



Name of meeting: Cabinet
Date: 17th January 2017
Title of report: Private Sector Housing Assistance Policy

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Key Decision - Yes Private Report/Private Appendix - No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by Director & name Is it signed off by the Assistant Director - Financial Management, Risk, IT & Performance? Is it signed off by the Assistant Director - Legal, Governance & Monitoring?	Jacqui Gedman - 09.01.17 Debbie Hogg - 04.01.17 Julie Muscroft - 04.01.17
Cabinet member portfolio	Councillor Naheed Mather - Place Housing & Enforcement Management

Electoral wards affected: All
Ward councillors consulted: None (N/A)
Public or private: Public

1. Purpose of report

- 1.1. To obtain Cabinet approval for an updated Private Sector Housing Assistance policy, in accordance with the requirements of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 which is referred to as the RRO.
- 1.2. The report seeks approval to adopt this updated policy which reflects the current strategic priorities of the Council. The policy enables the Council to continue to offer and administer assistance, primarily around grants and loans for the purpose of adaptations to the homes of disabled people living in the private sector, and to vulnerable households where there is a demonstrable severe financial hardship.

- 1.3. The report sets out proposed actions for dealing with any future amends to the policy.

2. Summary

- 2.1. The Council is required to have a policy in place which says how it deals with housing in the private sector, including the provision of housing assistance.
- 2.2. The requirement to do this was strengthened by the (Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. This policy also covers home adaptations, principally Disabled Facilities Grants.
- 2.3. The policy must conform to a number of requirements as set out by the above Order. The Council's existing policy was approved by Cabinet in 2003, with further detail considered and approved by Cabinet in 2004. The policy has not been updated since and so it is now out of date and no longer compliant.
- 2.4. The report explains the main aspects of the proposed updated policy, references the key changes and seeks Cabinet approval to adopt and implement this updated policy.
- 2.5. The main changes to the 2016 policy are the removal of references to specific private sector grants. Local Authorities' statutory powers to provide renovation grants and home repair assistance were revoked by government in 2003. Such grants included improvement grants for landlords, grants for owners of empty properties, grants for the tackling of overcrowding, and private sector housing loans to improve properties.
- 2.6. Table A below summarises these changes and the relevant approval date by Cabinet. The table sets out what is included in the 2016 policy.
- 2.7. The provision of adaptations funded by mandatory Disabled Facilities Grants (DFG's) remains unaffected.
- 2.8. The policy makes no changes to what the Council is obliged to provide, by way of mandatory adaptations, as these must be provided. It sets out that where the Council may wish to use its discretion under the RRO to provide assistance; this will be focussed on enabling the needs of vulnerable people where there is a risk to their health and wellbeing, and where this is the most appropriate option for the Council to take.
- 2.9. The 2016 policy reflects the Council's move away from the provision of financial assistance for homeowners to renovate their properties, to a focus on improving the living conditions of properties through a range of advice, assistance, signposting and support and in line with the Council's key strategic ambitions for the improved health and wellbeing and economic resilience of its residents.

- 2.10** In addition, the updated policy outlines the current operational arrangements within the Council's Housing Services (Housing Solutions and Accessible Homes teams) for the provision of private sector housing advice, assistance and support for those disabled people who are seeking support with adaptations or a move to a more suitable home.

Table A

Area of Activity	2003	2004	2016
Private Sector Housing Activity, 2003 Cabinet			
Advice and signposting	yes	yes	yes
Approve renovation grants received prior to July 2003	yes	no	no
Continue grants in the Highfields renewal area until 2006	yes	yes	no
Housing Health and Safety Grant	yes	yes	no
Group repair/Block repair Grants	yes	yes	no
Creative Housing Grants (eg knocking back to backs into one)	yes	yes	no
Empty Property grants	yes	yes	no
External Fabric Grants in Renewal Areas	yes	yes	no
Private Sector Housing Activity, 2004 Cabinet – EPS Committee			
Grants for Accredited Landlords	-	yes	no
Revision to Empty property grants	-	yes	no
Overcrowding Grants	-	yes	no
Loan products to address lack of decency	-	yes	no
Provide advice and assistance for home owners	-	yes	yes
Accessible Homes Activity, Cabinet 2003			
Mandatory Disabled Facilities Grants (DFG's)	yes	yes	yes
Discretionary DFG's exceeding mandatory limit (then £25,000)	yes	yes	no
Discretionary loans (Social Services assistance to cover means tested contribution)	yes	yes	no
Grants for discretionary adaptations	yes	yes	yes
Provision of discretionary relocation grant/loan assistance	yes	yes	yes
Accessible Homes Activity, 2004 Cabinet – EPS Committee			
Discretionary Disabled persons relocation Loan (detail)	-	yes	yes
Discretionary Disabled Person relocation Grant (detail)	-	yes	yes
Offsetting of costs (clarified in 2016 policy)	yes	yes	yes
Relocation Assistance	-	yes	yes
¹ Discretionary assistance to cover a means tested contribution	-	-	yes

¹ Social Services authorities have a duty to ensure that the assistance required by disabled people is secured (Chronically Sick & Disabled Persons Act 1970, now replaced by the Care Act 2014). This includes those cases where the help needed goes beyond what is available through a DFG, or where DFG is not available for any reason, or where a disabled person cannot raise their assessed contribution ("Home Adaptations for Disabled People – A detailed guide to related legislation, guidance and good practice 2015")

Discretionary assistance to cover a means tested contribution was therefore not part of the Private Sector Housing Assistance policy in 2003 / 2004. It is proposed to add this duty, which the Local Authority still has, into the refreshed policy, so that the council may consider alternatives as detailed on page 14 of the policy.

