

REVIEW OF PRIVATE SECTOR HOUSING GRANTS ASSISTANCE POLICY

Head of Service:	Rod Brown, Head of Housing & Community
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	n/a
Appendices (attached):	Appendix 1: Revised Policy with track changes

Summary

This report proposes two amendments to the Private Sector Housing Grants Assistance Policy.

Recommendation (s)

The Committee is asked to:

- (1) Approve the recommended amendments to the Private Sector Housing Grants Assistance Policy, so as to:**
 - (i) Increase the level of discretionary top up funding to £30,000 (or more in exceptional circumstances, provided it would not cause the Council to exceed its overall DFG grant allocation);**
 - (ii) Where reference is made to the term “legal charge” replace with the term “land charge”.**
- (2) Agree to delegate any necessary minor amendments to the Council’s Private Sector Housing Grants Assistance Policy following changes in law or good practice, to the Head of Housing & Community in consultation with the Chairman of Community and Wellbeing Committee.**

1 Reason for Recommendation

- 1.1 Due to continued increased funding for the Disabled Facilities Grant (DFG) programme through the Better Care Fund, the Authority was enabled to use the powers under the Regulatory Reform Order 2002 (RRO) to introduce a Discretionary Private Sector Housing Grants Assistance Policy which provides a far reaching assistance scheme for vulnerable residents.

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- 1.2 Whilst the scheme has been very effective, one area which has been identified as having scope to improve is the level of top-up funding available to support the mandatory DFG grant, and to streamline administrative processes, to replace the imposition of legal charges with land charges on certain adaptations.

2 Background

- 2.1 The Policy was first effective in 2018 and widened in 2019.

Legal/Land Charges

- 2.2 The policy makes reference to charges. For the mandatory DFG, the repayment condition will be registered as a local land charge against the adapted dwelling for 10 years. If the property is sold within 10 year period, starting on the date of completion of work, the council will, at its discretion, seek to reclaim the funding that exceeds £5,000, but will not seek to recover more than £10,000.
- 2.3 With regards to discretionary grants, the advice received at the time of adopting the Policy, was that a discretionary grant could not be listed as a land charge, but must be added as a legal charge. This would mean that for example, owner occupied applications, where the top-up funding is provided (on top of the mandatory maximum grant of £30,000), the full amount will be registered as a legal charge against the adapted property and repayable, if the property is sold within 10 years of the completed work date. Other charges would be applicable for other discretionary grants as per the Policy.
- 2.4 To impose a legal charge is administratively burdensome and requires Legal Services support, whereas imposing a land charge is a very simple process.
- 2.5 Subsequent advice now received is that under paragraph 3 of the 2002 Regulatory Reform Order, a Housing Authority is permitted to place charges in return for discretionary assistance of any form. (<https://www.legislation.gov.uk/ukxi/2002/1860/contents/made>).
- 2.6 Approval is therefore sought to simply replace the terms “legal charge” with the term “land charge” in the Policy, as per the revised Policy with tracked changes attached as Appendix 2

Discretionary Top-Up Funding

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- 2.7 The Policy currently permits the Authority to provide top-up funding to the maximum DFG in exceptional cases. This has allowed discretionary support of up to £15,000 to meet the cost above the £30,000 mandatory limit when all other funding options have been explored, and in conjunction with financial support available from Surrey County Council and other funding streams.
- 2.8 Whilst this has been highly effective in enabling the Authority to support many vulnerable complex cases, it would provide even greater flexibility if the top-up limit is increased to £30,000 in exceptional cases, which would have a great positive impact on the level of assistance we can deliver to disabled residents in particular children. In addition, for particularly highly complex special needs cases, and exceptional circumstances, where all funding streams and options have been explored, that the top-up limit be increased as required (provided it would not cause the Council to exceed its overall DFG grant allocation), to be agreed by the Service Manager or Head of Service.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

- 3.1.1 Extending provision as set out in the report would not be considered to have any adverse impact

3.2 Crime & Disorder

- 3.2.1 None

3.3 Safeguarding

- 3.3.1 The process of visiting and assessing an individual for grant assistance does increase the opportunities to consider their welfare and safeguarding.

3.4 Dependencies

- 3.4.1 The ability to offer discretionary grant funding is dependent upon receipt of by the Council of the DFG grant.

3.5 Other

The budget would continue to be closely monitored to ensure it is not exceeded. Should there be a risk of budget being exceeded then the priority would focus on progressing the mandatory Disabled Facilities Grants only.

4 Financial Implications

- 4.1 The revised Policy would be implemented and administered using existing

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staffing resources. Funding for the scheme comes through the Better Care Fund allocation. The DFG allocation from the Better Care Fund to the Council for 2022/23 is £785k, the same as for 2021/22.

- 4.2 With an increase in grants awarded, there could be scope to increase the income generated by the Home Improvement Agency, but fees should be capped at a maximum works of £45,000.
- 4.3 **Section 151 Officer's comments:** The proposed policy changes are deliverable by existing staffing resources and would be externally funded within the Council's overall DFG allocation.

5 Legal Implications

- 5.1 The proposed changes to the Policy are required to ensure the Council is able to register and enforce the relevant charges.
- 5.2 **Legal Officer's comments:** None arising from the contents of this report.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged: Supporting our Community.
- 6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** None
- 6.4 **Sustainability Policy & Community Safety Implications:** None
- 6.5 **Partnerships:** None applicable.

7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Community and Wellbeing Committee: 13 June 2017, 20 March 2018 and 22 January 2019.

Other papers:

- Previous Policy Documents.
- Regulatory Reform Order 2002.