

The Property Factors (Scotland) Act 2011

Statement of Services for Property owners in Multi-storey flats

provided by

Falkirk Council

(Factoring Registration No.: PF000365)

(March 2019)

WRITTEN STATEMENT OF SERVICES

CONTENTS

	Page
Introduction to the Written Statement	3
Part 1 – Our Authority to Act	3
Part 2 – Services Provided	4
Part 3 – Financial and Charging Arrangements	6
Part 4 – Communications Arrangements	8
Part 5 – Declaration of Interest	12
Part 6 – Ending the Arrangement	12

WRITTEN STATEMENT OF SERVICES UNDER THE PROPERTY FACTORS (SCOTLAND) ACT 2011

Introduction

The following statement is provided to you as a homeowner under the Property Factors (Scotland) Act 2011 (“the 2011 Act”) and does not form a binding contract or obligation.

Whilst this statement is believed to reflect the circumstances applying to your property at the date of issue, it is not intended as a comprehensive statement of the law or a comprehensive reflection of the content of your title deeds. To confirm or clarify any element of this statement or for further details on your rights and obligations as a homeowner you may wish to refer to your title deeds. You are also entitled to seek independent advice. This statement does not remove your responsibility to be familiar with your own title deeds. In the event that you identify any discrepancies between your title deeds and this Written Statement please contact us using the contact details provided in this document (see 4.2).

It is understood that you are the owner of a residential flat in the block of properties at [Street Address] and that Falkirk Council (“the Council”) has a majority share of the ownership of properties in the block. As the Council has been appointed as a factor by virtue of a decision confirmed on 26 March 2015, the Council may carry out management activities in respect of commonly owned parts within your block, and the Council may be considered to act as a factor under section 2(b) of the 2011 Act.

Part 1

OUR AUTHORITY TO ACT

- 1.1 The Council will act in accordance with the relevant title deeds and the law of Scotland as it applies to your property.
- 1.2 You are responsible in terms of your title deeds for a contribution to various common repairs and service costs in respect of your share of ownership within the block. As your title deeds do not provide to the contrary, decisions in respect of maintenance and appointment of a factor may be taken and implemented by the party or parties holding a majority share of ownership in the block of which your property is part, as supplemented where appropriate by the Tenement Management Scheme set out in Schedule 1 to the Tenements (Scotland) Act 2004 (“the 2004 Act”).
- 1.3 Any works instructed will be carried out in a manner consistent with the Council’s Standing Orders.

Part 2

SERVICES PROVIDED

The Council will provide the following Core Services in relation to the common parts of your property:

- 2.1 Services will be provided in respect of cleaning and other small maintenance tasks, as well as regular checks or inspections, which may be at a frequency as the Council in its sole discretion deems appropriate.
- 2.2 The following may also be assessed or addressed at such times as the Council deem appropriate acting in its sole discretion: accessible communal vents; any lighting issues; spillages and obstructions within stairwells; any blockages, spillages or obstructions within chute rooms, emergency exits, spillages or obstructions in the foyer; the operation of water pumps; bins; satisfactory working of the ground floor entrance door; replacement of bulbs where necessary; the clearance of blockages in refuse chutes where necessary.
- 2.3 In addition it is intended that the following elements will be maintained or attended to at such times as the Council in its sole discretion shall deem appropriate by an appropriately appointed contractor:
 - Lifts;
 - Controlled entry systems;
 - Booster pumps for water supplies;
 - Ventilation fans;
 - Communal stair lighting and emergency lighting – please note that in respect of lighting Falkirk Council is entitled to act under section 90 of the Civic Government (Scotland) Act 1982; heating and lighting of foyer and other communal areas where applicable;
 - Fire extinguishers in communal areas and fire alarm systems;
 - Maintenance of such communal TV apparatus (being aerial, antenna, network or satellite apparatus) insofar as it pertains to the common parts of the property;
 - Maintenance of CCTV systems, insofar as same are linked to communal controlled entry systems;
 - Testing of the dry risers;
 - Examination of any lightning protection system;

- Provision of Community Care Alarms (MECS);
- Legionella sampling of water tanks.

