

Report to Cabinet

Date of meeting 22nd September 2016
By the Cabinet Member for Housing and Public
Protection

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Discretionary Disabled Facilities Grants

Executive Summary

The Council's Private Sector Housing Assistance Policy was first adopted in July 2003 as a result of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. The Regulatory Reform Order required Local Authorities to adopt and publish a Policy in respect of housing renewal should they wish to continue to give private sector housing assistance. It gave Local Authorities the power to grant discretionary housing assistance in any form. This report seeks approval to increase the amount of assistance to help a disabled person move to a more suitable property and to make available discretionary Disabled Facilities Grants (DFGs) as a 'top up' to mandatory DFGs, subject to available resources.

Recommendations

That the Cabinet is recommended:

- i) To increase the amount of Moving Home Assistance to £10,000 and to align the repayment conditions with those for mandatory DFGs as set out in Appendix 1 to this report.
- ii) To make available discretionary DFGs normally to a maximum amount of up to £10,000 as a 'top up' to mandatory DFGs and to align the repayment conditions with those for mandatory DFGs as set out in Appendix 2 to this report.

Reasons for Recommendations

- i) To enable the Council to sustain a robust Private Sector Housing Assistance Policy.
- ii) To effectively use the increase in funding the Department of Health is providing to local authorities for home adaptations.

Background Papers

Private Sector Housing assistance Policy

Wards affected: All

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Background Information

1 Introduction and Background

- 1.1 The purpose of this report is to seek approval for amendments to the Private Sector Housing Assistance Policy to increase the amount of assistance to help a disabled person move to a more suitable property and to make available discretionary Disabled Facilities Grants (DFGs) as a 'top up' to mandatory DFGs, subject to available resources.
- 1.2 The Council's Private Sector Housing Assistance Policy was first adopted in July 2003 as a result of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. The Regulatory Reform Order required Local Authorities to adopt and publish a Policy in respect of housing renewal should they wish to continue to give private sector housing assistance. It gave Local Authorities the power to grant discretionary housing assistance in any form. It is a requirement of the Order that any updates or revisions of the Council's policy in respect of the allocation of housing assistance be formally adopted.

2 Relevant Council policy

- 2.1 The Private Sector Housing Assistance Policy contributes towards the District Priority: Support our Communities.

3 Details

- 3.1 The Council's Private Sector Housing Assistance Policy was first adopted in July 2003 as a result of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. Prior to this Order the Council could only provide private sector housing assistance by way of grants as detailed in the Housing Grants Construction and Regeneration Act 1996. The Regulatory Reform Order repealed the detailed provisions in the Housing Grants Construction and Regeneration Act, with the exception of mandatory DFGs, and required Local Authorities to adopt and publish a Policy in respect of housing renewal.
- 3.2 DFGs are the only mandatory grants and are available to disabled people when works to adapt their home are judged necessary and appropriate to meet their needs and when it is reasonable and practicable to carry them out having regard to the age and condition of the dwelling. The Occupational Therapists at West Sussex County Council assess whether any works are necessary, and discuss the best available options with officers from the Environmental Health and Licensing Department.
- 3.3 DFGs are generally subject to a test of resources which means that the applicant's income and savings have to be assessed to determine whether any contributions are required to be made by them towards the costs of the required work. The way in which the means test is carried out is governed by regulations and the Council does not have any discretion in applying it. Applicants in receipt of certain specified benefits are "passported" through the means testing process and young persons are exempt from the means test.

- 3.4 The maximum amount of DFG is currently set by statute at £30,000 and has been at this level since 2008.
- 3.5 The Council is given a sum of money each year by the Government, which is specifically to be used for providing grants to help disabled people stay in their own homes.
- 3.6 The Council only has finite resources to provide private sector housing assistance including DFGs and the Council's policy makes the best use of the funds we have available, reflects current best practice and is in line with legislation and national policy.
- 3.7 Due to limited resources the Council has not been in a position to offer discretionary DFGs other than Moving Home Assistance to help a disabled person to move to more suitable accommodation. However due to changes in how the Government allocates funding for home adaptations there has been a significant increase in the funding given to local authorities. This increase is likely to continue to 2019-20 and therefore it is appropriate to review the discretionary assistance we make available to adapt and improve living conditions for disabled persons.
- 3.8 Under the existing policy the only discretionary DFGs the Council offer is Moving Home Assistance. This discretionary assistance will be considered where the existing home is unsuitable for adaptation and the grant will enable the occupant to relocate to a more suitable property and this is a more cost effective solution. Moving Home Assistance is currently limited to £5,000 and is repayable should the property be sold within five years of the move.
- 3.9 There has been no take up of this assistance, and one of the factors may be the high cost of moving. Therefore it is proposed that the maximum amount of this assistance be increased to £10,000.
- 3.10 Moving Home Assistance is currently repayable should the property be sold within five years of the move and it is proposed to align the repayment conditions with those for mandatory DFGs. In 2013 the Council adopted the provisions of The Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008, which gave local authorities the power to impose a limited charge on properties adapted with mandatory DFGs which requires repayment, should the property be sold within ten years. It is therefore proposed that the repayment period be increased to ten years.
- 3.11 The maximum amount of DFG is currently set by statute at £30,000 and has been at this level since 2008. With the high building cost in this area, where a property requires major adaptations such as a ground floor extension to provide a bedroom and bathroom, this will normally exceed the maximum grant.
- 3.12 In the case of owner occupiers it is proposed to offer discretionary DFG normally to a maximum amount of up to £10,000 to top-up mandatory DFGs where circumstances are such that the cost of the works exceeds £30,000 (either as a result of unforeseen works or the extent of the original work that is recommended to the Council). This type of assistance will only be offered for works that meet the eligibility criteria for Mandatory DFGs and will not be available for 'notional

schemes'. This assistance would also be subject to the same means test as the mandatory grant. This assistance will be registered as a land charge and will be repayable if the property is sold within ten years, in line with the repayment conditions for mandatory DFGs.

