

Statutory Notices – time for a change in the law? by Councillor Ewan Aitken

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Every so often in my line of work as local Councillor, you discover an injustice that has festered away for years, but those suffering do so in quiet anger because they feel alone. It often comes in the most surprising of places; in the case I am thinking of, it's the roof-tops of the many traditional sandstone tenements (along with other tenement properties) that are characteristic of Edinburgh. And the cause of the injustice:-statutory notices, somewhat ironically, a legal instrument meant to help and not hinder tenement living.

Edinburgh has powers derived from a UK Act of Parliament, to both impose statutory notices, where an emergency repair is identified that would otherwise cause a danger to the viability of a building, and to impose a repair if the owners don't act to meet the statutory notice requirements. The power extends to charging a 15% management fee for the purpose. The statutory notices relate to common repairs such as roof, downpipes etc.

The council wanted to have this power to help protect Edinburgh's wonderful built environment. It's a good idea and has helped make a huge difference to the city and to the safety of its citizens. The death of a waitress caused by falling masonry at Ryan's bar a few years ago tragically shows what can happen if buildings are not well maintained.

Sadly, this power has developed from being a good thing to one bringing a great deal of anger and disquiet to many residents. This has been for 3 reasons:-

The City Council has chosen to interpret the power as requiring them to not just effect the emergency repair but all work that, if not done at that point, might lead to a future emergency and refusing to let residents (ie those who will be paying for that work) have some say in the decisions they are paying the bill for.

The Council system for allocating work has been completely discredited. It's not transparent and makes residents feel they are not getting value for money.

The Council regularly fails miserably to communicate what's happening, what is causing delays, what work has actually been commissioned, why it's been commissioned and why it's suddenly an emergency.

All this means that residents feel that, once a statutory notice is imposed, they lose control over a bill that grows like topsy, is for work that's not needed and even though it's often years from the Statutory Notice to job completion (to the real detriment of their quality of life and for no clear reason) the Council is quick enough to demand payment

There are other reasons but these are the main ones that are causing anger in stair heads across the city. I myself have had 29 cases in my ward since 2007, one of which rose in cost from £13,000 to £500,000!

So, I am campaigning for changes to the legislation that will stop bills shooting through the roof, (sorry about the pun!), that will place a statutory standard of communication on the Council, will put owners at the heart of decision-making and will make sure that we get the balance right between protecting our buildings and keeping control of costs.

For anyone who is faced with this situation then of course they may consult their councillor but these notes on [Shelter's website](#) might also help.

Councillor Ewan Aitken is Labour Councillor for Craigentinny/Duddingston. You may contact him [here by email](#).

Surgeries

1st Wed of the month at Piershill Library at 7.15pm

2nd Wed of the month at Craigentinny Community Centre at 7.15pm

3rd Wed of the month at Duddingston Primary School at 7.15 pm

Last Sat of the month at Lochend and Restalrig Community Hub, 198 Restalrig Rd Sth at 12 noon

no appointment necessary

If these do not suit call 0131 529 3261 for an appointment or home visit