

<p style="text-align: center;">Wyre Forest District Council Private Sector Housing Assistance Policy April 2010</p>
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*SECTION A – THE POLICY***1. INTRODUCTION AND CONTEXT**

- 1.1 This Policy covers the work of the Housing Section of Wyre Forest District Council (the Council), implements key elements of the Housing Act 2004 and sets out the guiding principles regarding the assistance provided to persons under relevant legislation dealing with property conditions.
- 1.2 This policy supports the Council's overall aim to secure health and community well-being. It supports the Council's Housing Strategy and is set in response to both local identified needs and issues and the national context of Homes for all and the direction set by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.
- 1.3 The Council has four key Strategic Housing Priorities two of which are relevant. These are 'Improving Private Sector Housing Conditions' and 'Assisting Older and Vulnerable People to Maintain their Independence'.
- 1.4 Also as detailed in the Council Housing Strategy, the Council's Corporate Theme of Enabling Community Wellbeing is supported through this policy. In particular the work of the Private Sector Housing Team enhances Community Safety, Housing and Independent Living and Public Health.
- 1.5 The Community Strategy aims include a better environment and community safety. Discretionary financial assistance, advice and enforcement action that provides for energy efficiency and security measures to dwellings will support these aims. This policy is intended to provide for flexibility in dealing with the needs and context of the local population and the housing stock.
- 1.6 This policy is in line with the current policies of other District Councils in Worcestershire.
- 1.7 This policy sets out the principles for dealing with mandatory Disabled Facilities Grants and the provision of discretionary financial assistance to enable properties to meet the Decent Homes Standard (see *Section B*).
- 1.8 Assistance and enforcement are both used by the Council when considered appropriate to ensure standards in relation to housing matters. A separate Housing Services Enforcement Policy sets out the

enforcement principles. The provision of financial and other assistance will be considered as an alternative to enforcement when considered appropriate and the relevant parts of this policy apply. Factors that will affect the decision to assist or enforce include individual's capabilities, personal circumstances and responsibilities and the legal and social responsibilities of the Council.

- 1.9 This policy seeks to enable the following specific aims:
- i. Increasing the percentage of vulnerable persons in the private sector whose accommodation meets the 'Decent Homes' standard (see *Appendix 1*).
 - ii. Ensuring adequate conditions in rented accommodation.
 - iii. Meeting the statutory duties of the Council to respond to health and safety issues in housing.
 - iv. Meeting the statutory duties of the Council in relation to provision of housing adaptations for disabled persons.
 - v. Meeting the recognised local needs and circumstances identified in the current Housing Strategy, Community Strategy, Empty Property Strategy, Affordable Warmth Strategy, Community Safety Partnership Strategy, and Worcestershire County Community Strategy, (Wyre Forest Matters) and Supporting People Strategy 2005 - 2010, regarding house conditions and their affect upon health and safety.

1.10 The relevant Legislation is as follows:

- The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
- The Housing Grants, Construction and Regeneration Act 1996
- The Housing Act 2004
- The Housing Act 1985

1.11 Whilst this policy sets out the principles upon which actions are based, it is not the purpose of this policy to set out in full the detailed procedures for various forms of assistance.

1.12 This policy replaces the Wyre Forest District Council Private Sector Housing Assistance Policy April 2009.

2. **COUNCIL DUTIES AND POWERS**

- 2.1 The relevant legislation and regulations provides that housing assistance may be offered by the Council in accordance with this policy towards the cost of:-
- i. the improvement, repair or adaptation of living accommodation, including mobile homes and house boats
 - ii. payment of legal and administrative costs to those people who take out loans for the above purpose(s) through partner organisations