3. Background

- 3.1.** The RRO came into force on 18th July 2002. It allowed Local Authorities to develop and adopt policies for housing assistance in the private sector to suit their individual areas, whilst at the same time, recognising that it is primarily the responsibility of homeowners to maintain their own homes.
- 3.2.** The RRO notes that some home owners, particularly elderly people and vulnerable groups such as people with disabilities may not have the necessary resources to be able to keep their homes in good and safe repair. Such action will support independence, health and wellbeing for these groups of people.
- 3.3.** This action includes the provision of home adaptations for disabled people, and any assistance the Council may want to give, which is over and above its mandatory obligation.
- 3.4.** The RRO says that local authorities may offer discretionary assistance in the form of grant, a repayment, a charge on the property or a combination of these, provided that the Council has published a policy which meets a number of conditions, including saying how it intends to use its discretionary powers.
- 3.5.** Legal opinion of the existing policy, which was approved by Cabinet – Education and People Services Committee on 8 September 2004 is that it requires updating as it does not take account of changes in legislation or the Council's current approach to private sector housing assistance. This leaves the Council vulnerable and potentially open to legal challenge.
- 3.6.** Since 2004, minor policy amendments have been approved by Cabinet, but the main published policy has not been changed to take account of these amends.
- 3.7.** In addition, this policy was adopted at a time when central government policy towards private sector housing meant that grants and loans were available for homeowners to renovate their homes and improve property conditions.
- 3.8.** This position has changed. The government discontinued funding for the private sector renewal programme from March, 2011. Generally, grants and loans are no longer offered to home owners, with the exception of Disabled Facilities Grants (DFG's) in the case of home adaptations for disabled persons to carry out works.
- 3.9.** The statutory requirements for a DFG remain, and applicants are financially assessed to determine their eligibility to grant assistance. This financial assessment does not apply in cases where the adaptations are for disabled children.

- 3.10** The RRO does recognise that the mandatory DFG requirements are unlikely to meet all eventualities for meeting people's needs when they have a health condition or disability, and the Council's Private Sector Housing Assistance policy must clearly set out what additional help the Council will provide, to meet these needs.
- 3.11** For adaptations which cost in excess of the national mandatory limit of £30,000, the updated policy sets out that this can be dealt with via equity based loan for home owners. This loan is subject to qualifying criteria and is known as a Home Appreciation Loan (HAL). The HAL arrangements are administered by Sheffield City Council, across the Yorkshire and Humber region for participating authorities, and are subject to individual legal agreements which are in place. The loan amount is between £2,000 and £30,000 and is secured against the property.
- 3.12** The updated policy also sets out the Council's approach to other aspects of adaptations, including consideration given where the grant applicant wants an alternative adaptation (typically, an extension rather than internal conversion works) and wishes to pay the additional costs over and above the amount payable via the DFG. Again, qualifying criteria and conditions are in place to deal with this.
- 3.13** The Council's Housing Services, Accessible Homes Team administers Disabled Facilities Grants in Kirklees. The team works to ensure that disabled people live in homes that are safe and suitable for their and their family/carers needs. This may be provided through adaptations, equipment, moving to a more suitable home or by signposting people to other forms of support.
- 3.14** Although the policy that this report deals with is the Private Sector Housing Assistance Policy, for information Members are asked to note that the Accessible Homes Team provides a tenure neutral approach with regards to assessment, means testing and provision of home adaptations. This means that irrespective of the tenure of the property to be adapted, a consistent approach is used across the board; this is in line with good practice. ('Home Adaptations for Disabled People, A Detailed Guide to Related Legislation, Guidance and Good Practice' - published by the Home Adaptations Consortium in 2013).
- 3.15** Wider social care legislation places a duty on local authorities to consider meeting the needs of disabled people where an adaptation cannot be provided. For example, a person may not be able to obtain the financial assistance of a Disabled Facilities Grant if they have been financially assessed as having a high contribution to make. In such circumstances, the local authority may consider other options, as detailed at page 14 of the policy.
- 3.16** This duty is not new. It has been a duty of Local Authorities under the Chronically Sick & Disabled Persons Act 1970, now the Care Act 2014. It is proposed to add this existing and continuing duty into the Private Sector Housing Assistance policy, so that it can be discharged by the offer of an

equity based loan in such circumstances that a disabled person can prove that they cannot raise their assessed contribution.

- 3.17** Since the introduction of the Chronically Sick & Disabled Persons Act 1970, no requests to the Authority for such assistance have been accepted.
- 3.18** The RRO gives local authorities more flexibility in developing policies which deal with poor housing conditions, including working in partnership with others. An example might be the partnership we have with private landlords, which supports the Council's focus on preventing homelessness and ensuring as wide a range as possible of the right kind of housing options, to meet peoples housing needs.
- 3.19** This work includes working with owners of privately rented accommodation to enable good quality of housing and tenancy management within the private rented sector.
- 3.20** Work is ongoing within the Council's Housing Solutions Service to develop approaches which tackle barriers to enabling people being able to access suitable and sustainable housing choices, and which facilitate appropriate housing options.

4 Impact/Outcomes

- 4.1** Having an up to date Private Sector Housing Assistance policy in place which is evidence based, aligns to and supports the Council's strategic objectives, and which meets all the RRO requirements means that the Council may legitimately exercise its power to provide financial assistance to the most vulnerable individuals and households where this is necessary and appropriate.
- 4.2** The type of circumstances where the Council may choose to exercise this power include where essential repairs are needed to improve living conditions within a person's home, for example to reduce or prevent accidents where there is a risk to health and wellbeing because of excess cold caused by inadequate heating, or where adaptations are needed that exceed or are outside the scope of, Disabled Facility Grant assistance.
- 4.3** The intention of the Private Sector Housing Assistance policy, and in line with the requirements of the RRO, is that it acts as a framework for decision making, whilst avoiding a blanket "no assistance" policy which would be statutorily unacceptable.
- 4.4** The policy notes that individual cases can be considered on a "by exception" basis, where circumstances such as risks to an individual's health and wellbeing exist.
- 4.5** In line with the Council's duty under the Equality Act 2010, a Stage 1 Equality Impact Assessment (Screening Tool) has been completed to assess the likely impact on equality groups.

