



Statement of Services - Factoring

Property Factors Registration Number PF000184

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In accordance with the requirements of the Property Factors (Scotland) Act 2011, the information contained in this document provides you with details of the services provided for South Lanarkshire Council, which acts as factor for your block.

Background

The council is authorised to act as factor for your block as:

- Your title deeds allow the council to do so while it continues to own at least one flat within your block; or
- The majority of the owners in your block have appointed the council to act as factor.

You have the right to expect a high-quality service from your factor. At South Lanarkshire Council, we will strive to provide a high-quality, cost-effective and responsive service in order that you may enjoy your home to the fullest extent.

Factoring services

The council's main function as your factor is to manage and administer the repair and maintenance of the shared or common parts of your block and to organise common services. Your title deeds also tell you what your own responsibilities are in respect of common parts of your block and it is recommended that you familiarise yourself with them. Examples of the common parts of a block are the roof, gutters, external walls, the main entrance doors into the block and the internal close, stairs, landings and close lighting. As your factor, the council will:

- manage and deal with any repair and maintenance issues involving the shared or commonly owned parts of your block ("common parts").
- manage and deal with any charges involving the shared or commonly owned parts of your block, such as close lighting.
- appoint contractors to undertake common repairs and maintenance works.
- arrange payments to contractors following the satisfactory completion of common repairs and maintenance works.
- divide the cost of common repairs between all properties in your block according to the criteria laid out in the title deeds.
- issue bills to owners for their share of the cost of the common repair works.
- acknowledge, investigate and respond to all common repair bill enquiries received from our customers.
- issue annual notification letters prior to the start of the new financial year to confirm the council's management fees.
- issue quarterly factoring account statements.
- undertake twice yearly journey cycle inspections at common and garden areas.
- undertake reactive repair inspections when common repairs are reported.
- undertake stock condition survey inspections every seven years.
- Provide a basic garden maintenance service for communal garden areas which concentrates on regular grass cutting operations during the growing season and hedge cutting twice a year (where appropriate). Please note that this basic service is currently provided free of charge.
- provide practical advice on matters relating to common repairs or technical advice relating to the maintenance of your block.
- arrange for major improvement works to the block where they are deemed a priority and the majority of residents are in agreement.
- inform your solicitor of the apportionment of factoring and common repair charges if you are selling your property. This will include your share of the cost of any common repair work that has been undertaken but has not, at the time of sale, been billed.

If you are the owner of a high rise flat, in addition to the above there are other services provided by South Lanarkshire Council which affect you.

For information about these services, please view our factoring information online at www.southlanarkshire.gov.uk/factoring, where you can also link to our Guide for owner occupiers

in high rise flats, or contact the council's Factoring Service on 0300 555 6402 (option 6) to request a copy by post.

Charges and charging arrangements

When you purchased your property, your Solicitor should have discussed the deeds for your block which confirms those parts of the blocks that are held in common ownership, the owners responsibilities for payment of share of the cost of common repairs, service charges and management fees. If you wish to obtain a copy of your deeds, you can obtain a copy from the Registers of Scotland (who charge for the service). You can contact them on **0800 169 9391** or online at customer.services@ros.gov.uk

Information is also available from their website at www.ros.gov.uk or you can write to them at **Registers of Scotland, Hanover House, 24 Douglas Street, Glasgow G2 7NQ.**

As factor for your block, the council will charge:

Management fees

To cover the cost of providing this service, a management fee will be payable to the council. This will be due to be paid on a quarterly basis before the end of June, September, December and March of each financial year.

Just before the beginning of each new financial year, the Factoring Service will issue you an annual notification letter advising you of your charge for the forthcoming financial year. Our fee represents the cost of administration and carrying out the property management duties highlighted in this guide. The management fee is reviewed annually to make sure that it covers the cost of providing this service and a flat-rate management fee calculated and applied to our customers' factoring accounts.

Any new flat owners who have purchased a flat within a council-factored block will receive a letter confirming the charges that are due, when these are due to be paid, details of the payment options available and a copy of this booklet.

Common repair charges

In addition to the council's management fee, you will also be due to pay a share of the cost of any common repairs and maintenance that are necessary to the common parts of your block.

Normally the Deeds for your block will provide conditions relating to the management and maintenance of the common parts, your responsibilities as an owner and the factors powers. The Deeds will also confirm which parts of the block are shared or in common ownership and how repair costs should be divided. However, where the Title Deeds do not contain all or some of these points then the requirements as outlined in The Tenements (Scotland) Act 2004 and the associated Tenement Management Scheme will apply.

It will generally be the case that you will be responsible for an equal share of the cost of common repairs and maintenance of the common parts. For example, owners in a block of six flats will usually each be liable for a 1/6th share of the cost of common repairs or maintenance works.

