

## **AGENDA FOR**

## **CABINET**

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**To: All Members of Cabinet**

**Councillors:** M C Connolly (Leader) (Chair), G Campbell (Cabinet Member for Children and Young People), T Isherwood (Cabinet Member for Environment), J Lewis (Cabinet Member for Communities and Culture), R Shori (Deputy Leader & Cabinet Member for Health and Well Being) and S Walmsley (Cabinet Member for Resource and Regulation)

Dear Member

### **Cabinet**

You are invited to attend a meeting of the Cabinet which will be held as follows:-

<b>Date:</b>	Wednesday, 11 June 2014
<b>Place:</b>	Rooms A and B Town Hall, Knowsley Street, Bury
<b>Time:</b>	6.00 pm
<b>Briefing Facilities:</b>	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
<b>Notes:</b>	

## **AGENDA**

### **1 APOLOGIES FOR ABSENCE**

### **2 DECLARATIONS OF INTEREST**

Members of Cabinet are asked to consider whether they have an interest in any of the matters of the Agenda, and if so, to formally declare that interest.

### **3 MINUTES** *(Pages 1 - 6)*

To approve as a correct record the Minutes of the meeting held on 9 April 2014.

### **4 PUBLIC QUESTION TIME**

Questions are invited from members of the public present at the meeting about the work of the Council and the Council's services.

Approximately 30 minutes will be set aside for Public Question Time, if required.

### **5 ADOPTION OF PRIVATE SECTOR HOUSING RENEWAL ASSISTANCE POLICY 2014** *(Pages 7 - 64)*

### **6 URGENT BUSINESS**

Any other business which by reason of special circumstances the Chair agrees may be considered as a matter of urgency.

### **7 EXCLUSION OF PRESS AND PUBLIC**

To consider passing the appropriate resolution under Section 100 (A)(4), Schedule 12(A) of the Local Government Act 1972, that the press and public be excluded from the meeting for the reason that the following business involves the disclosure of exempt information as detailed against the item.

### **8 PROPOSED RELOCATION OF RADCLIFFE BUS STATION** *(Pages 65 - 96)*

### **9 RADCLIFFE HALL CE/METHODIST PRIMARY SCHOOL - MAJOR IMPROVEMENT SCHEME** *(Pages 97 - 102)*

### **10 DELIVERY OF THE BURY STANDARD** *(Pages 103 - 116)*

<b>Minutes of:</b>	<b>THE CABINET</b>
<b>Date of Meeting:</b>	9 April 2014
<b>Present:</b>	Councillor M Connolly (in the Chair) Councillors I Gartside, A Isherwood, J Lewis, T Pickstone, R Shori, J Smith and S Walmsley
<b>Also present:</b>	Councillor L Fitzwalter (Chair–School Admissions Overview Project Group) Councillor P Heneghan (Deputy Cabinet Member – Children and Families)
<b>Apologies:</b>	Councillor G Campbell
<b>Public attendance:</b>	2 members of the public were in attendance.

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#### **CA. 951 DECLARATIONS OF INTEREST**

Councillor Connolly declared a personal interest in any matters relating to the fact that his partner is employed by Adult Care Services.

#### **CA.952 MINUTES**

##### **Delegated decision:**

That the minutes of the meeting held on 19 February 2014 be approved and signed by the Chair as a correct record.

#### **CA.953 PUBLIC QUESTION TIME**

A period of thirty minutes was allocated for members of the public present at the meeting to ask questions about the work or performance of the Council or Council services.

No questions were asked.

#### **CA.954 HOUSING STRATEGY 2013-2024 AND ACTION PLAN**

The Cabinet Member (Adult Care, Health and Housing) submitted a report presenting the Bury Housing Strategy and Action Plan. The Council's current Housing Strategy is ten years old and outdated. The new draft Strategy uses refreshed data taken from the Bury Housing Need and Demand Assessment (2011/12) and other sources to identify five key themes for action over the next 10 years. The five key themes are:

- Delivering a sufficient and suitable supply of housing in the Borough;
- Affordability;
- Fewer empty properties;
- Good quality accommodation;
- Partnership development.

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The draft Housing Strategy has been considered by Cabinet and Overview and Scrutiny Committee and has had extensive consultation with Elected Members, the public, house providers and stakeholders.

**Decision:**

That approval be given to the Bury Housing Strategy and Action Plan.

**Reasons for the decision:**

Although the Council is not required to submit a Housing Strategy it is still good practice to develop a Strategy which sets out local priorities and provides a guide to registered providers and developers on housing requirements within Bury. The Strategy will assist in decision making and enhance the prospects of external funding bids.

**Other options considered and rejected:**

To reject or amend the Housing Strategy.

**CA.955 DOMESTIC VIOLENCE AND ABUSE (DVA)**

The Cabinet Member (Communities and Community Safety) submitted a report providing an overview of Domestic Violence and Abuse (DVA) services in Bury. The report highlighted the devastating impact domestic abuse has on individuals and families. Percentage rates of incidents reported to the police on a ward basis were included with an estimate that the current rate of reporting incidents of DVA to the police is around 40%. In addition key opportunities and challenges were identified for the Council and its partner agencies including:

- Early intervention for victims of DVA;
- Accessing funding;
- Work in schools;
- Continuing Perpetrator Programmes.

**Decision:**

That the progress made in relation to tackling Domestic Violence and Abuse in Bury and the work being done to enhance services to victims be noted.

**Reasons for the decision:**

The Council is committed to tackling DAV and has signed the Greater Manchester Police and Crime Commissioner's pledge to 'Say No to Domestic Abuse'.

**Other options considered and rejected:**

To reject the recommendation.

**CA.956 VEHICLE AND PLANT REPLACEMENT PROGRAMME 2013/2014, 2014/2015 AND 2015/2016**

The Deputy Leader and Cabinet Member (Finance and Corporate Affairs) and the Cabinet Member (Environment) submitted a report updating members on

the current status of the 2013/2014 Vehicle and Plant Replacement Programme and set out proposals for the replacement of vehicles and plant items in the Council's fleet for 2014/2015 and 2015/2016.

**Delegated decisions:**

1. That approval be given to the amendments to the 2013/2014 Vehicle and Plant Programme.
2. That approval be given to the purchase of vehicles and plant in 2014/2015 and 2015/2016 and to the proposed funding from leasing (or loan if more cost effective) and revenue.

**Reason for the decision:**

The proposed replacement programme is necessary to ensure continued operation of the Council's functions.

**Other options considered and rejected:**

To reject or amend the recommendations.

**CA.957 SCHOOL ADMISSIONS OVERVIEW PROJECT GROUP**

The Chair of the School Admissions Overview Project Group submitted a report to inform Cabinet of the work, findings and recommendations of the Schools Admissions Overview Project Group.

The Project Group was appointed by the Overview and Scrutiny Committee to examine the provision and arrangements for school places in the Borough, in particular:

- To review the robustness of the Council's Forecasting Model;
- To examine the areas where problems exist and identify potential solutions and the development of strategy (short, medium and long term);
- To manage expectations (parental, schools and members);
- To identify communication strategies (officers/members with clear roles and responsibilities).

The Chair welcomed the report and thanked Councillor Fitzwalter for the thorough review the Project Group had undertaken in reaching its recommendations. Cabinet looked forward to the submission of further Overview and Scrutiny Committee reviews.

**Delegated decisions:**

That approval be given to the recommendations of the School Admissions Overview Project Group:

- (i) The Group acknowledges the complex nature of school place planning and supports the need for a proactive approach to develop strategies that respond to both short and medium term demands for places.

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- (ii) Whilst acknowledging the difficulties in measuring migration into the borough, the Group highlight the need to regularly monitor patterns and developments through the Strategic Housing Land Availability Assessment; the Council's Core Strategy; and regular liaison with neighbouring boroughs.
- (iii) Targeted strategies employed to manage demand pressures continue to be monitored with regular consultations with local headteachers at affected schools.
- (iv) The Group acknowledges that the admissions system is complex but seems to be fair. Members, who are often asked for advice on applications by parents, should be offered an annual briefing from Children's Services on the process and any changes to the system.
- (v) Consideration be given to the development of a simplified summary of the school admissions paperwork provided to parents.
- (vi) Consideration be given to the role of Elected members in the admissions and appeals process.

**Reasons for the decision:**

Cabinet recognises the valuable work of Overview and Scrutiny in improving the services of the Council.

**Other options considered and rejected:**

To amend or reject the recommendations.

**CA.958 EXCLUSION OF PUBLIC**

**Delegated decision:**

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item of business as it involves the likely disclosure of information as detailed in the conditions of category 3.

**CA.959 CAPITAL PROJECT STAGE 2 BRIEF – HIGHWAYS CAPITAL MAINTENANCE AND BRIDGE STRENGTHENING PROGRAMME 2014/2015.**

The Deputy Leader and Cabinet Member (Finance and Corporate Affairs) and the Cabinet Member (Environment) submitted a report informing members of the Highways Capital Maintenance and Bridge Strengthening Programmes. The Programmes have been approved by Council as part of the 2014/2015 Capital Programme.

**Delegated decisions:**

1. That approval be given to the capital expenditure details for the 2014/2015 Highways Capital Maintenance and Bridge Strengthening Programmes as set out in the report submitted.

2. That approval be given to delegate authority to the Executive Director of the Department of Communities and Neighbourhoods in consultation with the Cabinet Member (Environment) to approve the detailed list of schemes to be funded from the additional Local Highways Funding.
3. To note that the expenditure is approved as part of the LTP-Highways Capital Maintenance Programme for 2014/2015.
4. That the method of financing the programme be noted.

**Reasons for the decision:**

There is an expectation from the Department of Transport that the funding allocated to the Council is used to keep principal roads and primary networks in a safe, serviceable and sustainable condition.

**Other options considered and rejected:**

To amend or reject the recommendations.