2.4 The following non-binding response times will be targeted for repairs, insofar as same are within the scope of the Core Services:

Emergency – made safe within 24 hours from being notified

Routine - complete within 20 working days from being notified

2.5 In addition the Council may carry out other services considered by the Council to be reasonably related to management of the common parts of the property which are not included in the list of Core Services above. These services shall be known as **Non-Core Services**, for which additional fees or charges may be incurred as described in Part 3 of this Written Statement. In the event that any such additional fees are to be charged these will be notified to you with a description of the work and confirmed by an invoice. The Council's procedures incorporate statutory processes and timescales contained within the Tenements (Scotland) Act 2004 in relation to repairs consultation.

In particular, without being limited to these categories, the following may be deemed to be **Non-Core Services**:

- Common ground maintenance and landscaping This includes but is not restricted to parking areas and open spaces (including play areas and areas of hard and soft landscaping) but excluding any footpaths and open spaces which serve exclusively any dwellinghouse or dwellinghouses.
- Laundry facility maintenance
- Maintenance of common rooms where applicable

2.6 The precise nature of work to be carried out may be affected by the Council's strategic and local priorities.

2.7 For your information only, separately from its factoring services, the Council operates cyclical maintenance programmes where we aim to visit all Council-owned houses and lock-ups every five years to ensure that properties are maintained in good condition. In addition the Council operates capital investment programmes to replace elements of common parts when necessary. It is intended that works which affect common parts will be carried out in line with the Tenement Management Scheme under the 2004 Act.

- 2.8 Nothing in this written statement shall restrict or limit any intervention by the Council using its statutory powers.

Part 3

FINANCIAL AND CHARGING ARRANGEMENTS

- 3.1 Fees and charges shall be payable by you to the Council in respect of the Council's management or maintenance of the common parts, and such fees and charges shall be incurred in accordance with the following:

- 3.1.1 Administration fees shall be payable and the appropriate level of same will be reviewed by the Council on an annual basis in a manner consistent with the Council's Standing Orders. The charge to you shall reflect an equal or otherwise appropriate share, the percentage assigned to your property being calculated on the basis of the total number of properties in the block, or such other appropriate proportion as is defined in your title deeds. Similarly, in respect of any other charge for relevant works or services you will be required to meet an appropriate share of the cost of carrying out the repairs, which appropriate share may be defined as aforesaid, in your title deeds, or, if your title deeds are silent on the matter, determined in accordance with the Tenement Management Scheme under the Tenements (Scotland) Act 2004.

Annual Service Charges

- 3.2 An account will be raised annually to cover the Service Charge applied to all privately owned properties in relevant multi-storey flats. This charge is in respect of Core Services as defined in Part 2 of this Written Statement and is due even if the property is unoccupied. The account will cover the period from 1st April until 31st March in each financial year. On being raised, the account will be due for payment within 14 days. You will have the option to make an arrangement with us to pay the account by instalment.
- 3.3 You should advise the Council immediately in the event that the property is sold to another party. You will be liable for properly incurred service charges up to the date title to the property is transferred. Any credits on the account following transfer will be refunded if appropriate.
- 3.4 **The following breakdown illustrates the fee structure in respect of the period from 1 April 2019 until 31 March 2020 only and is subject to review by the Council in a manner consistent with the Council's Standing Orders.**

Sample Breakdown of Annual Service Charge for Multi-Storey Flats (indicative only):

<u>Core Service Components</u>	<u>Description</u>
Provision of Services	Cleaning, small maintenance tasks etc. (see 2.1 & 2.2)
Lift Maintenance	
Cleaning Materials	
Heat & Light- Communal Areas	
Miscellaneous Communal Costs	Includes minor/ reactive maintenance & upkeep of communal stairs, roofs & drying areas
Other Miscellaneous Items	Includes water tanks, entry phone system, toilet ventilation, lift alarms
Administration Costs	
Total Service Charge	£379.29
Buildings Insurance (optional)	See 3.6 below

- 3.5 Any charges for work in respect of Non-Core Services as defined in Part 2 of this Written Statement will be contingent on the costs incurred in carrying out that work and invoices shall be issued to you following completion.

