

A Guide to Housing Options in East Ayrshire

Updated November 2009

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1. Chapter One – Council Housing

1.1 Applying for Council Housing

People in need may be housed by the Council, by:

- Joining the Council's general needs waiting list and then waiting for the offer of a permanent Council house, or
- By being officially assessed and declared as homeless as defined by Part II of the Housing (Scotland) Act 1987 and amended by the Housing (Scotland) act 2001 in which case the Council has to make either temporary or permanent accommodation available.

Local Position: The Council had 5113 people on its waiting list as at 1st April 2009 and in the year 1st April 2008 to 31st March 2009 the Council rehoused 1421 people.

1.1.1 How to Apply

Anyone aged at least 16 can apply.

Anyone who wishes to become a Council house tenant must first fill in an application form which can be obtained from any of the Council's offices, posted out to you or downloaded from the Council website at www.east-ayrshire.gov.uk

It is important for the form to accurately reflect the applicant's circumstances, some of which may be of a personal nature, but all applicants are assured of confidentiality. If an applicant is not sure whether a piece of information about their circumstances is important then the Council's housing staff will be happy to provide advice.

Applicants must keep their application up to date by informing the Housing Services of all changes to their circumstances immediately when these occur, failure to do so could lead to cancellation of your application.

All applicants are given a leaflet, which summarises the application process, allocations policy and points system. A more detailed description of the Council's points system is available on request.

1.1.2 Assessing your Application

When an application form is received the Council's housing staff go through the form carefully, ensuring eligibility and awarding points to reflect each aspect of housing need. Points are awarded as follows:

1.1.3 Householders

| Aspects of Need | Points |
|---------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| Bedroom deficiency (overcrowding) | 15 points per room |
| Under-occupation (for each room that is surplus, this applies only to social rented accommodation applicants) | 15 points per room(up to a max. of 45) |
| Waiting Time | 2 points per year (up to a max. of 20) |
| Below Tolerable Standard Property | 15 |
| Management Transfer | 500 |
| Extenuating Circumstances | 1-20 relative to the degree of need and urgency to be re-housed |

1.1.4 Non householders

| Aspects of Need | Points |
|----------------------------------|------------------------------------------------------------------|
| Overcrowding | 15 points per room |
| Waiting Time | 2 points per year (up to max. of 20) |
| Extenuating Circumstances | 1-20 relative to the degree of need and urgency to be re-housed. |
| Share/lack of facilities: | |
| Bath/shower | 2 |
| Internal W.C | 2 |
| Cooking facilities | 2 |

1.1.5 Overcrowding

An applicant with more people living in the house than defined by the Council's standard qualifies for overcrowding points. In general, all children over ten years of age are entitled to their own room. Couples, regardless of whether they are same sex or mixed sex, are entitled to one room. There are some restrictions on qualification, on which the Housing Services can give advice. Under the Council's standard 15 points will be awarded for each room that is overcrowded.

1.1.6 Under occupation

Under occupation points will only be awarded where the applicant is the head of household or joint applicant of a house within the social rented sector. In this case 15 points will be awarded for each room that is surplus to requirements. This is to free up larger houses for allocation to families.

1.1.7 Below tolerable standard

If the applicant lives in a house which is in poor condition they may be given points if the house lacks:

- cold water supply; inside toilet; hot water supply; bathroom or fixed shower; or has any other aspect which would render it unfit.

- the applicant may also be given points if he/she has to share any of the above amenities with somebody else.

Point to note: A Council Officer will visit the property to check the extent to which it is unfit to be lived in.

1.1.8 Medical need

If the applicant requires to be re-housed for medical reasons a medical form will require to be completed in addition to the housing application form. The medical forms will be assessed by the Clinical Medical Officer at the Health Board and the applicant may be awarded medical priority.

Applicants who have been given a low medical award should seek advice from the Allocations staff as they may be better placed on our ordinary waiting list.

Applicants receiving consideration on medical grounds will be awarded points by the Clinical Medical Officer on a sliding scale based on the unsuitability of their present accommodation in light of their medical condition. When two or more members of a household have requested assessment the priority shall be based on the applicant awarded the highest points value. An enhanced medical priority 'Critical Medical' is applied to those whose need to move is immediate.

General Medical - an award of 1 to 3 points from the Clinical Medical Officer

Critical Medical - an award of 4 points from the Clinical Medical Officer

Applications will be determined on the basis of the number of points and, in the case of equal points, the date the medical points were awarded.

The Clinical Medical Officer may make a recommendation as to a suitable house type for an applicant. This will be subject to stock availability and the Head of Housing has discretion to consider other appropriate house types. Any such discretion will be applied consistently to ensure all applicants are treated equally.

Applicants awarded Critical Medical priority who unreasonably refuse two offers of suitable accommodation in an area of their choice will forfeit their critical medical status and be transferred to the waiting list appropriate to their circumstances, this will be done in consultation with the Clinical Medical Officer.

1.1.9 Bedsit accommodation

Applicants living in bedsit accommodation will be entitled to extra points in recognition of the fact that this is not likely to provide suitable accommodation in the long term.

This applies to all bedsit accommodation in the area, which means that Council tenants living in bedsits are also entitled to the extra points if they apply for another Council house.

1.1.10 Deferring your application

In assessing your application a number of checks will be made and an application may be deferred if:

- Rent or other monies owed to the Council or a prior landlord are in arrears
- The applicant has terminated a tenancy within the last 12 months
- The applicant is registered on another housing application
- The applicant falsely declares their circumstances or deliberately withholds relevant information
- The applicant has been evicted from a previous Council Tenancy within the last 5 years

1.2 The Allocations Policy

The Council has in place an Allocations Policy which sets out how it will allocate housing to applicants. The Policy is agreed locally but is influenced by national legislation.

East Ayrshire Council operates a quota rota allocation system. The quotas are based on historic letting patterns and are designed to reflect the balance of waiting list composition and relative need.

The groups and the percentage of vacancies (quota) allocated to each group are as follows:

| Group | Description | Quota (%) |
|------------------|---------------------------------------------------------------------------------------------------------------------|------------------|
| Transfer Group | This applies to applicants who hold an existing tenancy agreement with the Council, who wish to move house | 10 |
| Householders | This applies to applicants who hold an existing tenancy agreement not with the Council, and who wish to move house. | 10 |
| Non Householders | This applies to applicants without a home of their own. | 32 |
| Medical | This applies to applicants whose present accommodation is unsuitable for medical reasons. | 15 |
| Homeless | This applies to applicants qualifying under Housing (Scotland) Act 1987 as amended. | 32 |
| Miscellaneous | All other applicants including incoming key workers and tied tenants | 1 |

Allocations are shared between these groups. Only if there is an equal points score for the same premises will the time an applicant has been waiting be taken into account.

The full Policy is available on request.

Note. The Allocations Policy is currently under review and a new Policy will be introduced during 2010. All applicants will be notified of the changes in policy which will affect them.

1.3 Offers of Housing

After acceptance onto the waiting list, an offer of accommodation will only be made if:

- The applicant has a clear rent account
- The applicant is not in arrears with regards to any other Council accounts
- The applicant has maintained their tenancy in a satisfactory manner

There are differing demands for housing; in some areas there is a lengthy waiting list with few properties being vacated. However, in other areas there is limited demand and therefore applicants can quickly qualify for an allocation.

1.4 Housing Stock and Locations

As at 1st April 2009 the Council had 13,089 houses and flats of which 455 are supported accommodation. The Council's general needs housing stock has been reduced by about 360 over the last two years as properties were sold to sitting tenants under the Right to Buy scheme. However, the Council remains the biggest local provider of social rented housing. Its stock is well distributed throughout East Ayrshire.

The table below shows where general needs Council housing is located and also shows the sizes of the properties in each of the letting areas, correct on 1st April 2009.

| Area | 1 bed | 2 bed | 3 bed | 4 bed | 5 bed | Total |
|--------------------|-------------|-------------|-------------|------------|----------|--------------|
| Cumnock | 618 | 1784 | 987 | 97 | - | 3486 |
| Doon Valley | 147 | 840 | 583 | 48 | - | 1618 |
| Irvine Valley | 594 | 1019 | 425 | 42 | - | 2080 |
| Kilmarnock Central | 785 | 927 | 507 | 16 | - | 2235 |
| Kilmarnock North | 210 | 1187 | 725 | 43 | - | 2165 |
| Kilmarnock South | 186 | 787 | 510 | 20 | 2 | 1505 |
| Total | 2540 | 6544 | 3737 | 266 | 2 | 13089 |

1.5 Mutual Exchanges

A Mutual Exchange is where two or more tenants agree to swap houses. It is a good way for tenants to move to an alternative property of their choice. Council tenants can not only swap with each other but also with tenants from Housing Associations, other Registered Social Landlords and Council tenants from other Local Authority areas.

Tenants need to complete an application for a mutual exchange and submit it to their landlord who will then decide whether to allow the move to proceed. It could be refused if the move would worsen either applicant's housing conditions or if there are any court proceedings against either of the tenants.

East Ayrshire Council operates a Mutual Exchange Forum for their tenants and tenants of other Registered Social Landlords within East Ayrshire. The forum is designed to assist tenants in advertising their property and finding a suitable party to exchange with.

The forum can be accessed at

www.east-ayrshire.gov.uk/mutualexchangeforum

There are other ways you can find someone to exchange with such as advertising in your local shop and local newspaper. There are also a number of websites available where you can advertise your property, some are free and some may charge you a small fee. The Council has no involvement with any of these sites and you must give careful consideration to the details you post on any website making sure you do not give any personal information.

To find out more about Mutual Exchanges please contact your local housing office.

1.6 Rent Levels

The 2009/10 average rent for a Council house in East Ayrshire is £55.10 per week (based on a 48 week cycle).

The rent charged to applicants in homeless temporary accommodation is more than for general needs housing. This is because the rent has to cover the cost of managing the accommodation and providing furniture. Up to 100% rebate of rent may be available for tenants on low income.

Note. The 2010/11 rent setting strategy will be subject to public consultation as part of the Council's Budget Strategy proposals early in 2010.

1.7 Benefits – Housing and Council Tax

Anyone on a low income and paying rent for accommodation - whether from the Council, a housing association or co-operative or any other public or private landlord - may be entitled to receive Housing Benefit. This can be enough to pay all or some of the rent due, depending on a verified assessment of the applicant's income sources and levels and any capital accrued as savings.

Approximately 8161 households in East Ayrshire were in receipt of Housing Benefit on 31/3/09.

1.7.1 The Housing Benefit Scheme

Most people who rent their homes, who are on incomes which are significantly below average, are entitled to receive the largely government-funded housing benefit which operates as a housing rebate for Council tenants and a housing allowance for all other tenants.

It is particularly important that anyone interested in claiming housing benefit entitlement should contact housing benefit staff as soon as possible, because there is a risk that the claimant may not be entitled to receive housing benefit for any rent paid before the Council was informed of the claim. Telephone 01563 554400.

1.7.2 The Housing Benefit Claim Procedure

Every housing benefit claimant must submit and sign a detailed application form. Council staff are available to assist applicants understand and complete the application form.

Verification of the applicant's financial resources is essential, so evidence of both income and capital will be required to support the answers given in the application form. This means that payslips, bank statements, benefit books and other evidence of income and expenditure must be made available to allow the claim to be assessed. Successful claims are normally paid from the Monday following the date received or from the date of tenancy if the application is received in the same week, even though the evidence on the applicant's resources may take some time to produce and be verified. It is also worth noting that a single application form is used to claim council tax benefit as well as housing benefit, which means that the end result of the application process could result in the applicant receiving **both** benefits.