- 2.2 The Council may specify in detail the purposes for which applications for assistance are to be invited and may specify different purposes from time to time to reflect current priorities, identified problems in a specific area and budgetary constraints.
- 2.3 The Council provides mandatory disabled facilities grants for adaptations to properties under the Housing Grants Construction and Regeneration Act 1996.
- 2.4 Discretionary financial assistance will be provided through using the mechanisms detailed in *Section C*.
- 2.5 The mechanism for considering housing conditions has fundamentally changed due to the Housing Act 2004 which has brought in the use of the Housing Health and Safety Rating System (HHSRS) (see *Section D*) as a replacement for the fitness standard. Assessments of accommodation using this system guides towards actions needed to safeguard the health and safety of persons that may be affected. It is therefore essential that the use of enforcement powers or discretionary assistance responds to identified hazards and in particular officers act to deal with such hazards in a prioritised way in relation to the hazard rating that is assessed.
- 2.6 The Council is required to act regarding any Category 1 hazards identified and this sets the baseline standard. However the Council also seeks to increase the percentage of vulnerable persons in the private sector who are living in accommodation that meets the 'Decent Homes' standard. Some of the elements of this standard are enforceable where appropriate however some are not and therefore other tools, including financial assistance, are needed to achieve improvements. Enforcement action is covered by the Private Sector Housing Enforcement Policy.
- 2.7 Alternative sources of funding are encouraged where appropriate, for example Warm Front Grants for energy efficiency works. Normally Financial Assistance will only be provided where such alternatives are not available or the alternative source of funding still leaves a funding gap.
- 2.8 The Home Improvement Agency will continue to be supported in part by funding from the Council, including fees for acting as an Agency in the administration of mandatory grants and discretionary financial assistance. They are also able to investigate and provide other mechanisms of funding and assistance to meet the aims of this policy and its functions. This may include third party grants, loans, equity release etc.
- 2.9 Although not governed by Council Standing Orders in relation to procurement, as the payment of any assistance given is due principally to the applicant and not the builder but Standing Orders do act as a

useful reference for determining the administration of procedures regarding obtaining quotes etc.

- 2.10 The provision of mandatory grants and discretionary financial assistance will be subject to internal auditing and external auditing to ensure adequate procedures are in place and followed and that there is an appropriate use of public funds.
- 2.11 The Council will continue to work with the voluntary sector including the Citizen's Advice Bureau, Age Concern, SSAFA (Soldiers, Sailors and Airforce Services Help), Royal British Legion and other agencies including local Housing Associations and the Warwickshire and Worcestershire Energy Efficiency Advice Centre (WEEAC), in order to facilitate their roles in helping vulnerable people.
- 2.12 Disabled Facilities Grant and Discretionary Financial Assistance policies and procedures will be reviewed over time with the intent of bringing a common approach across Worcestershire wherever appropriate.

3. MANDATORY DISABLED FACILITIES GRANTS

- 3.1 The procedures and provisions of applications, test of resources, approvals, payments etc are contained in the Housing Grants Construction and Regeneration Act 1996 and subsequent regulations, circulars and orders made there under. As of 1st December 2008 the Council agreed to incorporate the recovery of Disabled Facility Grant (DFG) monies of up to £10,000 upon the sale of properties as set out in the Disabled Facilities Grant (conditions relating to approval of payment of grant) General Consent 2008.
- 3.2 The maximum amount payable for a Mandatory Disabled Facilities Grant will be £30,000. This figure may be amended by Government direction.
- 3.3 Grants will be provided for the provision of facilities as per the Act and amendments thereof. Grant assistance will not be payable for routine maintenance or repair of existing facilities or for works covered by other potential funding routes.
- 3.4 Discretionary Disabled Facilities Grants for costs above £30,000 will not be made available except upon the agreement of the Director of Planning and Regulatory Services and where justified to be the most satisfactory course of action in the circumstances or to have resulted from reasonable and unforeseen additional works. Where works requested are in excess of £30,000 or considered to be unreasonable given the age and condition of the property, alternatives including the following will normally be considered:
 - a) Referral to Social Services for their consideration of providing additional resources.

- b) Alternative schemes of work, including modular buildings.
- c) Provision of funding to enable a move to alternative accommodation with funding for adaptations to the new accommodation.

3.5 The Disabled Facilities Grant (conditions relating to approval of payment of grant) General Consent 2008 allows for the Council to recover up to £10,000 from the cost of a disabled facilities grant. A charge will be applied, for 10 years from the date of completion of works, for the cost of works above £5,000, to the maximum of £10,000 on owner-occupied properties subject to the receipt of a DFG. The Director of Planning and Regulatory Services has delegated authority to waive charges which fall within the cases set out in paragraph 3.6 below, subject to the provision of satisfactory written evidence to support any such claim. There is a mechanism for appeal to the Council for any decision with which the claimant is not satisfied.

3.6 It is proposed that the Council waive recovery of charges in the following circumstances where written evidence is provided to the satisfaction of the Director of Planning and Regulatory Services:

- Where financial hardship would be caused.
- Where the disabled person is moving to take up a job.
- Where the disposal of the adapted property is made for reasons connected with the recipient's physical or mental health.
- Where the recipient of the grant is moving to live with or near a person who is disabled or infirm and in need of care which the recipient of the grant will provide, or where the recipient of the grant will receive care from the person they move to live with/nearer to.
- Where the property being sold is to be occupied by a person who requires the use of the facilities provided by the grant.
- Where the facilities provided are themselves recycled into another grant, for example a 'POD' structure or stairlift.

