

GEDLING BOROUGH COUNCIL

PRIVATE SECTOR HOUSING GRANTS AND ASSISTANCE POLICY 2011-2012

1 Background

- 1.1 This Policy has been adopted by Gedling Borough Council ('the Council') to set out how it will administer its powers for the provision of grants and/or assistance for improving living conditions in the private sector under the Housing Grants, Construction and Regeneration Act 1996 and/or Article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.
- 1.2 The Council will consider all applications for grants and/or assistance but, where the assistance is discretionary, it is subject to the Council having sufficient resources.

2 The Policy

- 2.1 This Policy will be reviewed annually; however, the Council reserves the right to review mid-term should legislation change and/or more resources for grants become available.
- 2.2 No changes to the Policy will be retrospective unless the legislation which governs the change allows for retrospective application.

3 DISABLED FACILITIES GRANT (mandatory)

- 3.1 The Disabled Facilities Grant ('the Grant') is designed to pay for, or help towards, the cost of adaptations which are necessary and appropriate for disabled people in living dwellings, qualifying houseboats and caravans, and the common parts of buildings containing more than 1 flat ('the Property').
- 3.2 The Grant will be administered in accordance with the Housing Grants, Construction and Regeneration Act 1996 ('the Act'), as amended; this Policy is for guidance and does not over rule any of the provisions of the Act.

4 Who can apply for a Disabled Facilities Grant?

- 4.1 The Applicant must be either:
- a) The owner of the Property on which the works are to be carried out; or
 - b) The tenant* or licensee (alone or jointly) of the Property; but
 - c) Where the Property is a Caravan, it must be situated on land within Gedling Borough at the time the application is made.

*Some tenants are excluded – the Council will provide full information on the types of tenancies included and excluded on request.

- 4.2 The Applicant can be the disabled person but need not be; a Landlord may make the application where the necessary works are to assist a disabled tenant, or an owner occupier may make the application where the works are to assist a disabled family member.

5 What work is covered?

5.1 The Grant is mandatory and MUST be approved if the work is necessary and appropriate to give the disabled person better freedom of movement into and around the home and access to essential facilities inside it: this includes works to:-

- a) make it easier to get into and out of the Property by, for example, widening doors or installing ramps;
- b) ensure the safety of the disabled person and other occupants by, for example, providing a specially adapted room where it would be safe to leave a disabled person unattended, or improved lighting to ensure better visibility;
- c) make access easier to the living room;
- d) provide or improve access to the bedroom, and/or kitchen, toilet, wash basin and bath (or shower) facilities; by, for example, installing a stair lift, or providing a ground floor bathroom;
- e) facilitate the preparation and cooking of food;
- f) improve or provide a heating system which is suitable for the disabled person;
- g) adapt heating and/or lighting and/or power controls to make them easier to use;
- h) improve access and movement around the home to enable the disabled person to care for another person who lives with them, such as a husband or wife, or child, or any other person whom the disabled person cares for;
- i) improve access to and from the garden, where possible.

5.2 Where possible the adaptation will be completed within the existing floor space of the Property.

5.3 Approval cannot be given for any works started before the Grant is approved unless the Council is satisfied that there were good reasons for beginning the works before approval.

5.4 Approval cannot under any circumstances be given for any work which has been fully completed prior to approval of the application.

6 How is the application made?

6.1 Applicants in the first instance should contact the Occupational Therapy Department of Gedling Social Services who will assess the needs of the disabled person and make a referral to the Council setting out what work they consider to be necessary and appropriate to meet the needs of the disabled person.

6.2 The Occupational Therapist will also provide the Applicant with a form to be completed for means testing if the Applicant is not in receipt of one of the passported benefits; the completed form should be returned to the Council as soon as possible. This will enable the Council to confirm in writing how much (if

anything) the client will be required to pay towards the cost of the works.