An award of housing benefit is calculated according to the answers to the following four questions:

- How much money the applicant has coming in from his or her earnings and any other income **and** from his or her partner's earnings and income.
- How much money the applicant and, where applicable, partner have saved.

- Investments (no housing benefit will be paid where savings amount to £16,000 or more and it will usually be reduced on a sliding scale if savings are over £6,000).
- The applicant's personal circumstances e.g. the numbers of dependants living in the same household, whether the applicant has a disability.
- The **maximum rent level** which the housing benefit system will support (see below for explanation).

1.7.3 The Maximum Rent Level

If the applicant is a Council, or Housing Association tenant then housing benefit can meet the rent in full. If the applicant is a private tenant the maximum rent level is set by the Rent Registration Service and is called the Local Housing Allowance. These figures are published every month and available on our website. This could mean that the maximum rent level may be lower than the rent being charged and housing benefit will not meet the rent in full.

1.7.4 Renting Privately

Those who are thinking of renting a private property should contact the housing benefit section to find out what level of rent is likely to be met by benefit. The maximum rent figure (Local Housing Allowance) is published monthly and will give the applicant a clear idea of whether he or she will be able to afford to rent the property, after any contribution from housing benefit has been allowed for.

Local Housing Allowance (LHA) is based upon the number of rooms that people are allowed as opposed to how much the rent is for the property. Occupation entitlements will be carried out in line with current allocations policies, which allow one room per couple and one room for each single person over the age of 10. Further information can be obtained through the Department of Work and Pensions website (<http://www.dwp.gov.uk>) and any queries can be forwarded to LHAAdviceline@dwp.gsi.gov.uk

1.7.5 Restrictions for Single People Under 25

It is important to note the restrictions that have been imposed by Government on the amount of housing benefit which can be given to single people under 25 years old renting privately. Housing benefit is restricted to the equivalent of a shared room, again set monthly by the Rent Registration Service under LHA and approximately assessed as £65.00 per week, irrespective of the actual rent.

Young single people on low incomes are advised to speak to an advice agency or the housing benefit staff before accepting an offer of rented accommodation.

1.7.6 Further Information

Detailed information and advice on all the assessment procedures for housing benefit can be obtained by contacting the Housing Benefit Section, at John Dickie Street, Kilmarnock, KA1 1BY Telephone 01563 554400 or from East

Ayrshire's Citizens Advice Bureau; Kilmarnock Tel: 01563 544 744 Cumnock
Tel: 01290 429 474

1.7.7 Right to Appeal

Any housing benefit applicant has a right to ask the Council to review their decision, if the applicant is not satisfied by writing to the Revenues and Benefits Section, East Ayrshire Council, PO Box 13, Civic Centre, Kilmarnock KA1 1BY.

1.8 Tenancy Agreements

1.8.1 Scottish Secure Tenancy (SST) The terms under which tenants in Scotland rent their homes are governed by various laws. The Housing (Scotland) Act 2001 introduced a new type of tenancy agreement for most public sector housing tenants in Scotland. The new tenancy is called the Scottish Secure Tenancy and contains an equal framework of rights and responsibilities for most public sector housing tenants.

The 2001 Act introduced:

- A single tenancy for most tenants of public sector landlords
- New arrangements to the "Right to Buy" your council house
- New rights of succession to tenancies including rights for carers
- New rights to information, consultation and participation
- Recognition of same sex couples

The new tenancy arrangements came into effect in September 2002, and all existing and subsequent East Ayrshire Council Scottish Secure Tenants have been asked to sign tenancy agreements which reflect these statutory rights.

1.8.2 Short Scottish Secure Tenancy (SSST)

In certain situations a Short Scottish Secure Tenancy may be offered instead of the Scottish Secure Tenancy. These situations include:

- If a person had been evicted for antisocial behaviour during the past 3 years
- If a Scottish Secure Tenant, or a member of their family has been served with an Antisocial Behaviour Order (ASBO), which is still in force
- If a person is moving to the area to take up employment

The Short Scottish Secure Tenancy does not provide full security of tenure and where antisocial behaviour is involved, the tenancy could be seen as a probationary tenancy. The Short Scottish Secure Tenancy has no Right to Buy or right to succession. To recover possession a landlord must apply to the court where the sheriff must grant the eviction.

1.8 Right to Buy

All Council tenants who held a tenancy prior to 30th September 2002 meet the occupation requirements to apply to buy their house. When looking to buy a house, this type of tenant will receive a discount of 32% after two years occupation, with the discount rising by 1% for each subsequent year, up to a maximum discount of 60%. With regards to flats, the discount after 2 years is 44%, rising by 2% for each subsequent year up to a maximum discount of 70%, after 15 years occupation.

Those tenants who became Scottish Secure tenants, including those to whom a tenancy is transferred and those who enter into a mutual exchange arrangement and except in limited circumstances those who succeeded to an existing tenancy and those who moved house after 30th September 2002, have to have held their tenancy for 5 years before they have the right to buy the home. For both houses and flats, the discount after 5 years will be 20%, rising by 1% per annum to a maximum discount of 35% or £15,000 whichever is the lowest, after 15 years continuous occupation.

There is a possibility that tenants will not be able to exercise the right to buy if that right has been suspended, either for rent or council tax arrears, or the Council has served a notice of recovery of possession on the tenant.

Local authorities may designate an area as a 'pressured' area, which affects the right to buy for some tenants. Please contact us for clarification on this.

Prospective Right to Buy applicants should ask the Council's housing staff at any housing office for the relevant application form and accompanying booklet. The completed form should be returned to the Council's Legal Services Department, Council Headquarters, London Road, Kilmarnock or telephone 01563 576000.

The sale of the property can only take place after its value has been officially assessed by the District Valuer (DV), a government official. There is no right of appeal against the DV's valuation.

Once the valuation has been received by the Council, the Legal Services Section will make the applicant an offer of purchase. It is very important at this stage that the applicant has the services of a solicitor to help them complete the legal transaction properly. The whole Right to Buy transaction from the date of application to the point of legal completion of the purchase can take several months. Check with the Council for the likely timescale.

Local Position - The Council has sold 360 properties to sitting tenants over the last two financial years under the Right to Buy scheme.

1.9.1 Further Information

There is a considerable amount of information available on buying a house - libraries, bookshops and the Internet are all good sources of written information. You can also approach your landlord, your local Citizen's Advice Bureau, a solicitor or the Scottish Government for advice.

You may also want to read the Scottish Government booklets 'Thinking about Buying' and 'Your Right to Buy Your Home' which explains the different ways you can exercise your right to buy your home. These are available from:

Scottish Government
Victoria Quay
Leith
Edinburgh
EH6 6QQ

or from their website at <http://www.scotland.gov.uk/publications/>

1.10 Repairs and Maintenance

1.10.1 Responsibilities

The responsibility for repairs to Council houses is shared between the Council and the tenant. In essence, the Council is responsible for maintaining the fabric and permanent fittings of the building, while the tenant is responsible for internal decoration, furnishings and removable fittings like clothes lines, TV aerials, curtain rails and so on. Decoration cheques are available to new tenants and to existing tenants who have had certain upgrades carried out in their home (decoration allowances for new tenants are calculated on the number of bedrooms in the tenancy).

1.10.2 Categories

Repairs are categorised by the Council and dealt with as follows:

| Category | Timescale | Description |
|-----------|------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Emergency | Repairs by appointment during normal working hours. Standby service response out with working hours. | Emergency repairs are where the welfare of the resident or the fabric of the property could be compromised if left unattended. These are normally carried out within 24 hours. |
| Urgent | Repairs by appointment during normal working hours. | Repairs are urgent when failure to attend to the defect could result in a fairly rapid deterioration of the fabric of the building or where the convenience of the tenant is significantly compromised. These are normally carried out within 3 working days. |

| | | |
|---------|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Planned | Planned in accordance with business plans. | These works are grouped to form a programme of work which is forwarded to the contractor. Tenants will be notified when the repair has been programmed and the contractor will provide tenants with a date for the work to be carried out. |
|---------|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

1.10.3 Reporting a Repair

During office hours repairs should be reported to the Council's dedicated Repairs helpline on 01563 555555. This number can also be contacted using the dedicated telephone line within any Local Office. Tenants will be prompted to choose between Option 1 – General repair enquires and Option 2 – Gas central heating repairs.

Where the repair is considered as emergency or urgent tenants will be offered an appointment which suits them and will stipulate a specific day and either morning or afternoon. The timescale will not exceed the above criteria unless requested by the tenant. Tenants will also be offered a Repairs Reference Number which can be quoted when making enquiries about their repair.

During evenings and weekend Repairs can be reported via the Council's out of hours helpline on 08457 240000.

1.11 Adapting Homes for Elderly / Disabled People

The Council ensures that support is available to help older or disabled people to continue living comfortably and independently in their council homes. Funding is available to adapt Council houses to meet the care needs of a Council tenant. Typical adaptations carried out include putting in showers, extra heating, handrails and ramped accesses.

Requests for adaptations should be put in writing to the Social Work Department. From this, needs are usually then assessed jointly by officers from both the Social Work and the Housing Service. An Occupational Therapist's assessment is likely and a more comprehensive community care assessment may also be required. For more information contact Social Work on 01563 528011.

The Disability Discrimination Act 2005 ensures that landlords cannot unreasonably withhold consent for disability related improvements to certain rented dwelling houses.

1.11.1 Private Rented Housing

Under the Housing (Scotland) Act 2006, Chapter 7, Right to Adapt Rented Houses, every private sector tenant has the right to carry out work to make the house suitable for the accommodation, welfare or employment of any disabled person who occupies it. The tenant requires the consent of the landlord to carry out any adaptations, however, this consent must not be withheld unreasonably.

1.12 Complaints

We work hard at providing good quality services that reflect your needs. To help us improve our services further we have a comments, suggestions and complaints policy which we call 'It's Better to Listen'. We will always try to immediately resolve your complaint at the point of contact but we are happy to receive your comments and suggestions which will be used to shape our service. The complaints procedure is for use when:

- A service has not been delivered on time
- A person has been provided with inaccurate information
- Standards of service have not been up to expectations
- A customer is unhappy with the conduct of a member of staff

The full complaints process has three stages as follows:

Stage 1 – Your initial complaint will be dealt with by the Department concerned who will issue a formal response to you within seven working days.

Stage 2 – If you are dissatisfied with the initial response you are entitled to ask the director of the department to review your complaint. You will receive a written response from the Director within 14 working days of your request for a review.

Stage 3 – If the Director of the Department cannot resolve the complaint to your satisfaction, you can ask for the Chief Executive of the Council to review your complaint. The Chief Executive will respond to you within 21 working days.

If you remain dissatisfied with the Council's response you have the right to take your complaint to the Scottish Public Services Ombudsman.

1.12.1 The Scottish Public Services Ombudsman (SPSO)

The SPSO is the final stage for complaints about public services in Scotland. They will normally only consider complaints once the Council's internal complaints process has been exhausted. The ombudsman aims to provide justice for the individual and also to share the learning from their work in order to improve the delivery of public services in Scotland. **You can contact the SPSO at**

SPSO
Freepost EH641
Edinburgh
EH3 0BR

Tel: 0870 377 7330
Text: 07900 494 372
E-mail: ask@spsso.org.uk
Website: www.spsso.org.uk

2. Chapter Two – Homelessness

2.1 Introduction

Homelessness is something that happens to many ordinary people all over Britain. Society has for many years accepted it must find accommodation for those people who become “homeless”, as defined by the law.