4. **PROCESSING OF GRANTS AND ASSISTANCE**

4.1 Disabled Facilities Grant applications are normally submitted to the Council for consideration for approval through an Agency. The professional advice of Occupational Therapists is considered in the determination of an approval and any prioritising of cases that may be required, however the final decision to approve any grant or financial assistance lies with the Council.

4.2 Enquiries regarding discretionary financial assistance (see *Section C*) will result in Council officers or the Agency surveyor/caseworker assessing the property in relation to the HHSRS and the decent homes standard.

4.3 The Council will process enquiries, applications, notification of approval or rejection, payment of invoiced works and other matters in a reasonable timescale which are monitored in order to ensure no undue delay in facilities becoming available for use by applicants. Further the

Council requires that Agencies act in the same manner in accordance with the principles set out in this policy where relevant. It is a legal requirement at the time of drafting this policy that the Council must determine to approve or refuse a DFG grant applied for within 6 months. Further, the works must be carried out within 12 months of approval.

- 4.4 The Council will, in part through the work of relevant Agencies, monitor timescales of stages in the processes involved in providing assistance and will also monitor satisfaction of the persons assisted.
- 4.5 The Council will continue to support and encourage the expansion of the role of Agencies where considered to be for the benefit of the local community. The Council will continue to use the Home Improvement Agency as the main conduit for mandatory and discretionary assistance to the private sector.

5. APPLICATION FOR ASSISTANCE

- 5.1 An application for a DFG or Discretionary Financial Assistance shall be in a form prescribed by the Council and may include all or some of the following information:
 - i. full particulars, including where relevant, plans and specifications of the works for which the assistance is sought
 - ii. For applications above £1,000 at least two estimates will normally be required from different contractors of the cost of carrying out the eligible works, unless the costs are less than £10,000 and the Council is satisfied that costs submitted are in line with a costed schedule of standard items. This system of estimates can be supplemented by the formulation of framework agreements on standard scheduled items subject to the agreement of the Strategic Housing Services Manager
 - iii. particulars of any professional fees and other charges which may relate to the preparation for and the carrying out of the eligible works, including any agency fees
 - iv. proof that the applicant is the owner or a tenant of the dwelling
 - v. consent in writing from all owners of a dwelling for the carrying out of assisted works.
 - vi. For Discretionary Financial Assistance to owner-occupiers, an undertaking to repay the financial assistance provided, upon disposal of the dwelling.
 - vii. From a landlord, an undertaking to let the dwelling as residential accommodation for at least two years where the landlord agrees to only charge Local Housing Allowance or below. The Council will seek to ensure nomination rights for housing of appropriate persons from the waiting list.
 - viii. Relevant financial details to confirm the financial / benefits status of applicant(s) that are correct at the time of application and dated within 6 months of the application.
 - ix. Relevant planning permissions.

- 5.2 An enquiry will not be considered to be a properly made application unless all the relevant requirements have been met including provision of the documents detailed above.

6. **EXCLUSION OF WORKS ALREADY CARRIED OUT**

- 6.1 The Council will not approve an application for assistance if the eligible works have been carried out before the application is approved except:-

Where the relevant works have begun but not completed the application may be approved if the Council are satisfied that there are good reasons for beginning the works before the application was approved

- 6.2 Where an applicant requests a change of builder after a formal approval of a grant, the applicant must provide a letter signed by the original contractor to the effect that they are aware the contractor change has taken place. Unless the original contractor states that he is no longer prepared to carry out the works on the basis of his estimate an increase in grant will not be considered.
- 6.3 Where an approval of a grant is delayed beyond 6 months from the date of the builder's estimates by the Council for any reason, the applicant will be given the opportunity of obtaining and submitting a revised estimate from the same builder.

7. **DECISION AND NOTIFICATION**

- 7.1 The Council will notify an applicant for assistance whether the application is approved or refused. The notification will be in writing as soon as reasonably practicable, and, in any event not later than six months after the date that the full application received.
- 7.2 If the application is approved, the notification will specify the value of the assistance, the value of the applicants contribution if any, and the cost of any agency fees.
- 7.3 The application is refused the Council will explain the reason for refusal and applicant informed of the mechanism for review of the decision should any of the facts upon which the decision was based be demonstrated to be incorrect.
- 7.4 If the Council are satisfied that owing to circumstances beyond the control of the applicant the cost of eligible works is increased or decreased they may re-determine the amount of assistance and notify the applicant accordingly. Any additional works will not be funded unless approval has been given by the Council.