- 6.3 Once the Council has the referral from the Occupational Therapist, an inspection of the property will be carried out by the Council's Improvement Officer (often with the Occupational Therapist).
- 6.4 The Council will send to the Applicant a written a schedule of works taking into account the recommendations in the referral, the needs of the disabled person, and what is reasonable and practicable given the age and condition of the property; receipt by the Applicant of the Schedule of works does not indicate that the Grant has been approved, but is indicative of the works which would be approved subject to all other aspects of the application be in order.
- 6.5 The applicant must then get at least two estimates, from different contractors, for the work listed on the schedule; Council Officers can assist the Applicant if necessary.
- 6.6 The Applicant should submit his written application for the Grant, with:
- a) the estimates for the cost of the works on the schedule; and
 - b) if the client is not in receipt of income related benefits they must provide the necessary information to complete the test of resources at the point of application; and
 - c) any necessary forms proving ownership/tenancy and future occupancy; and
 - d) consent of the owner (if not the Applicant) to carry out the works.

The Council will supply all the necessary forms for completion and, if required, Officers will advise and assist Applicants in completion of the forms.

- 6.7 The Council will carry out an inspection of the Property to ensure that the works proposed in the application and recommended by the Occupational Therapist are necessary and appropriate to meet the needs of the disabled person, and reasonable and practicable given the age and condition of the Property.
- 6.8 Where the application is for, or contains, adaptations which are minor (e.g. the installation of a stair lift) the Occupational Therapist may be able to assist the applicant in obtaining quotes and will submit these with their referral; this will enable the Council (subject to all other necessary paperwork being in order) to fast track that application, or part of it.

7 How will the Grant be calculated?

- 7.1 The maximum grant which can be paid is £30,000 per application.
- 7.2 The amount of the Grant up to the maximum will be decided by a means test which will look at the income and capital of the disabled person and their spouse or partner.
- 7.3 There is no means test where the disabled person is aged 18 or under.
- 7.4 Applicants who are in receipt of certain income related benefits will not have to

undergo a means test; others will have to give information to allow the Council to calculate whether they are eligible for some or all of the costs of the works.

8 Are there any conditions?

- 8.1 The Council will, in accordance with the Act, apply conditions to all Grants approved. Information about the conditions will be provided to all applicants when the Grant is approved, and copies of the standard conditions can be obtained from the Council on request.
- 8.2 All works specified on the schedule prepared by the Council's Improvement Officer must be completed for the Council to pay the Grant.

9 Will the Council refuse to pay the Grant, once approved?

- 9.1 In some circumstances the Council may not pay for the cost of the works once the Grant has been approved, as follows:
- a) the approved works were started before the Grant was approved and it is not satisfied that there was good reason for doing so;
 - b) the information supplied by the Applicant was inaccurate or incomplete;
 - c) the works are not completed to the satisfaction of the Council within the 12 months;
 - d) the works have been carried out by contractors other than those approved by the Council when approving the Grant.

10 Will the Grant have to be repaid?

- 10.1 The Council may, at its sole discretion, impose a condition for repayment of part of the grant, as follows:
- a) the first £5000 will not have to be repaid;
 - b) the maximum amount repayable will be £10,000;
 - c) repayment will only apply where the recipient of the Grant is the owner of the Property and sells (or transfers) the Property within 10 years
- 10.2 In every case where the Council decides to impose such a condition, this will be registered as a local land charge; the amount of the charge will be applied to all the works recommended under the Occupational Therapist's referral (subject to the limits in paragraph 10.1 above).
- 10.3 In all cases, before demanding repayment, the Council will consider the reasons for the sale/transfer of the property, and whether and to what extent the payee would suffer financial hardship if the Grant had to be repaid; the Council will not demand repayment unless it is satisfied that it is reasonable in all the circumstances to do so.

11 HOUSING ASSISTANCE (discretionary)

- 11.1 Housing Assistance ('Assistance') will be administered in accordance with Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 ('the Order'); this Policy is for guidance only and does not over ride the provisions of the Order.
- 12.2 Under the Order the Council has the power to provide Assistance for the purpose of improving living conditions within the area; due to reduced resources the Council has limited Assistance in 2011-2012 to works in conjunction with a Disabled Facilities Grant.