This indicated that the proposal is likely to have little or no impact on groups. No further equalities impact assessments are therefore required. The Equality Impact Assessment is attached as an appendix to this Cabinet report.

5 Evaluation

- 5.1** The Private Sector Housing Assistance policy will be monitored and reviewed in line with other relevant council policies and the Council's Housing Strategy, to ensure that it continues to meet and support the broader strategic intentions of the Council.

6 Implications for the Council

- 6.1** Legal - The Council is currently at risk of a legal challenge as it does not have an up to date Private Sector Housing Assistance policy in place which sets out the circumstances under which it will provide housing assistance and the form that the assistance will take.
- 6.2** The updated policy is compliant with the requirements of the RRO and accurately reflects the Council's approach to supporting households in the private sector. If approved, this will enable the Council to continue its housing activity within the private sector, in line with its strategic priorities.
- 6.3** Financial - there are no new or additional financial implications for the Council as a result of this updated policy.

7 Consultees and their opinions

- 7.1** Legal advice has been sought and provided in respect of the need for the Council to have a robust and refreshed policy in place, as outlined above. This advice includes barrister's advice, commissioned by the Council's Legal Services following a potential legal challenge related to the previous (2004) policy. That advice has been incorporated into the updated 2016 policy.
- 7.2** The Cabinet portfolio holder, Cllr Mather, has been briefed on bringing the Private Sector Housing Assistance Policy up to date.

8 Officer recommendations and reasons

- 8.1** That Cabinet approve and adopt the updated Private Sector Housing Assistance policy which is attached to this Cabinet report. This will ensure that the Council has an accurate and up to date policy which supports its strategic intentions for the provision of housing assistance in the private sector.

- 8.2 That authority to make future minor amendments to the Private Sector Housing Assistance Policy is delegated to the Assistant Director, Place (or responsible officer) in consultation with the Portfolio Holder.
- 8.3 That authority be given to revoke the (existing) 2004 Policy and replace it with the new 2016 Policy, to take effect from 18th January 2017.
- 8.4 These recommendations are made to ensure that the Council is meeting its statutory duty to have an up to date Private Sector Housing Assistance policy in place, which meets all the requirements of the Regulatory Reform Order 2002.

9 Cabinet portfolio holder's recommendations

- 9.1 Councillor Naheed Mather asks, that Cabinet approve and adopt the updated Private Sector Housing Assistance policy which is attached to this Cabinet report.
- 9.2 In addition, Councillor Naheed Mather asks that authority to make future minor amendments to the Private Sector Housing Assistance Policy is delegated to the Assistant Director, Place (or designated person with responsibility for Housing) in consultation with the Portfolio Holder.
- 9.3 Councillor Naheed Mather asks that authority be given to revoke the 2004 Policy and replace it with the new 2016 Policy, to take effect from 18th January 2017.

10 Next steps

- 10.1 Once approved, this policy will become immediately effective and will replace the existing 2004 policy.
- 10.2 Officers will arrange for the appropriate publication of the updated 2016 policy on the Council's website, and will ensure that a copy of the policy is available for inspection free of charge, as required by the RRO.

11 Contact officers

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12 Background Papers and History of Decisions

- Regulatory Reform (Housing Assistance) (England and Wales) Order, 2002
- Report to Cabinet - 16th April 2003 - "Private Sector Housing Policy"
- Report to Cabinet - Education & People Services Committee - 8th September 2004 - "Private Sector Housing Strategy & Policy Development"

13 Assistant Director responsible

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APPENDIX 1



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Kirklees Council Private Sector Housing Assistance Policy#

1. Introduction

Kirklees Council's Private Sector Housing Assistance Policy sets out the ways in which we deal with housing in the private sector, including the provision of housing assistance. The Policy is based on the Council's statutory powers and links to and supports the Council's strategic priorities and objectives as set out in the Economic and Health and Wellbeing Strategies and in the Kirklees Council Housing Strategy. As such, it reflects the evidence base which has informed these strategies. These include the Kirklees Strategic Housing Market Assessment (SHMA) 2015 and the Kirklees Joint Strategic Assessment (KJSA) 2016 and the Private Sector Stock Condition Survey 2016.

2. Policy Statement

The key purpose of the policy is to set out how the Council will improve living conditions in the private housing sector by providing assistance to residents and landlords in relation to them:

- Finding and keeping an affordable and suitable home.
- Adapting or improving their home.
- Repairing and managing living accommodation.

The policy has regard to the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, the Housing Grants, Construction and Regeneration Act 1996 and the Housing Act 2004 which are referenced below.

2.1 Power to provide financial and other assistance

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 ("the 2002 Order")¹ gives a power to local authorities for the purpose of improving living conditions in their area by enabling a local housing authority to provide, directly or indirectly, assistance to any person for the purpose of enabling them:

- (a) to acquire living accommodation (whether within or outside their area);
- (b) to adapt or improve living accommodation (whether by alteration, conversion or enlargement, by the installation of any thing or injection of any substance, or otherwise);
- (c) to repair living accommodation;
- (d) to demolish buildings comprising or including living accommodation;
- (e) where buildings comprising or including living accommodation have been demolished, to construct buildings that comprise or include replacement living accommodation.

The power to acquire living accommodation (at (a) above) may be exercised to assist a person to acquire living accommodation only where the Council -

- a) Have acquired or propose to acquire (whether compulsorily or otherwise) their existing living accommodation; or
- b) Are satisfied that the acquisition of other living accommodation would provide for that person a benefit similar to that which would be provided by the carrying out of work of any description in relation to their existing living accommodation.

¹ 2002 No. 1860

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Assistance may be unconditional or subject to conditions, including conditions as to the repayment of the assistance or of its value (in whole or in part), or the making of a contribution towards the assisted work; but before imposing any such condition, or taking steps to enforce it, a local housing authority shall have regard to the ability of the person concerned to make that repayment or contribution.