Local authorities have a legal duty to help homeless people - firstly by interviewing them and assessing their housing situation and secondly by offering them temporary or permanent accommodation - provided the applicant's circumstances warrant it - according to criteria laid down in Part II of the Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Act 2001, and the Homelessness (Scotland) Act 2003.

2.2 Assessment of Homelessness

2.2.1 Homeless Persons' Assessment

Where an applicant is homeless, temporary accommodation will be offered. The Council aims to reach a final decision on each application from a homeless person within 28 days. People facing a homeless situation may seek legal advice where appropriate.

The assessment period for applications allows Council staff enough time to make the necessary enquiries to verify each applicant's homeless circumstances properly. Applicants are kept regularly informed by the staff concerned on the progress being made with the assessment of their application.

In East Ayrshire people presenting themselves as homeless are interviewed by skilled and experienced staff from the Council's Housing Service. The four main criteria, which will be investigated by the Homeless Persons Officer are, whether the applicant household:

- is homeless or threatened with homelessness within 2 months
- is in priority need
- is homeless or threatened with homelessness, intentionally
- has a local connection to the area

Detailed guidance is contained in The Scottish Government's "Code of Guidance on Homelessness", updated in May 2005. This code provides guidance to Authorities on how to interpret each of these criteria. Copies are available on request at all local housing offices.

Key points to note about each of the criteria are as follows:

2.2.2 Homelessness

This means the applicant and anyone who would reasonably be expected to live with them either:

- Has no accommodation (anywhere in UK or elsewhere) which he or she is entitled or permitted to occupy.
- Is going to be in a homeless situation within 2 months
- That it is unreasonable to expect the applicant to go on living in their present home - typically because of the threat of violence from another member of the household or because the accommodation is so sub-standard that it presents a real danger to the health of the applicant.

2.2.3 Priority need

The following have a priority need for accommodation:

- a pregnant woman or a person with whom a pregnant woman resides or might reasonably be expected to reside
- a person with whom dependent children reside or might reasonably be expected to reside
- a person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or any other disaster
- a person with whom a person referred to in section 25(1)(c) or (d) of the 1987 Act resides or might reasonably be expected to reside (i.e. those persons who are vulnerable or who are homeless or threatened with homelessness as a result of an emergency)
- a person aged 16 or 17
- a person aged 18 to 20 who by reason of the circumstances in which the person is living, the person runs the risk of sexual or financial exploitation or involvement in the serious misuse of alcohol, any drug (whether or not a controlled drug within the meaning of the Misuse of Drugs Act 1971 (c.38)) or any volatile substance
- a person aged 18 to 20 who, at the time when the person ceased to be of school age (within the meaning of section 31 of the Education (Scotland) Act 1980 (c.44)) or at any subsequent time, was looked after by a local authority (within the meaning of section 17(6) of the Children (Scotland) Act 1995 (c.36)) and the person is no longer being so looked after
- a person who runs the risk of domestic abuse (within the meaning of section 33(3) of the 1987 Act)
- A person who, by reason of that person's religion, sexual orientation, race, colour or ethnic or national origin runs the risk of violence, or is, or is likely to be, the victim of a course of conduct amounting to harassment.

Or

A person who is vulnerable as a result of:

- old age (over 60 or, if younger, in poor physical or mental health)
- mental illness

- personality disorder
- disability (physical / learning)
- chronic ill health
- having suffered a miscarriage or undergone an abortion
- having been discharged from a hospital, a prison or any part of the regular armed forces of the Crown; or
- other special reasons

Or

Under Local Policy:

- Applicants aged between 18 and 26
- Applicants aged 46 and over
- Applicants with a significant medical issue
- Applicants supported by Social Services Criminal Justice Team
- Applicants with contact rights in respect of dependent children
- Applicants whose household includes young persons under the age of 19 for whom the applicant either has or had parental responsibilities

If a person is intentionally homeless or not in priority need, Housing Services can offer advice and assistance to help them find accommodation.

2.2.4 Intentionality

The council has to satisfy itself that the applicant did not deliberately do or fail to do something which resulted in homelessness, such as refusing to pay rent for no proper reason; or leaving, for no reason, accommodation which was available to them. Section 4 of the Homelessness etc. (Scotland) 2003 Act will remove the duty on local authorities to assess households for intentionality. The 2003 Act makes this a power, giving local authorities a discretionary power, rather than the current duty, to investigate whether a household is intentionally homeless.

(Note: This section is not yet in force.)

Applicants who have been assessed as unintentionally homeless (or threatened homeless) **and** in priority need are normally entitled to two offers of permanent housing. **This does not apply if a member of the applicant's household is subject to an ASBO or where an order for repossession has been made against the prospective tenant(s), within the past 3 years, on grounds of anti-social behaviour or illegal/immoral activity.**

2.2.5 Local connection

The applicant must have a local connection with East Ayrshire. This could be:

- Because he/she is or was resident in East Ayrshire, and this residence was voluntary.
- Because he/she works in the area.
- Due to family associations.

Applicants in special circumstances are assessed on a case by case basis. This category includes people fleeing domestic violence or someone who has no local connection with anywhere in the United Kingdom.

If an applicant has been assessed as unintentionally homeless/threatened homeless **and** in priority need but does not have a local connection with East Ayrshire, they may be referred to another local authority where they do have a connection, unless they are likely to be at risk in that other authority.

2.2.6 Contacts

It is essential that a person who declares as homeless has an interview with a Homeless Persons Officer as soon as possible. This can be arranged by contacting the Housing Options office. This will allow for a speedy assessment regarding temporary accommodation and for information and advice to be passed on.

If you are in need of assistance you should contact:

- During office hours the nearest local housing office or the Housing Options (01563 554568) office can be contacted. (See Chapter 10).
- If the local council offices are closed, the local police or the council Helpline (0845 724 0000) can be contacted.

2.2.7 Right to appeal

Dissatisfied applicants may “appeal” (ask for a review of) the decision. There is a statutory right to have decisions reviewed. This must be done by specifying the grounds for review, either by writing to:

Assistant Housing Options Manager
Housing Options
16 College Wynd
Kilmarnock
KA1 1HN
Tel: 01563 554554

Or

By phoning, or visiting College Wynd offices in person, to arrange an appointment to speak to the Assistant Housing Options Manager.

2.3 Temporary Accommodation

Temporary accommodation, either within a hostel or furnished flats, will be offered to provide emergency housing for homeless applicants. Accommodation is provided until a decision is reached on their application. For households that are not going to be offered permanent accommodation, temporary

accommodation, advice and assistance will be offered for a reasonable period to allow the household to secure alternative accommodation.

Thereafter only those who fulfil all the criteria will continue to be provided with temporary accommodation pending an offer of permanent housing. The average length of stay in hostel accommodation is under 20 days.

An offer of permanent accommodation will be made by the Council for a council property or a nomination for accommodation will be made to a housing association or other local landlord for re-housing. Two offers of accommodation will be made. If both of these offers are unreasonably refused, the applicant(s) will have to vacate the temporary accommodation and secure their own accommodation as the Council will have fulfilled its obligation to them.

2.4 Domestic Abuse

Domestic abuse is physical, emotional, sexual and/or financial abuse from a partner or ex-partner.

East Ayrshire Women's Aid provides information, support and refuge to women, children and young people affected by domestic abuse.

Women in need of support with housing because they are experiencing or threatened with domestic abuse or violence can contact:

East Ayrshire Women's Aid:

- Kilmarnock 01563 536001
- Cumnock 01290 423434

Or the Scottish Domestic Abuse Helpline on 0800 027 1234

2.5 Independent Advice

East Ayrshire Citizens Advice Bureau offers free, confidential, impartial, independent advice and information to all residents of East Ayrshire. Contact details can be found in Chapter 9.

3. Chapter Three – Housing Associations

3.1 Introduction

Housing Associations are independent not-for-profit organisations that provide affordable homes (for rent or to purchase) for people in need. They are run by professional staff and controlled by voluntary management committees. Housing Associations that have registered with the Scottish Government are known as Registered Social Landlords (RSLs).

Housing Association Grant is provided by the Scottish Government to allow Associations to acquire land or buildings and to build, convert or improve housing for rent or low cost home ownership.

3.2 Social Rented Housing Providers in East Ayrshire

In East Ayrshire there are 13 Registered Social Landlords who offer a variety of accommodation throughout the area as listed below.

| Atrium Homes | | |
|--------------------------------------------------------------|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 39 / 41 John Finnie Street Kilmarnock KA1 1BL | | Tel: 01563 528816 Fax: 01563 525558 E-mail: info@atrium-homes.co.uk Web: www.atrium-homes.co.uk |
| Location | Type | Number |
| Shortlees, Kilmarnock | General needs cottages and flats | 460 |
| Shortlees, Kilmarnock | Older persons and amenity cottages | 6 |
| Shortlees, Kilmarnock | Wheelchair access bungalows | 2 |
| New Farm Loch West, Kilmarnock | General needs cottages and flats | 165 |
| New Farm Loch East, Kilmarnock | General needs cottages | 51 |
| New Farm Loch East, Kilmarnock | Older persons and amenity cottages | 4 |
| New Farm Loch East, Kilmarnock | Wheelchair access bungalows | 3 |
| Burnpark, Kilmarnock | General needs cottages | 9 |
| Fullarton Street, Kilmarnock | General needs cottages and flats | 5 |
| Bellfield, Kilmarnock | General needs cottages and flats | 49 |

| | | |
|---------------------------------|----------------------------------------------------|------------|
| Nether Robertland, Stewarton | General needs cottages and flats | 44 |
| Lainshaw, Stewarton | General needs cottages and flats | 22 |
| Galston | General needs cottages and flats | 31 |
| Crosshouse | Sheltered cottages and flats | 24 |
| Onthank | General needs cottages and flats | 37 |
| Dunlop | Older persons and amenity flats and cottages | 36 |
| TOTAL | | 948 |

Bield Housing Association Ltd

| | | |
|--------------------------------------------------------------------------|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Craighall Business Park 7 Eagle Street Glasgow G4 9XA | | Tel: 0141 270 7200 Fax: 0141 331 2686 E-mail: info@bield.co.uk Web: www.bield.co.uk |
| Location | Type | Number |
| Warrick Court, Glebe Court, Cumnock | Very Sheltered | 37 |
| Menzies Court, Cumnock | Supported Housing (Dementia) | 11 |
| Menzies Court, Cumnock | Amenity | 19 |
| Tweedlie Court, Cumnock | Amenity | 6 |
| Highcrofts, Dalmellington | Sheltered | 24 |
| Valley Court, Patna | Sheltered | 19 |
| TOTAL | | |

Blue Triangle Housing Association Ltd

| | | |
|--------------------------------------------------|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 28 Bank Street Kilmarnock KA1 1ER | | Tel: 01563 520144 Fax: 01563 550661 E-mail: kilmarnock@btha.org.uk Web: www.btha.org.uk |
| Location | Type | Number |
| Bank Street, Kilmarnock | Supported Homeless Accommodation | 3x 3 Apt Furnished Flats |
| Longpark Kilmarnock | Supported Homeless Accommodation | 4x 3Apt Furnished houses |