Charging arrangements

If the council organises common repair work at your block, the Factoring Service will issue you a common repair invoice following completion of the repair. This will confirm your share of the costs of the repair and provide a brief description of the work which has been carried out. This invoice will be due to be paid once it has been received by you and the sum due will be added to your Factoring Account.

You will receive a Quarterly Factoring Account Statement before the end of June, September, December and March each year which will provide details of your charges for the relevant quarter. It will also show any payments you have made to your Factoring Account within the quarter and will

offer basic information about any common repair charge applied to your account during the quarter.

Payment options will be outlined on the reverse of any Common Repair Invoice and Quarterly Factoring Account Statement you receive.

Declaration of interest

It may be the case that we still own one or more properties in the block where your property is situated. In such cases and in addition to being your factor, we may also have interests as a co-owner and landlord for our tenants. As a co-owner we will have voting rights in terms of the title deeds and depending upon the number of properties that are owned by the council, we may own a majority of flats and would therefore have a conclusive say on major decisions affecting the block including the instruction of maintenance, repair and improvement works.

Where work is to be carried out on your block, the council's Property Services (Maintenance) Team will normally manage and carry out any necessary common repair work. As a local authority we are bound to ensure our business decisions meet the Best Value criteria set by the Scottish Government and a service level contractual agreement is in place to meet these objectives.

Major improvement or refurbishment programme works will be subjected to tender procedures in line with the council, the Scottish Governments and the European Union's standing orders and procurement regulations. As a flat owner, you would be consulted with respect to proposed major improvement or refurbishment programmes.

The council's debt-recovery process

If you have not paid your quarterly charges or any common repair invoice issued by the end of each quarter, you can expect to receive a letter from the council asking that the amount due is paid immediately.

If your Quarterly Factoring Account Statement shows that the amount of money that you owe to the council is increasing at the end of subsequent quarterly periods, reminder letters will be issued to you. Should the amount that you owe reach an unacceptable level, then your case will be passed either to an external debt collector for collection or passed to the council's Legal Services to initiate court action.

If your case is passed to an external debt collector, they will write to you and will attempt to contact you by phone or email to discuss the position with you. At this point, all communication regarding your case should be made directly to the external debt collector and not to the council. It is important to note that failure to pay your quarterly charges or a common repair bill can affect your future credit rating if a court action is initiated and is successful.

If you are experiencing financial difficulties or to obtain a copy of our Income Collection policy you can contact the council's Income Section on **0303 123 1013**. Interest free and flexible payment options can be discussed, particularly in relation to costly common repair works (contact details are shown on the back of your statements and common repair invoices).

Reporting common repairs and timescales

As factor, the council will provide a response repairs service to address repair issues involving common parts. Between the hours of 8.45am to 4.45pm Monday to Thursday, or 8.45am to 4.15pm on Fridays, customers can report common repairs:

- Online through the council's website at www.southlanarkshire.gov.uk
- Or by phoning **0303 123 1010**
- Emergency common repairs can be reported outwith normal office hours by phoning **0800 24 20 24**.

Please note: Emergency and out of hours repairs will incur premium charges.

We will endeavour to deal with your repair within the following timescales:

Emergency repairs

Repairs that may cause immediate risk to health or safety or are likely to cause serious damage to the property or make the property less secure. The initial emergency works may only make the building safe and follow-up work will be arranged.

We aim to complete any emergency repair within 24 hours of receipt of the relevant notification.

Common repairs

Repairs that can be programmed for completion by our maintenance repairs teams and pose no risk or threat to health and safety.

We aim to complete any necessary repairs as quickly as possible, usually between 30 to 60 working days of your notification to us.

There may be occasions when due to unforeseen adverse weather conditions, the availability of goods, materials or specialist labour, it may not be possible to achieve the above timescales. On these occasions we would endeavour to keep you informed of progress.

Communication and consultation arrangements

In relation to the majority of blocks of flats and in accordance with your title deeds, most types of common repairs, maintenance work, preventative maintenance or redecoration to the common parts do not require the approval of owners prior to being instructed or carried out. The council will try to provide you with advance notice of costly common repairs or maintenance works.

For selected areas, dependent on the title deeds, there is a requirement that the factor consults with owners prior to the instruction of major common repair works, where the cost of such works is in excess of an amount stipulated in the title deeds.

Where applicable, the title deeds for your block will specify the exact amount that normally triggers this consultation.

Building insurance

It is important that all flat owners have building insurance in place to cover the cost of rebuilding in case their homes and the block are damaged or destroyed. The situations that you should cover your home against should include fire, flood, storm damage, vandalism or malicious damage.