**COUNCILLOR M CONNOLLY**

**Chair**

(Note: The meeting started at 6.00 pm and ended at 6:40 pm)







**REPORT FOR DECISION**



<b>DECISION OF:</b>	<b>Cabinet</b>
<b>DATE:</b>	<b>11 June 2014</b>
<b>SUBJECT:</b>	<b>Adoption of Private Sector Housing Renewal Assistance Policy 2014</b>
<b>REPORT FROM:</b>	<b>Councillor Rishi Shori, Deputy Leader and Cabinet Member for Health and Well Being</b>
<b>CONTACT OFFICER:</b>	<b>Sharon Hanbury, Head of Urban Renewal</b>
<b>TYPE OF DECISION:</b>	<b>Key Decision</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	<b>This paper is within the public domain</b>
<b>SUMMARY:</b>	<p>This report deals with the revision of the Councils Private Sector Housing Renewal Assistance Policy.</p> <p>It proposes new powers to enable the Council to supplement mandatory Disabled Facilities Grants (DFGs) with discretionary grants and loans in certain circumstances and provides for other minor amendments to the Policy in response to on-going financial constraints within Local Government since the Policy was last updated in 2009.</p>
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	<p><b>Option 1</b> That the proposals to revise the Private Sector Housing Renewal Assistance Policy 2014 are adopted.</p> <p><b>Option 2</b> That the proposals are not accepted.</p>

	<p><b>Option 1 is recommended for approval</b></p> <p><b>Reasons</b> Approval and adoption of the Policy will :</p> <ul style="list-style-type: none"> <li>• Add value to existing mandatory Disabled Facilities Grant (DFG) provisions and support the Council’s wider welfare obligations.</li> <li>• Introduce streamlined processes and flexibilities for customers requiring adaptations.</li> <li>• In exceptional cases, it will help customers who need expensive adaptations above the mandatory DFG level of £30,000 in a prudent and proportionate way.</li> <li>• Maintain the Council’s commitment to addressing poor housing conditions whilst operating within a more restrictive financial environment.</li> </ul>
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? Yes
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	The proposed revisions to the Policy reflect, amongst other things, the need for the Council to manage and prioritise demand with considerably reduced resource levels.
<b>Statement by Executive Director of Resources:</b>	There are no other direct resource implications.
<b>Equality/Diversity implications:</b>	Yes (see paragraph 2.7.1 below)
<b>Considered by Monitoring Officer:</b>	Yes As part of the risk management considerations, the legal issues are set out in the report at Paragraph 2.6. Legal advice has been given on the revisions to the proposed Policy.
<b>Wards Affected:</b>	All Wards affected
<b>Scrutiny Interest:</b>	None

**TRACKING/PROCESS**

**DIRECTOR:**

Chief Executive/ Strategic Leadership Team	Cabinet Member/Chair	Ward Members	Partners
n/a	30.5.14	n/a	n/a

Scrutiny Committee	Committee	Council	
n/a			

## 1.0 BACKGROUND

- 1.1 The Council’s Private Sector Housing Renewal Assistance Policy was first adopted in 2003 following the introduction of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. This Policy has been updated twice since then in 2006 and 2009 and has provided for financial assistance, usually in the form of grants, to supplement mandatory Disabled Facility Grant (DFG) provisions and also address poor housing conditions in the private sector through:
- Decent Homes Assistance to help owner-occupiers deal with housing conditions that impact on their health and to meet the decent homes standard,
  - Houses in Multiple Occupation Grants and Landlord Accreditation Grants to support engagement with private sector landlords and help ensure private tenants are provided with safe accommodation,
  - Empty Property Grants to reduce blight and maximise use of existing housing.
- 1.2 The Policy is an important document as it sets the framework within which the Council’s powers to provide assistance can be exercised.

## 2.0 ISSUES

### 2.1 Reductions in funding availability

- 2.1.1 The proposed new Policy reflects the changed financial position faced by Bury and other local authorities which mean that the Council cannot deliver the full range of financial assistance options as before and thus needs to manage expectations and focus more on improved advice, information and other mechanisms to address poor housing conditions in private sector housing.
- 2.1.2 The revised forms of financial assistance proposed in the Policy reflect the need to provide discretionary financial support and increased flexibility around the mandatory DFG provisions to meet adaptation needs.

### 2.2 Summary of main changes

- 2.2.1 The new 2014 Policy is included at Appendix A. The main changes to the existing 2009 Policy are as follows:
- Removal of non funded specific forms of financial assistance specifically the Decent Homes Assistance for owner occupiers, assistance to landlords and empty property grants
  - Increased emphasis on the provision of advice and support for dealing with unsatisfactory private sector housing in addition to retaining the commitment to meeting statutory housing duties

- The introduction of more flexible forms of financial support to supplement existing provisions for mandatory grants

2.2.2 The specific forms of discretionary financial assistance for adaptations in the proposed Policy are:

- *Disabled Adaptation Grants*  
A new streamlined form of assistance for eligible, mandatory works costing between £1000 and £5000; avoiding customers having to navigate the bureaucratic nationally prescribed mandatory DFG process and bringing about efficiencies in the process for the Council.
- *Major Adaptation Loan*  
The ability to offer an equity based loan to cover the cost of eligible works that would normally fall within the scope of a mandatory DFG but where the mandatory DFG limit of £30,000 is exceeded. Loans represent a more prudent form of assistance to achieve the desired outcome and (except for in particular exceptional circumstances) would be repayable by customers upon sale of the property.
- *Relocation Assistance*  
This is directed at customers who need adaptations and qualify for a mandatory DFG but where adapting their current home is impractical or where moving to an adapted or readily adaptable house is more cost effective. This is a modest amount of assistance of up to £2500 to assist with moving expenses. This will help to ensure that their assessed needs are met and in a cost effective way.
- *Discretionary Disabled Facilities Grant (notional allowance)*  
This addresses those customers who need an adaptation and qualify for a mandatory DFG but who also want the work completing to a higher specification than that set by the Council. In these cases, the Council's contribution would be restricted to the value of the basic work required to meet the assessed needs of the customer. The Council would not incur any additional costs but the applicant would be able to exercise greater choice as long as the applicant funded the cost of any work over and above the basic standard from their own resources.
- *Discretionary Disabled Facilities Grant (top up)*  
There are exceptional cases where the severity of the disability coupled with the circumstances of the household exceeds the provisions of existing legislation. The proposed policy therefore allows a degree of discretion in such cases to offer discretionary DFG top up grants. As with all DFGs, applications will be subject to financial assessment and must demonstrate a clear social care benefit. In addition, the new policy tightens up grant conditions and lengthens the repayment period. The full amount of the grant would be repayable up to the 6<sup>th</sup> anniversary of the award with a reducing proportion repayable for up to 20 years.

### 2.3 Details relating to the Major Adaptation Loan

2.3.1 The loan will become repayable on the sale of the property and is therefore particularly suited to people who are asset rich but cash poor.

2.3.2 Whilst the proposed Policy does not set out how loans will be delivered, it is proposed to use the AGMA loan framework which offers support to the householder throughout the loan process with advice, preparation of the legal charge and valuations and liaison with the Council as we will still provide funding for the loan. This is the most appropriate delivery mechanism given the constraints on expertise and capacity within the Council to deliver such a product. The cost of administering each loan will be approximately £2000 to cover fees, valuations, etc and this will be added to the value of the loan.

2.4 Transitional Arrangements

2.4.1 It is proposed that the new Policy will come into force on 30<sup>th</sup> June 2014. Any grant or other assistance approved on or after the 30<sup>th</sup> June 2014 will be subject to the new Policy. Existing grants which have grant conditions which are still in force will be dealt with under the provisions of the 2009 Policy until the condition period expires.

2.4.2 Empty Property Grant applications received prior to 31<sup>st</sup> March 2015 will continue to be dealt with under the provisions of the 2009 Policy subject to resources and agreed budgets. Any Empty Property Grant applications received on the 31<sup>st</sup> March 2015 or after will not be approved. This is to cover empty property grants provided through currently available capital for empty property grants.

2.5 Financial Implications

2.5.1 The new and revised forms of discretionary financial assistance within the proposed Policy will be financed through Government funding. This currently comes via the Department for Communities and Local Government although from 2015/16, adaptations funding needs to be built into the Better Care Fund.

2.5.2 The table below indicates the budget, total expenditure on DFGs and expenditure on discretionary DFGs under the existing Policy over the last 2/3 years and amounts/projections for this year and next year.

<b>Year</b>	<b>Budget (from DCLG and slippage) £</b>	<b>Total expenditure on mandatory and discretionary DFGs, £</b>	<b>Expenditure on discretionary DFGs under current Policy, £</b>
<b>2012/13</b>	1.0m	570k	20k
<b>2013/14</b>	1.1m	780k	8.5k
<b>2014/15</b>	952k (subject to slippage approval)	<i>Projected</i> 900k	Currently one approval of 3.5k
<b>2015/16</b>	781k (in Better Care Fund)	Projections not yet available	Projections not yet available

2.5.3 The proposed Policy is not expected to lead to any net increases in expenditure of DFGs, nor have any significant financial implications for the following reasons:

- The Disabled Adaptation Grants for adaptations under £5000 will have no net impact upon the expenditure as it is simply a mechanism for delivering what would currently be classed and delivered as a mandatory DFG.
- The Discretionary Disabled Facilities Grant (notional allowance) will also have no net impact as the amount of assistance is limited to what would be provided through a mandatory DFG.
- The Major Adaptation Loans and the Discretionary DFG (top up) replaces the Discretionary DFG top up provision in the current Policy. As indicated, the current and proposed mechanisms for topping up above the £30,000 mandatory grant level are only available in exceptional circumstances. Levels of expenditure have been low and the proposed changes are not expected to increase costs. In fact, the changes will tighten conditions and repayment provisions and could produce a small increase in the amount of repayments. Such income would then be available to be recycled into future adaptations.
- The Relocation Assistance will only apply in few cases where the overall costs of providing the relocation assistance and a DFG to a new property are lower than a DFG for the existing property.
- The transitional arrangements in relation to Empty Property Grants will be funded by agreed slippage from historical capital programmes.

## 2.6 Risk Management

2.6.1 By complying with the legal requirements of the 2002 Order, the risk of challenge to the new Policy is low. The provisions continue to deliver the Council's obligations whilst recognising the changing financial position and the responsibilities of property owners. There would be a greater counter risk of raising public expectations if the Council did not amend policy and practice in respect of the financial assistance that can be made available.

2.6.2 Change to the Policy will not, in itself, increase the amount of funding required although it is recognised that people with complex disabilities are living longer and this is likely to translate into increased demand. The Council also needs to be mindful that the source of funding from Government is set to change with DFGs competing with health and social care projects for money from the Better Care Fund. These risks are being managed by effective engagement in the Better Care Fund planning process, effective budgetary control and ensuring building works are directly related to needs.

2.6.3 There is a small risk that some loans may not be repaid in the event of a major collapse in the housing market but, given the extended period of time involved, fluctuations in the housing market will mitigate this risk.

## 2.7 Equality and Diversity

2.7.1 An Equality Analysis has been carried out and attached to this report. It has identified an overall positive effect on equality particularly in relation to disability, age and caring responsibilities. A small potential negative impact is mitigated by a proportionate approach to grant condition periods and safeguards built in in respect of the loan product.

## 2.8 Consultation

2.9.1 Informal consultation has taken place with disability related groups by way of the Bury Coalition for Independent Living and with customers who have received a service and assistance under the 2009 Policy. The consultation results generally indicate that the proposed new forms of assistance are welcomed. There was a concern in relation to Relocation Assistance that householders should not be compelled to move house and this has been acknowledged in the relevant part of the Policy document.

2.9.2 Once the Policy has been adopted it is a legislative requirement to give public notice of the adoption of the Policy. This will be in the form of advertising in local press and the usual customer communication channels.

2.9.3 A copy of the full Policy must also be available to be freely examined at all reasonable times by members of the public and a summary of the Policy made available.

## **3.0 CONCLUSION**

3.1 It is important that the Council has a robust and sustainable Private Sector Housing Renewal Assistance Policy that reflects current circumstances and properly protects public investment. Option 1 achieves this objective and Cabinet are requested to approve the new policy.

3.2 The proposals bring a number of benefits in terms of:

- Increasing the range of support available to enable the Council to deliver its statutory DFG and wider welfare obligations. It gives the customer more flexibility in the packages of support available whilst protecting the Council's interests by extending and strengthening conditions attached to funding.
- Streamlining processes for adaptations under £5000 thereby reducing bureaucracy and increasing efficiency and delivery timescales.
- Removing forms of assistance which are no longer affordable for the Council, whilst maintaining a commitment to delivering improvements to private sector properties and helping people to remain at home safely.

3.3 The impact of the new policy will be kept under review to ensure that the desired outcomes are achieved within available resources.

