

Frequently Asked Questions

Improvements to 12-30 Magdalene Drive and 15-23 Magdalene Gardens

We're committed to improving the property condition of blocks of flats, which include both privately owned and Council owned flats, we refer to these blocks as mixed tenure blocks. The block of flats you live in has been identified as needing repairs to make it safer, warmer and more comfortable.

Who can organise repairs on a tenement?

Any owner in a block can opt to take the role of Manager and organise repair works to common elements of their block, as laid out in the Tenements (Scotland) Act 2004.

What kind of repairs can the Council undertake?

In tenements elements of the block are **shared**, like the roof, external walls and stairs. The Council hopes to replace defective roofs, add insulation to the external walls and improve other **shared** elements where we have the authority to do so. The improvements do not cover repairs made to individual flats. **The Survey Report details the recommended repairs, along with estimated costs and timescales.**

How does this affect flat owners?

Owners, including the Council, in mixed tenure tenements are responsible for paying their share towards repairs and maintenance to common areas of the block.

Why is the Council taking the lead and organising repairs to my tenement?

The number of mixed tenure blocks across the city in need of repair is substantial and, as a landlord to our tenants, an owner of flats in the block and a local authority, the Council has an obligation to repair and maintain its housing stock.

How does this affect council tenants?

The Council will represent all council-owned flats for the duration of the work and fund the respective portion of the costs. Council tenants will be kept up to date with newsletters but are not required to take part in the voting process. The Council as an owner in the block will pay the share of the costs for council tenancies and tenants will not be charged anything beyond their usual rent for this.

Why has the Council not done major repairs before now?

The law in Scotland states that all owners are responsible for repairs and maintenance of common elements of the tenement block they own, such as roofs and external walls etc. Where the Council is not a Property Factor, the position of the council has been to encourage and support owners within the blocks to take the lead on organising repairs. Unfortunately, this has not resulted in the necessary repairs and maintenance being undertaken, therefore, the Council as owners also, have decided to implement more schemes across the city to address necessary block repairs.

How are decisions made regarding repairs?

Decisions regarding common repairs in a block are governed by the block's Tenement Management Scheme (TMS), as established by the Tenements (Scotland) Act 2004. The TMS comprises all owners in a block, both Council and private. One vote is given to each flat in the block and a majority vote results in a Scheme Decision. Any owner may object to the Scheme Decision within 28 days, after which the decision becomes legally binding. The voting form that will be included when we send you your survey report and cost estimate will ask you to vote for or against the recommended repairs, and this vote will result in a scheme decision. We do understand that this can seem a little confusing and are more than happy to discuss and guide any owner through this process. You may also find the information provided on these websites helpful www.gov.scot/publications/common-repair-common-sense-guide-to-managing-tenements and <http://underoneroof.scot/>

When/how will voting take place?

Owners can return their votes by post or email. Votes will be counted, and the Council will send owners a 'notification of scheme decision' letter. Any owner may object to the scheme decision within 28 days, after which the decision becomes legally binding.

What is my route of appeal?

Once the Scheme Decision has been issued, you have 28 days in which to lodge an appeal with the Court. The procedure for this is laid out in Section 5 of the Tenements (Scotland) Act 2004.

What rights does the Council have when it does not own all the properties within my block?

Under Schedule 1 of the Tenements (Scotland) Act 2004, Scheme Decisions regarding repairs in tenement blocks can be passed with a majority of votes. If the Council owns more than 50% of the flats in a block, the Scheme Decision will pass. Owners may object to the Scheme Decision within 28 days, after which the decision becomes legally binding.

I have questions regarding my Survey Report or the Vote process, whom do I contact?

A dedicated Case Officer has been assigned to your property and they can help to answer any questions you have. Your Case Officer is Denise Macdonald and you can email her at any time with any enquiries at esrs@edinburgh.gov.uk. If you don't have access to email, please contact your Case officer by phone on 0131 529 6778.

We're here to answer all your questions regarding the project, but please note we **cannot give financial advice**. You can find information below about organisations who may be able to assist/offer advice.

The Tender Process

What is a Tender Process?