Choosing an alternative factor

Your title deeds will usually contain provisions outlining the procedure for appointing a factor or for changing a factor if a majority of owners are unhappy with the present arrangements.

There is also legislation in place through the Tenements (Scotland) Act 2004, and the associated Tenement Management Scheme, which enables owners to appoint a factor where none previously existed or to change a factor in the event that your title deeds do not contain these provisions.

The council reserves the right to withdraw from the Factoring Service and terminate its role as your factor. If we do this, we will provide you with advance notice in writing to allow you to make alternative arrangements.

Common repair bill enquiries and complaints

Common repair enquiries

If you wish to query a common repair invoice, the procedure will be outlined on the reverse of the invoice or factoring account statement. We request that any enquiries concerning common repair invoices be submitted within 30 days of receipt in order that any concerns that you may have can be investigated quickly.

We will acknowledge your enquiry within 5 working days and will endeavour to provide you with a full response within 30 working days. If further time is required to respond to your enquiry, we will write to you and confirm the reason for this. Whilst 'on hold' you should not receive a reminder for any queried common repair charges whilst we are investigating your enquiry.

Complaints

We take complaints about our services seriously and deal with them in confidence. Information from customer complaints is used to try to improve services to prevent the same problems happening again.

If you do have cause to complain about the factoring service, you can do so as follows:

- in writing to:
Factoring Section, Property Services, Housing and Technical Resources, Hamilton Business Unit, Pollock Avenue, Hillhouse, Hamilton ML3 9SZ
- online at [Making your complaint - South Lanarkshire Council](#)

The council has a two-stage complaints process and will respond to all complaints within the published timescales.

Stage 1 complaint:

We will issue a response to a Stage 1 complaint within 5 working days.

In exceptional circumstances and where there are clear and justifiable reasons for doing so, an extension of no more than five working days maybe agreed with the customer.

Stage 2:

If you are not satisfied with the Stage 1 response issued to you, you can ask for a further review of your complaint by a member of our senior management.

We will provide a response to a Stage 2 complaint within 20 working days.

If there are clear and justifiable reasons for extending the timescale, senior management will set time limits on any extended investigation, as long as the customer agrees.

We will respond to all complaints within the published timescales and these standards are available online through the council's website at www.southlanarkshire.gov.uk

If you remain dissatisfied with the council's response you are entitled to apply in writing to the First-tier Tribunal for Scotland (Housing and Property Chamber) for a determination as to whether the council has failed to carry out its factoring duties or failed to comply with the Code of Conduct introduced by the Property Factors (Scotland) Act 2011.

To complain to the Panel, you must firstly notify the council in writing of the reasons why you consider that the council has failed to carry out its duties or failed to comply with the Code of Conduct.

The First Tier Tribunal for Scotland (Housing and Property Chamber) can be contacted at:

**The First Tier Tribunal for Scotland (Housing and Property Chamber) Scottish Courts and Tribunal Service,
Glasgow Tribunals Centre,
20 York Street, Glasgow G2 8GT
Phone: 0141 302 5900**

Email: HPAdmin@scotcourtribunals.gov.uk

Website: www.housingandpropertychamber.scot

An application form can be downloaded from their website at:

www.housingandpropertychamber.scot/home

Data Protection – The Factoring Service

Using your personal information

We, South Lanarkshire Council, will use the information that you have provided to allow us to provide you with the service(s) you require and fulfil our contractual and legal responsibilities for managing your factoring services including the processing of factoring payments.

You must provide us with personal data for these purposes as failure to do so will mean that we cannot provide you with the factoring service.

We will keep your personal information within the council's archives for evidential and historical reasons or use it for research and statistical purposes.

Information sharing

We will only ever share your information where it is necessary for the managing of the factoring service.

Your rights

You have the right to ask us to:

- confirm that we are using personal information about you, detail of what that information is, to whom we have disclosed your information and a copy of the information that we have about you (the right of access)
- correct any incorrect or misleading personal information that we have about you (the right to rectification)
- delete or destroy your personal information, under certain circumstances (the right to erasure)
- stop using your personal information until we can look into correcting the information or provide you with our justification for using your personal information or to stop us deleting your personal data where you need it in connection with any legal claims (the right of restriction)
- give your personal information to you, another person, body or organisation. You only have this right if we have told you that the information is needed for a contract between us or you have told us that it is okay to do so (the right to data portability)

For more information on how we use and handle your information and rights, how to exercise them and how to make a complaint, you can ask for a copy of the council's explanation from the council's Data Protection officer by email to dp@southlanarkshire.gov.uk or you can read it on the council's website at [Factoring and buildings insurance - South Lanarkshire Council](#)

If you need this information in another language or format, please contact us to discuss how we can best meet your needs. Phone: **0303 123 1015** Email: equalities@southlanarkshire.gov.uk