Cunninghame Housing Association Ltd

| 42 Campbeltown Drive Kilmarnock KA3 1JX | | Tel: 01563 537755 Fax: 01563 571652 E-mail: enquiry@cunninghame-housing.org.uk Web: www.cunninghame-housing.org.uk |
|--------------------------------------------------------|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Location | Type | Number |
| Longpark, Kilmarnock | General needs | 62x 2 Apt |
| Longpark, Kilmarnock | General needs | 133 x 3 Apt |
| Longpark, Kilmarnock | General needs | 72 x 4 Apt |
| Longpark, Kilmarnock | General needs | 12 x 5 Apt |
| Longpark, Kilmarnock | Wheelchair Access | 2 x 3Apt |
| Longpark, Kilmarnock | Wheelchair Access | 3 x 4Apt |
| Altonhill, Kilmarnock | General needs | 69 x 3 Apt |
| Altonhill Kilmarnock | General needs | 17 x 4 Apt |
| Altonhill Kilmarnock | General needs | 6 x 5 Apt |

Hanover (Scotland) Housing Association

| Pavillion 5, Groundfloor, Watermark Business Park, 345 Govan Road, Glasgow, G51 2SE | | Tel: 0141 553 6300 Fax: 0141 553 6329 E-mail: westinfo@hsha.org.uk Web: www.hsha.org.uk |
|----------------------------------------------------------------------------------------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Location | Type | Number |
| Forbes Place, Kilmarnock | Amenity | 10 |
| Creighton Court, Kilmarnock | Sheltered | 30 |
| MacNichol Place, Kilmarnock | Amenity | 10 |
| Mill Court, Kilmarnock | Sheltered | 29 |
| Princes Court, Kilmarnock | Amenity | 12 |
| Main Street, Kilmaurs | Amenity | 12 |
| Lochhead Court, Stewarton | Sheltered | 29 |
| Murdoch Nisbet Court, Newmilns | Amenity | 10 |
| Murdoch Nisbet Court, Newmilns | General Needs | 2 |

Horizon Housing Association

| Leving House Fairbairn Place Kirkton North Livingston EH54 6TN | | Tel: 01506 424140 Fax: 01506 400052 E-mail: e-mail@horizonhousing.org Web: www.horizonhousing.org |
|---------------------------------------------------------------------------------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Location | Type | Number |
| Ladeside Gardens, Kilmaurs | Amenity Flats | 10 x 2 Apt Flats |
| Ladeside Gardens, Kilmaurs | General Needs | 10 x 3 Apt Houses |
| Waddell Court, Kilmarnock | General Needs | 8 x 2 Apt Houses |
| Waddell Court, Kilmarnock | General Needs | 5 x 4 Apt Houses |
| Waddell Court, Kilmarnock | Wheelchair | 3 x 3 Apt Bungalows (3 person) |
| Waddell Court, Kilmarnock | Wheelchair | 1 x 3 Apt Bungalow (4 Person) |
| Waddell Court, Kilmarnock | Wheelchair | 1 x 4 Apt Bungalow (5 Person) |

Irvine Housing Association

| 9 Glencraig Street Drongan KA6 7AS | | Tel: 01292 591375 Fax: 01292 591646 E-mail: info@irvineha.co.uk Web: www.irvineha.co.uk |
|---------------------------------------------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Location | Type | Number |
| Drongan | General Needs | 94 x 3 Apt |
| Drongan | General Needs | 76 x 4 Apt |
| Drongan | General Needs | 3 x 5 Apt |

Key Housing Association

| Savoy Tower 77 Renfrew Street Glasgow G2 3BZ | | Tel: 0141 332 6672 Fax: 0141 332 7498 E-mail: info@keyhousing.org Web: www.keyhousing.org |
|-----------------------------------------------------------------|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Location | Type | Number |
| Kilmarnock | General Needs | 3 x 3 Apt Unsupported |
| Kilmarnock | Adult Learning Difficulties | 9 x 2 Apt Single Supported Units |
| Kilmarnock | Adult Learning Difficulties | 5 x 3 Apt Shared Supported Units |

| Link Housing Association | | |
|--------------------------------------------------------------------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Watling House Callendar Business Park Falkirk FK1 1XR | | Tel: 0845 1400 100 Fax: 01324 417184 E-mail: csc@linkhaltd.co.uk Web: www.linkhousing.co.uk |
| Location | Type | Number |
| Catrine | General Needs | 57 |
| Kilmarnock | Disabled | 4 |
| Kilmarnock | General Needs | 104 |
| Mauchline | General Needs | 14 |

| Margaret Blackwood Housing Association | | |
|-------------------------------------------------|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 646 Argyle Street Glasgow G3 8UF | | Tel: 0141 221 1606 Fax: 0141 227 2297 E-mail: info@mbha.org.uk Web: www.mbha.org.uk |
| Location | Type | Number |
| Buchanan Place, Kilmarnock | Wheelchair Accessible | 6 |
| Buchanan Place, Kilmarnock | Limited Mobility | 1 |
| Buchanan Place, Kilmarnock | General Needs | 4 |
| Academy Court, Hurlford | Wheelchair Accessible | 8 |
| Academy Court, Hurlford | Limited Mobility | 1 |
| Academy Court, Hurlford | General Needs | 6 |

| Shire Housing Association Ltd | | |
|--------------------------------------------------------------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Netherthird House Netherthird, Cumnock KA18 3DB | | Tel: 01290 421130 Fax: 01290 428025 E-mail: info@shirehousing.com Web: www.shirehousing.co.uk |
| Location | Type | Number |
| Auchinleck | General Needs | 14 x 2 Bed Houses |
| Auchinleck | General Needs | 16 x 3 Bed Houses |
| Catrine | General Needs | 11 x 2 Bed Houses |
| Catrine | General Needs | 10 x 3 Bed Houses |
| Craigens | General Needs | 45 x 2 Bed Houses |
| Craigens | General Needs | 32 x 3 Bed Houses |
| Cumnock | General Needs | 31 x 2 Bed Houses |
| Cumnock | General Needs | 9 x 2 Bed Flats |
| Cumnock | General Needs | 21 x 3 Bed Houses |
| Cumnock | Wheelchair | 1 x 3 Bed House |
| Cumnock | General Needs | 1 x 4 Bed House |

| | | |
|---------------|---------------|--------------------|
| Dalmellington | General Needs | 3 x 3 Bed Houses |
| Dalmellington | General Needs | 91 x 3 Bed Flats |
| Galston | General Needs | 10 x 2 Bed Houses |
| Galston | Wheelchair | 2 x 2 Bed Flats |
| Galston | General Needs | 12 x 2 Bed Flats |
| Galston | General Needs | 8 x 3 Bed Houses |
| Galston | General Needs | 1 x 4 Bed House |
| Hurlford | General Needs | 2 x 1 Bed Flats |
| Hurlford | General Needs | 6 x 1 Bed Houses |
| Hurlford | Wheelchair | 2 x 1 Bed Houses |
| Hurlford | General Needs | 36 x 2 Bed Houses |
| Hurlford | Wheelchair | 2 x Bed Houses |
| Hurlford | General Needs | 4 x 2 Bed Flats |
| Hurlford | General Needs | 4 x 3 Bed Houses |
| Kilmaurs | General Needs | 1 x 2 Bed Bungalow |
| Logan | General Needs | 78 x 3 Bed Houses |
| Mauchline | General Needs | 10 x 1 Bed Flats |
| Mauchline | General Needs | 16 x 2 Bed Houses |
| Mauchline | Wheelchair | 2 x Bed Houses |
| Mauchline | General Needs | 2 x 2 Bed Flats |
| Mauchline | General Needs | 28 x 3 Bed Houses |
| Netherthird | General Needs | 6 x 2 Bed Flats |
| Netherthird | General Needs | 84 x 3 Bed Houses |
| Netherthird | General Needs | 93 x 3 Bed Flats |
| New Cumnock | General Needs | 59 x 2 Bed Houses |
| New Cumnock | General Needs | 9 x 2 Bed Flats |
| New Cumnock | General Needs | 72 x 3 Bed Houses |
| New Cumnock | General Needs | 3 x 4 Bed Houses |
| Newmilns | General Needs | 13 x 1 Bed Flats |
| Newmilns | General Needs | 14 x 2 Bed Flats |
| Newmilns | General Needs | 8 x 2 Bed Houses |
| Newmilns | General Needs | 1 x 3 Bed Flats |
| Patna | General Needs | 15 x 2 Bed Houses |
| Patna | General Needs | 114 x 3 Bed Houses |
| Rankinston | General Needs | 5 x 3 Bed Houses |

Trust Housing Association Ltd

| | | |
|----------------------------------------------------------------------------------------------------|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| First Floor Pavilion 5 Watermark Business Park 345 Govan Rd Glasgow G51 2SE | | Tel: 0141 227 1994 Fax: 0141 427 6479 E-mail: info@trustha.org.uk Web: www.trustha.org.uk |
| Location | Type | Number |
| Collins Court, Darvel | Sheltered | 8 x 2 Apt (1 Person) |
| Collins Court, Darvel | Sheltered | 8 x 2 Apt (2 Person) |

| | | |
|----------------------------------|-----------|-----------------------|
| Maxwood Road / Court, Galston | Amenity | 9 x 2 Apt (2 Person) |
| Castleview Street, Galston | Amenity | 4 x 3 Apt (3 Person) |
| Main Street, Newmilns | Sheltered | 15 x 2 Apt (1 Person) |
| Main Street, Newmilns | Sheltered | 5 x 2 Apt (2 Person) |
| Main Street, Newmilns | Sheltered | 3 x 3 Apt (3 Person) |
| Main Street, Newmilns | Sheltered | 2 x 3 Apt (4 Person) |

| West of Scotland Housing Association | | |
|-------------------------------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 17 Portland Road Kilmarnock KA1 2BT | | Tel: 01563 573636 Fax: 01563 573292 E-mail: ayrshire@westscot.co.uk Web: www.westscot.co.uk |
| Location | Type | Number |
| Dean Street, Kilmarnock | General Need | 27 Flats |
| Nursery Avenue, Kilmarnock | General Need | 20 Flats |
| Robert Creighton Place / Wellington Place, Kilmarnock | Amenity | 31 Bungalows |
| Witch Road, Kilmarnock | Sheltered | 25 Flats |
| Thomson Court, Kilmarnock | Very Sheltered | 10 Flats |
| Cuthbert Place, Kilmarnock | Special Needs | 4 |

3.3 Applying for Housing to a Registered Social Landlord

3.3.1 Where and how to apply for housing association rented housing

The names and addresses of associations and other local housing providers are listed at the start of this section.

As associations' allocation systems vary, further advice on the applications process and information about their stock should be obtained from local housing associations.

Applicants and those who advise applicants should not hesitate to ask housing association staff for further information and advice if it is required. Further detailed written information is available, but staff are happy to discuss any questions arising.

3.3.2 Rent levels

Rents for housing association houses are generally somewhat higher than Council house rents. Rent levels for similar size properties, however, vary

according to certain factors, including the remoteness of the location and the lack of services in the area and/or the amenities within the particular property e.g. what kind of heating system or size of kitchen it has.

3.4 Council “Nomination” Agreements

Most Council’s and Housing Associations have “nomination agreements” to refer applicants off their waiting lists. East Ayrshire Council has nomination agreements with all of the listed providers except for Blue Triangle who provide specialist temporary accommodation for young people. This means that the Council can nominate applicants from the Council’s housing list to fill an agreed number of vacancies that each housing provider may have. An applicant will only be nominated by the Council for vacancies that suit their family size and housing requirements. Housing providers then consider and assess nominees from the Council in line with their own allocations policy. It is important to note that the agreement only gives the Council the right to suggest names of applicants – NOT over whom the association decides to allocate its houses.

