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Date: 11 March 2011
Our Ref: IHBC/11/01/RC
Your Ref:



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David Stewart MSP
M1.05
The Scottish Parliament
Edinburgh EH99 1SP

Dear Mr Stewart

CONSULTATION on KEEPING SCOTLAND SAFE: The Building Repairs (Scotland) Bill

The Institute of Historic Building Conservation is the professional body of the United Kingdom representing conservation specialists and historic environment practitioners in the public and private sectors. The Institute exists to establish the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all.

The Scottish branch of the Institute of Historic Building Conservation (IHBC) welcomes the opportunity to respond to this consultation. We offer our support to the main Bill proposals to:

1. Extend the circumstances in which an Authority can use charging orders to recover costs where it has carried out repair work to dangerous and defective buildings owned by others.
2. Increase the period available to homeowners to undertake repairs in relation to defective buildings from 28 days to 12 weeks to enable adequate time for owners to carry out repairs.

We would comment on certain of the specific consultation questions only, as attached on the second page of this response.

If you wish for clarification or further discussion on any matter raised by us, please contact myself initially

Yours sincerely,

Richard Cartwright
Scottish Consultations Secretary, Institute of Historic Building Conservation

IHBC (Scotland) response to Consultation on Keeping Scotland Safe

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Consultation Questions

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

IHBC Scotland is aware there is concern among local authorities at the potential cost implications for LA's of serving notices, which currently acts as a deterrent to their use. It has been estimated by our members that serving an average repairs notice can cost around £50,000. There are many situations with buildings at risk of neglect and decay, most of which are historic buildings, throughout Scotland. Statutory notices are rarely applied exacerbating the problems with historic building decay and consequent damage to the national heritage. Many of these buildings lie within fragile town centres where blight caused by the condition of some buildings damages the local economy.

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?

This would be a simpler and cheaper procedure, and therefore be more likely to be used and to be effective in addressing the problems of dangerous and defective buildings.

8. Do you think this (changing the notice period to 12 weeks) would allow adequate time for owners to carry out repairs to their properties? (and please give a reason for your response)

Yes, 3 months is a reasonable period and would allow for winter difficulties in complying with a shorter notice period to be overcome.

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

As per previous answers, the proposal will allow more effective tackling of a problem, yet without any unreasonable dis-benefit to building owners. The advantages of charging orders clearly lies in the fact that the charge relates to the property and not the owner.