

12 October 2017 at 7.00 pm

Conference Room, Argyle Road, Sevenoaks
Despatched: 04.10.17



Cabinet

Membership:


Chairman, Cllr. Fleming; Vice-Chairman, Cllr. Lowe
Cllrs. Dickins, Firth, Hogarth, Piper and Scholey

Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. Minutes To agree the Minutes of the meeting of the Committee held on 14 September 2017, as a correct record.	(Pages 1 - 6)	
2. Declarations of interest Any interests not already registered		
3. Questions from Members (maximum 15 minutes)		
4. Matters referred from Council, Audit Committee, Scrutiny Committee or Cabinet Advisory Committees		
5. Business Rates Retention Pilot 2018/19	(Pages 7 - 26)	Adrian Rowbotham Tel: 01732 227153

REPORTS ALSO CONSIDERED BY THE CABINET ADVISORY COMMITTEES

6. Draft Housing Assistance Policy 	(Pages 27 - 68)	James Cox Tel: 017322 27312
--	-----------------	--------------------------------



Indicates a Key Decision



indicates a matter to be referred to Council

EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

CABINET

Minutes of the meeting held on 14 September 2017 commencing at 7.00 pm

Present: Cllr. Fleming (Chairman)

Cllr. Lowe (Vice Chairman)

Cllrs. Dickins, Firth, Hogarth, Piper and Scholey

22. Minutes

Resolved: That the minutes of the meeting of Cabinet held on 13 July 2017 be approved and signed as a correct record.

23. Declarations of interest

There were no additional declarations of interest.

24. Questions from Members (maximum 15 minutes)

There were none.

25. Matters referred from Council, Audit Committee, Scrutiny Committee or Cabinet Advisory Committees

There were none.

26. Bank Account Signatories

The Portfolio Holder for Finance presented the report which advised Members of some changes in personnel and sought withdrawal of some authorisations and approval of a new authorisation to sign cheques or sanction banking instruments on behalf of the Council.

Resolved: That

- a) Graham Grove, former Principal Legal Executive, no longer be authorised to sign cheques and sanction banking instruments on behalf of the Council in relation to the Chief Executive's Imprest Account;

- b) Helen Martin, Head of Finance, no longer be authorised to sign cheques and sanction banking instruments on behalf of the Council as from the date of her retirement; and
- c) pursuant to Financial Procedure Rules 4.73 and 4.74, Veronica Wilson, Principal Accountant, be authorised to sign cheques and sanction banking instruments on behalf of the Council.

27. Treasury Management Annual Report 2016/2017

The Principal Accountant presented the report, which was one of a number that were recommended for submission to Members either before, during or after the financial year in order to comply with the CIPFA Code of Practice on Treasury Management. The report dealt with treasury management activity in the year ended 31 March 2017. It remained a challenging one in terms of both the economic conditions and the investment environment.

The Portfolio Holder for Finance advised that the meeting of the Finance Advisory Committee had been inquorate, but those members that had attended had been in agreement with the report.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That the Treasury Management Annual Report for 2016/17 be approved.

28. Council Tax Reduction Scheme 2018/19

The Portfolio Holder for Finance presented the report which provided details of the proposed Council Tax Reduction (CTR) scheme for 2018/19, which was to be implemented with effect from 1 April 2018.

Members were asked to consider the main principles of the scheme in readiness for public consultation, and give delegated authority to the Chief Finance Officer and Finance Portfolio Holder to agree the final consultation materials. The Portfolio Holder for Finance advised that the meeting of the Finance Advisory Committee had been inquorate, but those members that had attended had been in agreement with the report.

The Chief Finance Officer explained that the introduction to the report set out the transition from Council Tax Benefit to Council Tax Reduction. The report highlighted that pensioners were still protected from any reduction in support but working-age claimants were not.

The Chief Finance Officer explained the current scheme and the proposal to amend it. He set out the key components of the current scheme (the working-age element only). It was explained that it was proposed to amend the Minimum Income Floor to protect disabled people and that individuals would be exempt if in receipt of the Personal Independence Payment (standard or enhanced rate of daily living component), Disability Living Allowance (middle or high rate of care component) or the Armed Forces Independence Payment. The proposal would positively affect three cases with an increase in the cost of scheme estimated to be £2,100. The Council share of that sum would be approximately £250.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That

- a) consultation on the Council Tax Reduction (CTR) scheme for 2018/19 take place based on the current CTR scheme with the amendment to the conditions applied to the Minimum Income Floor in that self-employed applicants and/or their self-employed partner be made exempt from the Minimum Income Floor if they are in receipt of the Personal Independence Payment (standard or enhanced rate of the daily living component) or Disability Living Allowance (middle or high rate of the care component) or Armed Forces Independence Payment; and
- b) authority be delegated to the Chief Finance Officer in conjunction with the Finance Portfolio Holder, to agree the consultation material.

29. Discretionary Local Business Rates Relief Scheme

The Portfolio Holder for Finance presented the report which set out the proposals for awarding discretionary local business rates relief for 2017/18 to 2020/21. Government had set aside £300m in funding over the period 2017/18 to 2020/21 to support those businesses most affected by the revaluation of Business Rates from 1 April 2017.

The Portfolio Holder for Finance advised that the meeting of the Finance Advisory Committee had been inquorate, but those members that had attended had been in agreement with the report.

The Chief Finance Officer set out that the Government had made £300million available to support those businesses most affected by Business Rates revaluation. He explained that the Council's share amounted to £486,000 and that funding had been allocated using a nationally determined formula. The Council was using its discretionary powers under s.47 of the Local Government Finance Act 1988 to create a policy for distributing the funding. The proposed policy was detailed in Appendix A to the report.

The Chief Finance Officer explained the key criteria for awarding relief and that there were 233 potential recipients. He explained that the cost of granting relief over four years was detailed in the report and that it would be cost neutral to this Council.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That the proposals for granting relief from business rates for 2017/18 to 2020/21 as set out in the guidelines as set out in Appendix A to the report, be approved.

30. Financial Results 2017/18 to the end of July 2017

The Portfolio Holder for Finance presented the report on the Council's financial results 2017/18 to the end of July 2017. He advised that the meeting of the Finance Advisory Committee had been inquorate, but those members that had attended noted the report.

The Head of Finance reported that the year-end position was forecast to be a favourable variance of £148,000 which represented just over 1% of net service expenditure. She noted that however the figure to the end of August was likely to be in the region of £108,000 (favourable), the reduction in favourable balance being attributable, in part, to the payment of costs in a planning matter.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That the report be noted.

31. Financial Prospects and Budget Strategy 2018/19 onwards

The Portfolio Holder for Finance presented the report, which was the first report for the 2018/19 budget setting process. He advised that it would be the eighth year of using the current Financial Planning Strategy which included the 10-year budget that had proved successful to date and put SDC in a much stronger financial position than most other Councils.

The Chief Finance Officer set out that the report was intended to start the debate and the assumptions would be updated as more accurate information became available during the process. The major message in the report was that the Council was able to remain financially self-sufficient. The 10-year budget at Appendix B to the report, included no RSG or NHB in any year as the Council continued to be no longer reliant on direct government funding.

Any amounts that were received from these sources were placed into the Financial Plan Reserve which could be used to support the 10-year budget by funding invest to save initiatives and support for the Property Investment Strategy. Using the funding for these purposes would result in additional year on year income that was not impacted by government decisions.

Members agreed the last 10-year budget in February and the changes that have been made since then were:

- Rolling the 10-year budget on for one year and updating base figures.
- No changes to assumptions have been made at this stage.

These changes resulted in a slightly worse budget position at this stage of £81,000 over the 10-year period (or £8,000 pa).

The Finance Portfolio Holder had asked that the budget for Asset Maintenance be given a particular focus this year to ensure that the council's property assets were well looked after. This was something that officers would be looking into.

Appendix A to the report showed the Budget Setting Timetable. Between October and November Advisory Committees would be presented with their Service Dashboards and Service Change Impact Assessments (SCIAs). A budget update report would then go to Cabinet in December to include the comments from the Cabinet Advisory Committees.

The 10-year budget approved in February included the need for £100,000 of new savings or additional income each year. It was reported that Chief Officers were putting the finishing touches to a list of growth and savings items to achieve the £100,000 required for 2018/19. Chief Officers would discuss these with the respective Portfolio Holders and ask for their ideas before they were included in the reports to the Cabinet Advisory Committees.

Over recent years the Council had tried various ways to get the Advisory Committees engaged in the process and discussing budgetary issues for their services. The Chief Finance Officer explained that he thought they now had a very thorough understanding of the process and therefore intended to make the Cabinet Advisory Committee process much shorter this year.

Since the report was written, the DCLG had announced that there would be a Business Rates Retention Pilot Scheme in operation for 2018/19 and applications were invited. The DCLG had made it clear that applications that covered a full county area were more likely to be looked on favourably so in Kent's case, all districts, Kent County Council and Medway would need to agree. Initial work suggested that this could be beneficial to the Council but the Chief Finance Officer would continue to work with county-wide colleagues and report back to Members when more detail was known.

The Portfolio Holder for Finance advised that the meeting of the Finance Advisory Committee had been inquorate, but those members that had attended had been in agreement with the report.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That

- a) the ten-year financial planning approach and principles set out in the report, be endorsed;
- b) the Cabinet Advisory Committees be requested to review the Service Dashboards and advise Cabinet of possible growth and savings options; and
- c) officers be requested to continue to review the assumptions in the report and report back to Cabinet on 7 December 2017.

THE MEETING WAS CONCLUDED AT 7.50 PM

CHAIRMAN

IMPLEMENTATION OF DECISIONS

This notice was published on 18 September 2017. The decisions contained in Minutes 26, 27, 29, 30 and 31 take effect immediately. The decision contained in Minute 28 takes effect on 26 September 2017.

BUSINESS RATES RETENTION PILOT 2018/19

Cabinet - 12 October 2017

Report of Chief Finance Officer

Status For Decision

Key Decision No

Executive Summary: The Department for Communities and Local Government (DCLG) have invited local authorities to participate in a pilot of 100% Business Rates Retention in 2018/19.

It is expected to be financially beneficial to have a Kent Pilot and discussions are continuing as to how gains could be shared and also how they could be split between themes.

The submission deadline is 27 October 2017.

Portfolio Holder Cllr. John Scholey

Contact Officer(s) Adrian Rowbotham, Ext. 7153
 Veronica Wilson, Ext. 7436

Recommendation to Cabinet:

If a Kent pilot is proposed, authority is delegated to the Finance Portfolio Holder to decide whether this council should participate.