8. **PAYMENT OF ASSISTANCE**

- 8.1 The Discretionary Financial Assistance will be provided in accordance with the following hierarchy:
- a) Level of client's own savings that are reasonably available
 - b) Client's ability to access alternative sources of funding such as charities
 - c) Client's ability to extend a mortgage or secure an affordable loan
 - d) Provision of funding through the Kickstart funding mechanism when works are above £5k or provision of Home Repair Assistance (HRA) for works under £5k, when the above means have been considered and found not to be able to meet the assessed need regarding the property.
- 8.2 It will be at the discretion of the Director of Planning and Regulatory Services or his nominated representative to be able to consider applications beyond the normal scope and criteria for assistance if such an application would help the Council meet its strategic objectives.
- 8.3 The assistance will only be paid if:-
- i. the eligible works are completed within the time specified on the approval document (normally 12 months)
 - ii. the eligible works are carried out in accordance with such specifications the Council may determine
 - iii. the eligible works are carried out by one of the contractors whose estimate accompanied the application
 - iv. the eligible works are executed to the satisfaction of the Council and the relevant Agency.
 - v. the Council is provided with an acceptable invoice, demand or receipt for payment for the works and any professional fees and other reasonable ancillary charges. For this purpose an invoice, demand or receipt is acceptable if it satisfies the Council and is not given by the applicant or a member of his family
- 8.4 Where it has been agreed that the applicant or a member of his family has carried out the work himself, payment will only be made for the cost of materials and invoices etc. must be provided in respect of the materials. Applicants electing to do work on a 'do it yourself' basis are not required to be on the List of Contractors. They will, however, be required to achieve a satisfactory standard of workmanship and comply with Codes of Practice, regulations etc. including Building Regulations and any planning requirements in a similar manner to builders on the list.
- 8.5 The Council will, subject to the applicants agreement, normally pay the assistance directly to the contractor(s), either in instalments (with a maximum of 90% of the grant value) as work proceeds or in one lump sum following completion of works.
- 8.6 Where assistance is payable, but the assisted works have not been executed to the satisfaction of the applicant, the Council may, at the

applicants request and if they consider appropriate to do so, withhold payment from the contractor. If they do so they may make payment to the applicant instead. Where the applicant has in their application agreed for payment to be made to the contractor and the works have been completed but the applicant refuses to confirm satisfaction, the Agency and/or Council will make reasonable efforts to achieve confirmation of satisfaction but will ultimately determine to pay the contractor if themselves satisfied that the works have been completed.

- 8.7 The Agency fee for processing Disabled Facilities Grants and Discretionary Financial Assistance will be 10% of the cost of works and eligible expenses. The level of this fee may be varied by the Agency subject to agreement of the Director of Planning and Regulatory Services in consultation with the Relevant Cabinet Member. The Agency Fee will be reduced where all or part of the role has been carried out by another party, for example architectural services that may include specification and contract monitoring.

9. **WORKS COVERED BY INSURANCE POLICIES/LEGAL CLAIMS**

- 9.1 Where a grant or assistance is approved, a condition will be imposed requiring the applicant to pursue any relevant claim against an insurance company or third party for: -
- a) claims for personal injuries where the applicant is in respect of works required under a Mandatory Disabled Facilities Grant:
 - b) claims on the applicant's property insurance or on a third party where the application is in respect of works for which financial assistance has been given and to repay the financial assistance provided out of the proceeds of such a claim.
- 9.2 Where, before a grant or assistance is approved, it is found that an applicant can make an insurance claim, the insurance company will be requested to confirm in writing the level of their liability, if any.
- 9.3 The level of grant or assistance will be reduced by an amount equivalent to the insurance company's liability.

10. **REBUILDING**

- 10.1 Financial Assistance will not normally be given on works which entail the virtual rebuilding of a dwelling, a substantial part of the original structure must be incorporated in the end product and the original structure must predominate.

11. **ALTERNATIVE WORKS**

- 11.1 Where a particular item has been specified by the Council as being eligible for grant aid or financial assistance, an applicant may elect to substitute that item at his own expense (if any) for an equivalent or

better item, or may do alternative works which achieve the same objective as the original specified. The substitution or alternative work must not raise the risk to health or safety of occupant of the house and others and must be agreed by the Council. Where alternative works are carried out which cost less than the specified grant or assistance, this will be recalculated accordingly.

12. TENANT'S APPLICATIONS

- 12.1 The Principal Environmental Health Officer (Housing) or the Strategic Housing Services Manager will exercise discretion in deciding whether a tenant's application should be entertained in cases where a landlord refuses to provide a 'certificate of intended letting'.