12 Who can apply for Housing Assistance?

- 12.1 Applicants must:
- a) themselves be in receipt of a Disabled Facilities Grant, or have living in the Property a person who is in receipt of a Disabled Facilities Grant; and
 - b) be over 18 and in receipt of one of the following income related benefits:
 - Guaranteed Pension Credit
 - Income Support
 - Council Tax Benefit
 - Housing Benefit
 - Income Based Job Seeker's Allowance
 - Income Related Employment Support Allowance
 - Child Tax Credit (maximum level)

13 What work is covered?

- 13.1 Assistance can only be considered for works which are necessary to enable the Grant adaptation to be completed but which are not in themselves within the remit of the Grant, for example:
- a) Where the adaptation requires an electrical supply, any necessary works by and approved contractor to ensure there is no risk of electrocution or fire;
 - b) Security works – i.e. a door entry system for applicants with reduced mobility.

14 How is the application made?

- 14.1 The requirement for works will be determined by the Council's Improvement Officer dealing with the Grant, and he will produce a schedule of eligible works.
- 14.2 Usually the Council will require the Applicant to get at least two estimates, from different contractors, for the work on the schedule; however this will not be necessary where the need for works have been identified during the course of installing adaptations already approved by a Grant (assistance in obtaining the quotes will be offered if the Applicant has difficulty in doing so.)

14.3 The Applicant may be an owner or a tenant and the same rules apply as for a Grant. The Council will not normally require proof of ownership/tenancy if they have been submitted as part of the application for the Grant, although the Council reserves the right to do so if some time has elapsed between the applications for the Grant and for Assistance.

14.4 The Applicant will have to supply confirmation from the owner of the property (if not himself) that the owner consents to the work being carried out.

15 How much Assistance is available?

15.1 The cost of eligible works up to a maximum of £5,000.

16 Are there any conditions?

16.1 The Council reserves the right to apply conditions to all approvals for Assistance.

16.2 Before providing any Assistance the Council will:

- a) give to the recipient a statement in writing setting out any conditions which apply; and
- b) Satisfy itself that the recipient has received appropriate advice and information about the extent and nature of any obligation (financial or otherwise) imposed as a result of the Assistance.

17 Will the Assistance have to be repaid?

17.1 The conditions referred to above may include a provision for the repayment of all or part of the Assistance.

17.2 Before imposing and before enforcing any condition relating to repayment of the Assistance, the Council will have regard to the ability of the Applicant to make repayment.

17.3 The Council may register as a local land charge against the property the amount of Housing Assistance and it may be recovered upon sale of the property.

18 APPEALS

18.1 All applications for Grants and/or Assistance will be considered in accordance with the relevant legislation and this Policy.

18.2 When refusing to allow a Grant and/or Assistance, the Council will inform the applicant in writing of the decision, and the reasons for the decision.

18.3 When making a decision about whether to enforce any conditions relating to the repayment of a Grant and/or Assistance the Council will consider the circumstances of each individual matter and will notify the recipient in writing of the decision about repayment, and the reasons for it.

18.4 Any Applicant/ Recipient who wishes to appeal a decision of the Council must do so in writing, setting out their grounds for appeal, along with any exceptional circumstances which the Appellant wishes the Council to consider.

- 18.5 The Appeals should be addressed for the attention of the Head of Planning and Environment and should be received by him within 28 days of the date of the decision letter.
- 18.6 The Head of Planning and Environment will review the decision within 28 days of receipt of the Appeal, taking into account all information on the file and any additional matters raised in the appeal submissions, and will notify the Appellant of the decision, with reasons for it.
- 18.7 All decisions, whether on the original application or on appeal, will be determined in accordance with the relevant legislation and this Policy. However the Portfolio holder may, at his absolute discretion, where he considers that there are exceptional and compelling reasons, authorise the Grant or Assistance where an application would normally be refused under this policy.
- 18.8 The Portfolio holder may only exercise his discretion in the paragraph above where to do so would not contravene the provisions of the Act and/or the Order.