



## CABINET REPORT

<b>Report Title</b>	<b>Private Sector Housing Assistance Policy</b>
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**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	22 July 2020
<b>Key Decision:</b>	Yes
<b>Within Policy:</b>	Yes
<b>Policy Document:</b>	Yes
<b>Directorate:</b>	Housing and Wellbeing
<b>Accountable Cabinet Member:</b>	Councillor Stephen Hibbert
<b>Ward(s)</b>	All

### 1. Purpose

1.1 The purpose of this report is to ask Cabinet to approve an updated Private Sector Housing Assistance Policy which takes into account government guidance, case law, the introduction of new legislation and changes to existing legislation.

### 2. Recommendations

2.1 It is **recommended** that Cabinet:

- (a) Approves the Private Sector Housing Assistance Policy (attached to this report as Appendix A) with effect from 1 August 2020; and
- (b) Approves the Grant Agency Service's charges of:
  - (i) 15% of the value of the works (plus VAT) where the works are specified, procured and supervised to completion; and
  - (ii) £250 (plus VAT) where assistance is provided by the Council to support an application that is subsequently not progressed.

### 3. Issues and Choices

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#### 3.1 Report Background

- 3.1.1 The Council is committed to helping and supporting people to live independently and safely in homes that are suitable for their needs.
- 3.1.2 The proposed Private Sector Housing Assistance Policy (attached to this report as Appendix A) describes the interventions that the Council may fund from the annual Disabled Facilities Grant capital allocation that it receives from the Department of Health & Social Care's Better Care Fund.
- 3.1.3 Although the Council could choose to limit its financial assistance to just mandatory disabled facilities grants, many of the borough's older residents are also experiencing increasingly complex health needs and require home adaptations to enable them to maintain their independence and to mitigate the risks to their health and safety.
- 3.1.4 The Regulatory Reform Order 2002 provides the Council with the flexibility to introduce additional policies that complement the mandatory disabled facilities grants regime and provide a much broader range of financial assistance through the provision of grants, loans, advice and other assistance for the purposes of repairing, improving, extending, converting or adapting people's homes.
- 3.1.5 In order to encourage and support this flexibility, the Government has increased the amount of funding it provides for local authorities in the expectation that they will use their powers under the Regulatory Reform Order. The grant conditions on the funding require that **"any money paid,..., must only be used for the specific purpose of providing adaptations for disabled persons who qualify under the scheme"**. In the case of Northampton, this funding more than doubled, from £594k to £1.4m, between 2015/16 and 2020/21.
- 3.1.6 Alongside this funding increase, the Council has seen a consistent number of enquiries and demand for disabled facilities grants over the last five years. However, the nature of the enquiry has become more diverse as the population ages and more people with increasingly complex health issues are seeking to remain at home for longer. The growing diversity of residents' needs for home adaptations are not being adequately addressed within the constraints of the mandatory provisions.

#### 3.2 Issues

##### Discretionary Financial Assistance Policy

- 3.2.1 As the Council currently does not have a policy under the Regulatory Reform Order 2002, the only applications it has approved have been mandatory disabled facilities grants and it has not been possible to award any additional financial assistance.
- 3.2.2 The Regulatory Reform Order gives local authorities the power to introduce policies to assist individuals with home adaptations and provide funding for a wide range of purposes, including essential repairs to reduce injury and accidents in the home, improvements that ensure homes are adequately heated, and a broader range of adaptations than are covered under the disabled facilities grants legislation.

3.2.3 In order to use the Regulatory Reform Order, the local authority must:

- Formally adopt a policy that sets out how the authority intends to use its powers;
- Publish a notice to the public that a policy is in force;
- Ensure that a copy of the policy is available to the public at the Council Offices; and
- Provide a summary document on request.

3.2.4 The proposed Private Sector Housing Assistance Policy (Appendix A) updates the Council's policy in relation to mandatory disabled facilities grants and provides a new policy under the RRO to provide for discretionary financial assistance within the constraints of the Council's Better Care Fund capital allocation.

#### Assistance from the Grant Agency Service

3.2.5 The Housing Renewal Grants (Service and Charges) Order 1996 details and amends the Housing Grants, Construction and Regeneration Act 1996 in establishing the costs that can be legitimately applied to the capital funding under the Better Care Fund. This includes a range of service charges, for example, assistance in the completion of forms, the preparation of plans and drawings, technical and structural surveys, and the supervision of the relevant works.

3.2.6 The Council's Home Adaptations Team provides a discretionary Grant Agency Service that provides direct support to applicants in the application, design, delivery and supervision of grant-aided home adaptations.

3.2.7 It is proposed that, from 1 August 2020, the Council will charge an application fee of £250 plus VAT for each application and that, where the works are supervised to completion by the Home Adaptations Team, a total fee (equivalent to 15% of the cost of the works, plus VAT) will be charged on completion. These charges will form part of the grant approval.