Before a local housing authority provide assistance to any person, they shall—

- (a) give to that person a statement in writing of the conditions (if any) to which the assistance is to be subject; and
- (b) satisfy themselves that that person has received appropriate advice or information about the extent and nature of any obligation (whether financial or otherwise) to which he will become subject in consequence of the provision of assistance.

In relation to adapting or improving living accommodation, repairing living accommodation and demolishing buildings (at (b), (c) and (d) above) the Council may not provide assistance for the purposes of the same unless it is satisfied that the owner of the accommodation concerned has consented to the carrying out of the assisted works.

The assistance that may be provided under the 2002 Order is separate to and in addition to assistance provided in the form of Disabled Facilities Grants available under the Housing Grants, Construction and Regeneration Act 1996.

Conditions apply to the exercise of the powers under the 2002 Order. These will be set out in more detail below where relevant.

The Order provides a general power enabling local housing authorities to provide assistance for housing renewal. The power enables Local Authorities to give assistance to persons directly, or to provide assistance through a third party such as a Home Improvement agency, specialist financial intermediary or other special purpose vehicle. Assistance can be given to pay for any fees and charges associated with the assisted works. Assistance given under the general power may be unconditional or subject to conditions, for example the requirement to repay a grant if the property is sold within five years.

This policy meets the requirements of the 2002 Order and sets out under what circumstances the Council may provide assistance to home owners for housing renewal, repair and adaptation, through grants, loans, a charge on the property, or a combination of these.

This policy is designed to provide guidance for both officers of the local authority and members of the public seeking assistance. It sets out, at least in broad terms, how the Council will exercise its powers under the 2002 Order. The Council should emphasise that the local authority retains discretion in all cases but will seek to exercise that discretion in accordance with the overarching purpose of improving living conditions and the Council's aims and objectives as set out in the Housing Strategy.

Cabinet agreed on 17 January 2017 that authority be delegated to the Assistant Director of Place or designated person with responsibility for Housing, in consultation

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with the Portfolio Holder, to make future minor amendments to the Private Sector Housing Assistance Policy in order to comply with legislation, guidance and case law.

3. Kirklees Council Housing Services – Our Role

The Housing Solutions Service (HSS) and Accessible Homes (AHT) teams within the Council's Housing Services are the main source of cross tenure housing related information and advice for residents and others in relation for example to renting in the private sector or with housing associations (registered providers), hostel accommodation and the provision of an assessment, adaptation and rehousing service for disabled people in Kirklees regardless of their age.

The teams provide information and advice in relation to the assistance available under the 2002 Order. In addition home owners or tenants will be signposted to any sources of funding that may be made available under the 2002 Order or other statutory provision which may be available at any given time.

Housing Solutions Service provide customers with:

- Access to housing information and guidance.
- Advice on a range of cross tenure housing options.
- Assessment of housing need including the prevention of and assessment of homelessness.
- Information and advice to private sector landlords and tenants and some home owners.
- Housing related support to enable vulnerable people to maintain their accommodation.
- Advice on maintenance/crowding issues if requested by home owners.

Accessible Homes provide customers with:

- Individual and holistic assessments of people in their homes,
- Advise and equipment to assist individuals, their family and carers,
- Minor adaptations (a minor adaptation is less than £1,000),
- Major adaptations provided through Disabled Facilities Grants (DFG) (a major adaptation is £1,000 or more), in accordance with the Housing Grants, Construction and Regeneration Act 1996.
- Other major adaptations for Local Authority tenants.
- Means testing of eligible applicants (not children).
- Advice and support for those people in unsuitable accommodation to rehouse to alternative accommodation more suited to their needs.

4. The Private Sector Housing Assistance Policy

The Council has discretion to provide assistance for the purpose of improving living conditions in Kirklees, to support its current corporate priorities. The Council will consider the financial and other circumstances of individual applicants in each case.

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Assistance under the 2002 Order is set out in the Policy Statement.

Assistance may be provided in any form, not just financial assistance.

The Council may take the form of security in respect of the whole of any assistance.

Where any such security is taken in the form of a charge on any property, the Council may at any time reduce the priority of the charge or secure its removal.

The Council may require any person seeking assistance to give such information or evidence as the Council reasonably requires for purposes connected to the exercise of its power to provide such assistance within such period as is reasonable.

Should appropriate funding become available, the Council will look to utilise it, within the broader objectives of this policy and its corporate priorities at that time.

4.1 Private Rented Sector

The Council will continue to drive improvements in the Private Rented Sector (PRS) through advice and assistance to private landlords and tenants. This can be both reactive, responding to tenants complaining of disrepair, and through proactive interaction with private landlords. We will:

- Inspect properties and assess them using the Housing Health & Safety Rating System (HHSRS), Housing Act 2004, to identify health and safety hazards within the property. Initially, the inspecting officer will advise and assist the landlord to eliminate or significantly minimise the hazards identified. In addition to advice and encouragement, the full range of legislative enforcement tools available at the time will be considered in securing appropriate works. A similar approach will be taken in cases of threatened or actual harassment or illegal eviction relating to occupiers of privately rented domestic accommodation.
- Provide advice and assistance on accessing privately rented accommodation for clients assessed by the council as homeless, or threatened with homelessness. We will also liaise with private landlords to ensure that properties are free from significant HHSRS hazards and will facilitate a sustained tenancy. We will work closely with both the landlord and prospective tenant to establish and maintain successful tenancy outcomes.

The key outcomes include:

1. Raising / improving standards in the private rented sector.
 2. Accommodating tenants in PRS who may otherwise have occupied a unit of council owned stock.
 3. Reducing the period of use of temporary accommodation by increasing numbers of properties available to eligible potential tenants.
- Assisting potential tenants into PRS by the provision of appropriately available products such as a "Bond Guarantee" who may otherwise have found themselves unable to access reasonable quality privately rented homes.