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### **List of Background Papers:-**

Appendix A - Private Sector Housing Renewal Assistance Policy 2014

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**BURY COUNCIL**  
**PRIVATE SECTOR HOUSING**  
**RENEWAL ASSISTANCE POLICY**  
**2014**

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## **Chapter 1 - Introduction**

### 1.1 General

- 1.1.1 This document is Bury Council's Private Sector Housing Renewal Assistance Policy 2014. The first Policy was written in 2003 following the introduction of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and subsequently amended in 2006 and 2009.
- 1.1.2 The Regulatory Reform Order repealed much of the previous legislation covering grants for private sector housing renewal assistance, notably the majority of the Housing Grants, Construction and Regeneration Act 1996, and replaced it with a new general power to provide assistance. Historically this has enabled the Council to develop a Policy which was specific to local needs and issues and which provided effective help to those who needed it.
- 1.1.3 The general power to provide assistance still exists, however capital resources to support wide ranging private sector housing work has all but disappeared in recent years. The most significant resource remaining relates to Department for Communities and Local Government Disabled Facilities Grant (DFG) funding and which will be an element of the Better Care Fund in 2015/16 and onwards. This Policy will make best use of this resource to attempt to ensure that the maximum number of people are effectively assisted.
- 1.1.4 This Policy has a focus on vulnerable people exposed to risk and, in particular, disabled adults and disabled children. A number of the specific forms of housing assistance the Council is empowered to provide under this Policy will complement and support the wider welfare responsibilities of the Council.
- 1.1.5 There is substantial evidence linking poor housing to risks to the health and safety of residents and, indeed, this is the basis of the Housing Health and Safety Rating System for assessing housing condition introduced by the Government in 2006 through the Housing Act 2004. Locally, the evidence base for relating health risks to housing is provided by Bury Councils private sector stock model 2013. The model identifies falls in the home and cold homes as the most common risks. The cost to the Health Service of poor housing conditions not being addressed is substantial. Opportunities to bid for resources to address these and other risks will be taken as they arise and assistance provided to householders in accordance with the individual bidding and scheme criteria.
- 1.1.6 Good quality housing makes a significant and positive contribution towards achieving environmental, economic and social regeneration and improving the overall health and well-being of

residents but this Policy is realistic and tempered by the now limited resources.

## 1.2 Context & Aims of the Policy

1.2.1 This Policy should be read in the context of Bury Councils Housing Strategy 2014-2024. The Housing Strategy describes the national, sub-regional and local housing context and this is the context within which this Policy sits.

1.2.2 The Housing Strategy vision is:

*"To encourage a sustainable mix of quality housing in the Borough that is suitable and sufficient to meet the needs of our residents"*

The Strategy has 5 key objectives:

- *Delivering a sufficient and suitable supply of housing in the Borough*
- *Affordability*
- *Fewer empty properties*
- *Good quality accommodation*
- *Partnership development*

The Strategy itself has been developed in the wider context of the Council's declared 'Outcomes' for the Borough:

- *Reducing poverty and its effects.*
- *Supporting our most vulnerable groups.*
- *Making Bury a better place to live.*

This Policy aligns with the Council's 'Outcomes' and the relevant Housing Strategy key objectives. In particular the forms of assistance detailed in Chapter 2 can be readily related to the provision of suitable, quality accommodation and supporting vulnerable groups.

1.2.3 Bury's Joint Health and Wellbeing Strategy 2013-18 and Joint Strategic Needs Assessment (JSNA) highlight the connections between health and housing and in particular the need for a good adaptation service, the issue of falls around the home and the importance of having a warm and energy efficient home. This Policy will support activity in these areas.

## 1.3 Private sector housing priorities

1.3.1 The following are the broad private sector housing priority issues which will be supported by this Policy

- *Efficient and effective delivery of major adaptations*
- *Improving standards in the private rented sector (PRS)*
- *Reducing the health impacts of poor housing*
- *Making best use of empty properties*
- *Promoting energy efficiency and affordable warmth*

### 1.3.2 *Efficient and effective delivery of major adaptations*

Demand for major adaptations is expected to remain high. Challenges presented by an aging population and the presentation of complex cases, particularly child cases, needing extensive and expensive adaptations are likely to remain. In Bury there were 90 DFG approvals in 2011/12, 110 in 2012/13 and 118 in 2013/14.

It is important to ensure that adaptations are provided in a timely manner to help reduce exposure of households to risks. It is also important that best use is made of the limited amount of funding that is available for this activity. This Policy complements the Council's statutory duty to provide mandatory DFGs and supports the Council's continuous improvement approach to the adaptations service by providing new and flexible forms of assistance within existing resources.

### 1.3.3 *Improving standards in the private rented sector (PRS)*

The PRS is a valued part of the overall housing offer in the borough. It is estimated that there are between approximately 9000 and 11500 privately rented homes constituting between 11% and 15% of the total housing stock. The PRS helps to provide flexibility and choice for a wide range of tenants. Unfortunately the sector does suffer disproportionately from poor housing conditions with some tenants exposed to unacceptable hazards and living in non decent accommodation.

Partnership working with private landlords has been successful in Bury. The Bury Landlord Accreditation Scheme, which has resulted in over 580 privately rented properties being accredited, and a healthy Landlords' Forum has helped to establish and maintain good relationships with the sector. Notwithstanding this, tenant safety is paramount, and where necessary the Council will require landlords to carry out essential works serving statutory notices and carrying out works in default or initiating legal proceedings as necessary.

## 1.3.4 *Reducing the health impacts of poor housing*

There is an increasing body of evidence linking poor housing conditions to poor health. The public cost of dealing with health impacts via the National Health Service arising from housing conditions is substantial and far in excess of the cost of addressing the poor housing. Beyond the simple economic cost to the public purse there can be huge, devastating and life changing personal consequences to individuals and families resulting from exposure to housing condition risks.

Housing condition can be described by the presence of risks that present a serious risk to health. In Bury a stock modelling project carried out in 2013 revealed that an unacceptable risk existed in 21% of private sector houses with the predominant housing risks related to slips, trips and falls (12%) and cold homes (5%).

The Joint Health and Wellbeing Strategy and Joint Strategic Needs Assessment for Bury recognises the health impacts of poor housing and this Policy supports the Strategy in addressing poor housing conditions through a range of approaches and partnership working.

## 1.3.5 *Making best use of empty properties*

Empty properties represent a wasted housing asset. Long term empty properties can create blight and neighbourhood nuisance.

It is estimated that there are over 1700 empty properties in the borough that have been empty for more than 6 months representing about 2% of the total housing stock. Of this number some 700 have been empty for more than 2 years.

The Council has historically provided Empty Property Grants to encourage owners to bring empty properties back in to use, given the changed financial environment this is an unsustainable position going forward. However, this Policy confirms a position of considering ad hoc opportunities to bid for funding, as appropriate, and using a range of enforcement tools including compulsory purchase, enforced sales etc to address the issue.

## 1.3.6 *Promoting energy efficiency and affordable warmth*

Houses with inadequate thermal insulation continue to be an area of concern in the borough. The Council's private sector stock modelling carried out in 2013 confirmed that there was a serious health risk to 5% of householders due to cold homes.

The Council has historically assisted householders in a wide range of ways including, as examples, direct energy advice, financial assistance to provide energy efficiency measures and stretch

national energy efficiency programmes, the promotion of energy supplier switching campaigns etc.

The Affordable Warmth Strategy 2011-16 and associated action plan sets out the position of the Council and partners in relation to energy efficiency, affordable warmth and fuel poverty. This Policy reflects the ongoing commitment to assist with this area of work. Changed financial conditions will mean that the emphasis on working with partners and consideration of ad hoc funding opportunities and the emerging Green Deal position will continue to be of importance.

### 1.4 Delivery

1.4.1 The Policy will be delivered by the Council and financed primarily through the Department for Communities and Local Government DFG allocation and, from 2015/16, the DFG element of the Better Care Fund. Opportunities for funding for priority areas such as preventing trips and falls, bringing empty properties back into use, improving energy efficiency etc will be taken and often these will have their own criteria and requirements.

1.4.2 Project team approaches and partnership working will be critical to ensure that effective outcomes are delivered having regard to the cross cutting nature of the issues to be addressed. External partners, such as Housing Associations will also have a role.

## **Chapter 2 - Forms of Assistance**

### 2.1 General

Subject to resources, advice and assistance will be available to private sector householders to address private sector housing priorities in the borough and support the Council's Housing Strategy

### 2.2 Financial assistance for adaptations

2.2.1 Mandatory Disabled Facilities Grants are still available under the terms of the Housing Grants, Construction and Regeneration Act 1996 and are therefore not included within the scope of this Policy which concentrates on initiatives that the Council is providing pursuant to the Regulatory Reform (Housing Assistance) England and Wales Order 2002.

2.2.2 Discretionary financial assistance for adaptations may be available in the following forms:

- Discretionary Adaptation Grant
- Major Adaptation Loan
- Discretionary Disabled Facilities Grant (top up)
- Relocation Assistance
- Discretionary Disabled Facilities Grant (notional allowance)

**Discretionary Adaptation Grants** are intended to be available to fund lower cost disabled adaptations under £5000. They will be delivered by a simple non bureaucratic process in relation to adaptations that would have been previously delivered via the nationally prescribed and complex mandatory Disabled Facilities Grant (DFG) process. This form of assistance, in conjunction with the development of smarter procurement approaches, should help to provide a timely service for people who need adaptations. See Chapter 3.

**Major Adaptation Loans** are intended to assist owner-occupiers fund expensive disabled adaptation to their homes where the mandatory DFG limit of £30,000 is to be exceeded. Expensive adaptations will normally enhance the value of the owner-occupiers home and this form of loan allows the Council to take an equity stake in the enhanced value of the house. It will be repayable when the property is sold. This form of assistance strikes a fair balance between the benefits provided to an owner-occupier and their asset and the need for the Council to ensure maximum value from a limited resource and provide timely help to all those who need it. See Chapter 4.



**Discretionary DFGs (top ups)** are also intended to assist owner-occupiers where the mandatory DFG limit of £30,000 is to be exceeded. However, they will only be considered after a Major Adaptation Loan and other options have been explored and, for whatever, reason a loan cannot be processed and other options are otherwise inappropriate. See Chapter 5.

**Relocation Assistance** is intended to assist applicants who need major adaptations but where it is impractical to provide the adaptations in their current house or where the adaptation would be excessively expensive and the applicant wishes to move to an adapted or more readily adapted property which allows a more cost effective approach. See Chapter 6.

**Discretionary DFGs (notional allowance)** are intended to support flexibility and choice for disabled people and their families. Where the Council has determined what adaptation works are necessary to meet the needs of a disabled person the applicant may wish to develop an alternative and more expensive adaptation scheme that equally meets the need but which may suit the household better for a variety of reasons. The grant will be limited to the Council's estimation of the cost of the scheme that the Council had originally decided would meet the need. This will mean that the applicant has a contribution to make. See Chapter 7.

## 2.3 General provisions in relation to financial assistance

2.3.1 The conditions on financial assistance are included in order to provide for efficient use of public resources in addition to preventing abuse and fraudulent claims upon the system, which is funded via public monies.