Introduction and Background

- 1 There has been a commitment from central government to introduce 100% Business Rates Retention since before the 2015 General Election. There was some doubt about this commitment after this year's Queen's Speech omitted any reference to local government finance. However, the Department for Communities and Local Government (DCLG) has now invited local authorities to participate in a pilot of 100% Business Rates Retention in 2018/19.
- 2 The DCLG's prospectus (Appendix A) encourages local authorities to apply as pools, and it states that the Government is particularly interested in piloting two-tier areas. Both criteria demand urgent consideration by Kent authorities as to whether to submit an application to become a pilot.
- 3 Kent Finance Officers commissioned LG Futures, specialist public sector finance consultants, to carry out an assessment of the risks and rewards of

Agenda Item 5

becoming a business rates pilot. This work was commissioned in advance of the DCLG's invitation to authorities to pilot, which has enabled Kent to consider this proposal promptly after the invitation was received.

- 4 A bid covering all Kent would provide the best fit with the DCLG's selection criteria. However, it should be noted that although outside the two-tier area, Medway's participation would give the pilot application an economic and geographical logic and would enhance the chances of success.

Rewards

- 5 On current projections a pilot would deliver a clear financial benefit of £24.5 million for the area as a whole (£22.4 million excluding Medway) in 2018/19. Although the pilot is for one year only, it is possible that the pilot will be extended to 2019/20.
- 6 This benefit represents Business Rates income that would otherwise have gone to central government. It is understood that HM Treasury has allocated resources to the DCLG that will allow it to fund a limited number of pilots in 2018/19. However, these resources are limited, so there will be competition to become a pilot.

Risks

- 7 Participation in a pilot involves bearing the cost of any negative growth amongst pool members, subject to an overall pilot safety net of 97% of baseline business rates income. The government has not guaranteed that there will be 'no detriment' from participating in a pilot; i.e. that the pilot could result in less resources being received by either authorities acting individually or as per a Kent business rate pool.
- 8 However, LG Futures state that the business rates income collected each year in Kent since 2015/16 provides 'strong evidence' that the level of business collected will result in increased resources for Kent in 2018/19.
- 9 The projected gain from participation in the pilot (£24.5 million) represents around 4% of Kent's estimated 2017/18 business rates income. It would therefore take a very significant setback to business rates income growth to wipe out the benefit, particularly in the context of steady growth over the past three years.
- 10 It could be argued that there is a risk in not applying to become a pilot. Local government has argued for greater autonomy and for more local control of resources. If Kent foregoes the opportunity to apply to become a pilot, Kent authorities' commitment to these objectives could be questioned.

Use of Additional Business Rates Growth

- 11 The DCLG's prospectus stresses that the government would like to see pooled income being used across the pilot area to promote financial

stability, sustainability and growth. This indicates that, to be successful, a high proportion of the gain should take the form of a growth fund or similar collective arrangement.

12 At the same time, it is recognised that:

- Existing Kent Business Rates pool members will not wish to lose any of the gains they currently receive
- There is a minimum level of contribution that all authorities might expect to receive as a benefit from pool membership.

Current Business Rates Pool

- 13 The opportunity to have Business Rates Pool's commenced in 2014/15 and one started in Kent in that year but the initial parties were only Kent CC and Maidstone BC. Membership of the Kent Pool has changed each year and currently consists of Kent CC, Kent Fire and 10 of the 12 districts.
- 14 This council has not been a member of the Kent Pool to date as business growth in the district has been relatively small, therefore it would not have been beneficial to the whole pool if this Council had been a member.

Application Process

- 15 Time is of the essence, as an application must be submitted by Friday 27 October. Discussions are continuing across the county and an update will be provided at the meeting.
- 16 Maidstone Borough Council administers the existing business rates pool. In the interests of continuity, Maidstone have indicated that they are willing and able to take on the role as lead authority.
- 17 DCLG requires local authorities to state whether they wish to continue with, or amend, existing pooling arrangements in the event of a pilot application being unsuccessful.
- 18 The existing pooling arrangements work well and it should be noted that there are financial consequences for pool members by varying these arrangements. However, due to the Business Rates Base of this Council now being more stable, it is likely to be beneficial to Sevenoaks DC to become a pool member.

Key Implications

Financial

If this council does become part of a Business Rates Retention Pilot in 2018/19, it would be expected that it would retain more of the £36m of the Business Rates collected than is currently the case.

Further financial information would be produced before a decision is made.

Agenda Item 5

Legal Implications and Risk Assessment Statement.

To be accepted as a pilot for 2018/19, agreement must be secured locally from all relevant authorities to be designated as a pool for 2018/19 (in accordance with Part 9 of Schedule 7B to the Local Government Finance Act 1988) and to put in place local arrangements to pool their additional business rates income.

The risks are included in the body of the report.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

A Business Rates Retention Pilot is expected to be financially beneficial to the county as a whole. However, discussions are likely to continue as to how the financial rewards are distributed prior to any submission being made by the deadline of 27 October 2017.

It is therefore recommended that authority be delegated to the Finance Portfolio Holder to decide whether it would be beneficial for this council to participate in the pool.

Appendices

Appendix A - DCLG Invitation to Pilot 100% Business Rates Retention in 2018/19

Background Papers

None

Adrian Rowbotham

Chief Finance Officer



Department for
Communities and
Local Government

Invitation to Local Authorities in England

to pilot 100% Business Rates Retention in 2018/19 and to pioneer new pooling and tier-split models.

September 2017

Department for Communities and Local Government



© Crown copyright, 2017

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

This document/publication is also available on our website at www.gov.uk/dclg

If you have any enquiries regarding this document/publication, complete the form at <http://forms.communities.gov.uk/> or write to us at:

Department for Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF
Telephone: 030 3444 0000

For all our latest news and updates follow us on Twitter: <https://twitter.com/CommunitiesUK>

September 2017

ISBN: 978-1-4098-5099-1

Contents

Section 1 – The purpose of these invitations	4
Section 2 - The invitation to authorities to pilot	6
Section 3 - The criteria for becoming a pilot.....	9
Section 4 – The authorities’ proposal to become a pilot	10
Section 5 – The Government’s handling of proposals	13
Section 6 – Submission of proposals	14
Section 7 – Conditions	15

Section 1 – The purpose of these invitations

- 1.1 The Government is committed to continuing to give local authorities greater control over the money they raise locally. It is in this context that the Government has decided to proceed with the already announced expansion of the pilot programme for 100% business rates retention for 2018/19. These will run alongside the five current 100% pilots which have been in operation since 1 April 2017.
- 1.2 The current pilots, and a new wave in 2018/19, will help explore options, with local government, for the design of future local government finance reforms.
- 1.3 Alongside the 2018/19 pilots, the Government will continue to work with local authorities, the Local Government Association, and others on reform options that give local authorities more control over the money they raise and are sustainable in the long term.

Background

- 1.4 On 1st April 2017 the Government launched five pilots¹ of 100% business rates retention, which Ministers have granted to areas with ratified devolution deals. These pilots will retain 100% of business rates income and forego some existing grants. Over the pilot period they will retain all of their growth in business rates income. The five current 100% pilots which launched on 1 April 2017 will be continuing on in 2018/19, running alongside this new wave of 2018/19 pilots.
- 1.5 Spring Budget 2017 announced that authorities in London are working with the Government to explore piloting 100% business rates retention from 2018/19 and to retain a greater share of business rates in 2017/18.
- 1.6 In response to the Consultation on Self Sufficient Local Government, the Government made a commitment to launch a further pilot scheme in 2018/19. All interested authorities are invited to apply.
- 1.7 The 2018/19 pilots are an opportunity for the Department to test more technical aspects of the 100% business rates retention system, such as tier-splits. This will provide the opportunity to evaluate how collaboration

¹ These pilots are in Greater Manchester, Liverpool City Region, The West Midlands, Cornwall and The West of England.

between local authorities works in practice.

- 1.8 The Government would like to see authorities form pools and, with agreement in place from all authorities, to apply jointly for pilot status. The opportunity to work together as a pool across a functional economic area will allow authorities to make coherent strategic decisions about the wider area and to jointly manage risk and reward.
- 1.9 Finally, in addition, the pilots will test authorities' administration (e.g. how they tackle avoidance), technical planning for implementation, and look at system maintenance; how the accounting, data collection and IT system will work. The Government expects to learn from the pilots' experiences in the design of any national system of business rates retention.

Section 2 - The invitation to authorities to pilot

- 2.1 This invitation is addressed to all authorities in England, excluding those in London and participants in the 2017/18 pilots of 100% business rates retention which are expected to have separate discussions with the Department.
- 2.2 These authorities are now invited, if they so wish, to make a proposal to become a pilot of 100% business rates retention in 2018/19.

Terms of the invitation

- 2.3 The Government is interested in exploring how rates retention can operate across more than one authority to promote financial sustainability and to support coherent decision-making across functional economic areas. Accordingly, the Government encourages, in particular, areas to apply as pools (either on existing, or revised pool boundaries), which comprise county council(s) and all relevant district councils; groups of unitary authorities; or groups of county councils, all their districts and unitaries. Arrangements would also need to reflect the position of precepting authorities, such as Fire and Rescue authorities.
- 2.4 To be accepted as a pilot for 2018/19, agreement must be secured locally from all relevant authorities to be designated as a pool for 2018/19 (in accordance with Part 9 of Schedule 7B to the Local Government Finance Act 1988) and to put in place local arrangements to pool their additional business rates income.
- 2.5 We require pooled areas coming forward to propose a split for sharing additional growth. We particularly want to see additional growth being used to promote the financial stability and sustainability of the pooled area. In addition, we would expect some retained income from growth to be invested to encourage further growth across the area.
- 2.6 For the 2017/18 pilots the Government has agreed a 'no detriment' clause, guaranteeing that these areas will not be worse off as a result of participating in the pilot. However, proposals for the 2018/19 pilots should include details of how authorities will work together to manage risk in line with their proposed pooling arrangements in the event that the 2018/19 pilots programme does not include a 'no detriment' clause. Applications should make it clear whether or not they would be willing to become a 100% BRR pilot if the 2018/19 pilots

were expected to operate without the benefit of ‘no detriment’.

- 2.7 The Government will use the 2018/19 pilots to deepen its understanding of how different local arrangements work and improve the information that it holds on business rates retention. As such, participating authorities will be expected to share additional data and information, as required.
- 2.8 Authorities selected as pilots for 2018/19 will be expected to forego Revenue Support Grant (RSG) and Rural Services Grant. The value of the grant foregone will be taken into account in setting revised tariffs and top-ups, which will be used to ensure that the changes are cost neutral, except for the value of any growth retained.
- 2.9 Pilot areas will be expected to operate under the arrangements that currently determine safety net payments for pools. In other words, each “pool” will have a single safety net threshold determined on the basis of the pool’s overall baseline funding level and business rates baseline. However, the pool’s safety net threshold will be set at 97% of its baseline funding level, instead of 92.5%, to reflect the additional risk of greater retention. Pilots will operate with a “zero levy”, as is the case for the current 2017/18 pilot areas.
- 2.10 Given the timetable for pilot applications and the proximity to the finalisation of the local government finance settlement, all applications must outline, with agreement from all participating authorities, what pooling arrangements they would like to see if their application to become a pilot were unsuccessful. In addition, any authority which is part of a current pool but wishes to apply to become a pilot as part of a different pool, must inform the current pool of its intention.
- 2.11 Alongside this prospectus we are publishing supplementary information on how pooling arrangements will be managed in line with applications to become pilots. Please consult this document for further information.
- 2.12 The Government reserves the right to pilot a full range of options and so to create a single authority pilot if it is deemed useful as a result of our discussions with applicants. The Government will not compel any authority to become a pilot that does not wish to, and we cannot designate a pool without explicit agreement from all participating local authorities.