Buildings Insurance

- 3.6 In line with your Title Deeds and the Tenements (Scotland) Act 2004, all homeowners within multi-storey flats require a valid Buildings Insurance Policy.

Buildings Insurance is offered by the Council to all homeowners of ex-council houses.

Information on the buildings insurance available from the Council can be obtained by contacting the Insurance Section:

Telephone: 01324 506350
Email: insurance@falkirk.gov.uk
Post: Insurance Section
G18, Corporate Finance
Falkirk Council
Municipal Buildings
Falkirk, FK1 5RS

Debt Recovery

- 3.7 Our debt recovery procedure is available on request, and is available on our website at www.falkirk.gov.uk/factoring or by contacting your local One Stop Shop.

Part 4

COMMUNICATIONS ARRANGEMENTS

- 4.1 An outline of our complaints and comments handling procedure is available on our website at www.falkirk.gov.uk and detailed below in its current form for your information.
- 4.2 Further information about factoring services for owners is also available on our website at www.falkirk.gov.uk/factoring or by contacting your local One Stop Shop:

By Telephone: 01324 506868
By Email: housing.falkirk@falkirk.gov.uk
By Post: Unit MSUI
Callendar Square
Falkirk
FK1 1ZF

Complaints, comments and suggestions

- 4.3 The Council aims to provide high quality services to everyone in the community but sometimes we might not reach the high standards you expect. We take complaints seriously, and by telling us when things go wrong you will be helping us to improve our services.

- 4.4 The Council values your opinion. Please help us to help you by using the complaints procedure. We want you to be satisfied with our services and your comments and opinions play an important part in how we improve our services to you.

What is a complaint?

- 4.5 We regard a complaint as any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf. We value complaints and use the information to help us improve our services. If you want to make a complaint please contact us:

- by emailing contactcentre@falkirk.gov.uk
- Online – www.falkirk.gov.uk/complaints
- in person at your local one-stop-shop or by contacting your hub <http://www.falkirk.gov.uk/places/oss-ash/>
- by phoning 01324 506070 or any local office
- by faxing 01324 590201
- in writing to the relevant service
- for Council Tax, Benefits, Rents, Non-Domestic Rates and Sundry Accounts complaints you can e-mail revenues.complaints@falkirk.gov.uk

- 4.6 When complaining, please tell us:

- your full name and address
- as much as you can about the complaint
- what has gone wrong
- how you want us to resolve the matter

- 4.7 What is not a complaint?

There are some things we can't deal with through our complaints handling procedures. For more information please read our [Falkirk Council Complaints Procedure leaflet](#).

- 4.8 How do I complain about a contractor?

If you have a complaint about a contractor used by the Council please use our complaints procedure.

- 4.9 How long do I have to make a complaint?

It is usually easier for us to resolve complaints if you make them quickly and directly to the service concerned. Normally, you must make your complaint within six months but no longer than twelve months after the event itself.

In exceptional circumstances, we may be able to accept a complaint after this time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

4.10 Have you been treated fairly?

If you feel you did not get the service, help or information you expected because of your age, gender, gender identity, race, disability, sexual orientation or religion/belief, please let us know.

4.11 Getting help to make your complaint

We understand that you may be unable, or reluctant, to make a complaint yourself. We accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative, or an advocate, if you have given them your consent to complain for you.

You can find out about advocates in your area by contacting the Scottish Independent Advocacy Alliance.

Scottish Independent Advocacy Alliance:

By Telephone: 0131 524 1975

Email: enquiry@siaa.org.uk

Online: www.siaa.org.uk

Please refer to our [Falkirk Council Complaints Procedure leaflet](#)

4.12 Guide to our complaints procedure

You can make your complaint in person, by phone, by email or online (www.falkirk.gov.uk/complaints). We have a two-stage complaints procedure. We will tell you who is dealing with your complaint and try to deal with your complaint quickly. But if it is clear that the matter will need a detailed investigation, we will tell you and keep you updated on our progress.

