

For the attention of :-
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THE BUILDING REPAIRS (SCOTLAND) BILL CONSULTATION – DAVID STEWART MSP

Arran is a very beautiful island that relies economically on tourism. It is extremely difficult when owners of property do not keep them in a reasonable fashion allowing them to develop into dangerous and defective buildings

Having had several cases of defective and unsightly buildings throughout the Isle of Arran, Arran Community Council is delighted to support this bill.

Full list of consultation questions and responses prepared by Brenda Stewart, Lamlash Community Councillor, on behalf of Isle of Arran Community Council.

1. What do you believe are the current problems with the enforcement of dangerous and defective buildings legislation?

- Tracing owners, including those of listed buildings. Historic Scotland keep no records of owners which I discovered when trying to establish ownership of a dilapidated church in Lamlash. It had received planning permission to be changed to several flats some years ago but is now in a dangerous and unsightly state. It took me over a year to establish and make contact with the owner who agreed to board up windows etc. and informed me that he intended to commence work this year.
- Getting Local Authorities to pursue owners to issue defective notice and follow up legislation.

2. In your opinion, what changes should be made to current legislation to allow for a more effective system of identification and enforcement?

- Authorities should be made to take notice of local community reports and concerns regarding buildings for a more effective system of identification.
- Notice to be served on owners of defective buildings prior to it becoming dangerous.

3. What do you see as the benefits of charging orders in enabling local authorities to recover costs from owners of dangerous and defective buildings?

- Benefit of the ability to take legal action at an earlier stage by the Authority to recover costs.

4. What do you see as the disadvantages of charging orders?

- Without change in legislation to assist in charging orders authorities will be loath to take action which entails cost to them which may not be recovered.

5. What do you see as the benefits of charging orders to owners of dangerous and defective buildings?

- With backing of effective legislation the owners would be forced to maintain their property or be charged.

6. What do you see as the disadvantages of charging orders to owners of dangerous and defective buildings?

- I do not see any disadvantage, having 3 listed and dangerous buildings in Lamlash, Isle of Arran. It is a public right for safety and environmental reasons.

7. What would be the benefits or disadvantages of changing the notice period in relation to defective building notices?

- The benefit is that it would give the owner time to organise the work to be done and to arrange financial implications.

8. Do you think this would allow adequate time for owners to carry out repairs to their properties and please give a reason for your response?

- Yes. Personally it seems to me that 12 weeks is adequate to arrange materials and work and to commence the job but perhaps not to finish it.

9. What do you see as the advantages or disadvantages of the proposal?

- Advantages- to retain many notable and historic buildings that would be lost to future generations.
- Make owners accountable.
- Make local authorities take action.

10. What do you see as the advantages and disadvantages of an automatic equal shares provision for local authorities in cost recovery for work carried out by them on dangerous and defective buildings?

- Advantage- avoid lengthy arguments of liability.
- Disadvantage- tracing all part owners.

11. What do you see as the advantages and disadvantages of a certification and inspection regime for buildings?

- Advantage- certification of building repair could stop lapses in care and work to maintain the building.

12. Do you have any comments on the financial implications of the proposals?

- Local Authorities more likely to take action if there is a more effective cost recovery system which saves community money.

13. Do you have any comments on enforcement of the proposals?

- It will require legal backing.

14. Are there any equality issues that arise from these proposals?

- Not that can be seen.