Response to the invitation

- 2.12 It is wholly at the discretion of authorities whether or not they choose to apply to the pilot scheme outlined above.
- 2.13 Any proposals for new pilots must be received by the Department for Communities and Local Government on or before Friday 27 October 2017.
- 2.14 It is expected that successful applications will be announced before or alongside the publication of the draft local government finance settlement.

Section 3 - The criteria for becoming a pilot

- 3.1 The Department will consider all applications to pilot 100% business rates retention that are received by Friday 27 October 2017 and which conform to the scheme outlined in Section 2.
- 3.2 Because of affordability constraints, it may be necessary to assess applications against selection criteria. In these circumstances, the following criteria will apply:
- Proposed pooling arrangements operate across a functional economic area (i.e. the county council(s) and all relevant district councils; groups of unitary authorities; or groups of county councils, all their districts and unitaries);
 - Because they were not included in the 2017/18 pilot scheme, the Government is particularly interested in piloting in two-tier areas;
 - The proposals would promote the financial sustainability of the authorities involved; and,
 - There is evidence of how pooled income from growth will be used across the pilot area.
- 3.3 If further assessment criteria are required, the Government will:
- Seek a wide spread of geographical areas across England;
 - Focus on rural areas (given that the majority of 2017 pilots are in urban areas);
 - Achieve a variation in the types of business rates base represented (e.g. whether there a small number of large rate payers in the area).

Section 4 – The authorities’ proposal to become a pilot

- 4.1 Any proposal must be in accordance with the invitation outlined in Section 2, and summarised in paragraph 4.3.
- 4.2 The proposal must be in the form of a business case with supporting financial analysis.
- 4.3 The business case should clearly set out the following:

Membership details/ Housekeeping

- i. Local authority membership of the proposed pool, explaining its relevance to the economic geography of the area;
- ii. Evidence that each local authority fully supports the application and the proposed pooling arrangements;
- iii. A clear outline, with agreement from all participating authorities, on what pooling arrangements you would like to see if your application to become a pilot was unsuccessful
- iv. A clear indication of whether or not you would still like your application to be considered if you were expected to operate without a ‘no detriment’ clause.
- v. The lead authority;
- vi. The proposed position of precepting authorities such as Fire and Rescue;

Governance arrangements

- vii. The governance agreement, including how any additional business rates income is to be used; how risk is to be managed; and how residual benefits/liabilities would be dealt with once the pilot ends;
- viii. An indication of how the pool will work together in the longer term;
- ix. Proposals for sharing additional growth. We particularly want to see additional growth being used to promote financial stability and sustainability. In addition, we would expect some retained income from growth to be invested to encourage further growth across the area.

Additional supporting evidence

- x. The benefits to the area of participation in the 2018/19 pilots, including the financial case;
- xi. In two-tier areas, applications should propose a tier split and explain how this will promote sustainability; and

xii. A brief explanation of the business rates base in your area.

- 4.4 We understand application lengths may vary, however, as a guide, we would expect applications to be around four typed pages in size 12 font.

Membership

- 4.5 Proposals should include the identities of all authorities in any proposed pool and evidence that each fully supports the application and the proposed pooling of a proportion of additional income.
- 4.6 Authorities cannot apply as part of more than one pool and, where they have two possible options, must choose which pilot they wish to apply to participate in.
- 4.7 If existing pooling arrangements need to be reconfigured as a result of a pilot proposal, the Department would expect to make the necessary determinations at the same time as confirming its agreement to the pilot arrangements. In the event that a pilot proposal is not accepted, the Government will make 2018/19 pooling arrangements with the authorities concerned in line with their expressed preferences on their pilot application, as requested in paragraphs 2.7 and 4.3 (iii).

Benefits

- 4.8 Applications must include details on how participation in the pilot scheme will benefit the area and should cover the potential pilot's approach to pooling and the sharing of growth, including how authorities will collaborate to use pooled retained income to promote further growth across the area. In two tier areas applications should propose a tier split and explain how this will promote sustainability. The financial case should reflect these considerations. An indication of how the area will work together in the longer term should also be included.

Lead Authority

- 4.9 Participating pools will be treated as one entity by the Department for the purposes of business rates retention and one calculation will be made regarding top-up/ tariff and the safety net payment. Therefore, the pool must nominate a Lead Authority to receive payments from and make payments to the Department on behalf of the entire pool. Any authority within the pool is eligible to fulfil this role. Applications must state which authority will be acting

as the Lead Authority for the duration of the pilot.

Governance agreement

- 4.10 Pools should submit a governance agreement setting out how the pooling arrangements will work in terms of financial distribution and service provision and evidencing how business rates income growth will be shared. The governance agreement should also include how balances and liabilities will be treated if the pool were to be dissolved.
- 4.11 Please ensure that the s.151 officer of each authority has signed off the proposal before it is submitted. The Department will work closely with all successful applicants to support the implementation and running of the pilot.

Other information

- 4.12 Authorities may include any further materials they see fit in support of their proposal.

Section 5 – The Government's handling of proposals

- 5.1 All proposals received on or before Friday 27 October 2017 by the Department will be carefully considered between then and December 2017.
- 5.2 The first assessment of proposals will ensure that all conform to the terms of the invitation (see Section 2).
- 5.3 If it is necessary for a selection to be made, for reasons of affordability, then the proposals will be subject to a further assessment against the criteria outlined in Section 3, 3.2.
- 5.4 If a third round of assessment is required, then proposals will be assessed against further criteria to ensure a variety of useful pilots are created, including those outlined in Section 3, 3.3.
- 5.5 The Government may request further information in carrying out this assessment from the authorities submitting the proposal and from other persons and bodies that it deems appropriate.
- 5.6 Where information is not available the Government reserves the right to make assumptions and estimates as it sees fit.
- 5.7 Successful pilots will be announced in December 2017 and launched in April 2018. Between these dates the Department will support authorities in preparing for implementation.

Section 6 – Submission of proposals

6.1 Any proposals for new pilots must be received by the Department for Communities and Local Government on or before Friday 27 October 2017. The Secretary of State may publish proposals in the Libraries of Parliament.

6.2 Proposals should be submitted to:

Local Government Finance Reform Team

The Department for Communities and Local Government

Fry Building

2 Marsham Street

Westminster

London

SW1P 4DF

Email: Businessratespilots@communities.gsi.gov.uk

Section 7 – Conditions

- 7.1 In designating a pool for 2018/19, the Department will attach conditions to the designation in accordance with paragraph 35(1) of Schedule 7B to the Local Government Finance Act 1988 by appointing a lead authority and requiring the authority to take the steps set out in its application in the event that the pool is dissolved.
- 7.2 It also reserves the right to attach such other conditions as it sees fit, in accordance with paragraph 35(2) of Schedule 7B. If the Department attaches conditions these are likely to be around the publication of information by the lead authority in the interests of transparency.
- 7.3 The Department also reserves the right to modify or remove conditions at any point in the future, as becomes necessary.
- 7.4 The 2018/19 pilot programme will last for one year only, and does not prejudice the discussion the Department will be continuing to have with Local Government on the future of the business rates retention system as a whole.

This page is intentionally left blank

Item 6 - Draft Housing Assistance Policy

The attached report was considered by the Housing & Health Advisory Committee on 10 October 2017. The relevant Minute extract was not available prior to the printing of this agenda and will follow when available.

This page is intentionally left blank

HOUSING ASSISTANCE POLICY

Cabinet - 12 October 2017

Report of	Chief Officer Environmental & Operational Services
Status	For Decision
Also considered by	Housing & Health Advisory Committee - 10 October 2017 Council - 21 November 2017
Key Decision	No

Executive Summary: The Housing Assistance Policy sets out the way in which the funding provided by the Better Care Fund for mandatory disabled facilities grant and discretionary assistance for improved collaboration with Health and Social care services is administered; along with the Councils own discretionary assistance.

This report supports the Key Aim of the Community Plan by ensuring caring communities via providing the right support at the right time, reducing poverty and social exclusion; providing a healthy environment by reducing health inequalities and improve health and wellbeing for all

Portfolio Holder Cllr. Michelle Lowe

Contact Officer James Cox, Ext. 7312

Recommendation to Health and Housing Advisory Committee: To recommend to Cabinet to approve the proposed Housing Assistance Policy in order to ensure increased funding provided via the Better Care Fund is delivered to those who have not previously been able to obtain financial assistance; and to up date the criteria for the Councils own discretionary financial assistance.

Recommendation to Cabinet: To recommend to Council to approve the proposed Housing Assistance Policy in order to ensure increased funding provided via the Better Care Fund is delivered to those who have not previously been able to obtain financial assistance; and to up date the criteria for the Councils own discretionary financial assistance.

Reason for recommendation: To allow the Council to broaden its ability to provide financial assistance to those disabled persons who fall out of the mandatory DFG system, provide financial assistance to undertake preventive measures reducing hospital admissions and demand for social care and reduce delayed hospital discharges by working in collaboration with Health services to provide funding to remove housing related obstacles preventing discharge.

To continue to provide discretionary assistance for essential repairs although

additional qualifying criteria and conditions are being applied to an application

Introduction and Background

- 1 The current Housing Assistance Policy was adopted in 2008 and since then the role of Private Sector Housing and financial assistance has substantially changed. Firstly, in 2010 all central government funding for discretionary improvements grants ceased and secondly with the introduction of the Better Care Fund in 2015 the Council's role changed from one of administering grants into one that, through collaboration, assists in reducing demands of hospital and social care services. The proposed policy is attached as an appendix
- 2 As a result of The Better Care Fund our allocation for Disabled Facility Grants has dramatically increased from 15/16 - £477,000, 16/17 - £889,477 and 17/18 - £976,757 and as a result of these increases more assistance can be rendered to those in need.
- 3 Mandatory DFG will continue to be operated in line with the Housing Grants Construction and Regeneration Act 1996, with a maximum of £30,000 being available and means testing being undertaken on all applicants except for child application. Conditions will also be placed on all grants over £5,000 requiring repayment in certain specific circumstances. Given their mandatory status funding DFGs will take precedence over any discretionary funding, so if in the future allocations are reduced then certain discretionary funding would, as a necessity, reduce or cease.
- 4 An issue with DFGs is the bureaucratic process and the constraints placed upon its use. To overcome these issues which have arisen since 2008 and to assist in the four Better Care Fund core principles a total of 6 discretionary assistance funded via the BCF are proposed. All are briefly explained below.
- 5 Funding adaptations over £30,000
These grants are commonly called top up grants and provide assistance when the required works exceed the £30,000 maximum. A maximum of £30,000 or 50% of the existing equity will be available to both owner occupier and tenants, although tenants application will need the landlords agreement. Both applications will have a charge placed against the property and repayable upon sale and transfer.