Stage 1: frontline resolution

We will always try to resolve your complaint quickly, within five working days if we can. If you are dissatisfied with our response, you can ask us to consider your complaint again.

Stage 2: investigation

We will look at your complaint at this stage if you are dissatisfied with our first response. We may also look at your complaint immediately at this stage, if it is clear that it is complex or needs detailed investigation.

We will acknowledge your complaint within three working days. We will give you our decision as soon as possible. This will be after no more than 20 working days unless there is clearly a good reason for needing more time. Our decision will be approved by a senior manager prior to being issued.

4.13 Taking your complaint to the First-tier Tribunal for Scotland (Housing & Property Chamber) or Scottish Public Services Ombudsman

4.14 You may make an application to the First-tier Tribunal for Scotland (Housing & Property Chamber) in the following circumstances:

Where –

1. you have notified the Council in writing of the reasons why you consider the Council has failed to carry out its factoring duties or failed to comply with the Code of Conduct; and
2. after the Council's complaints process has been exhausted, you believe that the Council has refused to resolve your complaint or has unreasonably delayed attempting to resolve your complaint.

4.15 The First-tier Tribunal for Scotland (Housing & Property Chamber) is open 9:00 am to 5:00 pm, Monday to Thursday, 9.00am – 4.30pm on Fridays and can be contacted:

By Telephone: 0141 302 5900

By Email: HPCAdmin@scotcourtribunals.gov.uk

By Fax: 0141 302 5901

By Post: Housing & Property Chamber
First-tier Tribunal for Scotland
4th Floor
1 Atlantic Quay
45 Robertson Street
Glasgow, G2 8JB

Further information on the First-tier Tribunal for Scotland (Housing & Property Chamber) is available at: <https://www.housingandpropertychamber.scot/home> .

4.16 Alternatively, you may be able to take your complaint to the Scottish Public Services Ombudsman (SPSO). However, where the matter is within the remit of the First-tier Tribunal for Scotland (Housing & Property Chamber), the SPSO may not be the appropriate avenue of redress and you may wish to make appropriate enquiries in order to establish the appropriate body. The Ombudsman will not consider a complaint until it has been through all of the stages within the Council's complaints procedure.

4.17 The Ombudsman will normally only look at complaints made within twelve months of the date you were first made aware of the problem about which you are complaining.

The Scottish Public Services Ombudsman (SPSO)

By Freephone: 0800 377 7330
By Fax: 0800 377 7331
Online: www.spsso.org.uk/
Online contact: www.spsso.org.uk/contact-us
By Post: Freepost SPSO
In Person: SPSO
4 Melville Street
Edinburgh
EH3 7NS

Privacy

- 4.18 The Council must comply with Data Protection Legislation as defined by the Data Protection Act 2018. If you supply personal information to us, it may have to be disclosed to the data subject, unless there are good reasons for withholding it. You can find out how we handle personal data at www.falkirk.gov.uk/privacy.

Part 5

DECLARATION OF INTEREST

- 5.1 The Council has an interest by virtue of being an owner of property within your block. In addition we act as Landlord in respect of properties within your block. From time to time we may also award contracts for work in-house in the event that this represents Best Value and is otherwise appropriate in the circumstances.

Part 6

ENDING THE ARRANGEMENT

- 6.1 Your title deeds may provide for a method of terminating any factoring arrangement. Alternatively, if your deeds are silent on this point, the Tenement Management Scheme under the Tenements (Scotland) Act 2004 may operate to allow a majority of owners in your block to dismiss a factor or to appoint a new factor.
- 6.2 You may be entitled to apply to the Lands Tribunal for Scotland under Part 9 of the Title Conditions (Scotland) Act 2003 to vary or discharge your title conditions.