2.3.2 The following are not eligible to make an application to receive any form of financial assistance under this policy:-

- Persons who are under the age of 18 years on the date of the application;
- Tenants of a local authority/Arms Length Management Organisation;
- Tenants of a housing action trust (or successor body);
- Tenants of a health authority, special health authority or NHS trust, Primary Care Trust (or similar body);
- Tenants of a police authority established under section 3 of The Police Act 1964;
- Tenants of a joint authority established by Part IV of the Local Government Act 1985;
- Tenants of a residuary body established by Part VII of that Act;
- Tenants of an authority established under section 10(1) of that Act (waste disposal).

## 2.4 General conditions for financial assistance

2.4.1 In general, formal applications for assistance can be made by the following categories of applicant:

- *Owner occupiers*

Such a person must be a freeholder or leaseholder with at least five years of the lease remaining and the dwelling must be his or her only or main residence.

- *Tenants*

Such a person must be a private sector tenant (including Housing Association tenant). However, refer to the eligibility detail of each specific form of assistance.

2.4.2 An application for a grant should be accompanied by a form of consent from each owner of the dwelling giving authorisation to the works being carried out. The Council will consult Land Registry records to confirm the owner's interest in the property.

2.4.3 Not all categories of applicants will be eligible to apply for each form of assistance and the detailed eligibility criteria are described in the relevant section for each assistance type.

2.4.4 The Council recommends that a person in receipt of financial assistance under this Policy obtains appropriate professional advice.

## 2.5 Exclusions from financial assistance

2.5.1 No financial assistance will be paid towards any works which are covered by an insurance policy (nor generally which could reasonably be expected to be so) nor in relation to any excess in relation to the insurance policy, nor which are the subject of litigation proceedings. In any such circumstances where it later comes to light that financial assistance has been obtained in respect of works which are later the subject of an insurance claim, the Council reserves the right to demand repayment of the amount of the assistance, plus compound interest from the date of the payment of the grant or part thereof and may take further action if it deems appropriate.

2.5.2 Unless previously agreed in writing, work which has already been completed at the time of application will not be eligible for financial assistance

2.5.3 The recipient of a discretionary Disabled Facility Grant (top up) will not generally be eligible for a further discretionary Disabled Facility Grant within a 10 year period of the certified date of grant completion.

## 2.6 Interest charges

2.6.1 Unless otherwise stated in relation to a specific form of financial assistance, in all cases where the Council demands repayment where interest is payable, the interest will be payable together with compound interest calculated at a reasonable rate determined by the Council and with yearly rests – that is the interest amount will be calculated and added to the principal amount outstanding on a 12 monthly periodic basis. The interest will be calculated from the certified date until the date of repayment. If the works have not been completed at the time of demand then interest will be calculated from the date of the interim payment until the date of repayment.

## 2.7 Conditions of assistance

2.7.1 In all cases where the Council makes financial assistance available it may determine that conditions should apply. A general outline of conditions is given in the relevant sections of this Policy, and further details will be made clear to the applicant as part of the application process.

2.7.2 In general, where the Council pays a sum by way of grant, it shall be paid subject to grant conditions which the applicant will be required to agree to before the payment is released. The agreement between the applicant and the Council will be by way of a Deed of Agreement to which section 33 of the Local Government (Miscellaneous Provisions) Act 1982 shall apply allowing the grant to be registered as a local land charge in the Local Land Charges Register.

2.7.3 Upon completion of the publicly funded works the recipient shall have obtained all relevant and necessary consents and approvals such as Building Regulations Approval in respect of the property.

## 2.8 Enquiries/applications falling outside the scope of the Policy

2.8.1 Although this Policy will be the primary consideration in determining applications for assistance, all applications will be considered on the particular merits. Accordingly, the Council will not refuse to consider an application simply on the basis that it falls outside the scope of this policy. In such cases it will generally be for the applicant to show to the satisfaction of the Council that exceptional circumstances apply and any decision upon these applications will be considered by a panel consisting of the Head of Urban Renewal, the Unit Manager (Operations & Adaptations) and the Unit Manager Policy & Development). The Panel may seek appropriate advice and input from any relevant officers in coming to any decisions.

2.8.2 Where an application for assistance is refused an appeal against the decision may be made in writing to the Assistant Director of

Communities & Wellbeing, whereupon the matter will be further considered and a decision issued.

2.8.3 Any person aggrieved may utilise the corporate complaints procedure.

### 2.9 Submission and approval of an application

2.9.1 The Council shall consider any preliminary enquiries made to it for financial assistance. If it is satisfied that applicants meet the eligibility criteria it shall despatch the relevant application forms. Upon receipt of a completed grant application the Council will aim to reach a decision within one month of submission.

### 2.10 Other advice and assistance

2.10.1 Beyond the topic area of disabled adaptations, and subject to resources, the Council supports assisting in the elimination of serious housing hazards, and in particular the prevention of serious injury due to slips, trips and falls, improving energy efficiency in the private housing stock and promoting decent conditions in the private rented sector and bringing back into use empty properties. Should capital resources become available to assist in these areas then detailed eligibility and other criteria will be published as an amendment to this Policy. Notwithstanding the availability of capital resources the Council will continue to provide advice and general assistance in relation to poor housing conditions.

### **Chapter 3 - Discretionary Adaptation Grant (DAG)**

#### **3.1 General**

- 3.1.1 Where the Council has determined that certain adaptation works are needed which would normally attract a Mandatory Disabled Facilities Grant (DFG) under the Housing Grants, Construction and Regeneration Act 1996 (the 1996 Act), a DAG may be provided as an alternative and at the discretion of the Council to assist in the funding of those works. This will only be the case where the cost of the works is expected to be less than £5,000.
- 3.1.2 The DAG is intended to be a streamlined non bureaucratic form of assistance in comparison to a DFG. Notwithstanding this, householders may choose to pursue a DFG rather than a DAG. A DAG would not be normally processed concurrently with a DFG.
- 3.1.3 The Council may require that the applicant selects a building contractor from a panel of contractors or selects a contractor that otherwise meets certain criteria, as determined by the Council, to carry out the work.
- 3.1.4 As with all discretionary financial assistance within this Policy, the availability of a DAG is subject to the availability of funding.

#### **3.2 Persons eligible to make a DAG application**

- 3.2.1 The person applying for a DAG will normally be the person who would have been entitled to apply for a mandatory DFG and must have an appropriate interest in the property as determined by the Council.
- 3.2.2 The grant applicant is required to have an owners interest in the dwelling where the adaptation is needed or otherwise be a tenant. The interest and type of tenancy that is required is described in Section 19, of the 1996 Act. Council tenants will not be eligible for a DAG as adaptations needed to Council properties are considered separately.
- 3.2.3 Applications by persons who fall outside 3.2.2 above will, upon request, be considered in exceptional circumstances by the Urban Renewal Panel described in 2.8

#### **3.3 Works eligible for assistance**

- 3.3.1 The Council will specify which works are eligible for financial assistance. These are known as 'the eligible works' and are primarily designed to enable a disabled occupant to gain better access to and move around their home more freely and to access appropriate essential amenities. The extent of these works will be entirely at the discretion of the Council.

3.3.2 A DAG is generally only available in relation to works that fall within the scope of works that would be eligible for a mandatory DFG as described in the 1996 Act. Reasonable fees, as determined by the Council, may be included in the DAG.

## 3.4 Making an application

3.4.1 If an applicant wishes to pursue a DAG then a simple application form will be required to be completed. There is no preliminary enquiry form.

3.4.2 Proof of receipt of a passported benefit will be required as part of the application.

## 3.5 Calculation & amount of DAG

3.5.1 In the case of adults the disabled person must be in receipt of certain benefits as determined by the Council in order to be eligible for a DAG. Where the disabled person is not in receipt of such benefits then a DFG should be pursued. The benefits are:

- Child Tax Credit where income below prescribed threshold
- Council Tax Support
- Income based Job Seekers Allowance
- Income related Employment & Support Allowance
- Income Support
- Pension Credit (Guarantee element only)
- Universal Credit
- Working Tax Credit where income below prescribed threshold

Welfare reform is gradually rolling out as at 2014. The qualifying passporting benefits will change. Updated passporting benefit for the purpose of this Policy will be published on the Council's website as the position becomes clearer.

The prescribed threshold is currently £15050 but may vary over time. The threshold amount will be updated on the Council's website and in any summary document to this Policy.

In the case of the disabled person being a child who has not attained their 19<sup>th</sup> birthday at the time of grant application by a parent or guardian there will be no requirement to demonstrate receipt of benefits of the disabled person or applicant or otherwise have household means considered.

3.5.2 The minimum DAG is £1000. Adaptations costing less than £1000 are considered 'minor' adaptations and are dealt with through a different process. The maximum DAG is normally £5,000.

3.5.3 The Council will calculate the expense for the eligible works to be included in the grant, and this will be a notional maximum amount that the Council may pay towards the cost of the works and may include reasonable fees. If the lowest priced quotation for the eligible works is less than the Council's calculated expense, this will normally become the eligible expense, and the maximum grant amount will be limited to this amount. If the lowest priced quotation is more than the notional estimate of expense calculated, the latter will constitute the maximum grant available.

### 3.6 Payment of a DAG

3.6.1 Following the approval of the DAG the Council will usually make payments directly to the building contractor in relation to building works completed and upon receipt of an invoice.

3.6.2 The Council (or a relevant authorised partner agent) will inspect the building work following a request for payment in order to determine whether the completed works are to an acceptable standard to justify payment. The payment will only be released if the Council, at its complete discretion, is satisfied with the works carried out. Applicants are reminded that it is their own responsibility to ensure that they are satisfied with the standard of work carried out by their building contractor. If an applicant has chosen to employ an agent or the Council has required that an agent be used then payments will normally only be made by the Council upon receipt of payment certification.

3.6.3 When an application for a DAG has been approved by the Council, the eligible works must be completed within six months of the date of the approval. Only in cases where there are extenuating circumstances, as determined by the Council, will further time be allowed for completing the eligible works.

### 3.7 Fraudulent applications

3.7.1 In any cases where the Council determines that an applicant has made a fraudulent or wilful deception or omission in their application, it will demand full repayment of any grant amount so obtained together with reasonable administrative costs and no further grant amount will be paid. Where fraud or deception is suspected, consideration will be given to the matter being reported to the police or relevant enforcement agency.

3.7.2 If, following approval of a DAG application, the Council becomes aware that the applicant (or applicants in the case of a joint application) was not entitled to a grant on the date on which it was approved, no payments or further payments will be made, and any amount of grant already paid will be required to be repaid with interest.

3.8 Grant Conditions

No grant conditions apply to this type of grant.



## **Chapter 4 - Major Adaptation Loans (MAL)**

### **4.1 General**

- 4.1.1 Where a mandatory Disabled Facilities Grant (DFG) is being approved under the Housing Grants, Construction and Regeneration Act 1996, and the cost of the works exceeds the legal maximum limit (being £30000 as at 2014) a Major Adaptation Loan (MAL) may, upon application, be provided at the discretion of the Council to top up, in part or full, the mandatory amount.
- 4.1.2 Prior to consideration of a loan an option appraisal will be carried out by the Council in relation to the proposed adaptations to consider more appropriate and cost effective solutions.
- 4.1.3 A MAL is not awarded routinely. Such loan will only be awarded under exceptional circumstances following individual case consideration and at the absolute discretion of the Council. A MAL may not be the right approach for all cases.
- 4.1.4 Before a MAL is considered the Council needs to be satisfied that alternative funding options have been explored by the applicant or otherwise be satisfied that the applicant is unlikely to be able to secure alternative funding.
- 4.1.5 The Council may require the applicant to engage an appropriate agent to manage the adaptation scheme. This may include such things as plan drawing, obtaining quotations for the work, advising on forms of contract, preparing payment certificates, assisting in dispute resolution etc. The Council may specify a particular agent or provide a panel of agents from which the applicant must select.
- 4.1.6 The Council may require that the applicant or the applicant's agent selects a building contractor from a panel of contractors or a contractor that otherwise meets certain criteria.
- 4.1.7 As with all discretionary financial assistance within this Policy, the availability of a MAL is subject to the availability of funding.

