

# The City of Edinburgh Council - Case Study

## **Statutory Notice for Essential Repairs to a Tenement property carried out by City of Edinburgh Council**

### **Executive Summary**

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The first major project undertaken by the City of Edinburgh Council's Edinburgh Shared Repairs Service (ESRS) was completed in October 2016. This report gives a summary of the history of the project and of the work carried out in default of property owners of the tenement.

## **Statutory Notice works carried out by The City of Edinburgh Council in default of owners.**

### **1. Background**

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The property in the Gorgie area of Edinburgh is a corner tenement property built in 1899. The property consists of 16 residential flats and 2 commercial properties. The property was 100% private ownership.

In July 2011 the Council received a report of stone fall from the property. The Council ordered an assessment of the risk to public safety. A crash deck emergency scaffold was subsequently erected by the Council. Owners were notified that they would be liable for the costs incurred by the Council. A statutory notice of Emergency work was issued under the 1991 Confirmation Act. This statutory notice was for make safe works only.

In March 2012 the owners of the property requested help from the Council to assist and intervene by issuing a further statutory notice to allow the Council to undertake the necessary repair works required at the property. The owners had already commissioned a Conservation Architect to carry out an inspection and prepare a condition survey report. The report was issued in February 2012.

At that time, the Council policy was not to issue Statutory Notices, following the closure of the Property Conservation Service and the owners request was rejected.

In July 2014, the Council held a meeting with owners and their Architect to review the situation. In the intervening period since 2012, the owners had employed a contractor to remove considerable amounts of loose masonry in an effort to carry out make safe works. The owners' confirmed that as a group they were unable to arrange the repairs privately and requested again that the Council intervene to enforce the necessary repairs.

Given the deteriorating condition of the building and lack of action by the property owners in December 2014 the Council agreed to issue a Statutory Notice, as a last resort to assist in the repairs. This action was required for safety reasons for the safety of the public and the safety of residents of the flats within the tenement. The scaffold hire costs were also escalating, with the crash deck having been in place for three years. The owners urgently required to execute the repairs. A meeting was held with owners where the scope of the repair was agreed in accordance with the report from their Architect. At this time, large stone units were in danger of falling, loose masonry had already fallen and there was water ingress into the top floor flats.

In July 2015, the project was progressed by the Council's new Edinburgh Shared Repairs Service (ESRS) and a design team was commissioned to prepare the design. In November 2015 the Council issued a new statutory notice to reflect the correct scope of works in accordance with the design team's recommendations and utilise the new service

notice templates and procedure. This project was the first project to be enforced in the Council's new Service using the new standard operating procedures.

## 2. Main report

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A full building survey and report was prepared by ESRS. This report advised owners' of an estimated cost of approximately £380,000.

The project was tendered using a two stage tender process (quality & cost). The successful tenderer was awarded the contract in December 2015. The owners were notified of the total estimated costs of £370,000 (including a contingency and the Council's Project Management fee).

The project started on site in March 2016 and completed in October 2016, taking 34 weeks. The project scope included: -

1. A new flat roof
2. A new Cupola
3. Renewal of 338 stone units
4. Re-pointing of 100m<sup>2</sup> of rubble wall
5. Repair of 30m<sup>2</sup> of stonework using lithomex
6. Take down and re-building of 4 chimney stacks (26m<sup>2</sup>)
7. Renewal of rainwater goods

## 3. Conclusions

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The new ESRS enforcement procedures have taken account of the lessons learned from Property Conservation. This includes an increased emphasis on communication with owners prior to, during and after the works are complete. The service encouraged feedback from owners through discussion at meetings and site visits and the completion of a feedback form upon completion of the project. The feedback was very positive and the owners present at the meeting thanked the Council for undertaking the works.

However the Council's use of these procedures in the new service is as a last resort. The Council accepts some measured risks by enforcing this type of work. The risks include Reputational Risk, Financial Risk, Bad Debt risk, Construction Industry scope risk and Capability risk.

Therefore the Council require property owners to take responsibility for their own repairs. The new service is working towards enabling more owners to manage their own repairs and maintenance by providing advice, guidance and support to assist.

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