For registered social landlord tenants there are circumstances when such additional assistance is required. Given it is considered good practice for a RSL to respond to a tenants needs, only £15,000 will be made available from the Council and this must be match funded by the RSL.
- 6 Relocation Assistance
A maximum of £10,000 available to both owner occupiers and tenants when a proposed adaptation via the mandatory route has been assessed and determined by the Council and Occupational Therapist as not being reasonable and practicable because of either cost and/or extent of works

involved. This assistance allows applicants to relocate to a more appropriate dwelling either within SDC or outside.

7 Specific situation funding

Maximum of £50,000 or 50% of the equity will be available in very specific situations where a mandatory DFG is unavailable for any reason i.e an adaptation is requested at a second property. Due to the significant amount of funding, a charge will be placed upon the property for repayment upon sale or transfer. Approval will be required from the Portfolio holder before any assistance can be approved.

All works funded will be recommended by an Occupational Therapist and determined as necessary and appropriate and reasonable and practical.

8 Accelerated Facility Grant (AFG)

With many mandatory DFGs being for small amounts, circa £5,000, the current system can delay much needed assistance. To speed up the application process the AFG will only require one estimate and have a shortened application process. Grants of less than £7,500 will go through this accelerated process and anything over this amount will still go through the mandatory process. A charge shall be applied to all grants between £5,000 and £7,500 on those terms stated by The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008.

9 Hospital Discharge Grant (HDG)

Joint ventures with neighbouring local authorities has led to Health and Housing Co-ordinators being located in the integrated Discharge team at both Tunbridge Wells and Darenth Valley Hospitals. The Coordinator is there to resolve housing related issues preventing a timely discharge. To assist in this discharge process £3,000 will be made available to owners and private sector tenants to undertake repairs and other work including cleaning. Only those currently in hospital and awaiting discharge will be able to apply.

10 Safe and Secure Grant (SSG)

This is a small grant with a maximum of £1,000 to promote independence and undertake small repairs to the house and its environs. A SSG is aimed at preventing hospital admissions and available to those over 60 or with a specific ill health diagnosis. Those eligible will include individuals and carers living with Alzheimer's and Dementia. Available to owners and private sector tenants.

11 The Council still has a role to play in assisting home owners to maintain their own property to an acceptable standard. To provide assistance in circumstances when serious defects are present and assessed by Private Sector Housing a means tested House Assistance Grant (HAG) could be applied for. Prior to assistance being awarded the applicant must have taken reasonable steps to fund the works through alternative means. In addition if the applicant has any outstanding debt to the Council no assistance will be available unless the debt is repaid or an appropriate payment method is

Agenda Item 6

being adhered to.

The maximum amount will be £10,000 and a charge regarding repayment will be a condition upon sale or transfer. Prior residency criteria will also apply and this is 3 years.

- 12 It is important the requirement to repay upon sale or transfer of a property is placed as a condition on as many grants as possible. Throughout this policy, whenever reasonable, a charge will be a condition. A balance must however be struck, especially for the smaller grants whether a charge should be applicable as the aim is to provide a quick response to either prevent hospital admissions or allow hospital discharge. In view of this no charge shall be associated with the HDG or SSG.

The Council are unable to have a policy requiring automatic placing of a repayment condition or actual repayment however it is envisaged that the vast majority of the grants eligible for such a condition will have them applied and repayment requested.

Certain specific types of dwellings

13. Eligibility criteria will cover freeholders and long leaseholders and for certain grants, tenants. Other dwellings that will be considered for assistance are for qualifying house boat and park home.

With the Better Fund allowing new initiatives then such applications will be funded via the annual allocation. Any new initiatives will be required to meet one or more of the four core principles:

- a) Reducing or eliminating hospital admissions;
- b) Allowing a speedier discharge from hospital;
- c) Considering the long term needs of individuals and reductions in associated treatment and social care costs; and
- d) Undertaken works, adaptations or provision of equipment that is not provided by any other service

Other Options Considered and/or Rejected

Option 1 - Do nothing, given the current policy does not reflect the current situation and solutions for the demands placed upon Private Sector Housing by the Better Care Fund this option would prevent assisting vulnerable customers.

Key Implications

Financial

There are no significant financial implications in terms of additional administration or staff costs. Amounts of financial assistance repaid can not be projected given the many factors applicable, although financial repayments will be recycled to provide further discretionary assistance.

Legal Implications and Risk Assessment Statement.

In formulating this policy reference has been made to The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and Better care Fund guidance. Legal Services have also been consulting in the drafting process. Processes involved in the administration process are in place to avoid fraud and misappropriation of funds.

Equality Assessment

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and does not vary between groups of people. The results of this analysis are set out immediately below.

Impacts of the proposed Housing Assistance Policy is one of providing a greater level of financial and other interventions by the Council for those with a disability, are vulnerable or have a specific health condition. The Housing Grants, Construction and Regeneration Act 1996 makes it clear assistance is primarily based on need of the individual, although the health and safety concerns of carers and other family members are also considered.

Conclusions

It is recommended that the Housing Assistance Policy [attached as an appendix] be adopted to allow improved assistance to vulnerable persons within the District and allowing assistance to residents to undertake major repairs to their property although additional eligible and repayment criteria are to be introduced.

Appendices: (Private Sector) Housing Assistance Policy 2017

Background Papers

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002

Technical Guidance Annex 4: Better Care Fund Planning Requirements for 2016/17
<https://www.local.gov.uk/sites/default/files/documents/technical-guidance-annex--bf0.pdf>

Richard Wilson Chief Officer

Environmental & Operational Services

This page is intentionally left blank

APPENDIX

SEVENOAKS DISTRICT COUNCIL
PRIVATE SECTOR HOUSING ASSISTANCE POLICY 2017

Review date of December 2018

ile:///S:/SDC/Community Services/Housing/Housing - Private Sector
Housing/Coxjames/management/Housing renewal policy

Private Sector Housing Assistance Policy

1.0 Context

There have been significant changes in the way housing assistance is funded and the priorities of both national government and Sevenoaks District Council, this new housing assistance policy reflects the current priorities and will also give sufficient flexibility to meet the challenges in the years to come.

1.1 Background since 2008

Since 2008 there have been two significant developments which directly influence this housing assistance policy.

Firstly, since 1969 there has been considerable funding directed to Councils for improvement grants enabling unfit or substandard domestic property's to be brought up to a reasonable standard. Unfortunately since 2010 all such money from Central Government ceased, reducing the Councils ability to promote and fund such improvement works.

Secondly, in June 2013 Central Government introduced the Better Care Fund (BCF) to ensure a transformation in integrated health and social care as it was recognised that "The effects of poor housing cost the NHS over £2 billion every year (around 2% of the annual budget in England). Improving homes delivers a return on investment quickly".

The Better Care Fund (BCF) is one of the most ambitious programmes across the NHS and local government to date. It creates a local single pooled budget to incentivise the NHS and local government to work more closely together around people, placing their wellbeing as the focus of health and care services. BCF also shifts resources into social care and community services for the benefit of the people, communities and health and care systems. Integral to the BCF is the inclusion within the overall budget of the annual Disabled Facility Grant allocation and the political decision to increase the DFG over several years.

Given the change in political and financial emphasis this policy must reflect this by maximising the partnership role the Council can play in particular with neighbouring local authorities but also with the NHS. Although Private Sector Housing's core role, that of housing advice and financial assistance (depending on financial resources available), will not be overlooked.

2.0 Introduction

This document details the Councils Housing Assistance Policy and Conditions attached to such funding. This policy has been adopted under Article 4 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (Appendix D). The Order enables local authorities to develop a means of providing assistance to any resident so they can address local needs and priorities.

The Housing Grants Construction and Regeneration Act 1996 states the processes by which grants are processed, so if any unusual scenarios are presented then this Act will be the primary source of information.

This Policy explains the only mandatory grant, the Disabled Facilities Grants, the funding for which is received from KCC via the BCF and administered in line with the Housing Grants, Construction and Regeneration Act 1996. In addition discretionary assistance aligned to the requirements of the BCF will also be set out.

The policy will also explain the discretionary financial assistance available to residents which is principally aimed at enabling residents to reside safely in their own home.

This Policy recognises the limitation on the Councils own capital funds and the fact it is unlikely that substantial additional support from either the Council or Central Government will be forthcoming, so ensuring when ever possible financial assistance is recovered and recycled to assist further residents is essential.

Any queries relating to this policy or grant conditions should be referred to the Private Sector Housing Team Leader, Sevenoaks District Council, Argyle Road, Sevenoaks, TN13 1HG.

3.0 FUNDAMENTAL PRINCIPLES

This Policy reflects local housing conditions and its core objectives are:

- The requirement to instigate and formulate links with Health and third sector organisations to provide opportunities to improve the lives of the most vulnerable people, giving them control, placing them at the centre of their own care and support, and, in doing so, providing them with a better service and better quality of life.
- The need to ensure households resides in property's that are free from category one hazards.
- The need to provide not only financial assistance but assistance through a combination of education and encouragement and direct and indirect financial assistance.

It is neither possible nor desirable for the Council to offer financial assistance to directly fund all private sector housing repairs and maintenance. It can only directly assist a small proportion of these through targeting the limited available resources at priority areas. When it does provide assistance this funding must be repayable thus allowing the recycling of such funding to other applicants.

Although the responsibility to maintain private property rests firmly with the owner, it is recognised that the private housing stock is a major public asset and can have an important affect on the occupier's health. Most assistance is offered as an investment in this local and national asset, for long-term public benefit and economic regeneration. An important reason for providing assistance is the improvement of our resident's health along with supporting the wider National Health Services by aiding rapid transfers from hospital and reducing delayed transfers of care commonly described as bed blocking.

The use of repayable grants is the way the Council provides assistance. Grants that are repaid will be recycled into further private sector housing renewal. The Council and Central Government considers this is an appropriate way forward given the pressure on resources and because, over time, it will allow more homeowners to be assisted with a limited amount of resource.

Money repaid to the Council will be reinvested in the private sector housing assistance capital programme.