The Council will also use its powers under the 2002 Order where possible as part of its overall strategy to improve living conditions in the private rented market subject to the conditions and procedure outlined in this Policy.

4.2 Kirklees Accreditation Scheme

The Council's Accreditation scheme encourages participating owners of homes in the PRS to meet acceptable property and management standards, improving the quality of rental accommodation available in the area. It is also a 'kite-mark' acknowledging that the property and management is of an acceptable standard. This can be used by the landlord for marketing and promotional purposes.

Properties identified by and used by the HSS to secure private rented accommodation for people in housing need will be 'pass ported' onto the accreditation scheme.

The service also encourages positive dialogue and relationships between the Council and owners-managing agents in the PRS.

4.3 Empty Homes

The Council's strategy on empty homes is to bring as many properties back into use as possible through a combination of support and advice to homeowners and working in partnership with relevant organisations such as Registered Providers (RPs) and local community organisations. We will:

- Encourage owners of empty properties to bring homes back into use. So as to increase the overall housing stock by utilising existing property, and reducing crime and anti-social behaviour which is often associated with empty domestic properties.
- Monitor referrals and complaints about empty domestic properties. So as to wherever possible ascertain the owner's intentions for the property; and take where necessary action, as appropriate, using current relevant legislation to ensure properties remain secure and safe.
- Publicise and proactively encourage owners of empty property to take up any relevant financial assistance available at any given time, which may be of a national or local nature.
- Liaise with owners of empty homes to encourage them to bring their property back into use. Signpost owners to appropriate advice and any incentives available. As a last resort take enforcement action, if it is considered appropriate and necessary, based on legal remedies available at any given time, and depending on individual circumstances.

4.4 Houses in Multiple Occupation (HMO)

The Council's duties and responsibilities in relation to HMO come from the Housing Act 2004 and relevant guidance. The Council's key focus is to identify, and ensure compliance of, statutory licensable HMO. We will:

- Promote the fact that it is the responsibility of owners of licensable HMO to ensure that they hold the appropriate licence and adhere to the necessary conditions.

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- Process the necessary licence application and ensure the required property and management conditions are met.
- Monitor property and management standards within HMO in accordance with legislation and maintain a proactive inspection programme prioritised on a risk assessment basis.
- Monitor HMO occupancy levels, ensuring that room sizes and amenity standards are adequate for the number of occupiers, and that no more than one person shall occupy any bedroom unless they are a member of the same household.
- Respond reactively to complaints received about HMO, using informal action to resolve complaints. Where necessary and appropriate, we will consider all options, available at the time, to ensure compliance.
- In some cases inspect those HMO that do not require a license and take action wherever necessary to make sure they are maintained to a good standard and are well managed.
- Continue to liaise/work with other relevant bodies, for instance fire service, educational establishments, to ensure compliance with relevant standards, minimise risk to occupiers and raise standards where appropriate and necessary.

4.5 Home Adaptations

The Council recognises the growing challenges presented by an ageing population and the increasing number of children with severe disability living longer and the demands this places on all services. Making changes to homes so they are more accessible enables disabled children and adults to lead more independent lives. Adaptations and equipment can restore dignity, improve safety and make life easier for both disabled people themselves and for their carers. In addition they can be crucial in avoiding a move into care or in enabling someone to leave hospital.

Funding is available to help with the cost of providing home adaptations for some disabled people. Disabled Facilities Grants (DFG) are the way that major adaptations in the private sector are funded. Adaptations to council houses are progressed in the same way as for private sector housing adaptations but are funded differently by the Council.

Aids and minor adaptations may be available in certain circumstances under Part 2 of the Community Care (Delayed Discharges etc.) Act (Qualifying Services) (England) Regulations 2003. This may allow the Council to provide aids or minor adaptations to properties as long as it is for the purposes of assisting with nursing at home or aiding daily living. There is no charge for this but the aid or adaptation should not cost more than £1,000. Help with adaptations may also be available as part of a community care package provided by the Council's social care services.

The following information is anticipated to meet the Council's responsibilities regarding the above.

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Disabled facilities grants

Disabled facilities grants (DFG) are financial grants provided by the Council to help with the cost of adapting a property to meet the needs of a disabled occupier.

To be eligible for a DFG, you must be one of the following:

- an owner occupier;
- a private tenant;
- a landlord with a disabled tenant;
- a local authority tenant; or
- a housing association tenant.

Some occupiers of caravans and houseboats are also eligible.

If one of the above is applying for the grant for someone in the household who is disabled, this must be stated on the application for the DFG.

The maximum DFG is £30,000. This amount is set out in the Disabled Facilities Grant (Maximum Amounts and additional purposes) (England) Order 2008. (2008 No. 1189)

A person is 'disabled' for the purposes of a DFG application if-

- Your sight, hearing or speech is substantially impaired;
- you have a mental disorder or impairment of any kind;
- you are substantially physically disabled by illness, injury, impairment present since birth, or otherwise; or
- you are registered (or could be registered) disabled with the social services department.

A disabled person may get a DFG to help him or her in a number of ways, including the following:

- easier access to and from the property (such as widening doors or installing ramps);
- making the property safe for the him or her and others living with them (such as a specially adapted room where a disabled person could be left safely unattended or providing improved lighting for a disabled person with sight problems);
- easier access to a room used or that can be used as the principal family room;
- easier access to a room used or that can be used as a bedroom.
- easier access to a room in which there is a lavatory, bath or shower (such as by providing a stairlift);
- providing a room in which there is a lavatory, bath or shower, and wash-hand basin;
- the use of a lavatory, bath or shower or wash-hand basin;
- to assist with preparing and cook food;
- by improving or providing a suitable heating system; using a source of power, light or heat (for example adapting heating or lighting controls to make them easier to use);

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- easier access and movement around the home to enable the disabled person to care for someone dependent on them, who also lives there (such as a child, husband, wife or partner); or
- easier access to the garden or make access to the garden safe - the garden can include a yard, outhouse or other facility within the boundary of land attached to your dwelling. It can also include a balcony or land next to the mooring of a houseboat.