3.5 Future Development

The Council’s Strategic Housing Investment Plan sets out proposed new housing developments to be delivered across East Ayrshire to meet the priorities set out in the Council’s Local Housing Strategy. The actual number of houses constructed each year is dependent on the level of subsidy provided by the Scottish Government via the Housing Investment Programme.

The SHIP is updated annually and covers a period of five years.

4. Chapter Four – Renting Privately

4.1 Introduction

In East Ayrshire there are opportunities to rent accommodation from private landlords and agencies.

The majority of private landlords own one or two properties and use a variety of methods to advertise when they have an empty property. There is no single place that potential tenants can access this information, so they often use a variety of methods. East Ayrshire Council facilitates a list of local landlords which can be requested in any local office or on-line at: <http://www.east-ayrshire.gov.uk>

The private rented sector accounts for around 7% of the total housing stock in East Ayrshire with 3,632 properties registered with the council at September 2009.

Further information on private renting can be found by contacting the Private Sector Housing Unit on 01563 578180 / 554850.

4.2 Properties Available in East Ayrshire

The majority of private rented accommodation is situated in Kilmarnock and Cumnock.

As a rough guide, properties that are available in town centres tend to be flats, usually 1 or 2 bedrooms. Properties in more rural locations tend to be of cottage type accommodation, with more bedrooms.

Properties can be rented furnished or un-furnished, and this can affect the rent that is charged. When taking up a furnished property, tenants should make sure that an accurate inventory is used to record furniture provided and the Landlord provides them with a written tenancy agreement and evidence of up to date gas and electricity safety certificates. Tenants should also be provided with information on the Repairing Standards and the Private Rented Housing Panel.

4.3 Rent Charges in the Private Rented Sector

The cost of private renting varies between individual properties and also depends on the landlord. There is no restriction on the rent a landlord negotiates at the beginning of a tenancy, but it should be fair and reasonable.

Average rent figures are as follows:

- £86 per week for a one bedroom property.
- £103 per week for a 2 bedroom property.
- £126 per week for a 3 bedroom property.
- £160 per week for a 4 bedroom property
- £184 per week for a 5 bedroom property.

The rent charge for individual flats and houses varies greatly between properties. Prices can vary depending on whether the property is furnished or not.

Tenants will normally be required to pay a deposit as well as the first months rent in advance. The deposit is money paid to the landlord (or letting agency) at the beginning of the tenancy as security against things like arrears, damage to property or removal of furniture by the tenant. A deposit must never be more than one sixth of the annual rent. However, it normally tends to be the same amount as one months rent. Providing that no rent arrears have been accrued at the end of the tenancy and the accommodation is in the same condition as when the lease began, then the deposit should be returned in full.

4.4 Rent Deposit Guarantee Scheme (DiGS)

DiGS was established in June 2004 and is currently managed by The Community Housing Advocacy Project (CHAP) and is funded by East Ayrshire Council. The scheme is also supported by a steering group which consists of local key stakeholders from Social Work, Housing, Housing Benefit, Citizens Advice Bureau and Private Landlords.

The Deposit Guarantee Scheme provides the 'guarantee' of a rent deposit which is payable to the landlord at the end of the tenancy if any loss or damage is incurred. The deposit enables those who are on a low income, and thus unable to raise a deposit on their own, to access the private sector.

4.4.1 Who can access the scheme?

The scheme has been developed to assist those who are:

- 25 years or over (or who have dependents)
- On a low income or in receipt of a qualifying benefit
- Unable to raise a rent guarantee by own means.
- Homeless or who are at risk of becoming homeless.
- Able to sustain a tenancy with minimal support.

4.4.2 How long is the guarantee in place for?

This will vary from between 6 and 12 months dependent on the tenant's personal circumstances, their support needs and the duration of the tenancy agreement. However there would have to be a planned exit strategy for tenants, providing support to enable them to take ownership of the deposit. Research has shown that where tenants have been involved in saving a deposit, they are less likely to

abscond or damage the property. This would also protect the scheme from having too many deposits in place at one time and therefore putting it at risk of not being able to meet all potential claims.

4.4.3 What is covered by the guarantee?

The deposit guarantee would cover any damage to the property or loss of rent up to the agreed value. This would also cover the situation where the tenant abandons the tenancy without notice and there is a loss of rent. However with a database of tenants available it would be hoped that the property could be re-let quickly therefore minimising the amount of rent lost. Loss or damage would cover all items not covered by household insurance, including wall and floor coverings.

4.4.4 What will not be covered by the guarantee?

It will not cover:

- Professional Cleaning costs. However tenants will be encouraged, with support to ensure that the property is left in an acceptable condition.
- Unpaid bills and personal debts to the landlord or damage to communal areas.
- Rent arrears arising from the difference between the eligible amount of Housing Benefit awarded and the rental price of the property.
- The amount of the deposit guaranteed would not exceed the rental value estimated by Housing Benefit.

4.4.5 Contact

DiGS can be contacted at:

DiGS
Marlin House
12 Heatherhouse Road
Irvine
KA12 8HQ

Tel: 01294 313137
Mob: 07768 017 903

or on Tuesdays and Thursdays they operate from our Housing Options Office at College Wynd, Kilmarnock.

4.5 Local Housing Allowance

On April 7th 2008 Housing Benefit was replaced by Local Housing Allowance (LHA) for tenants in the Private Rented Sector (PRS).

The amount of LHA paid is based on:

- the size of the household
- the family composition
- location of the property

Tenants will no longer be able to choose to have payment made to the landlord and all payment must be made to the tenant. However, direct payment to the landlord can be considered if the applicant (tenant) meets certain criteria. Further details can be found in Chapter 1 of this manual.

4.6 How to Find Private Rented Accommodation

Local Newspapers - Most properties that are available to let are advertised in local newspapers. The following local newspapers are available in East Ayrshire

Kilmarnock Standard - Published weekly and available on a Wednesday evening.

Cumnock Chronicle - Published weekly and available on a Wednesday evening.

Window Advertisements - Some Landlords place adverts in the windows of local newsagents, post offices and on the small 'ad' boards in supermarkets.

Estate Agents, Letting Agents & Solicitors - There are a number of specialised private letting agencies, estate agents and solicitors in East Ayrshire who often have properties to rent. Names and contact details of these can be found in the Yellow Pages.

4.7 Private Tenant's Rights

The following is a list of the main rights which private tenants have. More detailed information and advice can be found through contacting the Private Sector Housing Unit, the CAB or a solicitor.

Private tenants have the right to the following:

- To know the terms of the tenancy.
- To know the name and address of the landlord.
- For the property to meet the minimum repairing standards as defined by the Housing (Scotland) Act 2006.
- To proper notice and adherence to legal procedures if the landlord wants the tenant to leave.
- To "quiet enjoyment" while staying in the property.
- To written notice from the landlord before he / she accesses the property.
- To the provision of a rent book or receipt for any rent payments.

Private tenants have the responsibility to ensure that:

- The rent is paid on time
- The landlord is informed as soon as possible if repairs are required

- They do not cause any damage or disturbance
- They give proper notice if they wish to end the tenancy
- They allow the landlord reasonable access to the property

4.8 Private Tenancy Agreements

The Landlord must provide the tenant with a written tenancy agreement which should include the following four main elements:

- Name of both the landlord and the tenant
- Details of the address of the property being leased
- The length of the tenancy
- The amount of rent to be paid

4.9 Ending the Tenancy

If a landlord asks a tenant to leave their accommodation or if the landlord advises the tenant that court proceedings for repossession are being taken against them, they should not move out without consulting an experienced advisor, such as the CAB.

A landlord must do three things before they can gain possession of the property:

- Serve a Notice to Quit on the tenant
- Serve a Notice of Proceedings indicating that the landlord is taking proceedings to gain possession
- Obtain an Order for possession from the Sheriff Court

If the tenant decides to end their tenancy, they should:

- Ensure that they give the Landlord the agreed amount of notice to quit as specified in their tenancy agreement. Failure to do so may make the tenant liable for any loss of rent or advertising costs the landlord may incur. This can then be taken from the tenant's deposit or the landlord may take legal action
- Ensure that they give notice to the landlord in writing and agree a date to vacate the property
- Leave the place in a clean and tidy condition and remove all property not belonging to the landlord
- Take final readings for gas and electricity and notify the relevant companies. It can be helpful to note readings on the inventory and have these witnessed by the landlord
- Close off or redirect all household / personal bills
- Go through the inventory with the landlord and agree any repairs or damage. The inventory should then be signed off by both parties

- Arrange for any deposit to be returned and again obtain a receipt for the amount returned and any deductions taken

If a tenant receives a written or verbal notice to quit from their landlord, they should seek help from an experienced advisor **before** the notice expires. Please contact the Private Sector Housing Unit if you need advice or assistance. See Chapter 9 for contact information.

It is important to note that even after a notice to quit expires, the tenant still has a continued right of occupancy.

4.10 Responsibilities for Repairs

The tenancy agreement should state who is responsible for the decoration and repair of the accommodation.

In general terms, **tenants** are responsible for ensuring fixtures, fittings, furniture and other contents are not damaged by negligence.

Most landlords will provide tenants with an inventory of items supplied in the lease, if there is any damage or loss of items that are the tenant's responsibility, tenants should arrange to either repair, replace it or have the cost deducted from their deposit.

It is the Landlord's duty to ensure that:

- The house is wind and water tight and reasonably fit for human habitation.
- The structure and exterior of the property (including drains, gutters and external pipes) are in reasonable repair and in proper working order.
- All facilities within the house which relate to the supply of water, gas and electricity, sanitation, space heating and water heating are in reasonable repair and proper working order.
- All fixtures, fittings and appliances provided under the conditions of the tenancy are in reasonable repair and in proper working order.
- All furnishings provided under the tenancy are capable of being used safely and are used for the purpose they have been designed for.
- Satisfactory fire detection systems are fitted.

The following should be considered in relation to Health and Safety:

Gas Safety Certificate - if there is gas in the property the landlord must, by law, have the appliances tested on an annual basis. The landlord and tenant should both have a copy of the gas safety certificate.

Energy Performance Certificates - From 4 January 2009 it became a statutory requirement for all landlords to make an Energy Performance Certificate (EPC)

available to prospective tenants, the first time the property is let after 4 January 2009. An EPC is a document which states the energy efficiency of a building based on the standardised way that the building is used.

Electricity - it is good practice for landlords to ensure that all electrical appliances are checked on a regular basis and are in safe working order. Any instruction booklets or warnings on the safe use of the appliances should be passed to the tenant when they move into the property.

Smoke Detector – by law, a smoke detector must now be fitted to every property which is being rented privately. Existing smoke alarms can be battery powered, however every smoke detector installed after the 3rd of September 2007 must be mains powered.

Fire Escapes – Landlords must ensure that there is a means of escape from any accommodation which is not on the ground level.

Furnishings - If there are any furnishings supplied they must comply with the Furniture and Furnishings (Fire Safety) Regulations 1988. Tenants must check that all relevant items such as beds and sofas have a clear label on them stating that they meet the regulations of this act. If they don't they must be removed.