No financial assistance will be paid towards the cost of repairing tenanted dwellings, or for works to provide means of escape in case of fire or basic amenities or in HMOs (houses in multiple occupation); these needs will be remedied firstly by education and funding from the landlord and if need be recourse to the appropriate enforcement action.

4.0 GRANT ASSISTANCE

4.1 Mandatory Assistance

4.2 Disabled Facility Grant

Such grants are available to owners or tenants over the age of 18 for providing essential adaptations enabling disabled people better freedom of movement into and round their homes and giving access to essential facilities. This is a statutory grant and administrative process is contained in the Housing Grants, Construction and Regeneration Act 1996 and associated guidance. The maximum amount of grant is £30,000 (The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008).

To be eligible for assistance an assessment must be undertaken by a suitably qualified Occupational Therapist who recommends adaptations because of person's disability and not for any other reason such as overcrowding. An assessment by the Council must also be satisfied that the works required are "necessary and appropriate" and "reasonable and practicable" bearing in mind the layout and condition of the property. The Council are also obliged to consult with the welfare authority which in our case is Kent County Council before formal approval is given.

Examples of common adaptations include:

- Providing ramps to allow a person to get in and out of their house
- Stair lifts and through floor lifts including a five year warranty
- Level access showers for people who cannot use a conventional bath.

4.3 Test of resources for owner occupiers and tenants

For each application a test of resources will be undertaken following the requirements of the Housing Renewal Grants Regulations 1996 and in the Housing Renewal Grants (Amendment) (England) Regulations 2008.

Calculations are based upon the regulations governing entitlement to housing benefit and council tax support. The income and capital of each relevant person (the disabled occupant and their spouse or partner) is taken into account in the assessment of financial resources.

In the case of families with a disabled child or young person there is no means test and 100% grant is awarded up to the maximum limit.

Where all relevant persons are in receipt of a pass ported benefit then a 100% grant is awarded.

At present and nor is it envisaged there will be a need to prioritise DFG enquires, but should demand for these grants significantly increase or there be a legislative change there may be times when an applicant will unfortunately be placed on a waiting list and be assisted in chronological order, although as part of any such

Agenda Item 6

waiting list a set of priorities including clinical need will be used to determine if priority should be given.

Repayment conditions are applicable to every DFG over £5,000 under The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008. Certain exemptions are applicable regarding repayment but the maximum amount of repayment the Council can require is £10,000. Appendix A provides specific details.

DRAFT

5.0 Better care fund sourced discretionary funding

5.1 Discretionary funding supported through the Better Care Fund (DFG allocation)

5.1.1 Introduction

Historically, the way which DFG funding could be used was rather prescriptive. However, since the introduction of the BCF a wider more integrated view is being promoted. In a recent letter from the Department of Health they stating that the DFG funding will continue to be included within the BCF to “encourage areas to think strategically about the use of home aids/adaptations, use of technologies to support people in their own homes, and to take a joined-up approach to improving outcomes across health, social care and housing.”

Mandatory DFG applications will of course take precedence over discretionary funding, however if budgets allow discretionary funding will be used for grants and other initiatives and innovations. All such expenditure must be based on the requirement of the BCF and will achieve at least one or more of the core principles:

- a) Reducing or eliminating hospital admissions;
- b) Allowing a speedier discharge from hospital;
- c) Considering the long term needs of individuals and reductions in associated treatment and social care costs; and
- d) Undertaken works, adaptations or provision of equipment that is not provided by any other service

5.3 Collaborative Working

Funds will be used from the BCF to fund initiatives linked to the four core principles. Examples of such innovative work would include the Health and Housing Co-ordinator at Tunbridge Wells and Darenth Valley Hospital and a similar role assisting GPs. Funding will be made available to undertake minor works to facilitate hospital discharge or prevent admissions.

5.4 Discretionary Disabled Facility Grant (DDFG)

5.4.1 Introduction

This funding will be made available only as funds via the BCF allow. Mandatory DFG's will take precedent over discretionary funding.

Discretionary funding will be for three specific areas
 Funding adaptations over the £30,000 maximum;
 Relocation funding; and
 Specific situation funding.

DDFG is principally available to applicants who meet the eligibility criteria for mandatory DFG and who require additional funding in order to pay for the

adaptations or to move to another property more suited to adaptation (or already adapted). A principle aim of this DDFG is to replace the 'top up' grants administered by KCC.

A more suitable property does not necessarily need to be within the Sevenoaks District.

Assistance may be refused in cases where an applicant is found to have an outstanding debt to the council of any kind. This does not have to be in relation to the same property that the current application for assistance is for. In particular an applicant with council tax arrears may only apply for assistance once the outstanding debt has been repaid or an appropriate payment method has been arranged and adhered to.

Appendix B details the repayment conditions associated with all Discretionary Disabled Facility Grant

5.4.2 Funding adaptations over grant maximum (Such grants are commonly referred to as 'Top up grants')

For adaptations, over the £30,000 maximum, repayable top up assistance is solely for the necessary and appropriate and reasonable and practical adaptations, if applicants wish to have adaptations over and above this level or a higher specification of fixtures and fittings this will not be covered by this assistance. If schemes become excessive in nature and it is the belief of the Council this is unnecessary then no discretionary funding in such a situation would be made available, an example of this would be if a ground floor extension was reasonable by a two storey extension was being proposed in such a situation discretionary funding would not be made available. DDFG discretionary funding will not be able to be used for the purposes of an 'offset grant'. An offset grant is one where SDC agree a scheme but instead the applicant wishes to undertake a different more extensive/expensive solution.

Owner occupiers are eligible for top up assistance, although tenants will be considered on an individual basis as factors such as impact upon rentability, length of tenancy and agreement of landlord are important.

Maximum amount of top up assistance for all owner and tenant applications will be £30,000 or 50% of the equity existing at the time of application, whichever is the lesser.

Currently registered social landlord tenants are able to apply for a mandatory DFG and can receive up to £30,000, given it would be considered good practice for a responsible social landlord to respond to the needs of its disabled tenants, discretionary assistance above the mandatory maximum will be limited to £15,000. Discretionary funding will only be available if a RSL match funds the discretionary assistance given by the Council. If adaptations exceed £60,000 (mandatory £30,000 plus discretionary from SDC match funded by RSL) then no further funding will be made available from the Council.

All applicants for top up assistance will be subject to the means test used for mandatory DFGs, those on a pass ported benefit and where the adaptations are for a child and one of the parents is in receipt of such a benefit will not go through the means testing process.

Any funding provided via this route for owner occupiers or tenants application is repayable on disposal or transfer of the property to which it relates. A charge will be placed with Land Registry and local land charges. No charge can be placed upon a property owned by a RSL.

The applicant will not normally be eligible for top up assistance where a relocation grant has previously been provided by the Council as any new property would be more appropriate for the disabled persons needs.

5.4.3 Relocation funding

Maximum amount of assistance associated with all relocation assistance applications, will be £10,000 and no repayment requirement.

Relocation funding is available when a proposed adaptation via the mandatory route has been assessed and determined by the Council and Occupational Therapist as not being reasonable and practicable because of either cost and/or extent of works involved. Funding will assist customers in providing financial assistance to cover the costs of moving to another property which can be outside of the District.

To assist moving to another property grant assistance can be obtained for:

- estate agents fees (limited to 1.5% of the property value)
- solicitors fees
- valuation fees
- Stamp Duty (limited to the amount for a property valued at 15% higher than the property being sold)
- mortgage arrangement fees
- removal costs

The applicant is responsible for obtaining from an OT a report advising that the new property is suitable to fully meet or have the potential to meet the needs of the disabled person are family and agreement from Sevenoaks District Council as to the condition of the proposed property (property is fit for human habitation)

5.4.5 Specific situation funding

Maximum grant of £50,000 with a repayment requirement once the property is sold or transferred.

Discretionary assistance will be considered in specific and unusual situations which prevent a disabled person from receiving a much needed adaption.

Agenda Item 6

For those owner occupiers and private sector tenants who for very specific reasons are ineligible for a mandatory DFG. As a result of not being able to fund essential adaptations additional social care costs, hospital admissions and poor family environment will result. Circumstances that are applicable include:

Long term prognosis, limited or no income and living off diminishing amount of savings or for applicants who need additional facilities at a second property which is not their sole or main residence.

To be eligible to make a discretionary application one must have to been assessed by an Occupational Therapist as requiring the adaptations; adaptations are necessary and appropriate and reasonable and practical, unable to make a mandatory application, have sufficient equity in the property and accept, including landlord a charge being placed upon the property.

In order to determine upon eligibility and if such assistance is reasonable for private sector tenants of an application, a summary of the case shall be produced by the Team Leader - Private Sector Housing and submitted to the Property Services Manager and Portfolio Holder for Health and Housing and only if both parties agree will discretionary assistance be considered.

A maximum amount of £50,000 will be available or 50% of the equity existing at the time of application, whichever is the lesser. However any application must demonstrate value for money, no other option is available (i.e relocation) and once completed there is no expectation of a successive mandatory DFG application being made.

This grant will have regard to the means testing criteria undertaken via the mandatory DFG process and have the same eligible criteria as a mandatory DFG.

5.5 Accelerated Facility Grant (AFG)

Maximum grant of £7,500 with a repayment being considered between £5,000 and £7,500.

AFG assistance will provide a quicker more streamlined service.

AFGs will be considered for those adaptations costing under £7,500 and recommended by an Occupational Therapist. Applicants must be owner-occupiers, private sector tenant or RSL tenants, be registered or registerable disabled. No means test will be applicable for this grant.

Such a grant is appropriate in situations for low cost or urgently needed disabled aids and adaptations (for instance, a straight stair lift or level access shower) that, if not carried out, could directly affect the occupant's health, safety and welfare, or the health, safety and welfare of the disabled person's carer. AFG is not for property repair or its maintenance, it is solely for adaptations.

The grant will only require one estimate and be limited to a maximum of £7,500. Any grant liable to exceed this amount will be required to apply for a mandatory DFG. A charge shall be applied to such grants between £5,000 and £7,500 and will those stated by The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008. See Appendix B for conditions appropriate for an AFG.

Hospital Discharge Grant (HDG)

The HSG has a maximum of £3,000. No requirement for repayment shall be applied to such grants.

This grant is solely to provide support to any customer being discharged from hospital. Due to the many housing related issues which prevent a timely hospital discharge a specific list of works can not be given, however all works associated with the grant must be essential to enable the customer to once again reside in their own home. Examples of works that would be expected to be supported by a HDG include deep cleaning, decluttering, minor adaptations, boiler repairs/replacement, minor repairs, moving furniture.

Applicants for a HSG must be in hospital at the time of referral and awaiting discharge. Owner occupiers and private sector tenants are available to make an application for this grant and applicants are not required to go through the means testing process. An application form will need to be completed along with confirmation of ownership/tenancy and work is required to allow hospital discharge to occur.