Applicants should not have any work carried out on the property until the Council approves the DFG application. If the work is urgent, the applicant should contact the Council to discuss this. The applicant will also need to ensure that separately any planning or building regulations approval needed is obtained.

A DFG is mandatory (i.e. you are entitled to one if you satisfy the conditions for it) but in order to approve an application, the Council must be satisfied that the works are both 'necessary and appropriate' for the needs of the disabled person, and 'reasonable and practicable' in relation to the property.

In order to check whether the works are necessary and appropriate, the Council may ask for an assessment to be completed, such an assessment may be provided by an Occupational Therapist or such other person deemed adequately trained and supported to undertake such an assessment on behalf of the Council.

The DFG will be means-tested save in two broad circumstances –

- (a) when the disabled person is a child - there is no means test for a DFG if an application is made for the benefit of a child or young person under the age of 19 and in receipt of child benefit (for people under the age of 19 and not in receipt of such a benefit contact the Council for advice),
- (b) eligible works costing less than £1,000.

There is a statutory 6-month time limit for the Council to give a decision in relation to an application for DFG assistance. This starts from the date of the formal application. Sometimes the Council may specify a date of payment for the grant, but this should be no later than 12 months from the date on which the application was made.

Works should be undertaken by the contractor specified on the formal DFG approval. Should the specified contractor be unable to do the work or where the disabled person requests a change in contractor this should information or request should submitted to the Council's AHT. A surveyor in the AHT will consider such requests and may reissue a revised DFG approval specifying the new contractor.

Requests for adaptation work to be undertaken by family members should be made to the AHT. Where such requests are made the Council may only consider allowing for the cost of materials in the formal DFG approval.

The grant will only be paid when the Council is satisfied that the work has been completed to their satisfaction and in accordance with the grant approval. Payments will generally be made directly to the contactors (or agents) specified on the DFG approval. Interim payments may be considered by the AHT at certain stages of the adaptations as they progress. The availability of stage payments should not be assumed and the disabled person or their family must satisfy themselves in this

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regard at the outset. It is the disabled person or their family's responsibility to ensure that they instruct their agent and/or contractor accordingly.

Any contractors, including agents, undertaking DFG are employed by the disabled person and/or their family directly and not the council. Although work has to be completed to the satisfaction of the council the council are not responsible for supervising the works as they progress.

Discretionary assistance

In some cases, the cost of adaptations will exceed the £30,000 maximum imposed by the legislation. In those cases additional financial assistance may be available under Council's discretion pursuant to the 2002 Order.

The following is a summary of the mandatory assistance available and also the further assistance available using the powers afforded by the RRO 2002;

- **Minor adaptations** (all tenures)
Mandatory works costing less than £1,000 are funded without any test of resources being undertaken.
- **Major adaptations/DFG's** (all tenures)
Mandatory work costing between £1,000 and £30,000 are funded subject to a test of financial resources (adults only). The requirement to means test children for adaptations was removed in December 2005. *The Housing Renewal Grants (Amendment) (England) Regulations 2005 (SI 2005/3323)*

The local authority reserves the discretion to impose a limited charge on a property provided with a DFG, if it is sold or otherwise disposed of within 10 years. Where this charge is imposed the DFG must have exceeded £5,000 and the maximum charge allowable is £10,000. The total charge therefore allowable is between £5,000 and £10,000. It is expected that the local authority may only consider imposing such a charge where the provision of a DFG is seen as increasing the value of the property, for example those instances where the floor area has been increased or where additional facilities such as bathrooms or wc's have been provided. Such a charge may also be considered where the disabled person or their family have chosen to offset the cost of eligible expense towards their preferred scheme as detailed on page 14 of the policy.

This is a general consent given to Local Authorities and is cited as the Housing Grants Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008 and came into force on 22 May 2008.

The imposition and subsequent repayment of such a charge will be determined on a case by case basis reflecting the individual circumstances of each applicant. Subsequent repayment of a charge will take into account sections 3. (2) (a) and 3. (2) (b) i-iv of the above citation. Further information regarding this can be obtained by contacting the AHT.

- **Adaptations costing in excess of £30,000 – Home Appreciation Loans**

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Situations may arise where adaptations are deemed 'necessary and appropriate' and 'reasonable and practicable' but where the cost is estimated to exceed £30,000 which is the mandatory limit set by the "Disabled Facilities Grant and Home Repair Assistance (Maximum Amounts and Additional Purposes order) (England) Order 2008".

For discretionary funding to be considered in these circumstances the AHT will have considered the following;

1. Are adaptations considered 'necessary and appropriate' and 'reasonable and practicable?'
2. Are there no other options available within a reasonable timeframe such as rehousing? Consideration in this respect will be had to things such as giving and/or receiving care, where this might influence/limit an area of choice. If children are involved consideration will also be given to schooling which may also influence areas and availability for rehousing.
3. Do families wish to fund the adaptations in excess of the mandatory amount themselves?
4. The amount of resources available to the household to fund costs in excess of £30,000 themselves.

If the above have been considered and the options exhausted then discretionary assistance (subject to the availability of resources) can be considered, this is generally where the total cost of adaptations does not exceed £60,000). This assistance is in the form of an equity based loan known as a Home Appreciation Loan (HAL).

For home owners a HAL will be considered as the method of funding adaptations where the total cost of adaptations is between £30,000 and £60,000 i.e. above the mandatory grant limit. The amount of HAL funding is generally limited to between £2,000 and £30,000. There are no monthly repayments to be made with a HAL but the loan is secured by a charge on the property and is repayable in the future upon sale or transfer of ownership.