### **4.2 Persons eligible to make an application**

- 4.2.1 A MAL is a top up to a mandatory DFG. The person applying for this discretionary loan will be the person who applied for the mandatory DFG and must have an appropriate owner's interest in the property as determined by the Council.
- 4.2.2 Tenants will not be eligible for consideration of a MAL. However, the Council will attempt to provide advice and assistance in such cases.

4.2.3 A MAL will not normally be available to applicants living in park homes, caravans, houseboats or houses of non traditional construction.

4.2.4 Applicants will be required to complete a MAL application process notwithstanding that they have already made a mandatory DFG application.

### 4.3 Works eligible for Assistance

4.3.1 The Council will specify which works are eligible for financial assistance. These are known as 'the eligible works' and are primarily designed to enable a disabled occupant to gain better access to and move around their home more freely and to access appropriate essential amenities. The extent of these works will be entirely at the discretion of the Council.

4.3.2 A MAL is generally only available in relation to works that fall within the scope of works that would be eligible for Mandatory DFG as described in the 1996 Act. Reasonable fees, as determined by the Council, relating to the setting up of the MAL may be included in the MAL.

4.3.3 A MAL will always be related to a mandatory DFG schedule of works. It will normally be the case that there is one schedule of works for an adaptation scheme, however, the funding for the scheme may come from a number of sources and not just restricted to mandatory DFG and a MAL.

4.3.4 Although there is no lower limit to the amount of loan the Council will have regard to the cost effectiveness of providing a MAL in deciding whether a MAL is appropriate.

### 4.4 Making an application

4.4.1 An information leaflet is available to potential applicants. If an applicant wishes to pursue a loan then completion of a preliminary enquiry form will be required. This will assist in the Council understanding whether a MAL is a potential way forward to assist the applicant.

4.4.2 If the enquiry form indicates that a MAL may be appropriate then the Council will arrange for the applicant to be visited and options explored and the MAL product explained to the applicant.

4.4.3 As part of the subsequent loan process the applicant will engage an independent valuer to establish the current value of the applicant's property and the projected value of it following the completion of the adaptation scheme. The Council may stipulate the valuer or a panel of valuers from which the applicant must select.

4.4.4 A solicitor will prepare the Legal Charge documentation for the applicant and arrange registration against the applicant's title ownership at the Land Registry. The Council may stipulate the solicitor or a panel of solicitors from which the applicant must select.

4.4.5 The applicant will be supported throughout the loan process.

4.4.6 There will be fees usually charged to the applicant including solicitor and valuer fees and loan support and administration fees. These fees, and any other professional fees which the Council stipulates or otherwise agrees, may be added to the loan amount.

### 4.5 Calculation of Loan

4.5.1 The Council will calculate the expense for the eligible works to be included in the loan, and this will be a notional maximum amount that the Council may pay towards the cost of the works and may include reasonable fees. If the lowest priced quotation for the eligible works is less than the Council's calculated expense, this will normally become the eligible expense, and the maximum loan amount will be limited to this amount. If the lowest priced quotation is more than the notional estimate of expense calculated, the latter will constitute the maximum loan available.

4.5.2 The applicant will normally be liable for all legal, valuation and administration fees associated with the setting up of the loan. These fees and other reasonable professional fees and contingency amounts associated with the adaptation scheme of works, as determined by the Council, may be included in the loan amount.

4.5.3 The loan amount, as described in the previous paragraphs, will be expressed as a figure which will represent the percentage of the projected valuation (improved value) of the house following the adaptation works. It is this percentage of the improved value that will be secured as a Legal Charge.

4.5.4 There is no upper cash limit to the loan. However, the amount of loan will generally be limited to 80% of the improved value of the house minus the value of any existing charges secured against the property. This limit may be varied by the Council at its absolute discretion and only after an individual risk assessment and discussion with the applicants about the implications.

### 4.6 Payment of Loan

- 4.6.1 Following agreement of the MAL the Council will normally make payments directly to the building contractor in relation to building works completed.
- 4.6.2 The Council (or a relevant authorised partner agent) will inspect the building work following a request for payment in order to determine whether the completed works are to an acceptable standard to justify payment, with the payment only being released if the Council, at its complete discretion, is satisfied with the works carried out. Applicants are reminded that it is their own responsibility to ensure that they are satisfied with the standard of work carried out by their building contractor. If an applicant has chosen to employ an agent or the Council has required that an agent be used then payments will normally only be made by the Council upon receipt of payment certification.
- 4.6.3 When an application for a MAL has been agreed by the Council, the eligible works must be completed within six months from the date of the sealing of the Legal Charge. Only in cases where there are extenuating circumstances, as determined by the Council, will further time be allowed for completing the eligible works. Applicants need to also comply with any time restrictions specified in the related mandatory DFG approval.

### 4.7 Loan Conditions

- 4.7.1 The MAL will be a loan secured as a Legal Charge and registered against the applicant's property. Applicants should fully read and understand the Charge document and take appropriate independent advice before signing it. Any information leaflet provided by the Council or detail of this Policy document is not a part of the Legal Charge and is provided as guidance only.
- 4.7.2 Throughout the loan period the applicant must keep their property in good repair and appropriately insured against all usual risks.
- 4.7.3 The applicant must occupy the property as their primary residence and as a dwelling throughout the loan period.
- 4.7.4 The applicant must not rent out or lease the property during the loan period without the written prior consent of the Council.
- 4.7.5 The applicant must provide such information as the Council may reasonably require to establish that conditions are being complied with.

## 4.8 Loan Repayment

- 4.8.1 The loan must be repaid upon a disposal of the property (when such disposal is not an exempt disposal - See 4.8.4), or if the applicant fails to comply with the requirements detailed in the Legal Charge as generally described in 4.7 above.
- 4.8.2 The amount to be repaid is the same percentage figure of the improved value described in paragraph 4.5.3 above but based on the disposal value. The Council may require the person disposing of the property, at their expense, to obtain an independent valuation to determine the disposal value. The amount to be repaid will be capped as detailed in the Legal Charge.
- 4.8.3 The loan conditions are binding on any person who is for the time being the owner of the property. This Legal Charge will remain on the applicant's title at the Land Registry until repayment of the loan or upon removal of the Charge by the Council.
- 4.8.4 The meaning of 'exempt disposal' is described in the Legal Charge. In general terms it relates to where the applicant dies and a member of the family who has lived with the applicant for a period of at least 12 months inherits the property or in relation to certain matrimonial proceedings.
- 4.8.5 Where the works for which the loan has been awarded have been included as part of a compensation claim for personal injury the applicant will be required to repay the loan out of the proceeds of the claim. The applicant is required to notify the Council of any such existing or pending claim and settlement of the claim.
- 4.8.6 Apart from the repayment provisions contained within this Policy in relation to the MAL the Council may also require repayment of the associated mandatory DFG in accordance with the terms of the relevant legislation.

## 4.9 Other loans for adaptation purposes

- 4.9.1 Apart from Major Adaptation Loans other financial loans may become available to assist householders who need adaptations. New loan products may develop over a period of time and details of the new products will be published as a supplement to this Policy.
- 4.9.2 Loans may be used in a wide range of circumstances but would typically be considered where the cost of an adaptation scheme exceeds the mandatory DFG limit (£30,000 as at 2014) and a Major Adaptations Loan is not appropriate.
- 4.9.3 The loans may be secured as a charge against the property or unsecured loans and may be provided directly or through a third party.

## **Chapter 5 – Discretionary Disabled Facilities Grant (top up)**

### 5.1 General

- 5.1.1 Where a mandatory Disabled Facilities Grant (DFG) is being approved under the Housing Grants, Construction and Regeneration Act 1996, and the cost of the works exceed the legal maximum limit (being £30000 as at 2014) a Discretionary DFG may upon application be awarded at the discretion of the Council to top up the mandatory amount.
- 5.1.2 An option appraisal will be carried out in relation to the proposed adaptations to consider more appropriate and cost effective solutions. The options will include, but will not necessarily be restricted to, the provision of a Major Adaptation Loan.
- 5.1.3 Discretionary DFGs are not awarded routinely. Such grant will only be awarded under exceptional circumstances following individual case consideration and at the absolute discretion of the Council.

### 5.2 Persons eligible to make an application

- 5.2.1 This Grant is a top up to a mandatory DFG. The person applying for this discretionary Grant will be the person who applied for the mandatory Grant.
- 5.2.2 Notwithstanding the previous paragraph, tenants will not be eligible for consideration of discretionary DFG. However, the Council will attempt to provide advice and assistance in such cases.
- 5.2.3 Applicants will be required to complete a discretionary DFG application form notwithstanding that they have already made an application for a mandatory DFG.

### 5.3 Works eligible for assistance

- 5.3.1 The Council will specify which works are eligible for financial assistance. These are known as 'the eligible works' which are designed to enable a disabled occupant to gain better access to and move around their home freely. The extent of these works will be entirely at the discretion of the Council.
- 5.3.2 This Grant is only available in relation to works that fall within the scope of works that would be eligible for Mandatory DFG as described in the 1996 Act.

## 5.4 Making an Application

5.4.1 The application process will be explained to applicants upon request, but in general a two stage process will operate. A preliminary enquiry procedure will enable decisions to be made as to eligibility of applicants, allow for individual case consideration, option appraisal and consideration of the scope of eligible works. A formal application can only be made once these preliminary matters have been determined and will include submission of relevant ownership certificates and at least two quotations for carrying out the eligible works, unless the Council directs otherwise.

5.4.2 It is recognised that this grant is a top up to an existing mandatory DFG and that quotations may have already been submitted as part of the mandatory grant application. Generally, it is recognised that applicants will have already been through a process and the Council will attempt to assist applicants through the extended process.

## 5.5 Owners application

5.5.1 An owner's application for a discretionary Disabled Facilities Grant must be accompanied by an owner-occupation certificate stating that the applicant has an owner's interest in the dwelling, and that they will occupy the dwelling throughout the grant condition period as their only or main residence.

## 5.6 Calculation of grant

5.6.1 The Council will calculate the eligible expense for the eligible works to be included in the grant, and this will be a notional maximum amount that the Council may pay towards the cost of the eligible works and may include reasonable fees. If the lowest priced quotation for the eligible works is less than the Council's calculated eligible expense, this will become the eligible expense, and the maximum grant amount will be limited to this amount. If the lowest priced quotation is more than the notional estimate of eligible expense calculated, the latter will constitute the maximum grant available.

5.6.2 Subject to financial circumstances not having changed between the calculation of any 'means tested' contribution to the associated mandatory DFG, there will be no need to calculate a further 'means tested' contribution towards the discretionary DFG.