13. CARAVANS, HOUSEBOATS, SHACKS AND CHALET PROPERTIES

- 13.1 The Provision of grants/assistance is allowed for caravans and houseboats used as main residence, subject to meeting other eligibility requirements. It will not normally however be allowed for in the case of 'shacks' and chalet type structures. There are a number of these in the District and grants/assistance could only be provided in the event of a Certificate of Lawful Use being in place and the works will still need to meet building regulations standards and be either exempt from planning consent or be in receipt of planning consent/ approval. Shack properties are those that are identified in the Wyre Forest District Council Shack Site Survey carried out in 1979. Holiday residences, caravans on holiday sites or those with restricted occupancy and second homes (as defined by Council Tax) will not be provided with grants/assistance.

14. PROVISIONS RELATING TO THE DEATH OF AN APPLICANT

- 14.1 Where an applicant dies either
- a. after liability has been incurred for any preliminary or ancillary services or charges
 - or
 - b. after the relevant works have begun and before the date by which works should have been completed;

the Council will normally pay those services or charges incurred and/or pay grant or assistance in respect of the works carried out and other relevant works covered by the application. A charge on the property will be made in order to recover any discretionary assistance provided.

15. REPAYMENT WHERE APPLICANT IS NOT ENTITLED TO A GRANT OR ASSISTANCE

15.1. If an application for assistance is approved but it subsequently appears to the Council that the applicant, (or in the case of a joint application, any of the applicants), was not, at the time that the application was approved, entitled to assistance of that description, no payment shall be made or, as the case may be, no further instalments shall be paid. Furthermore the Council may demand that any payments that have already been made be repaid forthwith, together with interest from the date on which they were paid until repayment, at such a reasonable rate that the Council may determine.

16. **REPAYMENT ON CHANGE OF OWNERSHIP**

16.1 Financial Assistance and some part of a Disabled Facilities grant may be repayable on demand, on disposal of the property or part of it, in accordance with the provision of Sections 44 to 55 of the Housing Grants, Construction and Regeneration Act 1996. the repayable element of the financial assistance or grant will be registered as a charge on the property. For costs below £500 this will be a local land charge.

16.2 Any money recovered through repayment upon disposal of the property will be recycled into providing financial assistance. The money is held within the Council 'Single Housing Capital Pot'.

17. **RECOVERY OF EQUIPMENT ETC. PROVIDED**

17.1 Additional conditions may be imposed on the provision of assistance including the right to recover specialist equipment when no longer needed, for example stairlifts and modular buildings.

18. **LIST OF CONTRACTORS**

18.1 Lists of contractors will be maintained by the Council and by the Agency and all applicants will be recommended to use contractors from the relevant list to carry out work. The applicant has the ability to choose a contractor but if the Agency or Council are not satisfied that the chosen contractor can demonstrate competency, the Agency and Council may not support the applicant through the process.

18.2 Any contractor will be considered for inclusion in the list and admission will be subject to assessment in the following respects: -

- a) that the contractor can show a satisfactory standard or workmanship in the whole range of works likely to be encountered. This standard to be demonstrated by inspection of recently completed jobs.
- b) that the contractor can demonstrate good, honest and ethical business relations with his clients and has an understanding of equality and diversity issues.

- c) that sufficient provision has been made for the Health and Safety of employees, clients and members of the public.
- d) that the contractor has valid public liability insurance cover for a minimum of £5 million and is financially sound.
- e) That the contractor can demonstrate competency and ability to respond to the level of work anticipated in a professional, organised manner.
- f) That the contractor meets any other standards specified by the agency supervising the work.

18.3 Where a contractor has been accepted provisionally for inclusion on the list, he will serve a probationary term which covered the first 3 completed jobs. Continued inclusion will depend on a satisfactory performance during the probationary period.

18.4 Where a contractor on the list performs unsatisfactorily (for any reason) either the Agency will review and determine whether the contractor should continue on it's list or, as appropriate, the Principal Environmental Health Officer (Housing) will give notice in writing that a report will be considered by the Strategic Housing Services Manager which may lead to removal from the Council list. The Strategic Housing Services Manager may resolve to expel the contractor from the list or retain him with or without conditions.

18.5 Contractors who cease trading and create a successor company will be removed from the list.

18.6 In assessing whether a particular contractor is performing satisfactorily, regard will be paid to:

- a) Compliance with statutory requirements.
- b) Compliance with relevant national Codes of Practice.
- c) Compliance with Council standards and procedures.
- d) Use of building materials in accordance with manufacturer's specifications.
- e) Justified complaints.

19. **COMPLAINTS**

19.1 Any unresolved dispute may be referred through the formal Council complaints process operating at that time. Any complaint regarding the role of an Agency will first be investigated and responded to by that Agency prior to consideration by the Council.