- 3.13 In the case of tenants it is proposed to offer discretionary DFG normally to a maximum amount of up to £5,000 to top-up mandatory DFGs where circumstances are such that the cost of the works exceeds £30,000 (either as a result of unforeseen works or the extent of the original work that is recommended to the Council). This type of assistance will only be offered for works that meet the eligibility criteria for Mandatory DFGs and will not be available for 'notional schemes'. This assistance would also be subject to the same means test as the mandatory grant.
- 3.14 Discretionary funding from the Council will only be made available as a last resort and must be approved by the Environmental Health and Licensing Manager in consultation with the Cabinet Member for Housing and Public Protection. Applicants will need to show that other options have been explored, including but not limited to self-funding and charitable funding. If there are insufficient resources to deal with referrals for Mandatory DFGs received from the West Sussex County Council Occupational Therapist, the Council reserves the right not to approve any discretionary grant application.

4 Next Steps

- 4.1 To amend the Private Sector Assistance Policy to Policy to increase the amount of assistance to help a disabled person move to a more suitable property and to make available discretionary Disabled Facilities Grants (DFGs) as a 'top up' to mandatory DFGs, subject to available resources and to align the repayment conditions with those for mandatory DFGs

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 The proposed policy changes were considered by the Housing and Public Protection Policy Development and Advisory Group at its meeting on 22nd August 2016 and the Group was fully supportive of the proposed changes.
- 5.2 The Monitoring Officer advised that The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 gives Councils power to give discretionary assistance in addition to mandatory DFGs.
- 5.3 The Director of Corporate Resources advised that as the proposed discretionary assistance will be met from the additional funding provided by the Department of Health there will be no direct financial cost to the Council.

6 Other Courses of Action Considered but Rejected

- 6.1 Not to extend the scope of financial assistance. This would mean that the Council would not be making good use of the additional funding provided by the Department of Health
- 6.2 To impose repayment conditions with no time limit. As these proposals are for the benefit of disabled people, it is equitable to match the repayment conditions attached to mandatory DFGs.

7 Resource Consequences

- 7.1 As the proposed discretionary assistance will be met from the additional funding provided by the Department of Health there will be no direct financial cost to the Council. The proposal will also enable any repaid assistance to be recycled by the Council as further grants in the future.

8 Legal Consequences

- 8.1 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 gives Councils power to give discretionary assistance in addition to mandatory DFGs. It also provides that assistance may be conditional, including conditions as to repayment of assistance, as is proposed in this report.

9 Risk Assessment

- 9.1 There are no risks associated with these changes to the Private Sector Housing Assistance Policy.

10 Other Considerations

- 10.1 Action under the proposed policy would be taken without discrimination and is designed to give equal consideration to people's needs.

Appendix 1

4.6 Moving Home Assistance

- 4.6.1 Moving Home Assistance is available to provide an alternative where high cost adaptations are required and it is more cost effective to move to a more suitable property.
- 4.6.2 Where a person owns their own home and qualifies for a Disabled Facilities Grant but their existing home is unsuitable and a move to different accommodation would be a better alternative to adaptation, financial assistance up to £10,000 will be available towards the cost of moving instead.
- 4.6.3 Where Moving Home Assistance is awarded the Council will demand repayment in full if the recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the Certified Date. This will be recorded as a land charge.

4.7 Disabled Facilities Grants

- 4.7.1 Mandatory Disabled Facilities Grants (DFGs) will be made available in accordance with the statute.
- 4.7.2 Where Mandatory DFGs are awarded the Council will demand repayment of such part of the grant that exceeds £5,000 (subject to qualifying conditions), but may not demand an amount in excess of £10,000, if the recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the Certified Date. This will be recorded as a land charge.
- 4.7.3 In addition to providing Mandatory DFGs, the Authority has the power to offer discretionary financial assistance by virtue of the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002. The Council will consider providing such assistance in the form of a discretionary DFG as a 'top up' to a mandatory grant.
- 4.7.4 In the case of owner occupiers the Council may provide an additional funding to the Mandatory DFG, currently £30,000, in the form of a discretionary grant normally up to a maximum of £10,000 and subject to the availability of resources.
- 4.7.5 In the case of tenants the Council may provide an additional funding to the Mandatory DFG, currently £30,000, in the form of a discretionary grant normally up to a maximum of £5,000 and subject to the availability of resources.
- 4.7.6 If there are insufficient resources to deal with referrals for Mandatory DFGs received from the West Sussex County Council Occupational Therapist, the Council reserves the right not to approve any discretionary grant application.
- 4.7.7 Top-up from the Council will only be offered for works that meet the eligibility criteria for Mandatory DFGs and will not be available for 'notional schemes'. Discretionary DFGs will be subject to the same means test as the mandatory grant.
- 4.7.8 Discretionary funding from the Council will only be made available as a last resort and must be approved by the Environmental Health and Licensing Manager in consultation with the Cabinet Member for Housing and Public Protection. Applicants will need to show that other options have been explored, including but not limited to self-funding and charitable funding.
- 4.7.9 In the case of owner occupiers where Discretionary DFGs are awarded the Council will demand repayment in full if the recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the Certified Date. This will be recorded as a land charge.