Safe and Secure Grant (SSG)

The maximum grant will be £1000.00, available to owners and private sector tenants with no repayment criteria being applicable.

The Safe and Secure Grant is designed to reduce admissions to hospital and promote independence. Repairs to the house and its environs will be minor in nature and could include:

- repairs or modifications to stairs, floors and steps;
- safety and security repairs; and
- providing additional property modifications to promote independence for customers with a specific disability, diagnosed condition (or written evidence supporting a condition) with a Dementia to ensure they reside in their own home as long as possible.

With the new links being forged it is envisaged that many organisations can refer applicants in the Council for assessment, these organisations would include Community care agencies, charities and family carers.

This type of non-means tested grant will be available to those who are over 60 or with a specific ill health diagnosis (or written confirmation of systems by a medical

professional or disability. This grant is primarily aimed at those individuals and carers living with Alzheimer's and Dementia.

6.0 DISCRETIONARY ASSISTANCE

Housing Assistance Grant (HAG)

Maximum £10,000 is available to an owner occupier and repayable upon sale or transfer. Appendix C details the repayment conditions associated with a HAG.

In principle, the Council takes the view responsibility for all repair and maintenance of a property rests with the owner. Discretionary financial assistance will normally only be available where it can be demonstrated that other funding options have been explored and eliminated, or where the use of discretionary funding assists the Council in meeting its strategic objectives.

Subject to funds being available financial assistance to qualifying residential premises will be provided as a discretionary Housing Assistance grant. Once the budget has been committed no further offers will be made. In such circumstances, the Council may draw up a waiting list of people wanting assistance which will be administered using a points system.

The Council will consider applications for a means tested, repayable HAG where it can be demonstrated that reasonable steps have been taken to fund the works through alternative means, for example through conventional loans, equity release or similar schemes. The Council accepts that commercial products may not always be appropriate and will seek to target limited funds to those in the greatest need.

Assistance may be refused in cases where an applicant is found to have an outstanding debt to the council of any kind. This does not have to be in relation to the same property that the current application for assistance is for. In particular an applicant with council tax arrears may only apply for assistance once the outstanding debt has been repaid or an appropriate payment method has been arranged and adhered to.

For these reasons, it cannot be assumed any HAG funding will be available.

Enquiries will be prioritised to take into account the applicant's circumstances, financial need, the nature of the work and its urgency. Applicants must understand the grant system is not an emergency service so anything requiring urgent action will need to be undertaken by the resident.

Applications for discretionary assistance will only be considered in the following circumstances:

- Where essential works are required to remedy Category 1 hazards (as assessed using the Housing Health and safety Rating System - HHSRS; or Multiple category 2 hazards (Band D) that pose a risk to health of the vulnerable group.

Applications for discretionary assistance will not be considered in the following circumstances:

- for non-essential repairs or for works which are considered desirable rather than essential (including kitchen and bathroom refurbishments to replace dated but otherwise serviceable fittings);
- for repairs to porches, conservatories, sheds, outbuildings, garden fences, boundary walls etc.;
- for cosmetic repairs, redecoration and cleaning works;
- for the replacement of windows and doors on grounds of energy efficiency unless considered by the Council to be in serious disrepair and beyond economical repair;
- for completing DIY projects;
- the funding of works which would normally be covered by a household insurance policy. Discretionary funding is not intended to be an alternative to insurance cover; and
- for instances where a disabled persons home is unsuitable for adaption to meet their specific needs.

Pre qualifying criteria

The Council will 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 the HAG application for assistance and reserves the right to specify different periods for different purposes. A period of three years will apply to all HAG discretionary applications. In exceptional circumstances (i.e when a life changing event has occurred requiring significant adaptations), the Council may consider exercising its discretion in relation to this requirement if there are particular strategic reasons to do so.

It is not the Council's intention to make discretionary financial assistance available to those who have recently purchased a property and have decided not to commission a full structural survey or Homebuyer's Report since this would have provided the opportunity to re-negotiate the purchase price to reflect any defects identified by the surveyor.

7.0 General Guidance on the operation of the Housing Assistance policy

7.1 Buildings Not Attracting Grant Assistance

The following dwellings will not qualify for grant assistance:

- Properties, which are not of a permanent nature or where the conditions are such it is not cost effective to undertake significant repairs;
- Dwellings, sheds, outhouses and extensions such as conservatories that do not have planning permission or building regulations approval.
- Non-residential buildings.
- Improving conditions within the private rented sector as this is the responsibility of the landlord.

Eligibility Criteria

Eligible applicants are freeholders and long leaseholders with at least 10 years interest left in the property. A tenant (with the landlords permission) can apply for most grants although a HAG is unavailable. The property must be the main or only residence of the applicant or a member of their family who the works are for and have the intention of residing there. A property must be within geographical area of Sevenoaks District Council.

A person who lives in the dwelling under a right of exclusive occupation for a period of more than 5 years or for life will be able to apply assistance.

Qualifying house boat means a boat or similar structure designed or adapted for use as a place of permanent habitation which -

- (a) has its only or main mooring within the area of a single local housing authority;
- (b) is moored in pursuance of a right to that mooring; and
- (c) is a dwelling for the purposes of Part 1 of the Local Government Finance Act 1992 (council tax).

And includes any yard, garden, outhouse and appurtenances belonging to it or usually enjoyed with it.

Qualifying Park Home means a caravan within the meaning of Part 1 of the Caravan Sites and control of development Act 1960 (disregarding the amendment made by section 13(2) of the caravan sites act 1968) which-

- (a) is stationed on land forming part of a protected site within the meaning of the Mobile Homes Act 1983;
- (b) is occupied under an agreement to which the Act applies or under a gratuitous licence; and

(c) is a dwelling for the purposes of Part 1 of the Local Government Finance Act 1992 (council tax).

And includes any yard, garden, outhouse and appurtenances belonging to it or usually enjoyed with it.

All funding is provided subject to funding being available. The Council reserves the right to refuse an application and when necessary have a waiting list.

Form of Application

Application for assistance must be on the forms prescribed and provided by the Council and must include:

All Grants

- Applications must be in writing and include full particulars of the proposed works including, where relevant, plans and specifications of the works for which assistance is being sought;
- For grants over £7,500 at least two itemised estimates from independent building contractors unless otherwise directed by the Council;
- For grants under £7,500 at least one itemised estimate from an independent building contractor unless otherwise directed by the Council;
- If works undertaken by Maintenance operatives employed by Sevenoaks District Council costs will be calculated on an hourly rate basis plus the cost of any materials
- Particulars of any professional fees or other charges which relate to the preparation of the scheme, the supervision of the works or the administration of the contract;
- Proof concerning the ownership or tenancy of the dwelling;
- written consent from all owners of the dwelling to the carrying out of the proposed works;
- Written confirmation from applicants agreeing to the relevant conditions.
- Where required by the Council, the consent of the mortgagees;
- Certificate required in the case of an owners/occupiers application or certificate for a tenants application accompanied by an owners certificate from the landlord.

Agenda Item 6

- Signed agreement to repay the grant under certain circumstances as stated by the Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008 (England)) or
- Undertaking that it is an applicants intention that the dwelling will be occupied by the applicant as their only or main residence for a period of 5 years from completion of the works and to repay any financial assistance in circumstances.
- Financial information regarding any outstanding debts or charges placed against the property.

Certificate of Future Occupation

Owner's application - The owner must sign an owner-occupation certificate which certifies that they have, or propose to acquire, a qualifying owner's interest in the property and that they intend that they or a member of their family (in the case of Disabled Facilities Grants this must be the disabled person) will live in the property as their, or that family member's only or main residence for 5 years.

Tenant's application

- (a) The tenant must sign a tenant's certificate which certifies that their intention is that they or a member of their family will live in the property as their, or the member's, only or main residence for 5 years.
- (b) This certificate must be accompanied by a certificate of intended letting from the landlord.

Occupiers application - An occupier must sign an occupiers certificate indicating they have acquired and occupy a qualifying house boat or park home.

Amount of Assistance

The council will specify the maximum amount for assistance. These amounts are inclusive of all costs including Value Added Tax and fees.

Eligible Works

Eligible works will be only those identified as such by an officer of the Council's Private sector housing Team with reference to the Council's Policy. Any relevant fees will also be included. Any works, which would be eligible for assistance but can be paid for via an insurance claim or third party claim, will not attract grant assistance. In exceptional cases assistance may be given on condition it is repaid out of the proceeds of any future claim.

Works outside the curtilage of the property will not normally eligible for assistance unless they relate to the provision of essential services such as water, gas or electricity.

Restriction on grants for works already begun (Section 29 HG,C&R Act 1996)

An application for assistance will not be approved where the relevant works have been completed before the assistance is approved.

Where an application has been received and works have started before the assistance has been approved, only those items yet to be carried out will be considered as part of the application. The only exception to this restriction will be where the Council are satisfied there were good reasons for doing so and prior agreement of the Council was obtained.

Fees & Other Ancillary Costs

Other charges that can be included within a grant application, where applicable, will include:

- confirmation of the owner's interest, when required by the Council;
- specialist surveys, design/preparation of drawings, plans & schedules;
- assistance in completing forms;
- applications for planning permission and building regulation approval;
- obtaining estimates
- supervision of the relevant works
- disconnection and re-connection of electricity, gas, water or drainage utilities where this is necessary for the grant-aided works
- the services and charges of an occupational therapist

Notification of Approval of Assistance (Section 34 HG,C&R Act 1996)

The Council will notify an applicant in writing whether the application for assistance is approved or refused. The notification will be provided as soon as reasonably practicable after receipt of a completed application but no longer than 6 months from the date of the receipt of the completed application.

A grant approval will only be approved if the applicant has agreed to the applicable conditions i.e. repayment.

The approval will specify the amount of assistance, the amount that is ineligible, the applicant's contribution if any towards the eligible costs, expiry date of the assistance and applicable conditions. Assistance is not transferable to another person on the sale of the property. Expiry date will be 12 months for DFGs, top up assistance and specific situation funding, for others 6 months expiry date shall be stated.

In the case of refusal, the Council will give a written reason for refusal. The applicant will be able to appeal against the decision made on their grant application and the process for doing this is set out under appeal procedure.

Re-determining an Approval and Unforeseen Works (Section 34 HG,C&R Act 1996)

Agenda Item 6

If after an application has been approved the Council are satisfied that owing to circumstances beyond the control of the applicant.

- a) The eligible works cannot be, or could not have been carried out for approval amount;
- b) The amount of the costs which have been or are to be incurred has decreased/increased; or
- c) The eligible works cannot be, or could not have been, carried out without carrying out additional works which could not have been reasonably foreseen at the time the application was made;

The Council may re-determine the estimated expense and the amount of grant. At no time will any re-determination exceed the grant maximum.