20. **CONSULTATION**

- 20.1 This policy has been developed through consideration of the current and planned policies of neighbouring Worcestershire Authorities, liaison and briefing with Council Members and Officers and partner organisations including North Worcestershire Care and Repair and Community Housing Group.
- 20.2 Any comments or ideas regarding this policy and the functions of assistance and enforcement are welcomed. Comments and complaints can be directed to the Strategic Housing Services Manager via the Council website comments page or in writing to the Council offices. All comments and complaints will be responded to.
- 20.3 In addition, customer satisfaction will be monitored and results considered in reviewing procedures and this policy in due course.
- 20.4 The Council will maintain local performance indicators for inspections, on a risk based priority system, and grants and assistance processing times.

DECENT HOMES AND VULNERABLE PEOPLE DEFINITIONS

Decent Homes

The Office of the Deputy Prime Minister issued guidance in February 2004 that a home is decent if it meets the following four criteria:

1. **It meets the current statutory minimum standard for housing**
i.e. it has no category 1 hazards present.
2. **It is in a reasonable state of repair**
Dwellings which fail to meet this criterion are those where either:
 - one or more of the key building components are old and, because of their condition, need replacing or major repair; or
 - two or more of the other building components are old and, because of their condition, need replacing or major repair.
3. **It has reasonably modern facilities and services**
Dwellings which fail to meet this criterion are those which lack three or more of the following:
 - a reasonably modern kitchen (20 years old or less);
 - a kitchen with adequate space and layout;
 - a reasonably modern bathroom (30 years old or less);
 - an appropriately located bathroom and WC;
 - adequate insulation against external noise (where external noise is a problem);
 - adequate size and layout of common areas for blocks of flats.A home lacking two or less of the above is still classed as decent therefore it is not necessary to modernise kitchens and bathrooms if a home passes the remaining criteria.
4. **It provides a reasonable degree of thermal comfort**
This criterion requires dwellings to have both effective insulation and efficient heating

Vulnerable People

Vulnerable groups which should be targeted for assistance are those who may be particularly at risk of suffering health and safety problems as a result of poor housing conditions in situations where they do not have the resources or support to undertake remedial action themselves.

Such key groups which local authorities and others will wish to consider as priorities are:

- Families with children;
- Households of older people beyond working age;
- Those suffering for long term illness and disability.

For the purposes of measuring this target this group are identified as those who are in receipt of one or more of the principal income related or disability benefits.

For the purposes of establishing the national 2001 baseline the benefits taken into account were: income support, housing benefit, council tax benefit, disabled persons tax credit, income based job seekers allowance, working families tax credit, attendance allowance, disability living allowance, industrial injuries, disablement benefit, and war disablement pension.

Benefits and eligibility criteria may change year on year, impacting on the number of households classified as vulnerable. Where this happens, some of the change in the proportion of vulnerable households in decent private sector homes may result from the impact of benefit changes rather than a change in housing conditions.

Since 2001 changes to the tax credits used to establish the baseline have been introduced which have necessitated changes to the list of benefits used to determine vulnerability:

- households in receipt of pension credit are defined as vulnerable; households in receipt of either working tax credit which includes a disability element, or child tax credit, will be defined as vulnerable if they have a relevant income of less than 14,200 (this limit is irrelevant if they receive other eligible benefits);
- working families tax credit and disabled persons tax credit have been removed from the list.

DETAILS OF FINANCIAL ASSISTANCE SCHEMES

Discretionary financial assistance (non disabled facilities grants) are made available at the discretion of the Council and subject sufficient financial resources being available, as well as any set eligibility criteria.

Assistance can either be provided direct by the Council or through an Agency. The Council provides funding through the Agency to provide discretionary financial assistance in the form of Home Repair Assistance (HRA). The Council uses Regional Housing Funding for Decent Homes to provide additional grants and loans designed to respond to local housing need and stock conditions as identified in the Stock Condition Survey and other methods. This Regional Housing Funding allocation to appropriate schemes is reviewed annually and delegated authority has been granted for scheme approval to the Director of Planning and Regulatory Services and the relevant Cabinet Member. Details of these schemes are revised and detailed annually separate to this Policy.

In addition to HRA and Council run schemes for Decent Homes, the Council supports the Agency running a Countywide Kickstart loans scheme. This Kickstart scheme will be referred to for applicants where the cost of works to make the property decent or deal with category one hazards is over £5k. Should the funding available through Kickstart be completely allocated, the Council may at the discretion of the Strategic Housing Services Manager consider use of the HRA system to deal with category one hazards, but still maintaining the £5k limit.

The Agency will prioritise HRA and Kickstart cases and the Council will monitor the performance of the Agency.

For Home Repairs Assistance (HRA) there will be a minimum period of 5 years between successive financial assistance applications. The HRA is limited to providing up to £5k of works to a property where an eligible person resides and is subject to the following more detailed criteria.