3.2.8 Evidence has shown that, by supporting applicants in the DFG grant application process and helping them to undertake the works in a timely manner, the Home Adaptations Team is able to ensure that the works are undertaken by reputable contractors and that applicants are able to maintain their independence at home. The Council, in collaboration with its Northamptonshire District and Borough Council colleagues has an approved contractor list for the delivery of DFG works.

### **3.3 Choices (Options)**

#### Option 1 (recommended)

3.3.1 Cabinet can choose to approve the updated Private Sector Housing Assistance Policy (Appendix A). This option is recommended because the existing Policy does not take into account the discretionary powers available under the Regulatory Reform Order 2002 and the existing policy for mandatory disabled facilities grant assistance has not been updated for some time.

3.3.2 Approval of the updated Policy will enable the Council to use its discretionary powers to provide financial assistance to enable residents to live safely in their homes.

## Option 2 (not recommended)

- 3.3.3 Cabinet can choose not to approve the updated Private Sector Housing Assistance Policy (Appendix A). This option is not recommended because, if the Policy is not approved, the discretionary powers being proposed will not be available to the Council.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

- 4.1.1 The Private Sector Housing Assistance Policy is in line with the Council's Corporate Plan 2019-2021 and will help the Council to meet its strategic priority of improving the health and wellbeing of local people, and putting the customer first.

### **4.2 Resources and Risk**

- 4.2.1 The Disabled Facilities Capital Grant (DFG) Determination under the Integration and Better Care Fund allocation annually specifies that money paid to the Council under the determination must only be used for the specific purpose of providing adaptations for disabled persons who qualify under the Housing Grants, Construction and Regeneration Act 1996.

- 4.2.2 The Capital funding received by the Council must therefore be considered to be ring fenced for this purpose.

- 4.2.3 The Housing Renewal Grants (Service and Charges) Order 1996 specifies services and charges that the applicant is liable to pay. To assist DFG applicants through the application process, and to identify and manage the required grant aided works, the Council offers a Grant Agency Service. This service is a discretionary service for which the Council charges. This charge can be included in the DFG approval.

- 4.2.4 DFG applicants may alternatively employ their own agent to manage the DFG works, and this too can be supported through the DFG grant approval.

- 4.2.5 The Grant Agency Service for a DFG includes producing detailed schedules and plans for the adaptation work, identifying and completing tendering exercises for a builder to complete the work and supervising that work once on site, addressing issues if and when they arise.

- 4.2.6 The Council's Grant Agency Service seeks the approval of Cabinet to levy a net fee of up to 15% of the cost of the works (plus VAT) to cover the non-statutory service it provides from 1 August 2020. Further, Cabinet is asked to approve that, where assistance is provided by the Council to support an application that is subsequently not progressed, a flat fee of £250 plus VAT will be applied to the capital fund

- 4.2.7 The charges proposed reflect the costs of delivering the discretionary services.

### **4.3 Legal**

- 4.3.1 The Housing Grants, Construction and Regeneration Act 1996, supported by amendments through the Housing Renewal Grants (Services and Charges) Order 1996 and the Regulatory Reform Order 2002 prescribed for the provision of mandatory disabled facilities grants, and for discretionary financial assistance. The proposed policy provides a formal framework against which the Council can delivery mandatory grants, and exercise its discretion in providing financial assistance under the increased powers provided for by the legislation.

4.3.2 There is no statutory requirement to conduct a consultation exercise when amending a policy. Case law makes it clear that there is no legitimate expectation that the public will be consulted about policy proposals for the exercise of local authority regulatory functions. Accordingly, there is a low risk that the amended policy could be successfully challenged by way of judicial review on the ground of a lack of public consultation if approved.

#### **4.4 Equality and Health**

4.4.1 The updated Private Sector Housing Assistance Policy will help improve housing conditions and the life chances of people with protected characteristics, including people with disabilities and families with children. They will therefore have a positive impact on Equality and Diversity.

4.4.2 The updated Policy is part of the Council's commitment to improving communities and our town as a place to live. In implementing the policies, the Council will have due regard to its Public Sector Duty and will continue to work to tackle discrimination and inequality and contribute to the development of a fairer society.

#### **4.5 Consultees (Internal and External)**

4.5.1 Consultation has been undertaken with the Council's Legal Services and Finance Teams

#### **4.6 How the Proposals deliver Priority Outcomes**

4.6.1 As well as contributing to the delivery of a number of the borough's key strategies and policies, the updated Private Sector Housing Assistance Policy will help meet two of the priorities in the Corporate Plan:

- **Improving the health of local people:** The updated Policy will support local residents to continue to live independently in their homes, removing risk to safety from slips, trips, and falls; and ensuring that their home is suitable for their health needs
- **Provide value for money services:** The updated Policy will enable the Council to generate income that can be used to fund its activities

#### **4.7 Next Steps**

4.7.1 If the updated Private Sector Housing Assistance Policy is approved, it will be published on the Council's website and will be implemented from 1 August 2020.

### **Appendices**

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Appendix A – Private Sector Housing Assistance Policy (1 August 2020)

### **Background Papers**

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None

**Phil Harris**  
**Director of Housing and Wellbeing**