Additional works identified once works have been commenced must be seen and agreed prior to them being carried out. An instruction will be given authorising any unforeseen works.

Extension of time (Section 37 HG,C&R Act 1996)

An offer of assistance will expire after 6 or 12 months depending upon the type of grant, by which time all works must have been completed. If an extension of time is required an application must be made to the Council, an extension will only be given if delays have occurred outside of the control of the applicant and in which case an extension of no more than 3 months will be given. A second extension will not be considered. If there is no evidence of the applicant arranging for the works to be completed during the 6 months at the end of this time the grant will be closed and any costs incurred in the application process will not be reimbursed by the Council.

Supervision of Works

Applicants are advised to use a suitably qualified person to supervise and arrange the works. This can be, the Home Improvement Agency or any other approved surveyor to assist with their applications.

Relevant fees to the Improvement Agency or other approved managing agent will be included as eligible works, currently 12.5% of eligible costs.

If no specific contract in place, the building contract will be between the applicant and the chosen contractor and will not include the Council. An officer from the Council's Private sector housing Team will check the works to ensure they are carried out according to the specification of work and in accordance with good building practice. However, the Council and its officers are **not** liable for any poor workmanship and do not provide any guarantee. Any faults with the works will be a matter between the applicant and their contractor.

Where eligible works are not of an acceptable standard, the Council will withhold monies.

Conditions of Payment (Section 37 HG,C&R Act 1996)

Assistance will only be paid if:

- (a) The work is completed within the time stated in the approval or such further period the council may allow. This must be confirmed in writing. This period is normally 12 months from approval, although this can be shorter especially when works need to be completed in a short period of time.
- (b) The work is carried out in accordance with the conditions of approval,
- (c) The work is carried out by one of the contractors whose estimate accompanied the application. The Council will normally assess the assistance on the lowest estimate,
- (d) The applicant completes a request for payment form or verbally confirms acceptance and satisfaction of the completed works and that the builders are not members of the applicant's family.
- (e) The Council is provided with an acceptable invoice or receipt for payment for the works or fees. The invoice must include full details of the builder/surveyor employed including VAT registration details. The applicant or a member of his family cannot submit an invoice,
- (f) The Council has been notified in advance that the works have begun.
- (g) That the works have been completed to a satisfactory standard and in accordance with the grant offer and estimates,
- (h) Any copies of specified guarantees and test certificates are submitted. Trades having a competent person regime must either use a competent person or make a building regulations application.
- (i) Payments are either made to the applicant or preferably direct to the contractor or agents. In the case of a Disabled Facilities Grant, payment of the grant can be delayed by up to six months where existing budgets have already been committed.

Interim Payments (Section 35, HG,C&R Act 1996)

Interim payments will normally be paid, but these are at the discretion of the Council. The applicant's contribution (if any) will be taken into account in any payment. Normally the applicant will have to pay any contribution they may have towards the cost of the work first, before any grant payments are made. Payments will only be paid for work satisfactory completed and not for materials not yet used or installed. Eligible works must be carried out to the satisfaction of the council and an acceptable invoice supplied.

Grant and repayment Conditions

Agenda Item 6

Are explained in more detail in grant specific appendices as conditions vary between mandatory and discretionary assistance, however it is the Councils belief that a charge either with land registry or with local land charge are appropriate in most situations.

Before imposing any such repayment or other conditions or taking steps to enforce it, the Council shall have regard to the ability of the applicant to make that repayment or contribution. It would therefore be possible that assistance be provided without the repayment condition i.e restrictions on additional charges or no equity within the property.

Repayment upon Breach of Conditions (Sections 40-43 HG,C&R Act 1996)

In the case of a breach of grant conditions applicable to a specific grant the monies becomes repayable to the Council.

In the case where an applicant ceases to be the owner, or it appears to the Council that the applicant was not at the time of the application being approved entitled to the grant, no payment shall be made and the grant cancelled. In the case where interim payments have been paid, no further payments will be made and the Council will decide whether recovery of any or all previous payments is necessary.

Successive Assistance

There is no restriction upon applicants receiving a second for mandatory disabled facility grants or AFG.

It is not envisaged that successive Specific Situation Grants, relocation funding nor top up funding would be available.

For the HDG and SSG a maximum of 2 grants in a three year period will be allowed and only for different works (i.e. because of a worsening of a medical condition).

For the HDG successive grants are appropriate, however if we return to a property and once again undertaking similar works (i.e. cleaning property) then a charge for repayment will be considered.

Given it is the view of the Council that it is for the home owner to maintain a property the council will not generally consider giving assistance on more than one occasion in relation to a specific property.

For HAG discretionary assistance a condition will be placed upon the customer to keep the property free from Category 1 hazards, in a good state of repair for 5 years and the level of maintenance carried out will be taken into account when considering any new application.

Appeal Procedure

Representations can be made in the following cases:

- In the event of disagreement with a decision,
- In the case that one of the conditions of one of the aforementioned grants should be waived or changed,
- That there is an exceptional case for providing assistance which is not within the Councils existing policy,
- There has been some error or excessive delay in the processing of a grant.

In such cases the person should write in the first instance to:

Private Sector Housing - Team Leader
Sevenoaks District Council
Argyle Road Sevenoaks TN13 1HG
psh@sevenoaks.gov.uk

Appendix A

Repayment Conditions - Disabled Facility Grant

Disposal of the dwelling: The Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008

Where a grant is for a sum exceeding £5000, the council may demand repayment of such part of the grant that exceeds £5000 (but may not demand an amount in excess of £10,000) if:

- (a) 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; and
- (b) the council, having considered:
 - (i) the extent to which the recipient of the grant would suffer financial hardship were he required to repay all or any of the grant;
 - (ii) whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of his employment;
 - (iii) whether the disposal is made for reason connected with the physical or mental health or well being of the recipient of the grant or of a disabled occupant of the premises; and
 - (iv) whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity,

is satisfied that it is reasonable in all the circumstances to require the repayment.

NOTES:

1. Repayment will not be required immediately where a joint owner(s) dies and the dwelling is reregistered solely in the name(s) of the surviving proprietor(s) but the condition will continue to apply.
2. If an applicant gives some other person the right to require the dwelling to be disposed of, he will be held to have made a relevant disposal to that person.
3. A voluntary repayment of the amount of grant may be made at any time in full by the owner for the time being or by a mortgagee entitled to exercise a power of sale whereupon all grant conditions shall cease to be in force,

4. On repayment of the sum demanded following a relevant disposal the conditions shall cease to be in force.

Definitions

1. 'Certified Date' means the date certified by the Local Authority as the date on which the execution of the eligible works is completed to their satisfaction.
2. 'Date of Approval' means the date on which the application for grant is formally approved.
3. Disposal, whether of the whole or part of the premises is a 'relevant disposal' if it is:-
 - i. sale of the freehold or an assignment of the lease or
 - ii. the grant of a lease (other than a mortgage term) for a term of more than 21 years otherwise than at a rack rent or
 - iii. any other form of sale, assignment, transfer or disposal.

Other situations that arise during the post approval construction phase will be decided upon with reference to the Housing Grants, Construction and Regeneration Act 1996 and they are explained in detail in Section 7: General Guidance on the operation of the housing assistance policy.

Insurance and compensation claims:

The Housing Renewal Main Grants (recovery of compensation) General Consent 1996 and Section 51 HG,C&R Act 1996

Where the proposed works are subject to an insurance claim or a claim against a third party we may consider an application for grant assistance. The applicant shall take reasonable steps to pursue insurance claims or legal claims relating to the eligible works and shall repay the grant, if the claim is successful.

In the event of failure to make repayment when a claim is successful the Council will demand repayment of the appropriate amount together with interest.

As claims can be protracted there is no time limit attached to this provision. In determining the amount to recover, the terms of settlement received by the applicant will be fully considered.

The Council may determine not to make such a demand or to demand a lesser amount.

Appendix B

Repayment Conditions - Discretionary Disabled Facility Grant

1. Funding adaptations over £30,000 (top up assistance)

All approvals shall have the condition for repayment upon the sale or transfer of the property. Upon completion a charge will be registered with local land charges or Land registry.

Other situations that arise during the post approval construction phase will be decided upon with reference to the Housing Grants, Construction and Regeneration Act 1996 and they are explained in detail in Section 7: General Guidance on the operation of the Housing assistance policy.

Insurance and compensation claims:

The Housing Renewal Main Grants (recovery of compensation) General Consent 1996 and Section 51 HG,C&R Act 1996

Where the proposed works are subject to an insurance claim or a claim against a third party we may consider an application for grant assistance. The applicant shall take reasonable steps to pursue insurance claims or legal claims relating to the eligible works and shall repay the grant, if the claim is successful.

In the event of failure to make repayment when a claim is successful the Council will demand repayment of the appropriate amount together with interest.

As claims can be protracted there is no time limit attached to this provision. In determining the amount to recover, the terms of settlement received by the applicant will be fully considered.

The Council may determine not to make such a demand or to demand a lesser amount.

NOTES:

1. Repayment will not be required immediately where a joint owner(s) dies and the dwelling is reregistered solely in the name(s) of the surviving proprietor(s) but the condition will continue to apply.

2. If an applicant gives some other person the right to require the dwelling to be disposed of, he will be held to have made a relevant disposal to that person.

3. A voluntary repayment of the amount of grant may be made at any time in full by the owner for the time being or by a mortgagee entitled to exercise a power of sale whereupon all grant conditions shall cease to be in force.

4. On repayment of the sum demanded following a relevant disposal the conditions shall cease to be in force.

Definitions

1. 'Certified Date' means the date certified by the Local Authority as the date on which the execution of the eligible works is completed to their satisfaction.
2. 'Date of Approval' means the date on which the application for grant is formally approved.
3. Disposal, whether of the whole or part of the premises is a 'relevant disposal' if it is:-
 - i. sale of the freehold or an assignment of the lease or
 - ii. the grant of a lease (other than a mortgage term) for a term of more than 21 years otherwise than at a rack rent or
 - iii. any other form of sale, assignment, transfer or disposal.

2. Relocation Funding

No repayment conditions are applicable.

Insurance and compensation claims:

The Housing Renewal Main Grants (recovery of compensation) General Consent 1996 and Section 51 HG,C&R Act 1996

Where the proposed works are subject to an insurance claim or a claim against a third party we may consider an application for grant assistance. The applicant shall take reasonable steps to pursue insurance claims or legal claims relating to the eligible works and shall repay the grant, if the claim is successful.

In the event of failure to make repayment when a claim is successful the Council will demand repayment of the appropriate amount together with interest.

As claims can be protracted there is no time limit attached to this provision. In determining the amount to recover, the terms of settlement received by the applicant will be fully considered.

