

**East Ayrshire Council**  
**Property Factors Registration Number PF000382**

**EAST AYRSHIRE COUNCIL**  
**PROPERTY FACTORS (SCOTLAND) ACT 2011**  
**STATEMENT OF SERVICES**  
**MAINTAINED OPEN SPACE**

**1. BACKGROUND**

The Property Factors (Scotland) Act 2011 (“the Act”) which came into force on 1 October 2012 sets out minimum standards for property factors in a Code of Conduct, which requires that factors provide a Written Statement of Services to all owners.

As you may be aware, East Ayrshire Council has historically maintained areas of open space within the development of which your property forms part. It is the Council’s intention to continue to provide this service free of charge to residents within developments maintained as at the date the Act came into force which requires the Council to comply with the 2011 Act and the Code of Conduct.

The Council acts as factor for this ground by „custom and practice“.

Information on the Act can be found on the Scottish Government website at <http://www.scotland.gov.uk/Topics/Built-Environment/Housing/privateowners/propertyfactors/2011Act>.

The Code of Conduct can be found at <http://www.scotland.gov.uk/Publications/2012/07/6791>.

The Property Factors (Scotland) Act 2011 places a duty on all factors to register the address of the properties which they factor on a public Register or Property Factors, which is maintained by the Scottish Government; the Register of Property Factors can be accessed at <http://sedsh119.sedsh.gov.uk/propertyfactorregister/>.

**2. FACTORING SERVICES**

The Council’s only function as factor of the areas of open space within the development is to provide a grass cutting/grounds maintenance service, which will be to the standard specified for grass cutting and grounds maintenance for Council owned open spaces, which may be altered from time to time at the discretion of the Council or its nominated officers. The Council will, therefore, not undertake any other works on, or accept liability for, third party claims arising from the areas of ground. The Council will not be responsible for services contained within the grounds or any structures on the ground.

Your title deeds specify your responsibilities in respect of your own property and the areas of open space within the development.

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Information on the factoring service provided by the Council can be accessed on the Council’s website: [www.east-ayrshire.gov.uk](http://www.east-ayrshire.gov.uk).

### **3. CONTACT POINTS**

Owners who require to contact the Council about the service provided can telephone **01563 554071** during normal working hours (9am - 5pm Monday to Thursday and 9am - 4pm Fridays); alternatively contact can be made as follows:

In person at any local office

Online through the Council's website at [www.east-ayrshire.gov.uk](http://www.east-ayrshire.gov.uk)

By emailing [nick.kelly@east-ayrshire.gov.uk](mailto:nick.kelly@east-ayrshire.gov.uk)

Emergency contact outwith normal office hours can be made by telephoning **East Ayrshire Council's Helpline** on **0845 724 00000**.

### **4. CHANGING FACTOR**

As detailed above, the Council maintains ground within the development by custom and practice. Your title deeds may contain provisions outlining the procedure for appointing a factor if a majority of owners are unhappy with the present arrangements.

The Council reserves the right to withdraw the Factoring Service and terminate its role as your factor. If we do this, we will provide you with advance notice in writing to allow you to make alternative arrangements.

### **5. COMPLAINTS RESOLUTION**

We aim to provide owners with a reliable and efficient service at all times.

The Council takes complaints about its services seriously and deals with them in confidence. Information from customer complaints is used to improve services to prevent the same problems happening again.

If you do have cause to complain about the factoring service, you can do so:

- Online
- In writing or by email
- In person at any local office

In the event that you are dissatisfied with the response you receive you can contact:

Nick Kelly

Team Leader - Outdoor Amenities

Western Road Depot

Western Road

KILMARNOCK

KA3 1LL Telephone: 01563 554071

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The Council will respond to all complaints within the published timescales and these standards, together with details of the Council's Complaints Procedure, are available from your local office or at:

<https://www.east-ayrshire.gov.uk/CouncilAndGovernment/Contact-us/ComplaintsProcedure/Howtomakeacomplaint.aspx>

On conclusion of the Council's Complaints Procedure, if you remain dissatisfied with the Council's response, you may apply in writing to the First-tier Tribunal for Scotland (Housing and Property Chamber) for a determination as to whether the Council has failed to carry out its factoring duties or failed to comply with the Code of Conduct introduced by the Property Factors (Scotland) Act 2011.

An application form can be downloaded from their website:

<https://www.housingandpropertychamber.scot/sites/default/files/documents/CHAMBER%20property%20factors%20Act%20application%20final.pdf>

The First Tier Tribunal for Scotland (Housing and Property Chamber) can be contacted at:

First-tier Tribunal for Scotland  
(Housing and Property Chamber)  
4th Floor  
1 Atlantic Quay  
45 Robertson Street  
Glasgow  
G2 8JB

Telephone: 0141 302 5900

Fax: 0141 302 5901

Website: <https://www.housingandpropertychamber.scot/home>

To complain to the First-tier Tribunal for Scotland (Housing and Property Chamber) you must firstly notify the Council in writing of the reasons why you consider that the Council has failed to carry out its duties or failed to comply with the Code of Conduct and the Council has refused – or unreasonably delayed in attempting to resolve – the issue.

## **6. DATA PROTECTION**

For the purposes of the Data Protection Act 1998, the Council is the Data Controller of your personal information and must tell you how it will use and share that information.

Your personal information, comprising of your name and address, will be used by the Council to operate its Factoring Service.

Accordingly:

The Council will use your personal information as a factoring customer, comprising of your name and address, to operate its Factoring Service.

The Council will include your address (but no personal information) in the public Register of Property Factors, maintained by the Scottish

Government.

The Council will hold your personal information on a secure database and will not allow access to it by unauthorised users/personnel; your personal data will be removed from the database if you cease to be a factoring customer.

If you need further information about how your personal information will be used, held and shared by the Council or used and held on the Register of Property Factors you should contact the Council's Property Factoring Service Team at:

Housing Asset Services

Burnside St Email: [factoring@east-ayrshire.gov.uk](mailto:factoring@east-ayrshire.gov.uk)

Kilmarnock, KA1 4EX Telephone: 01563 555503