There are qualifying criteria for a HAL including, the person/family should be unable to access commercial borrowing. If the disabled person is a child then the parents should be unable to access commercial borrowing. For detail of other criteria to access a HAL the Operational Handbook should be used.

HAL's are administered by Sheffield City Council on behalf of Kirklees Council in accordance with the signed Handbook which covers HAL provision across a number of Yorkshire and Humberside authorities.

Consideration may be given to providing HAL funding that exceeds the £2,000 and £30,000 or which is outside the funding criteria set out in the Handbook. The AHT Manager in consultation the Loan Manager at Sheffield City Council will consider such requests. The final decision regarding requests for funding outside the criteria detailed in the Handbook will rest solely with the Council and are likely only to be considered where savings to other areas, for example adult/children social care can be evidenced.

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A HAL is only available to home owners. For local authority tenants, Registered Provider tenants and private sector tenants contact AHT for further guidance and information.

- **Discretionary Relocation Assistance**

Where a person is not eligible for a DFG or where the costs of adaptations to their existing home are higher than the combined DFG and any discretionary financial assistance, the Council may also consider providing financial assistance to help adapt another property under a Discretionary Relocation Assistance loan or grant. Such assistance is potentially available under the Council's discretionary powers under the 2002 Order.

In such circumstances a discretionary grant can be made available to cover any equity shortfall in buying an alternative property. The maximum amount of discretionary assistance should not exceed £30,000. The total amount of assistance available for the new property is £60,000 (up to £30,000 in mandatory adaptations and up to £30,000 relocation assistance).

To consider such situations the following information will be taken account of:

1. The cost of adaptations at the existing property,
2. The cost of adaptations at an alternative property,
3. The amount of mortgage at the current property,
4. The amount of equity available at the current property,
5. Confirmation of the maximum available mortgage,
6. The type, location and cost of suitable alternative properties.
7. That adaptations are considered 'necessary and appropriate' and 'reasonable and practicable'.

(Where the disabled person is a child, the financial circumstances of the parents will be used to consider the above)

Applications for this type of assistance should be made to and considered by the appropriate Heads of Service (Housing and either Adults or Children's Services) or their designated person.

Relocation assistance is not available to help someone onto the property ladder or to improve someone's position on the housing ladder. An alternative property must be considered the most cost effective way of meeting the needs of the disabled person and any adaptations required must be deemed 'reasonable and practicable'.

Discretionary Relocation Assistance is bespoke to the individual circumstances of the applicant and will be subject to a legally binding written agreement. The Council will begin by considering whether to offer a loan which would be repayable by agreed instalments paid back to the Council every month. The loan would be secured by way of charge against the property. If the Council considers that a loan is not appropriate a grant may be made available secured by way of legal charge against the property. The decision as to whether to offer a loan or a grant is within the complete discretion of the Council based on consideration of the facts of each individual case.

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If the situation arises where adaptations and relocation costs are in excess of £60,000 but are still deemed to be the only way of meeting the person's needs these cases should be submitted to the senior managers mentioned above for consideration. In considering such requests the Managers will have regard to the full circumstance surrounding the disabled person and their family, including housing and social care considerations.

- **Discretionary DFG's**

If AHT consider that work is required which falls outside of section 2 of the Housing Grants, Construction and Regeneration Act 1996 (purposes for which mandatory grant may be given) then this can be considered under the Council's discretion pursuant to the 2002 Order on a case by case basis by the AHT in consultation with the appropriate Housing and Adult / Children Manager or nominated officer. This work may include:

1. Vehicular hard standings, dropped kerbs,
2. Additional facilities such as wc's,
3. Other adaptations (or partial adaptations) may be considered where, following assessment it can be demonstrated that an adaptation could result in either greater independence for the disabled person or where savings to the council can be achieved, for example savings to adult/children's social care.

- **Relocation Expenses (all tenures)**

Assistance with the costs of relocation (subject to the availability of resources) to an alternative property can be considered pursuant to the 2002 Order.

The maximum amount of relocation assistance is £5,000 and will cover things such as removal company costs, carpets, curtains, the cost of redirecting mail and reconnecting essential services. It is not available to cover legal costs or stamp duty.

Such assistance may only be considered where a person's home is adaptable and where the cost of relocation plus the costs of adaptations at an alternative property are less than the cost of adapting a person's current home.

Relocation expenses may also be available to assist someone to move from an adapted home which is no longer needed by the occupant and where this is required by someone who needs those adaptations.

- **Offsetting of costs**

Where a disabled person and/or their family want to undertake works over and above what is determined as 'necessary and appropriate' and 'reasonable and practicable' by the AHT then this can be considered. Typically (but not exclusively) this kind of 'offsetting of cost' may arise where the disabled person wishes to build an extension in lieu of an internal adaptation. Any request to offset the cost towards an alternative scheme will be considered subject to the following:

1. Any additional costs envisaged or incurred in the provision of an adaptation costing more than the eligible expense (as determined by the AHT) have to be met by the disabled person and/or their family.

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2. Any costs associated with employing an agent will be at the risk of the disabled person and/or their family.
3. Any alternative scheme proposed by the person or their family must be approved to meet the assessed needs of the disabled person. This will be determined in all cases by the Council. AHT will take all factors into account in determining such a request including relevant Building, Planning and Housing legislation.
4. Contractors and agents working on such schemes are employed by the disabled person or their family directly and not the council and in all cases the disabled person or their family will be responsible for meeting any additional costs incurred. This also applies where an alternative scheme fails to proceed and the disabled person becomes liable for any abortive costs associated with their preferred scheme.
5. The AHT will not be obliged to support such cases with the planning authority (where appropriate) if an alternative scheme of adaptations not requiring planning approval are deemed 'necessary and appropriate' by the AHT.
6. A disabled person or their family may be asked how such additional works will be funded.
7. As with any DFG, works should not commence until such time as formal approval is given by the Council and work should only be undertaken by the contractors and/or agents specified on the approval.
8. Requests for stage or interim payments once building work is progressing may be considered by the AHT but may only be offered at certain stages, for example when a building or extension is wind and weathertight. The availability of stage payments should not be assumed and the disabled person or their family must satisfy themselves in this regard at the outset. It is the disabled persons or their family's responsibility to ensure that they instruct their agent and/or contractor accordingly.