4.11 Registration of Private Landlords

From 30th April 2006 Private Landlords have to be registered with the Local Authority under sections 7 and 8 of The Antisocial Behaviour etc (Scotland) Act 2004. From this date it is an offence for the owner of a house to let it unless they are registered with the Local Authority. Local Authorities are required to establish and maintain a register. To be placed on the register the owner and any agent must be considered a 'fit and proper' person. This is a judgment by the local authority in the light of the balance of relevant information. Before a property is leased, the tenant should ensure that the landlord is registered with the Local Authority. This can be done by visiting the National Registration public search facility website www.landlordregistrationscotland.gov.uk or by contacting The Private Sector Housing Unit on 01563 554880 / 554850.

4.12 Houses in Multiple Occupation

All councils are required by law to have a licensing system for houses with multiple occupation (HMO). HMO's include shared flats, bedsits, lodgings and, shared houses such as student residences.

A house is an HMO if:

- At least three people live there

- The people who live there belong to three or more families (if the owner lives there, they and their family are not counted)
- The tenants share a kitchen, bathroom or toilet

Tenants should be sure whether or not the rent for such properties includes a Council Tax element.

4.13 Further Assistance

Better Renting Scotland, is the Scottish Government website which provides advice for landlords and tenants on all aspects of private renting. To contact them please visit www.betterrentingscotland.com

Individual advice can be obtained by contacting **Shelterline** on FREEPHONE 0808 800 4444. Shelter also runs local Housing Aid Centres, which can be found in the phone book. Online advice is also available at www.scotland.shelter.org.uk

The Scottish Letting Agency is a non-profit making online service for landlords, tenants and service providers involved in the Scottish residential property market. Contact www.scottish-letting-agency.com

Citizens Advice Bureau. Details of the local Citizens Advice Bureau are in the contacts section at the end of this guide or online at www.cas.org.uk

East Ayrshire Council has produced a **Private Tenants Information Booklet** which includes advice on a range of issues for private tenants. A free copy can be obtained through The Private Sector Housing Unit on 01563 578180 / 554850.

5. Chapter Five - Particular Needs Housing

5.1 Introduction

Particular needs housing is the term used to describe housing built with certain client groups in mind. Usually it is either specially built or adapted housing, for example housing for the older or disabled people, or houses linked to a support facility for adults with learning difficulties.

As in all forms of accommodation, individual care packages can be provided by Social Work to meet the individual assessed needs of tenants and maximise their ability to live independently.

5.2 Types of Particular Needs Housing

Amenity Housing - Flats or houses with modifications for people with particular needs, but without on site staff. For example, amenity housing for older people usually has bathroom handrails, non slip flooring, repositioned electrical sockets and a community alarm service installed in all the properties.

Sheltered Housing - Groups of self contained homes with the same range of features as amenity housing with the addition of a warden who provides a support service to tenants.

Very Sheltered Housing - Very Sheltered Housing is accommodation for frail older people designed to barrier free standards with enhanced housing management support and meals provision. Additional facilities, to allow for the provision of bathing and other activities, are usually available. The whole environment enables the partnership of Housing, Social Work and Health to provide a continuum of care in a planned and coordinated way.

Particular needs housing is often provided by registered social landlords but provision is also made by the Council.

5.3 Locations of Particular Needs Housing

The following table shows the location and numbers of Council supported accommodation, correct on 1st April 2009.

| Area | High Needs | Medium Needs | Low Needs | Total |
|--------------------|------------|--------------|------------|------------|
| Cumnock | 37 | 50 | 118 | 205 |
| Doon Valley | 19 | - | 28 | 47 |
| Irvine Valley | - | 25 | 42 | 67 |
| Kilmarnock Central | 33 | - | 41 | 74 |
| Kilmarnock North | 21 | 12 | 17 | 50 |
| Kilmarnock South | - | - | 12 | 12 |
| Total | 110 | 87 | 258 | 455 |

The following table shows the location of the various types of specialised Council housing which is available through East Ayrshire Council:

| High Needs Housing | |
|-----------------------------|---------------|
| Rowantree Court | Drongan |
| Afton Court | New Cumnock |
| Ellisland Court | Mauchline |
| Garven Court | Kilmarnock |
| Hamilton Gardens | Stewarton |
| Ross Court | Galston |
| Medium Needs Housing | |
| James Young Avenue | Netherthird |
| Busbie Gardens | Crosshouse |
| St Maurs Gardens | Kilmaurs |
| Bridge Lane | Catrine |
| Low Needs Housing | |
| Back Rogerton Crescent | Auchinleck |
| William McComb Court | Auchinleck |
| Judge Avenue | Auchinleck |
| Barbieston Road | Auchinleck |
| Cowans Row | Crookedholm |
| Hopes Avenue | Dalmellington |
| Glenraig Street | Drongan |
| Titchfield Street | Kilmarnock |
| Springhill Gardens | Kilmarnock |
| Bonnyton Hostel | Kilmarnock |
| Riccarton Hostel | Kilmarnock |
| Bellevue Gardens | Kilmarnock |
| Paterson Avenue | Logan |
| Bryce Street | Logan |
| Main Street | Muirkirk |
| Afton Bridgend | New Cumnock |
| Greenhead Road | New Cumnock |
| Robertland Square | Stewarton |

5.4 Other Sources of Information

A full list of housing associations in Scotland and the client groups they cater for is available on request from the Scottish Federation of Housing Associations at www.sfha.co.uk or telephone 0141 332 8113.

Information about other housing options for disabled people is available from Ownership Options on 0131 661 3400 or visit their website at www.oois.org.uk

UPDATE is Scotland's National disability information service. They provide a range of services to information providers throughout Scotland. You can access their website on www.update.org.uk

A comprehensive database of housing for older people can be accessed on www.housingcare.org.

If a home is being sought for someone who cannot live independently then details of care homes can be found on the Council's website, at www.east-ayrshire.gov.uk/ess/socialwork/Residentials/residentialsfront.asp

5.5 Community Alarm Service

A Community Alarm Service is provided by the Council to enable elderly people to retain their independence by allowing them to live at home for as long as possible. The Alarm Service is an easy to use emergency call support service for vulnerable and older people or those needing support. We offer a 24 hour service all year round.

If you would like more information about this service please contact us on 01563 576000.

5.6 Special Needs Capital Grant

In addition to the registered housing association developments supported by the Housing Investment Division of the Scottish Government, a Special Needs Capital Grant (SNCG) is also available to housing providers which are not registered with the Scottish Government. These can be in the non-profit and commercial sectors to contribute towards the capital costs of new buildings, or for the renovation to properties which are to be used for community care purposes for at least ten years and contribute to the local community care strategy. The grant will not exceed 40% of the total capital costs; some exceptions can, in special circumstances, however, be made to increase above this level the percentage available for voluntary organisations.

For further information, a copy of the leaflet or a discussion about a proposal contact:

Housing Investment Division
52/66 Newmarket Street
AYR
KA7 1LR

Tel: 01292 611810

6. Chapter Six – Help To Improve Your Home

6.1 Care and Repair

The East Ayrshire Care and Repair service provides:

- A general Care and Repair service to assist older and disabled people to remain safely and in comfort within their own homes,
- A small repairs service,
- Accident prevention by incorporating an audit of clients' homes to include home security, small repairs or general care and repair referrals.

In addition to these services is the coordination of works to houses to make them suitable for older and disabled patients returning from hospital within East Ayrshire.

6.1.1 Client Group

The service is free, confidential, and available to owner occupiers or private tenants who are sixty years of age or over, or who have a disability. Individuals under sixty years of age with a disability are also eligible for assistance. These groups may also include private tenants where the eligible works required do not form part of the landlord's responsibilities under the terms of the tenancy agreement.

6.1.2 Advisory Services

The project:

- prioritises and undertakes home visits to discuss accident prevention, and co-ordinates and carries out works to houses to help prevent both accidents and large scale works being required as a result of not being able to undertake smaller works, due to a lack of access to a list of reliable contractors,
- maintains and monitors an Approved List of Contractors,
- undertakes home safety and security checks, and refers clients on to the appropriate agencies, as required,
- refers clients to partner agencies, where appropriate, to maximise income, e.g. DWP, Benefits Service, Money Advice etc,
- provides assistance to house owners for repairs. This assistance can take the form of advice on accessing grants, loans, practical assistance, information or advice.

The Care and Repair officer will carry out home visits to discuss what works may be needed to the property.

To arrange an appointment or for further information, contact:

Care and Repair Officer
Shire Housing Association Ltd
Netherthird House
Netherthird
Cumnock
KA18 3DB
Tel: 01290 421130 or 01290 428011
Fax: 01290 428028
Email: info@shirehousing.com

6.2 Energy Advice

East Ayrshire Council's Energy Advice Unit provides advice and assistance to all East Ayrshire residents (any tenure) to help to reduce energy usage within their home therefore reducing fuel costs.

The Energy Advice Unit offer advice which is specific to your individual needs and circumstances, this can be through:

- a free home visit
- telephone advice
- awareness raising events
- talks to community groups

Advice is available for:

- information regarding grants and grant sources (Government & Power Company Central Heating & Insulation Grants)
- insulation
- central heating use
- running costs
- billing issues
- reducing energy costs

A programme of Energy Advice Surgeries takes place in many venues across the Authority.

The Energy Advice Unit operate a public Energy Advice Line and can be contacted on 01563 555224 or email address energyadviceunit@east-ayrshire.gov.uk

6.3 Adaptation Work for Disabled Needs

Local Authorities have a mandatory duty under the Housing (Scotland) Act 2006 to provide a minimum of 80% grant funding for adaptation work. This percentage

may be increased to a maximum of 100% where the applicant receives certain qualifying benefits. These are:

- Guaranteed Pension Credit
- Income Based Job Seekers Allowance
- Income Support
- Employment and Support Allowance

This provision allows for any top-up beyond the 80% grant funding solely at the discretion of East Ayrshire Council. The statutory duty to provide 80% grant assistance extends to tenants living in private rented housing. The aim of including private landlord tenanted property is to assist both homeowners and private tenants to live independently in their own homes, within their own communities.

As well as supporting owners to retain their independence living in their homes, East Ayrshire Council is mindful of the Scottish Government's statement that owners have a personal responsibility for their own housing. East Ayrshire Council has therefore widened the scope of mandatory grant available to include most structural adaptations within the list of eligible works for mandatory grants.

Whilst adaptation works required to extend a property to provide additional living accommodation has been excluded from mandatory grant, extension works to provide additional standard amenities will qualify for grant.

The package of assistance made available to each applicant will therefore be tailored to suit the individual needs of each applicant.

A duty has also been placed on the Local Authorities to ensure that where essential adaptation works are not covered by grant, owners receive proper advice on funding the work required.

Applicants will be given initial assistance to plan how they wish to progress through any adaptation work proposals via a joint visit by Council officers from Housing Services and Educational and Social Services.

6.4 Scheme of Assistance

6.4.1 Introduction

The Scheme of Assistance evolved from the findings of the Housing Improvement Task Force which was set up by the Scottish Government in 2000 to undertake a comprehensive review of housing policy as it relates to the condition of private sector housing in Scotland. The findings were reported in 2003, and led to the introduction of the Housing (Scotland) Act 2006. The philosophy behind the Scheme of Assistance is to assist homeowners in taking

responsibility for their own properties, and to make the most effective use of public funding that is directed to assisting homeowners.

The Scheme of Assistance is directed towards assisting homeowners, private landlords and tenants in some circumstances, and seeks to offer a broad range of assistance that most closely suits their particular needs.

It is acknowledged that offering only grant assistance to people is not the most productive or sustainable method of promoting proactive property maintenance by private owners. Rather, it may foster a dependency on financial assistance and not promote ongoing maintenance, all of which defeats the principles of the Housing (Scotland) Act 2006 which states that home owners should take a more responsible approach to the upkeep and maintenance of their homes.