When the Council puts out a tender it means that it is asking suitable businesses or suppliers and, in this case, works contractors, to submit a quotation to carry out the works as required by their specification. This results in a contractor being selected to construct the works on the basis of best value for money, a balance of price and quality for doing the work.

Can anyone else tender for the work?

No, it's important that we only use contractors that meet the required standards to carry out the work. These standards include having the required knowledge and experience to successfully complete the work, having the required workforce and management structure, being financially secure and importantly being able to meet all health, safety and environmental standards. The Council publicly advertises for contractors wishing to carry out this type of work, assesses them against the required standards and then prepares a list of appropriate contractors to use for this type of work. This list of pre-assessed contractors is known as a framework and is used to tender the work for this programme.

Why and what are the benefits?

The Council and all Local Governments are governed by law to ensure that all public procurement is based on value for money, defined as "the best mix of quality and effectiveness for the least outlay over the period of use of the goods or service bought". This means that the Council is seeking to obtain the lowest cost and best quality of works for your properties by inviting a number of pre-approved contractors to bid for the works. Pre-approved contractors have gone through robust checks and met defined criteria to be able to be added to the Councils Suppliers list.

The Construction Process

Who will be my point of contact on site?

The contractors on your block will have a liaison officer who will be your first port of call for all issues relating to construction. This person will introduce themselves at the start of the construction and will be available if you need to speak to them. They will pass on all relevant information to our case officers.

How will I be kept updated during the project?

We will be in contact regularly with newsletters and updates will be available on our website at www.edinburgh.gov.uk/improvinghomes

Will I need to vacate my property?

We do not foresee the need for anyone to vacate their property, and we aim for residents to be able to remain in their properties for the duration of the works. Only in the case of health and safety concerns might residents be required to vacate the premises.

What disruption will there be?

Like all building sites there will be some noise and traffic. The contractors will keep you informed of what disruption may be expected, including their working hours and who to contact with questions or complaints.

How will COVID-19 rules be enforced onsite?

The contractor will comply with Scottish Government guidelines and we will do all that we can to protect residents and the workforce. Tenants and owners will be updated when we are aware of the guidelines which will be in place during construction.

Will my utilities/satellite TV be disrupted?

Water and power supply will not be disrupted. All satellite dishes will be taken down and repositioned on the scaffolding for the duration of the works to ensure your TV service is not disrupted, then returned to their original positions afterwards. The contractor will keep you informed if any issues arise.

Will any of the materials used be similar to those in Grenfell Tower?

Absolutely not. The new panel and render system that will be used in our repairs is completely different to that used in Grenfell Tower. The material we will be using complies with current legislation and has been independently tested and approved. We will also be making sure that the material being used fully complies with the requirement of the Council's building control department. Our team is dedicated to ensuring high quality repairs for the blocks we work on and we hold our contractors to strict safety standards.

What guarantees will the works have?

The External Wall Insulation (EWI) carries a 25-year guarantee. It must be pointed out that as with all guarantees these will come with conditions which will have to be met to ensure the validity of said guarantee. The contractor will supply these details upon completion of works.

Do I need to tell my insurance company about the construction?

Yes, you should inform your insurance company when construction begins on your block and make them aware of the presence of scaffolding around your property.

Payment and Funding

How much will it cost?

Owners will be provided with a survey report and cost estimate for their block, detailing the recommended repairs to be made along with an estimate of costs and duration. Owners may be eligible for funding towards the cost of the repairs and should get in touch with the relevant organisations listed below for advice. **Please be aware that your Case Officer cannot offer financial advice** and can only signpost you to your options.

Council tenants do not have to pay for repairs, the rent paid by tenants includes the cost of maintenance and repairs.

Is the Council charging a Management Fee?

There is a 15% Management Fee added to the final bill after completion of works, the breakdown of this is included in the fee is as follows: -

1. Data gathering /review Title Deeds for liability and cost apportionment; legal consultation where required.
2. Owner and landlord engagement, voting and notification of scheme decision. Internal Panel approvals.
3. Building Condition Surveys, report writing and cost estimates for work.
4. Building Warrant preparation, submission (Inc. SER certification) and manage.
5. Structural Surveys of blocks by Structural engineer, review findings.
6. Prepare tender documents, procure, evaluate & award.
7. Contract administration Inc. H&S, site supervision.