5.6.3 In the case of grants for the benefit of a disabled child where there has been no test of financial resources applied in relation to a mandatory DFG a test of resources will be applied to the discretionary Grant. The test to be applied will be based upon the test for a mandatory DFG, but as if it was not a children's case.

5.6.4 Notwithstanding the previous paragraphs when considering whether a case is so exceptional as to warrant the award of a discretionary DFG all relevant circumstances will be taken into account including all resources that might be available to assist with the adaptation.

### 5.7 Payment of Discretionary DFG

5.7.1 Following approval of a grant, the Council (subject to grant conditions) will generally pay the amount of the grant following the satisfactory completion of the eligible works. This is subject to any retention following practical completion. However, where the cost of the eligible works is in excess of £7,000 the amount of the grant may at the discretion of the Council, be paid in part by instalments as the work progresses, with the balance paid following satisfactory completion of the eligible works (again subject to any agreed retentions).

5.7.2 The Council (or a relevant authorised partner agent) will inspect the work following a request for payment in order to determine whether the completed works are to an acceptable standard to justify payment, with the award only being released if the Council at its complete discretion is satisfied with the works carried out. Applicants are reminded that it is their own responsibility to ensure that they are satisfied with the standard of work carried out by the contractor and may wish to seek professional advice in appropriate cases.

5.7.3 When an application for discretionary DFG has been approved, the eligible works must be completed within twelve months from the date of the approval. Only in cases where there are extenuating circumstances, as determined by the Council, will further time be allowed for completing the eligible works.

5.7.4 Further information surrounding the payment process is set out at Appendix B.

### 5.8 Grant Conditions

5.8.1 Grant conditions shall apply to a Discretionary DFG. Applicants shall be required to enter into a Deed of Agreement before any grant payment is made and section 33 of the Local Government (Miscellaneous Provisions) Act 1982 (or any subsequent amendment or re-enactment thereof) shall apply making the payment subject to registration as a charge in the Register of Local Land Charges.

The grant conditions are binding on any person who is for the time being the owner of the property.

This Local Land Charge will remain on the Register until repayment of the grant or upon removal by the Council.



5.8.2 The grant condition period will commence on the Certified Date and last for a period of five years in the case of awards up to £4,999, for a period of ten years for awards up to £9,999, for a period of fifteen years for awards up to £14,999 and for a period of 20 years for awards of £15,000 and over

5.8.3 If an applicant makes a Relevant Disposal (see Appendix D) of the property to which the grant relates after payment of any instalment of the grant but before the Certified Date, he shall repay on demand the amount of grant that has already been paid.

5.8.4 If an applicant makes a Relevant Disposal on or after the certified date and before the end of the appropriate grant condition period, he shall repay on demand the amount of the grant that has been paid in the following proportions:

- For grants up to and including £4,999 the full amount of grant will be repaid if the relevant disposal is within 5 years of the certified date
- For grants up to and including £9,999 there will be graduated repayment required in accordance with the following schedule if the relevant disposal is within 10 years of the certified date:

Before the sixth anniversary of the completion date – the full amount of grant will be repaid

After the sixth anniversary repayment will be calculated as follows:

Between the sixth and seventh anniversary – 80% of the grant repayable

Between the seventh and eighth anniversary – 60% repayable

Between the eighth and ninth anniversary – 40% repayable

Between the ninth and tenth anniversary – 20% repayable

After the tenth anniversary – nil repayable

- For grants up to and including £14,999 there will be graduated repayment required in accordance with the following schedule if the relevant disposal is within 15 years of the certified date:

Before the sixth anniversary of the completion date – the full amount of grant will be repaid

After the sixth anniversary repayment will be calculated as follows:

Between the sixth and seventh anniversary – 90% of the grant repayable

The amount to be repaid then decreases by further 10% steps of the grant for each further complete 12 months that elapse

After the fifteenth anniversary – nil repayable

- For grants of £15,000 and above there will be graduated repayment required in accordance with the following schedule if the relevant disposal is within 20 years of the certified date:

Before the sixth anniversary of the completion date – the full amount of grant will be repaid

After the sixth anniversary repayment will be calculated as follows:

Between the sixth and seventh anniversary – 95% of the grant repayable

The amount to be repaid then decreases by further 5% steps of the grant for each further complete 12 months that elapse

Between the nineteenth and twentieth anniversary – 25% of the grant is repayable

After the twentieth anniversary – nil repayable

A summary Repayment Schedule is included as Appendix F to this Policy.

5.8.5 Exempt disposals shall be governed by the provisions of Appendix D.

5.8.6 `Relevant disposal' and `exempt disposal' shall have the meanings given to them in Appendix D.

- 5.8.7 The Council may refuse payment of a discretionary DFG in a situation where the applicant has been in receipt of mandatory or discretionary DFG assistance within the past ten years. This provision should not however discourage applicants from making an appropriate application as each case is examined on its own merits.
- 5.8.8 Where the works for which the grant has been awarded have been included as part of a compensation claim for personal injury, the applicant will be required to repay the grant out of the proceeds of the claim. The applicant is required to notify the Council of such a claim and settlement of the claim.
- 5.8.9 Apart from the repayment provisions contained within this Policy in relation to discretionary DFGs the Council may also require repayment of the associated mandatory DFG in accordance with the terms of the relevant legislation.

## **Chapter 6 – Relocation assistance**

### **6.1 General**

- 6.1.1 Due to the inherent design of some houses it can be impractical or extremely expensive to adapt a property to provide the required adaptations.
- 6.1.2 In some cases a grant applicant may wish to move to an alternative adapted or more readily adaptable property. There may be additional benefits to moving including being closer to support networks and healthcare facilities.
- 6.1.3 Relocation assistance is designed to help a mandatory DFG applicant with the cost of moving.
- 6.1.4 The Council will determine if it is impractical to adapt a particular property. The Council will carry out an appraisal of the proposed new property to determine whether the new property is appropriately adapted or more readily adaptable and, at its absolute discretion, whether relocation assistance will be made available.
- 6.1.5 Where the proposed move relates to an expected lower cost of adaptation of the new property then, to be eligible for consideration of relocation assistance, the difference in cost of the adaptation schemes would normally be expected to be more than £10,000 as estimated by the Council.

### **6.2 Persons eligible to make an application**

- 6.2.1 A person who is an owner-occupier or private sector tenant, including Housing Association tenants, will be eligible to apply. The interest that such applicant must hold in the property is the same as required by the Housing Grants Construction and Regeneration Act 1996 as it applies to mandatory DFGs.
- 6.2.2 The interest that is required applies both to the property the applicant is moving from and the property that they are moving to.
- 6.2.3 The applicant would be required to have undergone a test of financial resources as would be required in relation to a mandatory DFG. The Council must have determined that the applicant would have a nil financial contribution or otherwise that, given all the individual circumstances of a case the provision of such assistance would be reasonable.

### **6.3 Amount of assistance**

- 6.3.1 The amount of assistance will be limited to £1000 in the case of tenants and £2500 in the case of owner-occupiers.

6.3.2 The actual amount of assistance available will be reviewed from time to time and may change. Any change will be published as a supplement to this Policy.

### 6.4 Payment of assistance

6.4.1 Payment will be made directly to the applicant upon completion of the move and upon the production of receipted invoices.

6.4.2 The moving expenses that are eligible for consideration of assistance include:

- Estate Agent fees
- Solicitor fees
- Letting agent fees
- Professional removal costs

Rent deposits would not qualify for assistance.

6.4.3 The assistance is not repayable.

## **Chapter 7 – Discretionary Disabled Facilities Grant (Notional Allowance)**

### 7.1 General

7.1.1 In cases where the Council has determined what disabled adaptations are necessary and appropriate to meet the assessed need but the grant applicant wants alternative more expensive work that would also meet the need then the Council may be able to assist.

7.1.2 In most respects the application, calculation of grant and payment process will be a reflection of the mandatory DFG provisions in the Housing Grants Construction & Regeneration Act 1996 (1996 Act).

7.1.3 The applicant will be supported through the application process.

### 7.2 Persons eligible to make an application

7.2.1 The person eligible to make an application must normally have an owner's interest in the property as described in the 1996 Act.

### 7.3 Amount of assistance

The amount of assistance will be limited to the Council's estimation of the cost of the works that had been originally determined by the Council as necessary and appropriate and reasonable and practicable. The limit to the amount of assistance corresponds to the mandatory DFG limit (£30,000 as at 2014).

### 7.4 Grant conditions

Grant conditions shall apply to a Discretionary DFG. Applicants shall be required to enter into a Deed of Agreement before any grant payment is made and section 33 of the Local Government (Miscellaneous Provisions) Act 1982 (or any subsequent amendment or re-enactment thereof) shall apply making the payment subject to registration as a charge in the Register of Local Land Charges.

The grant conditions are binding on any person who is for the time being the owner of the property.

This Local Land Charge will remain on the Register until repayment of the grant or upon removal by the Council upon certain circumstances.

7.4.1 The grant conditions and provisions relating to repayment etc are the same as would apply in the case of a mandatory DFG. A grant applicant will not be prejudiced by choosing this form of assistance.

**Chapter 8 – Performance Standards**

8.1 The local performance indicators detailed in the table below apply to mandatory Disabled Facilities Grants as at 2014. Initially, performance in respect of Disabled Adaptation Grant will be measured against the same indicators.

Performance Indicator Reference	Description of Indicator	Target
UR LPI 1 (a)	Time taken from receipt of referral from Occupational Therapist (OT) to approval of grant	85% within 110 days
UR LPI 1 (b)	Time taken from grant approval to practical completion of works	85% within 79 days
UR LPI 1 (c)	Time taken from receipt of referral from OT to practical completion	85% within 180 days
UR LPI 4	Percentage of satisfied customers	92%

8.2 These targets will be regularly monitored and reviewed, and new targets will be set in order to achieve continuous improvement in service delivery if appropriate.

## **Chapter 9 - Policy Implementation and Transitional Arrangements**

- 9.1 This Policy has been updated on several occasions from the version that was originally adopted in 2003. This edition makes fundamental changes to the previous versions and, in particular, in relation to the issue of adaptations to assist disabled people. To help inform the development of the Policy consultation has taken place with Bury Coalition for Independent Living and individuals who have received historical assistance with adaptations.
- 9.2 The Policy was reported to the Council Cabinet in June 2014 and has been placed on deposit at the Town Hall for public viewing from that point.
- 9.3 The revised Policy has effect from 30<sup>th</sup> June 2014 and it is planned that the Policy will be updated on a regular basis as appropriate. Any discretionary Disabled Facilities Grant not approved by the 30<sup>th</sup> June 2014 will be subject to this updated Policy. Empty Property Grants (EPGs) are not included in this Policy, any such applications received before the 31<sup>st</sup> March 2015 will be dealt with under the provisions of the 2009 Policy version. Any EPG application received after 31<sup>st</sup> March 2015 will not normally be approved.
- 9.4 Where the Council identifies a potential need for a new form of assistance that is not included within the Policy, it may undertake a limited pilot study to determine whether such a form of assistance would be a useful policy tool if it were to be introduced as a main stream form of assistance. If the Council determines that such a form of assistance would provide an effective means of dealing with the housing conditions to be found in the Borough it may review the Policy prior to the planned update if necessary.
- 9.5 The Policy has been written by the Council with a view to giving itself the power to award a number of forms of assistance, in accordance with the terms of the Housing Regulatory Reform Order 2002 whilst still maintaining a degree of flexibility to effectively deliver schemes.
- 9.6 The anticipated resources that will be allocated to delivering the policy will be determined through the Council's Capital Programme which is reviewed annually. It is not possible to predict the exact amount of assistance that will be available through this programme and current information will be available from the Council's Urban Renewal section.
- 9.7 All applications for assistance under this Policy will be awarded in line with the resources available through the Private Sector Housing Capital Programme. In approving applications for assistance, the Council will be satisfied that they have sufficient resources available to meet their obligations.



