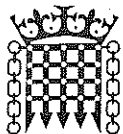


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Sandra Osborne MP
Labour Member of Parliament for Ayr, Carrick and Cumnock

Mr David Stewart MSP
Highlands & Islands
The Scottish Parliament
Room M1 05
Holyrood
Edinburgh
EH99 1SP

11th March 2011

Dear David

Please find attached a copy of my response to your consultation paper on the Building Repairs (Scotland) Bill.

I would like to take the opportunity to wish you every success in this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sandra Osborne'.

Sandra Osborne MP

Parliamentary Office, 139, Main Street, Ayr, KA8 8BX

Sandra Osborne MP

Labour Member of Parliament for Ayr, Carrick and Cumnock

PROPOSAL FOR A MEMBERS BILL IN THE SCOTTISH PARLIAMENT

1.

The difficulties currently faced by local authorities in enforcing dangerous and defective buildings legislation is that there are currently no charging orders available to them which means that any debts incurred have to be recovered by civil means.

2.

Following consultation with my local authority I understand that the re-introduction of charging orders would create a more effective system of identification and enforcement alongside more streamlined legislation.

3.

Charging orders would allow local authorities the confidence to proceed with action in relation to dangerous and defective buildings without fear of incurring further debt

4.

There can be a considerable time period between the issue of charging orders and the cost of recovery. There may also be difficulty with recovery against sites or buildings of modest value.

5.

Local Authorities can delay the costs incurred if there is financial difficulty.

6.

If the finance outstanding on the site or building equals that of the sale price and the financier holds the deeds the costs of the charging order would remain intact and be the responsibility of the owner who may not be able to meet them

7.

The further deterioration of a defective building to a dangerous building. The difficulties in relation to finance would remain the same.

8.

An increment to 12 weeks should be adequate provided that they co-operate jointly in a necessary repair scheme.

9.

Defective buildings will remain the Cinderella of the two as resources remain an issue. Simplification allowing greater assurance for local authorities that they could successfully recover costs.

10.

The advantage would be simplicity.

The disadvantage would be the possibility of legal challenges if the costs proportioned from the Title Deeds are less.

11.

The administration of such a scheme throughout the community could be extremely costly in both resources and staffing. However the results could prove useful in targeting owners of those buildings which require maintenance.

12.

Where would the funding for such a scheme be sourced.

13.

The additional resources required would have to be in place to effectively carry this out.

14.

No