The Council may determine not to make such a demand or to demand a lesser amount.

3. Specific situation funding

Repayment

All approvals shall have the condition for repayment upon the sale or transfer of the property. Upon completion a charge will be registered with local land charges or Land registry.

Other situations that arise during the post approval construction phase will be decided upon with reference to the Housing Grants, Construction and Regeneration Act 1996 and they are explained in detail in Section 7 General Guidance on the operation of the Housing assistance policy.

Insurance and compensation claims:

The Housing Renewal Main Grants (recovery of compensation) General Consent 1996 and Section 51 HG,C&R Act 1996

Where the proposed works are subject to an insurance claim or a claim against a third party we may consider an application for grant assistance. The applicant shall take reasonable steps to pursue insurance claims or legal claims relating to the eligible works and shall repay the grant, if the claim is successful.

In the event of failure to make repayment when a claim is successful the Council will demand repayment of the appropriate amount together with interest.

As claims can be protracted there is no time limit attached to this provision. In determining the amount to recover, the terms of settlement received by the applicant will be fully considered.

The Council may determine not to make such a demand or to demand a lesser amount.

NOTES:

1. Repayment will not be required immediately where a joint owner(s) dies and the dwelling is reregistered solely in the name(s) of the surviving proprietor(s) but the condition will continue to apply.
2. If an applicant gives some other person the right to require the dwelling to be disposed of, he will be held to have made a relevant disposal to that person.
3. A voluntary repayment of the amount of grant may be made at any time in full by the owner for the time being or by a mortgagee entitled to exercise a power of sale whereupon all grant conditions shall cease to be in force
4. On repayment of the sum demanded following a relevant disposal the conditions shall cease to be in force.

Definitions

1. 'Certified Date' means the date certified by the Local Authority as the date on which the execution of the eligible works is completed to their satisfaction.
2. 'Date of Approval' means the date on which the application for grant is formally approved.

3. Disposal, whether of the whole or part of the premises is a 'relevant disposal' if it is:-
- i. sale of the freehold or an assignment of the lease or
 - ii. the grant of a lease (other than a mortgage term) for a term of more than 21 years otherwise than at a rack rent or
 - iii. any other form of sale, assignment, transfer or disposal.

4. Accelerated Facility Grant

Where a grant is for a sum exceeding £5000, the council may demand repayment of such part of the grant that exceeds £5000 (but may not demand an amount in excess of £10,000) if:

- (b) 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; and
- (b) the council, having considered:
 - (v) the extent to which the recipient of the grant would suffer financial hardship were he required to repay all or any of the grant;
 - (vi) whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of his employment;
 - (vii) whether the disposal is made for reason connected with the physical or mental health or well being of the recipient of the grant or of a disabled occupant of the premises; and
 - (viii) whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity,

is satisfied that it is reasonable in all the circumstances to require the repayment.

NOTES:

1. Repayment will not be required immediately where a joint owner(s) dies and the dwelling is reregistered solely in the name(s) of the surviving proprietor(s) but the condition will continue to apply.
2. If an applicant gives some other person the right to require the dwelling to be disposed of, he will be held to have made a relevant disposal to that person.

Agenda Item 6

3. A voluntary repayment of the amount of grant may be made at any time in full by the owner for the time being or by a mortgagee entitled to exercise a power of sale whereupon all grant conditions shall cease to be in force,

4. On repayment of the sum demanded following a relevant disposal the conditions shall cease to be in force.

Definitions

1. 'Certified Date' means the date certified by the Local Authority as the date on which the execution of the eligible works is completed to their satisfaction.
2. 'Date of Approval' means the date on which the application for grant is formally approved.
3. Disposal, whether of the whole or part of the premises is a 'relevant disposal' if it is:-
 - i. sale of the freehold or an assignment of the lease or
 - ii. the grant of a lease (other than a mortgage term) for a term of more than 21 years otherwise than at a rack rent or
 - iii. any other form of sale, assignment, transfer or disposal.

Other situations that arise during the post approval construction phase will be decided upon with reference to the Housing Grants, Construction and Regeneration Act 1996 and they are explained in detail in Section 7 General Guidance on the operation of the Housing assistance policy.

Insurance and compensation claims:

The Housing Renewal Main Grants (recovery of compensation) General Consent 1996 and Section 51 HG,C&R Act 1996

Where the proposed works are subject to an insurance claim or a claim against a third party we may consider an application for grant assistance. The applicant shall take reasonable steps to pursue insurance claims or legal claims relating to the eligible works and shall repay the grant, if the claim is successful.

In the event of failure to make repayment when a claim is successful the Council will demand repayment of the appropriate amount together with interest.

As claims can be protracted there is no time limit attached to this provision. In determining the amount to recover, the terms of settlement received by the applicant will be fully considered.

The Council may determine not to make such a demand or to demand a lesser amount.

Appendix C:

Housing Assistance Grant

Repayment

All approvals shall have the condition for repayment upon the sale or transfer of the property. Upon completion a charge will be registered with local land charges or Land registry.

Other situations that arise during the post approval construction phase will be decided upon with reference to the Housing Grants, Construction and Regeneration Act 1996 and they are explained in detail in Section 7 General Guidance on the operation of the housing assistance policy.

Insurance and compensation claims:

The Housing Renewal Main Grants (recovery of compensation) General Consent 1996 and Section 51 HG,C&R Act 1996.

Where the proposed works are subject to an insurance claim or a claim against a third party we may consider an application for grant assistance. The applicant shall take reasonable steps to pursue insurance claims or legal claims relating to then eligible works and shall repay the grant, if the claim is successful.

In the event of failure to make repayment when a claim is successful the Council will demand repayment of the appropriate amount together with interest.

As claims can be protracted there is no time limit attached to this provision. In determining the amount to recover, the terms of settlement received by the applicant will be fully considered.

The Council may determine not to make such a demand or to demand a lesser amount.

NOTES:

1. Repayment will not be required immediately where a joint owner(s) dies and the dwelling is reregistered solely in the name(s) of the surviving proprietor(s) but the condition will continue to apply.
2. If an applicant gives some other person the right to require the dwelling to be disposed of, he will be held to have made a relevant disposal to that person.
3. A voluntary repayment of the amount of grant may be made at any time in full by the owner for the time being or by a mortgagee entitled to exercise a power of sale whereupon all grant conditions shall cease to be in force
4. On repayment of the sum demanded following a relevant disposal the conditions shall cease to be in force.

Definitions

1. 'Certified Date' means the date certified by the Local Authority as the date on which the execution of the eligible works is completed to their satisfaction.
2. 'Date of Approval' means the date on which the application for grant is formally approved.
3. Disposal, whether of the whole or part of the premises is a 'relevant disposal' if it is:-
 - i. sale of the freehold or an assignment of the lease or
 - ii. the grant of a lease (other than a mortgage term) for a term of more than 21 years otherwise than at a rack rent or
 - iii. any other form of sale, assignment, transfer or disposal.

Appendix D DFG Specific operation Guidance

Change of circumstances affecting disabled occupant:

If a grant has been approved but, before the certified date of completion:

- (a) the works cease to be necessary or appropriate to meet the needs of the disabled occupant, or
- (b) the disabled occupant ceases to occupy the property or it ceases to be the intention that they should occupy it, or
- (c) the disabled occupant dies,

the Council may decide:

- (a) not to pay the grant or not to pay any further instalments, or
- (b) that part or all of the works should be completed and paid, or
- (c) the application should be re-determined.

The Council may demand repayment of any instalment plus interest from the date it was paid until repayment.

Carrying out and completion of works:

In approving an application for a grant the Council will require as a condition of payment of the grant that the eligible works are carried out in accordance with such specifications as they determine.

The eligible works must be carried out within 12 months from the date of approval of the application. The Council in extenuating circumstances may extend this period.

The eligible works must be completed to the satisfaction of the council and acceptable invoices, demands or receipts for the works and any preliminary or ancillary services or charges must be provided. An invoice, demand or receipt is not acceptable if given by the applicant or a member of his family. Unless the Council directs otherwise, the eligible works must be carried out by the contractor whose estimate accompanied the application.

Repayment where applicant not entitled to grant Section 43 HG,C&R Act 1996

Where an application for a grant is approved but it subsequently appears to the Council that the applicant was not entitled to that grant the Council will not pay the grant or any further instalments.

The Council will demand repayment of the grant plus interest from the date it was paid until repayment.

Applicant ceases to be entitled before payment of the grant 40 HG,C&R Act 1996

This section applies where an application for a grant is approved but before the certified date the applicant ceases to be a person entitled to a grant. In the case

Agenda Item 6

of a joint application this section does not apply unless all the applicants cease to be so entitled.

Where this section applies—

- (a) no grant shall be paid or, as the case may be, no further instalments shall be paid, and
- (b) the authority may demand that any instalment of the grant which has been paid be repaid forthwith, together with interest from the date on which it was paid until repayment, at such reasonable rate as the authority may determine.

For the purposes of this section an applicant ceases to be a person entitled to a grant:

- (a) in the case of an owner's application—
 - (i) if he ceases to have a qualifying owner's interest, or
 - (ii) if he ceases to have the intention specified in the owner's certificate which accompanied the application;
- (b) in the case of a tenant's application—
 - (i) if he ceases to be a qualifying tenant of the dwelling, or
 - (ii) if the application was accompanied by an owner's certificate and the landlord ceases to have the intention specified in the certificate.

If the case falls within section 41 (change of circumstances affecting disabled occupant), the authority shall act under that section.

Change of circumstances affecting disabled occupant Section 41 HG,C&R Act1996

This applies where an application for a grant has been approved and before the certified date—

- (a) the works cease to be necessary or appropriate to meet the needs of the disabled occupant, or
- (b) the disabled occupant ceases to occupy the dwelling qualifying houseboat, qualifying park home or flat concerned or it ceases to be the intention that he should occupy it, or
- (c) the disabled occupant dies.

Where the application related to more than one disabled occupant, this section applies if any of paragraphs (a) to (c) applies in relation to any of them.

- (2) This section applies whether or not the disabled occupant (or any of them) is the applicant (or one of them).
- (3) Where this section applies the local housing authority may take such action as appears to them appropriate and may decide—

- (a) that no grant shall be paid or, as the case may be, no further instalments shall be paid,
 - (b) that the relevant works or some of them should be completed and the grant or an appropriate proportion of it paid, or
 - (c) that the application should be re determined in the light of the new circumstances.
- (4) In making their decision the authority shall have regard to all the circumstances of the case.
- (5) If the authority decide that no grant shall be paid or that no further instalments shall be paid, they may demand that any instalment of the grant which has been paid be repaid forthwith, together with interest from the date on which it was paid until repayment, at such reasonable rate as the authority may determine.

This page is intentionally left blank