- 9.8 Where the Council considers that it may not have the necessary resources available to be able to approve an application for assistance, it may create a waiting list and determine not to release enquiries from the list until such times as resources are available. The Council may develop appropriate systems to prioritise which enquiries are dealt with first.

**APPENDIX A – OWNER’S APPLICATION**

1. In the case of a joint application, the conditions will be deemed to be satisfied if they are met by either applicant.
2. Where the applicant took his owner’s interest, under the will or on the intestacy of a member of his family (see Glossary), the ownership condition shall be treated as having been met provided the deceased would have satisfied the conditions up until the date of his death. The condition may continue to be satisfied if the personal representatives of the deceased, or the Public Trustee under section 9 of the Administration of Estates Act 1925, held the interest or was a tenant for a period of up to one year prior to the vesting of the property in the applicant.
3. Where the applicant took his owner’s interest by virtue of a disposal made by a member of his family, the ownership condition shall be treated as having been met during any period ending on the date of the disposal when the person making the disposal held a qualifying owner’s interest in the dwelling. This condition only applies if the person making the disposal was elderly or infirm, and he made the disposal with the intention of going to live with and be cared for by a member of his family, or going to live in a hospital, hospice, sheltered housing establishment, residential care home or similar institution as his only or main residence.
4. Where the applicant took his owner’s interest by virtue of a disposal made by his spouse or civil partner within the meaning of the Civil Partnership Act 2004, and the Council are satisfied that the disposal was made as a result of arrangements in relation to divorce, judicial separation, or declaration of nullity of marriage, the ownership condition shall be treated as having been met during any period ending on the date of the disposal when the spouse held a qualifying owner’s interest in the dwelling.

**APPENDIX B – PAYMENT PROCESS**

1. An acceptable invoice, demand or receipt for payment will be required before the Council will carry out any inspection of the work or release payment. Such an invoice must be an original or certified copy, and in the case of a request for an interim payment where only part of the works have been completed, must itemise and list all works carried out, together with the value of the works completed. Any such invoice cannot be issued by an applicant, member of his family, or by any business in which he has an interest.
2. The works must be carried out by the contractor who submitted the lowest quotation that accompanied the application unless the Council agrees in writing to a written request from the applicant for a variation of contractor or unless otherwise directed by the Council in writing. The contractor who submits the lowest quotation will be named in the approval document unless varied by agreement or as directed by the Council in writing.
3. Notwithstanding the immediate preceding paragraph it is recognised that the applicant is employing the contractor. The applicant must make a written request to the Council in writing as soon as reasonably practicable if they wish to use a contractor other than the one which is detailed in the approval documentation, with an explanation of the reasons for their request.
4. The Council may direct that an alternative contractor carry out the eligible works if it has cause to be dissatisfied with the workmanship or efficiency of a contractor. In such circumstances, the applicant would be invited to obtain an additional quotation for the works from an alternative contractor, or given the choice of using the alternative quotation provided at the time of making their application. The applicant would be responsible for paying any difference in costs between the eligible expense of the grant aided works based on the original contractor's quotation and the costs of the alternative contractor.
5. The Council will make the grant payment direct to the contractor unless the applicant has specifically requested otherwise on their application form. Where the eligible works have been completed to the satisfaction of the Council, but the applicant is dissatisfied with the standard of the works, it may make the payment direct to the applicant. The Council will not oversee any works and will make a determination of the quality of the relevant works based on the conditions at the time of the inspection.
6. The grant applicant will be required to make their contribution towards the costs of the eligible works before any grant payment is made.

**APPENDIX C – REPAYMENT OF ASSISTANCE**

1. Where a grant has been approved, and the Council later becomes aware that any of the following circumstances apply, it may refuse to pay the grant or any further instalment of grant which remains to be paid. The Council may also demand repayment of the grant forthwith or repayment of any instalment already paid, together with interest from the date of payment until the repayment:
  - Where a grant has been approved, and the Council becomes aware that the amount was determined on the basis of inaccurate or incomplete information provided by the applicant for the test of resources and exceeds that to which the applicant was entitled;
  - Where the Council becomes aware that the Eligible Works were started without its knowledge, before the application was approved;
  - Where it ascertains that the Eligible Works were carried out by a contractor who was not specified on the grant approval document;
  - Where the eligible works are not completed to the satisfaction of the Council within six months from the date of the approval, or such other period as specified in the approval document, or any such extended period as it may allow.

## **APPENDIX D – RELEVANT AND EXEMPT DISPOSALS**

This appendix relates to discretionary Disabled Facilities Grants (top up).

### Meaning of Relevant Disposals

1. A relevant disposal is a conveyance or transfer of the freehold or assignment of the lease or the grant of a lease for any term.

### Meaning of Exempt Disposals

2. If the disposal falls within one of the following categories, and the Council is satisfied that in all the circumstances of the case it would be unreasonable to demand repayment of all or part of the grant, it may demand repayment to a lesser extent or waive repayment altogether:
  - a. Where the applicant is making a disposal in pursuance of one of the following orders:
    - i) Section 24 or 24A of the Matrimonial Causes Act 1973
    - ii) Section 2 of the Inheritance (Provision for Family and Dependants) Act 1975
    - iii) Section 17 of the Matrimonial and Family Proceedings Act 1984
    - iv) Paragraph 1 of Schedule 1 to the Children Act 1989
  - b. Where the applicant is making a disposal:
    - i) and is elderly or infirm and is making the disposal with the intention of going to live in a hospital, hospice, sheltered housing, residential care home or similar institution as his only or main residence or is moving to somewhere where care will be provided by any person;
    - ii) to enable him to go to live with and care for an elderly or infirm member of his family or his partner's family
    - iii) following such a change in the financial circumstances of the applicant or the applicants spouse or civil partner that he would suffer severe financial hardship if all or part of the amount of the grant were repaid.
    - iv) to enable the applicant or the applicant's spouse or civil partner to seek, or take up, employment or to change the place of his employment.
    - v) for reasons connected with the physical or mental health, or well-being, of the applicant or the applicants spouse or civil partner, or disabled occupant of the premises.

- vi) in the instance of an increased family size due to the birth of a child, to enable accommodation to be provided which is more suitable for the increased number occupying the premises to which the application for grant related and which position could not have reasonably been foreseen at the time of application
  - vii) and the disposal proceeds (after deduction of any relevant amount) are less than the amount of grant which an applicant would be liable to repay. Relevant amount means the amount of any relevant and necessary expenses incurred by the applicant in connection with the disposal, or the amount of any advance secured by a charge on the dwelling which has been repaid by the applicant.
  - viii) to a local authority or to a Registered Social Landlord.
3. The vesting of the property in a person taking under a will or intestacy will not result in a demand for repayment as a result of that vesting. However, grant conditions will continue to apply to the owner for the time being.

**Appendix E - Occupation Condition**

1. Where an application for assistance was accompanied by an owner-occupation certificate in respect of any dwelling, it is a condition of the grant that throughout the grant condition period the dwelling is occupied in accordance with the intention stated in the certificate.
2. It is also a condition of the grant that if at any time when that condition is in force the Council serve notice on the owner of the dwelling requiring him to do so, he shall within the period of 21 days beginning with the date on which the notice was served furnish to the Council a statement showing how the condition is being fulfilled.
3. In the event of a breach of an occupancy condition under this section, the owner for the time being of the dwelling shall be liable to repay to the Council upon demand the amount of grant, together with compound interest on that amount as from the certified date. In exceptional circumstances the Council may determine not to make such a demand or to demand repayment to a lesser amount if a breach of this condition occurs, without prejudice to the ability of the Council to enforce any rights accruing to it in full or part in the event of a subsequent breach.
4. A condition under this section is a Local Land Charge and is binding on any person who is for the time being the owner of the property.

**APPENDIX F - RELEVANT DISPOSAL DISCRETIONARY DFG (TOP UP) REPAYMENT SCHEDULE**

Grant Amount	Years elapsed from certified date	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Not exceeding £4,999	Amount of grant to be repaid	Full Grant	Full Grant	Full Grant	Full Grant	Full Grant	Conditions last 5 years														
Not exceeding £9,999	Percentage of grant to be repaid	Full Grant	Full Grant	Full Grant	Full Grant	Full Grant	100	80	60	40	20	Conditions last 10 years									
Not exceeding £14999	Percentage of grant to be repaid	Full Grant	Full Grant	Full Grant	Full Grant	Full Grant	100	90	80	70	60	50	40	30	20	10	Conditions last 15 years				
Over £14999	Percentage of grant to be repaid	Full Grant	Full Grant	Full Grant	Full Grant	Full Grant	100	95	90	85	80	75	70	65	60	55	50	45	40	30	25



## **GLOSSARY**

**'Certified Date'** - the date on which the Council certifies that the execution of the eligible works has been completed to its satisfaction. This is the date on which the works have been physically completed to the required standard and the invoice received by the Council together with any relevant certificates or guarantees relating to the works, not the date on which it inspected and approved the relevant works.

**'Certificate of Intended Letting'** - means a declaration that the dwelling will be available for letting to persons not connected with the owner at a market rent for the Grant Condition Period

**'Eligible Expense'** - means the cost of carrying out the Eligible Works as deemed by the Council and to include reasonable and ancillary fees and charges.

**'Eligible Works'** means the works which the Council have agreed to include in a Schedule of Works which form the basis for grant assistance

**'Grant Condition Period'** - in relation to grant repayment following certified date means 5, 10, 15 or 20 years in relation to discretionary DFG (top up). In relation to discretionary DFG (notional allowance) the grant condition period is as per mandatory DFG provisions. All periods running from the Certified Date

**'Member of Family'** - A person is a member of another's family within the meaning of this Policy if—

- (a) he is the spouse or civil partner of that person, or he and that person live together as husband and wife or as if they were civil partners , or
- (b) he is that person's parent, grandparent, child, grand-child, brother, sister, uncle, aunt, nephew or niece.

a relationship by marriage or civil partnership shall be treated as a relationship by blood,  
a relationship of the half-blood shall be treated as a relationship of the whole blood,  
the stepchild of a person shall be treated as his child, and  
an illegitimate child shall be treated as the legitimate child of his mother and reputed father.

**'Owner's Interest'** -\_means holder of a freehold interest or a lease with at least five years to run at the date of grant approval

**'Owner Occupation Certificate'** - means a certificate that certifies an Owners Interest and intention to reside at the property throughout the grant condition period.

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## Equality Analysis Form

The following questions will document the effect of your service or proposed policy, procedure, working practice, strategy or decision (hereafter referred to as 'policy') on equality, and demonstrate that you have paid due regard to the Public Sector Equality Duty.