The underlying objective of the East Ayrshire Scheme of Assistance is to provide applicants with appropriate information that allows them to make informed choices about the repair and maintenance of their homes, and allows them to retain control of the process and outcome of their decisions. Information will also be provided by external bodies funded by the Local Authority, such as East Ayrshire Care and Repair so that any applicant may decide how much assistance, if any, he or she wishes to utilise.

The first point of access to assistance will be to the Housing Services either by self-referral or by a third party, where consent has been given, by:

- telephone
- e-mail or web contact
- written correspondence
- where appropriate, calling at any East Ayrshire Council office

Having made contact with Housing Services, an initial assessment by Council officers will determine what type of assistance may be offered, and how best to deliver it. The format of any assistance will be dependant on the needs of the specific applicant, and may involve a referral to a more appropriate service within the Council or an external partner agency.

6.4.2 Types of Assistance that may be provided by the council

- Offer free advice to any homeowner living in East Ayrshire as to how to carry out repair and maintenance works to their home, via the telephone, East Ayrshire Council web site, leaflets or awareness raising events
- Carry out site visits to assist homeowners to identify what works require to be carried out and to assist in prioritising the works
- Offer homeowners advice on how to obtain quotations from contractors
- Offer homeowners advice on choosing a suitable contractor for the type of works that have been identified to be carried out
- Refer to external organisations that can offer specific advice

- Offer advice and assistance to homeowners on how to engage with their neighbours to carry out communal works
- Offer homeowners advice as to how to maintain their properties

6.4.3 External Organisation offering Advice or Assistance

- The Scottish Government National Lending Unit for access to home appreciation loans
- Energy Saving Scotland Advice Centre for energy advice
- Ownership Options Scotland promoting disabled people to access the owner occupied sector
- Citizens Advice Bureau providing free independent advice on legal and money matters
- Benefits Advice via the Department of Work and Pensions
- East Ayrshire Care and Repair offering assistance to those owners and private landlord tenants over the age of sixty or any owner with a disability

6.5 Common Work Connected To the Councils Housing Investment Programme

It is not a mandatory requirement for local authorities to provide grant assistance to undertake common works .However to promote achieving the Scottish Housing Quality Standard for East Ayrshire Council own housing stock by 2015, we will continue to provide means tested financial assistance in the form of a grant for eligible common works. Initially this assistance will be provided for common re-roofing works as well as door entry systems.

6.5.1 Calculating Eligibility for Assistance

The means test would be applied as per the original Private Sector Housing Grant test of resources which was introduced in 2001 .The means test is from 0-100% and is based on applicable income coming into the property by all owners. The test would be applied in conjunction with the Scottish Governments pass-ported benefits which would allow applicants in receipt of certain benefits to receive the full 100% grant assistance.

To calculate applicable income, the Council adds together all the income received over the past year from;

- Earnings after tax and national insurance
- Occupational and personal pensions (not state retirement pensions)
- Interest and other payments from savings and investments
- Rent or rents received for property
- Maintenance payments

Any benefits or tax credits are not counted, except housing benefit. Next the Council subtracts the following from the total income

- Mortgage or rent payments for the year. This is set against any Housing Benefit which has been received
- Half of any sum paid in pension contributions.
- Standard allowances of:
 - £47 per week for each child under 16, or between 16 and 21 and living at home
 - £42 per week for any child who is registered blind or disabled
 - £35 per week if the applicant has a disability and lives alone
 - £50 per week if one or more of the applicants have a disability and live together

The total applicable income is worked out by subtracting the total allowances from the total income.

The Council will also need to know if any compensation or insurance payments which might cover the cost of the proposed works have been paid, either in relation to any damage to the building or because of any injuries sustained which may have resulted in a disability.

The total applicable income for the application is then translated into a grant covering a percentage of the cost of the work, as indicated below:

| Total Applicable Income | Grant as % of costs |
|-------------------------|---------------------|
| £0 | 100% |
| Up to £2,340 | 90% - 100% |
| £2,341 - £4,670 | 80% - 90% |
| £4,671 - £7,000 | 70% - 80% |
| £7,001 - £10,000 | 60% - 70% |
| £10,001 - £13,000 | 50% - 60% |
| £13,001 - £16,000 | 50% - 40% |
| £16,001 - £19,000 | 40% - 30% |
| £19,001 - £24,000 | 30% - 20% |
| £24,001 - £32,000 | 20% - 10% |
| Over £32,000 | No Grant |

When an application is approved, a £30 fee will be deducted from the grant to pay for the recording dues of the Notice of Payment.

6.5.2 Instances where Grant Aid is not available

Please note grant aid is not available for the following categories:

- Replacement windows or doors
- Central Heating
- Electrical Rewiring
- Roughcasting
- Conversion of derelict buildings

- Statutory Notices
- General Maintenance work

6.5.3 Statutory Notice Work/ Tolerable Standard Failures

The new scheme of assistance replaces the system of improvement and repair grants in part 13 of the Housing (Scotland) Act 1987 and section 92(3) of the Housing Scotland Act 2001. The new 2006 Housing Act removes the requirement for local authorities to provide mandatory grant assistance to house owners, where a statutory notice may have been served, and the act replaces the requirement for mandatory grant assistance with one of mandatory assistance.

The types of assistance that may be provided are listed above in the scheme of assistance section. The Council may assist financially where an owner is willing to act voluntarily but requires financial assistance. The assistance would again take the form of a means tested grant from 0-100%.

6.5.4 Application Process

The application process may vary slightly amongst individual Councils. The list below is a general guide. Check with the Council for the local situation.

- If the work appears to be grant-eligible then the applicant must write to the Council giving their name, address and a basic description of what improvement works need to be done to the property
- A Grants Officer will then contact the applicant to arrange and make a visit to assess the grant-eligible improvement works required and explain the application process
- The applicant submits an application form with a set of plans for the work and 3 estimates, the title deeds to the property, a building warrant and, in certain circumstances, planning permission. A test of the income of the applicant shall then take place based on the last full years income
- Time taken for approval of the grant application varies depending on the work involved. Check with the Council for further information
- Once approval for the work has been received by the applicant, the work is expected to be completed within 12 months
- The work in progress is inspected by staff from the Council's Grants section at their discretion.

Grants can be paid in installments as the works progress with invoices being submitted to the Council for payment. The final payment will be due after the Council has satisfied itself that the planned works have been properly completed.

6.5.5 Further Information

If you require further information on any of the above please contact;

East Ayrshire Council
Housing Improvement Programme Team
John Dickie Street
Civic Centre
Kilmarnock
KA1 1 BY
Tel: 01563 576661 or 01563 576662
Fax: 01563 554879
E-mail: mark.hunter@east-ayrshire.gov.uk

7. Chapter Seven – Help to get on the Housing Ladder

7.1 Shared Ownership

Shared ownership is where households buy part-ownership of a property and make an occupancy payment to a registered social landlord on the remaining portion.

You will find some more general information about Shared Ownership at <http://www.scotland.gov.uk/LIFT>

7.2 GRO Grants

These are grants to private developers to build houses for sale. They are used both to introduce housing for sale in areas with little or no private housing and to help meet local shortages.

You will find some more general information about GRO Grants at <http://www.scotland.gov.uk/LIFT>

7.3 Low-cost Initiative for First Time Buyers: New Supply Shared Equity and Open Market Shared Equity

7.3.1 What is New Supply Shared Equity and how does it operate?

The New Supply Shared Equity scheme aims to help people on low incomes who wish to own their own home but who cannot afford to pay the full price for a house. It is part of the range of assistance from the Scottish Government under LIFT, the Low-cost Initiative for First-Time Buyers.

New Supply Shared Equity is administered by the Scottish Government, the City of Edinburgh Council and Glasgow City Council.

The Scottish Government gives grants to registered social landlords - normally a housing association or housing co-operative - to help them build or buy new homes specifically for New Supply Shared Equity. The homes that are provided are for a variety of household sizes and are designed to meet a range of housing needs.

Registered social landlords offer New Supply Shared Equity properties for sale on a 'shared equity' basis. Shared equity means that the Scottish Government will keep a financial stake in the property so you do not have to fund all of it. You will pay for the majority share in the property (normally between 60 and 80 per cent) and the Scottish Government will hold the remaining share under a shared

equity agreement which they will enter into with you. You will own the property outright but the interests of Scottish Government will be secured by a mortgage (or standard security as it is known in Scotland) on your property.

If you can afford a 75 per cent share of a property the Scottish Government's contribution will make up the remaining 25 per cent. You will have a 75 per cent stake in its value, whatever changes there are to the property's value over time. The price that the property is worth when you buy it is worked out by the District Valuer.

You will have to appoint a solicitor to act on your behalf to complete the work involved in buying a home. A solicitor acting on behalf of the Scottish Government will deal with the Scottish Government's interest in the purchase.

You will pay for your share of the purchase price in the usual way, along with legal costs, survey fees and any other costs associated with the purchase. You will also pay for the documenting and securing of Scottish Government's interest including all registration dues and (if applicable) stamp duty. You do not pay any form of rent on the property.

7.3.2 How do I find out more?

New Supply Shared Equity projects are developed and promoted by registered social landlords and may be advertised through a variety of local and national media and the internet. The best place to find information on New Supply Shared Equity will be from the registered social landlords in your area. If you do not know who they are, check the list provided at Chapter 9, or via the following websites:

www.sfha.co.uk

www.scottishhousingregulator.gov.uk

You will find some more general information about the New Supply Shared Equity scheme at: www.scotland.gov.uk/LIFT

7.3.3 What is the Open Market Shared Equity Pilot and how does it operate?

The Open Market Shared Equity Pilot aims to help people on low incomes who wish to own their home but who cannot afford to pay the full price for a house. It is part of the range of assistance from the Scottish Government under LIFT, the Low-cost Initiative for First-Time Buyers.

The Open Market Shared Equity Pilot is available across Scotland and the table below shows the five registered social landlords or subsidiaries ("registered social landlords") who operate the pilot on behalf of the Scottish Government together with the areas they cover.

| Registered Social Landlord | Administrative Area |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Albyn Enterprises Limited | Highland Eilean Siar |
| Grampian Housing Association Limited | Aberdeen City, Central, North and South Aberdeenshire and Moray |
| Hjaltland Housing Association Limited | Shetland Islands |
| Link Homes | Edinburgh, East Lothian, Midlothian, West Lothian, Scottish Borders and Fife Angus, Clackmannanshire, Dundee, Falkirk, Perth & Kinross and Stirling Glasgow, East Renfrewshire, Renfrewshire, East and West Dunbartonshire, Inverclyde, North and South Lanarkshire, North, South and East Ayrshire, Argyll & Bute and Dumfries & Galloway |
| Orkney Housing Association Limited | Orkney Islands |

Shared equity means that the Scottish Government will keep a financial stake in the property so you do not have to fund all of it. You will pay for the majority share in the property – normally between 60 and 80 per cent of the price – and the Scottish Government will hold the remaining share under a shared equity agreement which they will enter into with you. You will own the property outright but the interests of the Scottish Government will be secured by a mortgage (or a ‘standard security’ as it is known in Scotland) on that property.

If you can afford a 75 per cent share of a property the Scottish Government’s contribution will make up the remaining 25 per cent. You will have a 75 per cent stake in its value, whatever changes there are to the property’s value over time. The price that the property is worth when you buy it is worked out by an independent professionally qualified valuer.