The option of 'Offsetting of costs' will only be considered where the service user's proposed scheme clearly meets the needs of the service user as determined by the assessor and surveyor in the local authority AHT.

- **Assistance with meeting the means tested contribution/consideration of other assistance**

Where a disabled person has a means tested contribution towards their assessed adaptations and they can demonstrate that they have no savings or investments, where they cannot access any commercial borrowing, or cannot access other sources of funding then the Council may:

1. In the cases of home owners consider offering a HAL to cover such instances,
2. Where it is a local authority tenant, waiving such contribution,
3. Negotiation will be required with the provider, where a tenancy is with a registered provider.
4. Other tenures such as private rented will require careful consideration of factors such as length of tenure on a case by case basis.

Should the situation arise where adaptations which are estimated to cost in excess of the mandatory £30,000 and where the disabled person is unable to

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fund the shortfall (including being unable to access a HAL), these will not normally be considered. However, the AHT Manager, relevant Adults Manager, or Children's Manager may consider funding adaptations over the statutory mandatory limit subject to the availability of resources.

In these circumstances it will have been demonstrated that all avenues such as rehousing have been exhausted and the only way of meeting the disabled person's needs is to adapt the property and the cost is above £30,000. All social, financial circumstances and any alternatives will need to be considered in such cases, and this is only likely to be considered where alternatives to adaptations would lead to greater expense for the local authority in other areas, for example residential or social care.

- **Other tenures of housing**

Discretionary relocation assistance and HAL are only available to homeowners.

For other tenures, such as assured or shorthold tenancies from Registered Providers, including housing associations where adaptations are considered not 'reasonable and practicable' or only adaptable at high cost, AHT will work with the owner of the property and the individual and their families to either agree funding or assist to secure appropriate alternative accommodation. This could be in either the social or private rented sector.

Notes

No financial assistance will be paid towards works covered by insurance or which are the subject of litigation proceedings. In any such circumstances where it later emerges that financial assistance has been obtained in these circumstances, the Council may demand repayment of the amount of the assistance, plus compound interest.

Where in such circumstances mandatory adaptation works are necessarily carried out prior to resolution of any such claims, repayment may be sought following settlement of claims. In such instances the council may require an individual written agreement with the recipient of financial assistance.

9. Monitoring and Review

This policy will be monitored and reviewed in line with other relevant Council policies and where significant legislative or other changes occur the Council will consider whether relevant provisions should be incorporated into this policy. Any such provisions will be considered by the relevant Cabinet portfolio holder(s) before changes to the policy are made and publicised as appropriate.

10. The Policy and Contact details

The Private Sector Housing Assistance Policy is available on the Council's website www.kirklees.gov.uk click on 'Housing'.

Enquiries about further details regarding this policy should be made in the first instance to the following:

Private Sector Housing

Housing Solutions Service,
Civic Centre 3,
High Street,

Home Adaptations

Accessible Homes Team
Flint Street
Fartown

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Huddersfield HD1 2YZ
Telephone 01484 221350

Huddersfield, HD1 6LG
Telephone 01484 225335

EQUALITY IMPACT ASSESSMENT FRONT COVER

Service Details

Housing Services

Ref No.

(to be allocated by the equality and diversity team)

Directorate:	Service:
Place	Housing
Lead Officer:	Service Area/Team:
Helen Geldart	Housing Solutions Service & Accessible Homes Team
Officers responsible for Assessment:	Date:
Karen Oates, Stephen Cale, Paul Howard	05.12.16

About the proposal

What are you planning to do?

☐ Change/Reduce

☐ Remove

☐ Introduce or charge

X **Review**

None of the above

WHAT

☐ Service provision to the public

X **Policy**

☐ Employment Practice/Profile

Assessed level of Impact

☐ High

☐ Medium

X **Low**

Budget Affected

☐ Capital

☐ Revenue

How has this issue come about?

☐ Budget Proposal

☐ New funding/Grant Aid

☐ Service Plan

X **Legal Duty**

☐ Loss/reduction in funding

Other (please state) _____

Proposal detail (give a brief outline of what this is about – no max words)

The proposal is for the Private Sector Housing Assistance Policy to be brought up to date in line with current operational arrangements. The policy does not propose any changes to these arrangements, but if adopted by Cabinet, means that it is properly aligned with how housing assistance is provided in Kirklees Council.

Who is the proposal likely to impact?

☐ Age

☐ Marriage & Civil Partnership

☐ Religion & Belief

- ☐ Disability
 ☐ Pregnancy & Maternity
 ☐ Sex
☐ Gender Reassignment
 ☐ Race
 ☐ Sexual Orientation
 Other (please state)

Not applicable

Which ward area(s) is this likely to affect? All
Have any of the following been completed?

- ✓ Stage 1 Screening Tool
 X Stage 2 Legal Compliance
 X Stage 3 Customer focus assessment

Is the proposal likely to have an adverse impact on compliance with the Public Sector Equality Duty?

	Y	N
Ending Unlawful Discrimination, harassment & Victimisation	<input type="checkbox"/>	X
Promoting Equality of opportunity	<input type="checkbox"/>	X
Foster Good Relations	<input type="checkbox"/>	X

List any supporting documents

Cabinet report 17th January 2017

Authorisation

Sign off by lead officer (name)	Signature	Date
Helen Geldart	<i>H. E. Geldart</i>	7.12.16
Sign off by Assistant Director (name)		Date
Kim Brear		
Proposed Review Date		
In line with other relevant council policies and the Council's Housing Strategy		

Further Authorisation

Authorising Body	Signature	Date