

QUESTIONS

ABOUT YOU

(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)

1. Are you responding as:

- an individual – in which case answer Q2A
 on behalf of an organisation? – in which case answer Q2B

2A. Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose “Member of the public”.)

- Politician (MSP/MP/peer/MEP/Councillor)
 Professional with experience in a relevant subject
 Academic with expertise in a relevant subject
 Member of the public

Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation:

2B. Please select the category that best describes your organisation:

- Public sector body (Scottish/UK Government or agency, local authority, NDPB)
 Commercial organisation (company, business)
 Representative organisation (trade union, professional association)
 Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)
 Other (e.g. clubs, local groups, groups of individuals, etc.)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).

Local Authority

3. Please choose one of the following:

- I am content for this response to be published and attributed to me or my organisation
- I would like this response to be published anonymously
- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. **(Note: your reason will not be published.)**

4. Please provide your name or the name of your organisation. **(Note: The name will not be published if you have asked for the response to be anonymous or “not for publication”.)**

Name: Aberdeen City Council

5. Please provide a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. **(Note: We will not publish these contact details.)**

6. Data protection declaration

- I confirm that I have read and understood the privacy notice attached to this consultation which explains how my personal data will be used.

YOUR VIEWS ON THE PROPOSAL

Note: All answers to the questions in this section may be published (unless your response is “not for publication”).

Aim and approach

1. Which of the following best expresses your view of establishing statutory standardised clauses for builders’ missives?

- | | |
|-------------------------------------|--------------------------------------|
| <input checked="" type="checkbox"/> | Fully supportive |
| <input type="checkbox"/> | Partially supportive |
| <input type="checkbox"/> | Neutral (neither support nor oppose) |
| <input type="checkbox"/> | Partially opposed |
| <input type="checkbox"/> | Fully opposed |
| <input type="checkbox"/> | Unsure |

Please explain the reasons for your response.

Developers to some extent dictate the terms of a bargain and are very often averse to accepting any qualification to their standard offer...It is hoped that this Bill will address this issue and create more transparency in the new build sector

2. Which of the following best expresses your view of providing a statutory route for home buyers to obtain redress for major failings on new-build property?

- | | |
|-------------------------------------|--------------------------------------|
| <input checked="" type="checkbox"/> | Fully supportive |
| <input type="checkbox"/> | Partially supportive |
| <input type="checkbox"/> | Neutral (neither support nor oppose) |
| <input type="checkbox"/> | Partially opposed |
| <input type="checkbox"/> | Fully opposed |
| <input type="checkbox"/> | Unsure |

Please explain the reasons for your response.

A clear statutory route for redress post completion will benefit the new build sector .This is especially important given the current confusion as to the extent and limitations of different players roles, such as the remit of Building Standards and others

3. What do you think would be the main practical advantages and disadvantages of the proposed Bill?

The main practical advantages would be that purchasers would have protection afforded by the statutory clauses for missives rather than those dictated by the developer. The system would be more transparent. Potential disadvantages may include purchasers Surveyors exaggerating the seriousness of defects which could actually have been easily rectified and allowed a sale to

conclude satisfactorily...There is also the possibility of developers offsetting additional cost to purchasers generally

4. What length of time do you think is most appropriate for a builder's warranty for a new-build home?

- 5 years
- 2 years
- 1 year
- 6 months
- Other (please specify)
- Unsure

Please explain the reasons for your response.

Defects may not be visible when a non invasive inspection is carried out. Failure as a result of defects can take years to manifest themselves visually (including structural problems). Other defects such as missing fire stopping may only be discovered if invasive inspection is carried out or when an incident such as a fire occurs and at which point it is too late.

5. Which of the following best describes your view of having standard missives that provide a right for buyers to carry out a full survey of the property within a specified period, and a right to pull out of the purchase if severe or very serious defects are discovered?

- Fully supportive
- Partially supportive
- Neutral (neither agree nor disagree)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response.

Buyers should be able to purchase property that is fit for purpose whilst snagging is to be expected purchasers should not have to accept the disruption and invasive work required to address serious defects. The value of the property may also be affected with the requirement for major repair affecting future resale value. The right to survey is therefore to be commended but there remains the question of whether buyers would actually use it. There would be an expectation that a new House would meet all the required standards rather like the buyer of a new car would expect the car to function perfectly and would not consider having a mechanic inspect it on their behalf.

6. If you have bought a new-build home in the past, please tell me about your experience, taking care not to name individuals/companies or the location of the property/development.

N/A

Financial implications

7. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

(a) Government and the public sector

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

(b) Businesses – including housebuilders

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

(c) Individuals – including new-build house buyers

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

Please explain the reasons for your response.

Developers will look to pass on any increased cost to the purchaser either fully or partially. This would mean that all purchasers would in effect pay extra to cover the Developers cost in remedying isolated failures or the cost of a New Homes Ombudsman's involvement.

Equalities

8. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, maternity and pregnancy, marriage and civil partnership, race, religion and belief, sex, sexual orientation?

- Positive
- Slightly positive
- Neutral (neither positive nor negative)
- Slightly negative
- Negative
- Unsure

Please explain the reasons for your response.

The protection afforded to purchasers will aid those proceeding with a purchase who may have a less resilient capability. Some purchasers may have limited English language skills whilst for others such as elderly or disabled persons the disruption related to the repair of serious faults may be particularly difficult.

Sustainability

9. Do you consider that the proposed Bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

- Yes
- No
- Unsure

Please explain the reasons for your response.

If the Bill results in higher purchase prices then this may affect prospective purchasers ability to afford properties, they may have to look to lower cost properties which do not fully address their needs .

General

10. Do you have any other comments or suggestions on the proposal?

N/A