8. Engage with owners and tenants through-out works.
9. Agree Contractor Final Accounts, apportion costs and charge out to owners.

When will I be expected to pay for the work?

Once the work is completed owners will be individually invoiced by the Council. The invoices will be sent out after the Final Account has been agreed between the Council and the contractor, and usually within 3 months of completion of works. Once owners receive their invoice for the works, they may wish to discuss options for payment with the Council. To do this please contact accountsreceivable@edinburgh.gov.uk or call 0131 469 5011 and select option 1.

I am worried about how I will pay for the work. Where can I get help and advice? Is there funding Available?

The Council has been able to secure a base level of funding from EES: ABS (Energy Efficient Scotland: Area Based Scheme) amounting to £7,000 per property aimed at helping owner-occupiers and landlords (with three or fewer properties in their portfolio) with the cost of the proposed works.

There is also the possibility for additional EES: ABS Fuel Poverty grant funding for eligible homeowners, which could amount to up to £5000. Owners will receive a funding form to fill in to allow us to apply for this funding on your behalf, please do not hesitate to contact your Case Officer should you require assistance with this.

We understand that owners will be concerned about the cost of the repairs and how they will pay for this. Other options, as well as the funding detailed above, that may be available to you include:

- Using savings or other assets;
- Seeking financial advice before taking out a loan; or
- Consider a payment plan with the Council – be aware of the terms of the debt re-payment plan and compare this to an external loan arrangement.
- Consider the Council's policy under 'Acquisitions and Disposal' for an option to sell back to the Council.

Owners can arrange a payment plan with the Council's Debt Recovery Team after the bill has been issued. Further details of this are available to owners. To do this please contact accountsreceivable@edinburgh.gov.uk or call 0131 469 5011 and select option 1.

If you think you will struggle to pay for repairs, you should get impartial financial advice as soon as possible. The Council is **unable to provide financial advice directly**; however, we have listed agencies below that can provide advice and guidance for owners.

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Organisations Providing Further Advice

Money Helper - for free and impartial money advice.

<https://www.moneyhelper.org.uk>

The City of Edinburgh Council Advice Shop

Email: advice.shop@edinburgh.gov.uk

Tel: 0131 200 2360

Visit: www.edinburgh.gov.uk/advice-shop

Citizens Advice Scotland - Scotland's largest independent advice network

<https://www.citizensadvice.org.uk/debt-and-money>

Tel: 0800 028 1456

Tel: 0808 808 2282

Scottish Welfare Fund Team – Helping families in Scotland on low incomes

Email: welfarefundteam@edinburgh.gov.uk

Tel: 0131 529 5299

Age UK – Supporting older people in the UK

<https://www.ageuk.org.uk/information-advice/money-legal/debt-savings>

Care and Repair Scotland – Enabling older and disabled people to stay in their homes

Tel: 0141 221 9879

Fax: 0141 221 9885

<http://www.careandrepairsotland.co.uk/>

Granton Information Centre - provides free, impartial & confidential advice about housing, debt, welfare and money advice

Tel: 0131 551 2459 / 0131 552 0458

Email: info@gic.org.uk

<https://gic.org.uk/>

Home Owners' Support Fund - Run by the Scottish Government, it's made up of two schemes:

- Mortgage to Shared Equity
- Mortgage to Rent

These schemes help homeowners who find it difficult to pay their mortgage – or loans secured against their property – to stay in their homes.

<https://www.mygov.scot/home-owners-support-fund/>

Under One Roof - Impartial advice on repairs and maintenance for flat owners in Scotland

<http://www.underoneroof.scot/>

Breathing Space – Confidential phoneline for anyone feeling low, anxious or depressed:

Tel: 0800838587

<http://www.breathingspace.scot>

Clear Your Head - Ways to help mental health and wellbeing

<http://clearyourhead.scot>

Social Security Scotland – You may be eligible for support from Social Security Scotland

<http://mygov.scot/benefits>

Department of Work and Pensions – Information on other entitlements.

<http://www.gov.uk>