1. Persons eligible to apply for Home Repair Assistance

- 1.1 Any person who makes application for assistance must
 - a. live in the dwelling as his/her only or main residence or
 - b. have an owners interest in the dwelling or be a tenant or licensee of the dwelling, alone or jointly with others and
 - c. have the owners consent in writing to have works carried out and
 - d. satisfy such tests of financial resources as the Council may impose, and alter from time to time, to identify those who vulnerable or potentially vulnerable due to works required to the dwelling. These tests shall be maintained in detailed procedures subject to internal audit.

- e. Ensure that no breach of statutory requirements occurs, for example any necessary planning consent is obtained, planning conditions are adhered to and building regulation requirements met.
 - f. Residential Social Landlords or their tenants will not be eligible for HRA.
- 1.2 The applicant or occupant of the dwelling must be either vulnerable or liable to be vulnerable should they have to meet the full cost of works required themselves. A test of the financial means available to the applicant/household will be made in order to help determine this.
 - 1.3 For any discretionary financial assistance, except assistance to enable an empty property back into use, the applicant must have owned and occupied the dwelling subject of the grant application for at least three years prior to the date of application.

2. **Eligible Works**

- 2.1 Assistance is only aimed at works to reach the Decent Homes standard and not beyond. It is not intended to replace enforcement action that can be taken where considered appropriate. In practice the HRA and Kickstart will be prioritised on the basis of dealing first with properties having category one hazards.
- 2.2 Eligible works for HRA, Kickstart or Council Decent Home Assistance schemes will include any works deemed necessary to bring the dwelling up to the decent homes standard. This includes for the provision of basic facilities, specific measures in addition to existing facilities such as security or energy efficiency work and works needed to deal effectively with category 1 hazards under the Housing Health and Safety Rating System.
- 2.3 Council Decent Home Assistance schemes for tenanted properties will not ordinarily be provided for works to deal with a category 1 hazard but be reserved for bridging any gap between works required by law and the Decent Homes Standard. Assistance will be provided only upon action by the tenanted dwelling's owner/landlord to first meet statutory requirements, to the satisfaction of the Council. Work to Houses in Multiple Occupation will be eligible as will other forms of tenanted property.
- 2.4 Should finances be available, consideration may also be given to works to prevent deterioration of the dwelling below the Decent Home standard.
- 2.5 Empty properties will only be considered for Council Decent Home Assistance schemes when demonstrated that alternative options have been considered are not financially viable. Empty properties assisted will be expected to be occupied by a vulnerable person for at least one year.

- 2.6 Financial Assistance will not normally be available for:-
- a) repair/replacement of porches, conservatories, outbuildings etc
 - b) cosmetic repairs or redecoration
 - c) completion of DIY jobs started by the occupant or others
 - d) works which are covered by a household insurance policy
- 2.7 All aided Chemical Rising Damp Proofing Work will be carried out by a firm registered for Quality Control under ISO9002. All grant aided Chemical Rising Damp Proofing work will be covered by a 30 year underwritten guarantee (in terms which satisfy the Housing Services Manager) issued by the Chemical Fluid manufacture or an independent insurer in addition to the installer's guarantee.
- 2.8 Flooding related works. Property flood defence measures are eligible for assistance under this scheme. In addition, works to properties and the structures related thereto such as drainage pipes are eligible for assistance even if the owner/occupier does not meet the vulnerable person criteria, where the flood defence measures or works are deemed to be of public benefit, for example the protection from flooding of other properties.
- 2.9 The scope of works can only be surpassed at the discretion of the Strategic Housing Services Manager upon their determination that to do so would be necessary to meet strategic housing objectives.

3. Prior qualifying period

- 3.1 For Council Decent Home Assistance schemes the Council may specify a period of time during which the applicant must have lived in the dwelling as his/her only or main residence prior to the date of application for assistance and may specify different periods for different purposes.
- 3.2 Assistance, other than Disabled Facilities Grants, will only be considered for properties, which are at least 10 years old.

4. Amount of assistance

- 4.1 Home Repair Assistance will be provided up to £5,000. Any remaining cost of works required to make the dwelling decent must be met by the owner. Kickstart funding can be provided for costs of works above £5,000 up to a Kickstart / County agreed limit. The maximum amount can only be surpassed at the discretion of the Strategic Housing Services Manager upon their determination that to do so would be necessary to meet strategic housing objectives.
- 4.2 The Council has the discretion to waive all or part of the repayment or delay the repayment of all or part of the repayments of discretionary

financial assistance provided. The circumstances under which this discretion may be exercised are:

- i. A disposal made where the relevant person can demonstrate financial hardship if all or part of the assistance was repaid
- ii. A disposal of rented accommodation, where the assistance provided has been of no direct financial benefit to the owner, for example provision of a fire alarm system or energy efficiency measures. In these cases repayment of all or part of the cost of works will be at the discretion of the Strategic Housing Services Manager.