### 1. RESPONSIBILITY

<b>Department</b>	Communities & Wellbeing	
<b>Service</b>	Urban Renewal	
<b>Proposed policy</b>	Adoption of Private Sector Housing Renewal Assistance Policy 2014	
<b>Date</b>		
<b>Officer responsible for the 'policy' and for completing the equality analysis</b>	<b>Name</b>	Sharon Hanbury
	<b>Post Title</b>	Urban Renewal Manager
	<b>Contact Number</b>	0161 253 6350
	<b>Signature</b>	
	<b>Date</b>	29 <sup>th</sup> May 2014
<b>Equality officer consulted</b>	<b>Name</b>	Mary Wood
	<b>Post Title</b>	Principal Officer - Equalities
	<b>Contact Number</b>	0161 253 6795
	<b>Signature</b>	 15/2014
	<b>Date</b>	30 <sup>th</sup> May 2014

### 2. AIMS

What is the purpose of the policy/service and what is it intended to achieve?	<p>The Private Sector Housing Renewal Assistance Policy 2014 is intended to provide the framework within which the Council's powers to provide assistance and, in particular, financial assistance, can be exercised in relation to supporting private sector householders to address poor or otherwise deficient housing conditions. It is the point of reference for such matters for officers and the public.</p> <p>This will be the latest in a sequence of versions. The first Policy was originally adopted in 2003, following the introduction of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (the 2002 Order). The Policy was subsequently reviewed and updated in 2006 and 2009.</p> <p>A primary reason for rewriting the current Policy is to help to provide an improved service approach for disabled people and their families. The Policy will provide a more streamlined approach for lower cost and most common disabled adaptations. Flexibilities will be introduced to</p>
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	<p>allow wider choice and options for disabled people. For very expensive disabled adaptations it will strike a fair balance between the significant public investment in individual cases and the need to meet a wider continuing strong demand for adaptations. This balance will be achieved by the introduction of a financial loan product and by an extended grant condition period. The grant condition period will be proportionate to the level of grant assistance. The amount to be repaid upon sale of the property will reduce after the 5<sup>th</sup> anniversary of the grant and will continue to reduce as each full year passes throughout the grant condition period. This will help to ensure that the purpose for which the grant funding was provided is maintained, supporting value for money, but also will not be overly onerous for the individual grant recipient due to the reducing repayment provisions.</p> <p>The Policy, beyond disabled adaptations, will better reflect a changed capital funding position and, in so doing, help manage customer expectation. Although this will mean that financial assistance is not routinely available to deal with poor housing conditions statutory enforcement and advice and signposting will mitigate this.</p>
<p>Who are the main stakeholders?</p>	<p>Communities and Wellbeing Department  Children, Young People and Culture Department  Resources and Regulation Department  Residents and their families requiring adaptations  Private sector tenants and owner-occupiers in the Borough  Private Landlords in the borough  Urban Renewal Staff</p>

**3. ESTABLISHING RELEVANCE TO EQUALITY**

**3a. Using the drop down lists below, please advise whether the policy/service has either a positive or negative effect on any groups of people with protected equality characteristics. If you answer yes to any question, please also explain why and how that group of people will be affected.**

Protected equality characteristic	Positive effect (Yes/No)	Negative effect (Yes/No)	Explanation
Race	No	No	
Disability	Yes	Yes	<p>Mandatory Disabled Facilities Grants (DFGs) are provided via national legislation to enable disabled customers access to and safe use of essential facilities within their home.</p> <p>The Policy cannot change mandatory DFGs. However a new discretionary form of assistance has been introduced in the Policy which will provide an alternative, simpler and less bureacratic process for the majority of people who need adaptations costing less than £5000.</p> <p>The proposed introduction of financial assistance to help disabled people move to adapted or more readily adapted properties and the ability for customers to use adaptations funding in a different way will support flexibility and choice.</p> <p>The introduction of a loan tool and extended grant condition and repayment periods represents a better use of limited adaptation funding helping to maximise the number of disabled people the Council can assist. This new approach may be viewed negatively by those few individuals who receive expensive substantial adaptations to their homes as it may feel onerous to have grant conditions applied for a period of up to 20 years.</p> <p>Having regard to the above the proposed Policy supports timely</p>

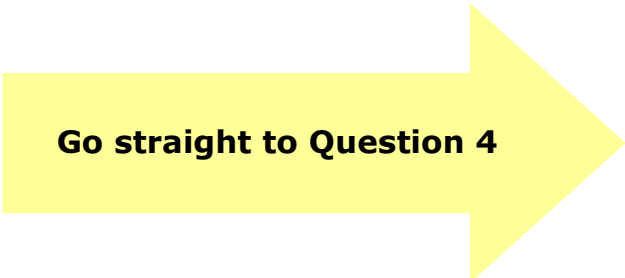
			interventions for disabled customers, reducing exposure to risk and supporting living in their own homes and independence rather than resorting to care homes, encouraging diverse and sustainable communities and potentially removing barriers to employment etc narrowing socio-economic gaps.
Gender	No	No	
Gender reassignment	No	No	
Age	Yes	No	In relation to adaptations, approximately 60% of customers are aged over 60 and this is disproportionate to the population breakdown. This is probably due to the simple correlation of ageing with disability. There is also evidence that disabled children disproportionately receive the most expensive adaptations.
Sexual orientation	No	No	
Religion or belief	Yes	No	The introduction of 'notional allowances' whereby disabled customers can choose to vary an adaptation design may assist, at no additional cost, in meeting religious or cultural design features of their home.
Caring responsibilities	Yes	No	There will be a positive impact on those with a caring responsibility in adaptation cases, reducing risk to themselves and supporting mixed communities.
Pregnancy or maternity	No	No	
Marriage or civil partnership	No	No	

**3b. Using the drop down lists below, please advise whether or not our policy/service has relevance to the Public Sector Equality Duty. If you answer yes to any question, please explain why.**

General Public Sector Equality Duties	Relevance (Yes/No)	Reason for the relevance
Need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010	No	
Need to advance equality of opportunity between people who share a protected characteristic and those who do not (eg. by removing or minimising disadvantages or meeting needs)	Yes	This primarily relates to the Policy's role in the delivery of major adaptations to the homes of disabled people. Not only does this promote mixed and vibrant communities it also can facilitate independence and promote participation in society.
Need to foster good relations between people who share a protected characteristic and those who do not (eg. by tackling prejudice or promoting understanding)	No	

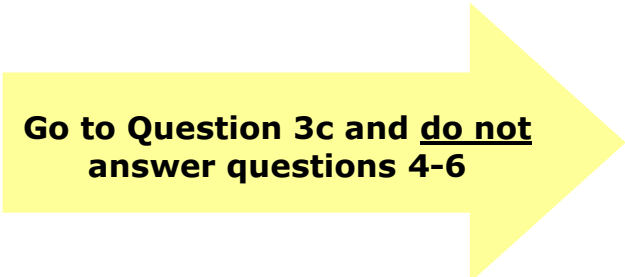
**If you answered 'YES' to any of the questions in 3a and 3b**

**Go straight to Question 4**



**If you answered 'NO' to all of the questions in 3a and 3b**

**Go to Question 3c and do not answer questions 4-6**



**3c. If you have answered 'No' to all the questions in 3a and 3b please explain why you feel that your policy/service has no relevance to equality.**

**4. EQUALITY INFORMATION AND ENGAGEMENT**

**4a.** For a service plan, please list what equality information you currently have available, **OR** for a new/changed policy or practice please list what equality information you considered and engagement you have carried out in relation to it.

Please provide a link if the information is published on the web and advise when it was last updated?

(NB. Equality information can be both qualitative and quantitative. It includes knowledge of service users, satisfaction rates, compliments and complaints, the results of surveys or other engagement activities and should be broken down by equality characteristics where relevant.)

<b>Details of the equality information or engagement</b>	<b>Internet link if published</b>	<b>Date last updated</b>
<a href="#">Customer Satisfaction Questionnaires</a>		Ongoing collection of data
<a href="#">Consultation with user led Bury Coalition for Independent Living</a>		
<a href="#">Consultation with past customers</a>		
<a href="#">Private sector stock model 2013</a>		2013
<a href="#">Adaptations Policy 2010</a>		2010
<a href="#">Regulatory Reform(Housing Assistance) (England and Wales) Order 2002</a>		
<a href="#">R (on application by BG) v Medway Council 2006</a>		
<a href="#">Housing Strategy 2014-24</a>		
<a href="#">Affordable Warmth Strategy 2011-16</a>	<a href="http://www.bury.gov.uk/CHttpHandler.ashx?id=9173&amp;p=0">http://www.bury.gov.uk/CHttpHandler.ashx?id=9173&amp;p=0</a>	

**4b.** Are there any information gaps, and if so how do you plan to tackle them?



**5. CONCLUSIONS OF THE EQUALITY ANALYSIS**

<p><b>What will the likely overall effect of your policy/service plan be on equality?</b></p>	<p>The overall effect of the policy on equality will be positive, being of particular assistance to disabled customers, older people, children and those with caring responsibilities, promoting independence, sustaining living and participating in the wider community and promoting diverse communities.</p>
<p><b>If you identified any negative effects (see questions 3a) or discrimination what measures have you put in place to remove or mitigate them?</b></p>	<p>The potential for a perceived negative effect is mitigated by a proportionate approach to grant condition periods – as the amount of financial assistance increases so does the grant condition period – and by the introduction of reducing repayments as time since completion elapses. Opportunities have been provided within the policy for grant recipients to request the waiving of repayment in certain circumstances - for example where a property is to be sold due to the physical health of the grant applicant etc. This is considered to be both a proportionate and reasonable approach. Similar principles were tested in the court case R (BG) v Medway Council 2005.</p> <p>The loan product that is proposed would not be expected to cause hardship. It is not a repayment loan but an equity share loan with safeguards built in around the loan to value ratios; and a cap on the return to the Council.</p> <p>The overall proposed policy approach in relation to loans and extended grant condition periods is also considered reasonable having regard to the enduring enhanced value of a property that has had the benefit of adaptation funding for such adaptations as bedroom/bathroom extension.</p>
<p><b>Have you identified any further ways that you can advance equality of opportunity and/or foster good relations? If so, please give details.</b></p>	
<p><b>What steps do you intend to take now in respect of the implementation of your policy/service plan?</b></p>	<p>Consideration by the Council’s Cabinet on 11<sup>th</sup> June 2014. Once the Policy is agreed public notice will be given of its adoption and it will be effective from 30<sup>th</sup> June 2014. The Policy will be available for residents to view and a summary document available. The Policy changes will need to be cascaded to all relevant staff and integrated into working practice.</p>

## 6. MONITORING AND REVIEW

**If you intend to proceed with your policy/service plan, please detail what monitoring arrangements (if appropriate) you will put in place to monitor the ongoing effects. Please also state when the policy/service plan will be reviewed.**

Performance on individual forms of assistance will be monitored quarterly. Customer Satisfaction Questionnaires analysis will be produced annually. The operating environment may change and together with customer feedback may result in amendments to the Policy. It is not anticipated that a fundamental review will be needed until at least 2017.

**COPIES OF THIS EQUALITY ANALYSIS FORM SHOULD BE ATTACHED TO ANY REPORTS/SERVICE PLANS AND ALSO SENT TO THE EQUALITY INBOX ([equality@bury.gov.uk](mailto:equality@bury.gov.uk)) FOR PUBLICATION.**

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