

NORTH LANARKSHIRE COUNCIL

REPORT

To: HOUSING AND SOCIAL WORK SERVICES COMMITTEE		Subject: REPLACEMENT FENCING ADJOINING OWNER OCCUPIERS
From: HEAD OF HOUSING SERVICES		
Date: 25 FEBRUARY 2009	Ref: MP/RS	

1. Purpose of Report / Introduction

The purpose of this report is to set out proposals to encourage participation by owners in replacement fencing in joint ownership with the Council.

2. Background

- 2.1. A report was presented to Committee on 17 December 2008 which set out the legal position contained in title deeds along with the current and future powers within the Housing (Scotland) Act 2006 relating to owner occupier participation in fencing work.
- 2.2. Following consideration of this report it was agreed that a further report be submitted to the next cycle on this matter.

3. Current Housing Procedures for Recharging Owners

- 3.1. A detailed guide is contained in the Repairs Procedure Manual which is available on the internet for all staff and is also available to all others through the Council website.
- 3.2. The guidance covers both routine repairs and planned works situations and covers communal roof repairs, roughcasting, close entrances, staircases, footpaths, fencing and gates and highlights the requirement to contact Legal Services to determine title positions. Only in emergency situations is direct issue of the work allowed. In addition to the cost of the works, an administration charge and VAT are added.

4. Proposals / Considerations

- 4.1. In order to promote participation by owners in replacement fencing situations, either on a routine basis or in the planned programme it is suggested that a sum of £50,000 be set aside in the 2009/2010 Repairs Revenue budget. This would be used to issue fencing for adjoining owners where the owner has been approached to participate but has not agreed and would only cover situations where Legal Services have been consulted and the title check has confirmed that the Council is capable of recovering the apportioned cost of the works. It is proposed that this initiative be closely monitored and every effort is taken to recover an owners costs. If recovery is successful this budget can be utilised for additional shared ownership fencing projects.

5. Financial / Personnel / Legal / Policy Implications

- 5.1. The Legal position has been set out in my report dated 17 December 2008.
- 5.2. The HRA Repairs Budget would have £50,000 set aside for owner occupiers participation in fencing replacement.

6. Recommendations

It is recommended that the Committee approve the proposals set out in paragraph 4.1 and note the contents of the report.



Monica Patterson
Head of Housing Services
4 February 2009

For further information on this report please contact Robin Slater, Property Services Manager, on telephone 01698 274142.