N.B. 'Disposal' is defined for the purposes of this policy as the conveyance of the freehold or the granting of a lease in excess of 21 years.

'Relevant person' is defined as the person who would normally be liable to re-pay the financial assistance to the Council.

- 4.3 This discretion is given to the Housing Services Manager to decide whether all, part or none of the grant should be repaid, after full consideration of each case.
- 4.4 Any condition creating a liability to repay the assistance shall be a land charge. For HRA the liability to repay the assistance shall apply to the cost of works and associated fees and charges. For amounts of £500 or less, this will be a local land charge. This can be discharged at any time by paying to the Council a sum equal to the assistance provided and any interest accrued, or such a lesser amount as the Council may agree in extenuating circumstances.

Certificate of owner-occupation for owner-occupied properties

- 4.5 Where a certificate of owner occupation accompanies an application for assistance and there is a breach of conditions, repayment of the whole sum, plus compound interest from the certified date, will be demanded.

For tenanted properties

- 4.6 Where a certificate of intended letting accompanies an application for assistance and there is a breach of conditions repayment of the whole sum, plus compound interest from the certified date, will be demanded.

HOUSING HEALTH AND SAFETY RATING SYSTEM HAZARDS

Developed from national accident statistics and National Health Service data on injuries, deaths and diseases linked to dwellings.

The hazards are considered and judgements are made as to the likelihood of occurrence of that hazard and the severity of likely outcomes. A score is then calculated that gives the category of hazard. The Council has a duty to act in response to any category 1 hazards it becomes aware of. The Council may also act in response to less significant hazards where considered appropriate.

1. Damp and mould growth i.e. Exposure to house dust mites, damp, mould or fungal growths.
2. Excess cold i.e. Exposure to low temperatures.
3. Excess heat i.e. Exposure to high temperatures.
4. Asbestos and MMF i.e. Exposure to asbestos fibres or manufactured mineral fibres.
5. Biocides i.e. Exposure to chemicals used to treat timber and mould growth.
6. Carbon monoxide and fuel combustion products i.e. Exposure to:-
 - (a) carbon monoxide;
 - (b) nitrogen dioxide;
 - (c) sulphur dioxide and smoke.
7. Lead i.e. The ingestion of lead.
8. Exposure to radiation.
9. Exposure to uncombusted fuel gas.
10. Exposure to volatile organic compounds.
11. Crowding and space i.e. A lack of adequate space for living and sleeping.
12. Entry by intruders i.e. Difficulties in keeping the dwelling or HMO secure against unauthorised entry.
13. Lighting i.e. A lack of adequate lighting.
14. Noise Exposure.

15. Domestic hygiene, pests and refuse i.e.:-
 - (1) Poor design, layout or construction such that the dwelling or HMO cannot readily be kept clean.
 - (2) Exposure to pests.
 - (3) An inadequate provision for the hygienic storage and disposal of household waste.
16. Food safety i.e. An inadequate provision of facilities for the storage, preparation and cooking of food.
17. Personal hygiene, sanitation and drainage i.e. Inadequate provision of:-
 - (a) facilities for maintaining good personal hygiene;
 - (b) sanitation and drainage.
18. Water supply i.e. An inadequate supply of water free from contamination, for drinking and other domestic purposes.
19. Falls associated with baths etc i.e. Falls associated with toilets, baths, showers or other washing facilities.
20. Falling on level surfaces etc i.e. Falling on any level surface or falling between surfaces where the change in level is less than 300 millimetres.
21. Falling on stairs etc i.e. Falling on stairs, steps or ramps where the change in level is 300 millimetres or more.
22. Falling between levels i.e. Falling between levels where the difference in levels is 300 millimetres or more.
23. Electrical hazards i.e. Exposure to electricity.
24. Fire i.e. Exposure to uncontrolled fire and associated smoke.
25. Flames, hot surfaces etc i.e. Contact with:-
 - (a) controlled fire or flames;
 - (b) hot objects, liquid or vapours.
26. Collision and entrapment i.e. Collision with, or entrapment of body parts in, doors, windows or other architectural features.
27. Explosions i.e. An explosion at the dwelling or HMO.
28. Position and operability of amenities etc i.e. The position, location and operability of amenities, fittings and equipment.
29. Structural collapse and falling elements i.e. The collapse of the whole or part of the dwelling or HMO