperative that any energy efficiency information contained in the reports is standardised and is easy for the 'average consumer' to understand.

Q3b) If no, please explain why

Q4) Should a national register of Home Reports be established?

Yes No

Q4a) If yes, please explain why including who should have responsibility for development and maintenance

Comments

Q4b) If no, please explain why

We do not feel that a national register of home reports is required. The current legislation contains enough provisions for the access to home reports for potential purchasers.

Section 2

Q5) Do you think the upfront cost of Home Reports is preventing potential sellers from putting their property onto the market?

Yes No

Q5a) If yes, please provide details.

Comments

Q6) Are you aware of any schemes available (e.g. deferred payment) to help potential sellers to pay for home reports?

Yes No

Q6a) If yes, please provide details

Comments

Q7) Are there any issues with the majority of Home Reports being commissioned through selling agents?

Yes No

Q7a) If yes, please explain why

As stated in our response to Q.1, Trading Standards have received

complaints suggesting that certain lenders have adopted the practice of only accepting Home Reports from certain bodies or surveyors. The lenders appear to be creating an approved list of surveyors which is contrary to the objectives of the legislation. This is restricting choice for consumers and should be addressed in any review of the legislation to ensure that all surveys are acceptable to all lenders.

Q7b) If no, please explain why

Comments

Q8) Should other organisations be allowed to carry out the Single Survey (including valuation) and/or the Energy Report?

Yes No

Q8a) If yes, what other organisations and why

Comments

Q8b) If no, please explain why

We do not agree that other bodies should be allowed to carry out reports. The Home Reports must be consistent and produced to an acceptable standard therefore opening up the market may encourage unqualified bodies to produce reports.

Q9) In your experience is the requirement for a home report before marketing a property leading to delays in properties coming onto the market?

Yes No

Q9a) If yes, please outline the implications of this.

There is anecdotal evidence that the opposite is occurring whereby properties are still being marketed before a report is available, see Q.13.

Q10) Are home reports a useful marketing tool for sellers?

Yes No

Q10a) If yes, please explain why

We agree. With the assumption that there are no major faults with the property and the report is carried out by a qualified person then the information should create confidence and reassurance for both buyer and seller. This will clearly create a benefit for the seller in that the sale of the property will be completed quickly.

Q10b) If no, please explain why

Q11) Is the 12 week deadline for marketing a property after completion of a home report appropriate and reasonable?

Yes No

Q11a) If yes, please explain why

We agree that the 12 week deadline is appropriate. This ensures that the information is current.

Q11b) If no, please explain why

Comments

Q12) Is the 28 day provision for removing a property from the market without requiring a new home report appropriate and reasonable?

Yes No

Q12a) If yes, please explain why

We agree that this is a reasonable time.

Q12b) If no, please explain why

Comments

Q13) Are there any issues with potential buyers accessing home reports?

Yes No

Q13a) If yes, please provide an overview and outline the implications of this

There is anecdotal evidence to suggest that properties are being marketed before Home Reports are available. While this is not an every day occurrence it is particularly prevalent within the property auction sector, where properties are often bought and sold quickly. We have some concerns about this problem increasing if the property market were to pick up substantially.

Q14) Is this the most appropriate way to enforce home report legislation?

Yes No

Q14a) If no, please explain why and how this could be improved

Comments

Q15) What are your views on mortgage lenders' acceptance of home report valuations?

As previously stated it is clear that some mortgage lenders are rejecting Home Reports based on a list of 'approved suppliers'. We accept that lenders may have an option to question the standard of a Home Report if it

is not carried out by a qualified person however there should be no option to refuse the report based on approved lists.

Q16) Are the re-dress options available to buyers reasonable and appropriate?
Yes No

Q16a) If no, please explain why and how these could be improved
Comments

Q17) Do these exceptions need to be amended?
Yes No

Q17a) If yes, please explain what amendments are required and why

We would suggest that the only exception that is retained is that of unsafe properties. Providing that the marketing material is specifically clear on the dangers of the property we see no need for a Home Report under these circumstances. All other exceptions should be removed.

Section 3

Q18) Does the single survey element of the home report provide an appropriate and useful level of information?
Yes No

Q18a) If no, please explain why and what information should be removed and/or added
Comments

Q19) Should the repairs categories in the single survey be amended to make them consistent with the categories used in the Scottish House Conditions Survey?

Yes No

Q19a) If yes, please explain why
No Comment

Q19b) If no, please explain why
Comments

Q20) Is the valuation element of the single survey a useful element of the home report? Yes No

Q20a) If yes, please explain why
We consider this to be the main point of interest for potential buyers.

Q20b) If no, please explain why

Comments

Q21) Is the information provided in the energy report appropriate and useful?

Yes No

Q21a) If yes, please explain why

We consider this to be comprehensive however would refer to our response to Q.3 if the energy report is to be extended in any way.

Q21b) If no, please explain why

Comments

Q22) Is the information provided in the property questionnaire appropriate and useful? Yes No

Q22a) If yes, please explain why

The information provided is appropriate and useful however the seller may not be fully aware of all the answers to the questions put, therefore it is important that this is made clear in the report should this be the case.

Q22b) If no, please explain why

Comments

Q23) Should an additional question on land maintenance fees be added to the Property Questionnaire?

Yes No

Q23a) If yes, please explain why

It is absolutely essential that this is included in the Home Report. This is the single biggest issue raised with trading standards about land management companies and factors. Trading Standards have received numerous complaints from house purchasers who have not been made aware of common charges burdened on the property before making the purchase. The Scottish Government has made great strides in this area by the passing of the Property Factors (Scotland) Act 2011 and by adding this requirement in to the Home Report it would complement the passing of this legislation and ensure that potential buyers were provided with specific information which has caused serious concern in the past. Again the accuracy of information contained within the reports is subject to the Consumer Protection from Unfair Trading Regulations 2008 and by including this information in the questionnaire it will allow consumers to be aware of additional costs they may have to incur following the purchase.

Q23b) If no, please explain why

Comments