A solicitor acting on behalf of the Scottish Government will deal with the Scottish Government’s interest in the purchase. You will pay for your share of the purchase price in the usual way, along with legal costs, and any other costs

associated with the purchase such as registration dues and (if applicable) stamp duty. You do not pay any form of rent on the property.

You will find some more general information about the Open Market Shared Equity Pilot at <http://www.scotland.gov.uk/LIFT>

You can also obtain further information, including details of the legal requirements of the Open Market Shared Equity Pilot, by contacting the registered social landlord operating the scheme in East Ayrshire, i.e. Link Homes.

7.4 The Scottish Government's Home Owner Support Fund

7.4.1 Mortgage to Rent Scheme

The Scottish Government's National Mortgage to Rent Scheme may be able to help you if you are an owner occupier in mortgage difficulties and you are in danger of having your home repossessed.

They can arrange for a social landlord such as a housing association or local authority to buy back your home and for you to continue living there as a tenant.

7.4.2 Mortgage to Shared Equity Scheme

The Mortgage to Shared Equity Scheme involves the Scottish Government taking a financial stake in your home. You will still own your home and continue to have responsibility for maintaining it and insuring it. But you will be able to reduce the amount you have to pay to your lender every month.

7.4.3 Further Information

Before applying you must obtain advice about your financial situation. Details of sources of advice and more information about the scheme are available in a leaflet from:

Home Owner Support Fund
The Scottish Government
Highlander House
58 Waterloo Street
Glasgow
G2 7DA

Tel: 0845 279 9999

E-mail: homeownersupportfund@scotland.gsi.gov.uk

Website: www.scotland.gov.uk

8. Chapter Eight – Building or Buying a House

8.1 Buying a House

Any local estate agent can guide a potential home buyer through the process of finding and financing a new home. All of the local newspapers carry details of properties which are available to buy on a weekly basis.

A fuller explanation of what is involved in buying a home can be found in the booklet, 'Thinking About Buying', which is available free from the Scottish Government, telephone: 0131 244 2105, or can be down-loaded from the Scottish Government's website at www.scotland.gov.uk

8.2 Acquiring a Site to Build on

Local knowledge is a considerable asset in finding and purchasing suitable sites on which to build. These will be advertised in local newspapers, the Solicitors' Property Centre, estate agents, solicitors and in some cases through the Council itself. Some will have outline planning consent for housing, some will be serviced with water, electricity and gas, and some will have neither planning consent nor services.

As a safe-guard, individuals might look to secure outline planning consent for their proposed building works prior to purchasing a site.

8.3 Planning Permission

8.3.1 Planning regulations and procedures

The Council's Planning and Economic Development Division can provide help to anyone who is thinking of building a house with specific advice on the requirements of the planning system and more general advice on other aspects of the building process.

Staff will explain the Council's policies on the siting, design and location of any new house to be built in its area. They will advise on the requirements for drainage from the house site, road access and water supplies and they will provide assistance with, as well as advice on, preparing applications for outline and/or full planning permission and for a building warrant.

Further information, or application forms, can be obtained from the Planning and Building Control pages of the Council's website; by visiting the office at 6 Croft Street, Kilmarnock; or by telephoning 01563 576000

Those who have not yet acquired legal title to the house site should also seek good legal advice from a qualified solicitor at an early stage.

9. Chapter Nine – Information and Advice Directory

| 9.1 East Ayrshire Council Local Area Housing Offices | |
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| Northwest Area Team | Irvine Valley and Ballochmyle Area Team |
| <p>North West Kilmarnock Area Centre Western Road Kilmarnock, KA3 1NQ Telephone: 01563 555670 Fax: 01563 578742</p> <p>Areas covered: Altonhill, Bonnyton, Dunlop, Fenwick, Kilmaurs, Knockinlaw, Longpark, Lugton, Onthank, Stewarton, Waterside</p> | <p>51 Academy Street Hurlford, KA1 5BU Telephone: 01563 554668 & 554659 Fax: 01563 554665</p> <p>Areas covered: Crookedholm, Darvel, Galston, Hurlford, Moscow, Newmilns and Priestland</p> |
| Kilmarnock Central/South Area Team | Cumnock and Doon Valley Area Team |
| <p>Civic Centre North John Dickie Street Kilmarnock, KA1 1BY Telephone: 01563 576619 & 576620 Fax: 01563 576659</p> <p>Areas covered: Bellfield, Crosshouse, Gatehead, Knockentiber, London Road, Longpark, New Farm Loch, Riccarton East, Riccarton West, Scott Road, Shortlees, Town Centre and Woodstock</p> | <p>25 Ayr Road Cumnock, KA18 1EA Telephone: 01563 555440 & 555441 Fax: 01563 555421</p> <p>Areas covered: Auchinleck, Catrine, Cumnock, Dalmellington, Dalrymple, Drongan, Drumsmedden, Hayhill, Hollybush, Logan, Mauchline, Muirkirk, New Cumnock, Ochiltree, Patna, Rankinston, Skares and Sorn</p> |

| 9.2 Housing Associations and Registered Social Landlords | |
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| Atrium Homes 39/41 John Finnie Street Kilmarnock, KA1 1BL Tel : 01563 528816 Fax : 01563 525558 | Key Housing Association Savoy Tower 77 Renfrew Street Glasgow, G2 3BZ Tel : 0141 332 6672 Fax: 0141 332 7498 |
| Bield Housing Association Craighall Business Park 7 Eagle Street Glasgow, G4 9XA Tel: 0141 270 7200 | Link Housing Association Watling House, Callendar Business Park, Falkirk, FK1 1XR |

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| Fax : 0141 331 2686 | Tel : 0845 1400 100 Fax: 01324 417184 |
| Blue Triangle Housing Association 28 Bank Street Kilmarnock, KA1 1ER Tel : 01563 520144 Fax: 01563 550661 | Margaret Blackwood Housing Association 646 Argyle Street Glasgow, G3 8UF Tel: 0141 221 1606 Fax: 0141 227 2297 |
| Cunninghame Housing Association 42 Campbeltown Drive Longpark Kilmarnock, KA3 1JX Tel : 01563 537755 Fax: 01563 571652 | Shire Housing Association Netherthird House Netherthird Cumnock, KA18 3DB Tel: 01290 421130 Fax: 01290 428025 |
| Hanover (Scotland) Housing Association Pavillion 5, Groundfloor, Watermark Business Park 345 Govan Road, Glasgow,GS1 2SE Tel : 0141 553 6300 Fax: 0141 553 6329 | Trust Housing Association Ltd 25 Park Circus, Charing Cross, Glasgow. G3 6AP Tel : 0141 227 1994 Fax: 0141 332 6843 |
| Horizon Housing Association Leving House, Fairburn Place, Kirkton North, Livingston, EH54 6TN Tel: 01506 424140 Fax: 01506 400052 | West Of Scotland Housing Association 17 Portland Road Kilmarnock, KA1 2BT Tel : 01563 573636 Fax: 01563 573292 |
| Irvine Housing Association 9 Glenraig Street Drongan, KA6 7AS Tel: 01292 591375 Fax: 01292 591646 | |

9.3 Council Contacts

| Department | Address | Telephone |
|--------------------------------|--------------------------------------------------------------|--------------|
| Community Alarm Service | Council Headquarters London Road Kilmarnock KA3 7BU | 01563 576000 |

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|--------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Energy Advice Unit | Hill Street Kilmarnock KA3 1HL | 01563 555224 E-mail: energyadviceunit@east-ayrshire.gov.uk |
| Housing Benefit Section | Civic Centre North John Dickie Street Kilmarnock KA1 1BY | 01563 554400 |
| Housing Improvement Team (Scheme of Assistance) | Civic Centre North John Dickie Street Kilmarnock KA1 1BY | 01563 576661 or 576662 |
| Housing Options (Homelessness) | 16 College Wynd Kilmarnock KA1 1HN | 01563 554554 |
| Legal Services Department (Council House Sales) | Council Headquarters London Road Kilmarnock KA3 7BU | 01563 576000 |
| Planning and Building Control | 6 Croft Street Kilmarnock KA1 1JB | 01563 576000 |
| Private Sector Housing Unit | 16 College Wynd Kilmarnock KA3 1HL | 01563 578180 or 554850 |
| Social Work Department | Balmoral Road Kilmarnock KA3 1HL | 01563 528011 |

9.4 External Contacts

| Organisation | Address | Telephone |
|--------------------------------|------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| Care and Repair Service | Shire Housing Association Ltd Netherthird House Netherthird Cumnock | 01290 421130 or 428011 E-mail: info@shirehousing |

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|--------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| | KA18 3DB | .com |
| Citizens Advice Bureau, Cumnock | 77a Townhead Street Cumnock KA18 1HW | 01290 429500 |
| Citizens Advice Bureau, Kilmarnock | John Dickie Street Kilmarnock KA1 2BY | 01563 544744 |
| DiGS (Deposit Guarantee Scheme) | Marlin House, 12 Heatherhouse Rd Irvine KA12 8HQ | 01294 313137 Mobile: 07768 017 903 |
| Elderly Accommodation Counsel | EAC 3 rd Floor 89 Albert Embankment London SE1 7TP Website: www.housingcare.org | 020 7820 1343 E-mail: enquiries@eac.org.uk |
| Ownership Options | The Tudsberry Centre The Thistle Foundation Nidrie Mains Road Edinburgh EH16 4EA Website: www.oois.co.uk | 0131 661 3400 |
| Scottish Federation of Housing Associations | Pegasus House 375 West George Street Glasgow G2 4LW Website: www.sfha.co.uk | 0141 332 8113 E-mail: sfha@sfha.co.uk |
| Scottish Public Services Ombudsman (SPSO) | Freeport EH641 Edinburgh EH3 0BR | 0870 377 7330 Text: 07900 494 372 |

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| | Website: www.spsso.org.uk | E-mail: ask@spsso.org.uk |
| Shelter Housing Aid Centre | Glasgow Shelter Housing Aid Centre First Floor Suite 2 Breckenridge House 274 Sauchiehall Street Glasgow G2 3EH Website: www.scotland.shelter.org.uk | Glasgow 0808 800 4444 |
| Update (Scotland's National Disability Information Service) | Hays Community Business Centre 4 Hays Avenue Edinburgh EH16 4AQ Website: www.update.org.uk | 0131 669 1600 E-mail: info@update.org.uk |
| Women's Aid, Kilmarnock | 10 Croft Street Kilmarnock KA1 1JB | 01563 536001 |
| Women's Aid, Cumnock | 30a Ayr Road Cumnock KA18 1DW | 01290 423434 |
| Scottish Domestic Abuse Helpline | | 0800 027 1234 |
| Scottish Government | Victoria Quay Leith Edinburgh EH6 6QQ Website : www.scotland.gov.uk | 08457 741 741 Minicom for the deaf: 0131 244 1829 E-mail: ceu@scotland.gsi.gov.uk |
| Scottish Housing Regulator (The Scottish Government) | Highlander House 58 Waterloo Street | 0141 271 3810 |

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| | Glasgow G2 7DA Website: www.scottishhousingregulator.gov.uk | E-mail: shr@scottishhousingregulator.gsi.gov.uk |
| Home Owner Support Fund (The Scottish Government) | Highlander House 58 Waterloo Street Glasgow G2 7DA | 0845 279 9999 E-mail: homeownersupportfund@scotland.gov.uk |
| Housing Investment Division (The Scottish Government) | 52/66 Newmarket Terrace Ayr KA7 1LR | 01292 611810 |