



# **Peterborough City Council**

## **Housing Renewal Policy**

**2011 - 2012**

<b>Contents</b>	<b>Page</b>	
<b>Chapter 1</b>	<b>The Regulatory Reform (Housing Assistance) (England &amp; Wales) Order 2002</b>	<b>3</b>
	<b>The Purpose &amp; Scope of this document</b>	<b>3</b>
	<b>Commencement &amp; transitional arrangements</b>	<b>5</b>
	<b>Introduction to Peterborough</b>	<b>5</b>
	<b>Peterborough's Private Sector Housing problems</b>	<b>6</b>
	<b>Type of assistance available</b>	<b>7</b>
<b>Chapter 2</b>	<b>Repair Assistance</b>	
	<b>Making a valid application</b>	<b>8</b>
	<b>Eligibility Conditions</b>	
	<b>Prior residency</b>	<b>10</b>
	<b>Work started/finished before approval</b>	<b>10</b>
	<b>Amount approved</b>	<b>10</b>
	<b>Means Test</b>	<b>10</b>
	<b>Determination and notification of amount of assistance</b>	<b>11</b>
	<b>Payment of repair assistance and conditions for repayment</b>	<b>12</b>
	<b>Repair assistance conditions</b>	<b>14</b>
	<b>Meaning of relevant disposal</b>	<b>16</b>
	<b>Meaning of exempt disposal</b>	<b>16</b>
	<b>Cessation of repayment conditions</b>	<b>18</b>
	<b>Death of an applicant</b>	<b>19</b>
<b>Chapter 3</b>	<b>Repairs Assistance (Insulation, Boiler &amp; Central Heating Systems &amp; Warm Front Top Ups)</b>	
	<b>Repairs Assistance (Insulation)</b>	<b>20</b>
	<b>Repairs Assistance (Boiler &amp; Central Heating Systems)</b>	<b>20</b>
	<b>Repairs Assistance (Warm Front Top Ups)</b>	<b>21</b>
<b>Chapter 4</b>	<b>Disabled Persons Relocation Grant</b>	<b>22</b>
<b>Chapter 5</b>	<b>Disabled Facility Grants</b>	
	<b>Introduction</b>	<b>24</b>
	<b>Facilitating Access and Provision</b>	<b>25</b>
	<b>Making a dwelling or building safe</b>	<b>26</b>
	<b>Room usable for sleeping</b>	<b>27</b>
	<b>Bathroom</b>	<b>27</b>
	<b>Facilitating preparation and cooking of food</b>	<b>27</b>
	<b>Heating, lighting and power</b>	<b>28</b>
	<b>Dependent residents</b>	<b>29</b>
	<b>Access to garden</b>	<b>29</b>
	<b>Equipment</b>	<b>29</b>
	<b>Grant Conditions on Disabled Facility Grants</b>	<b>30</b>
<b>Chapter 6</b>	<b>Review</b>	<b>31</b>
	<b>Reviewing the Policy</b>	<b>31</b>
	<b>Budgetary Matters</b>	<b>31</b>
	<b>Performance Indicators</b>	<b>32</b>
	<b>Cases falling outside of the policy</b>	<b>32</b>

## **CHAPTER 1**

### **1.1 The Regulatory Reform (Housing Assistance) (England & Wales) (Order 2002)**

- 1.1.1 The Government has approved an Order (the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002).
- 1.1.2 Article 3 of the Order gives local authorities the power to provide assistance (either directly or indirectly) to any person for the purpose of improving living conditions in the local authority area.
- 1.1.3 Paragraph (3) of article 3 allows assistance to be provided in any form.
- 1.1.4 The Order provides that the power may be exercised subject to certain qualifications detailed in article 3.
- 1.1.5 Paragraph (4) of article 3 gives local housing authorities the power to make assistance subject to certain conditions, including making repayment or a contribution.
- 1.1.6 Article 4 of the Order prevents local housing authorities from exercising their article 3 power unless they have adopted a policy for the provision of assistance under that article and given publicity to the policy and act in accordance with it.
- 1.1.7 Article 11 of the Order makes amendments to the Housing Grants, Construction and Regeneration Act 1996 in accordance with Schedule 3 of the Order.

### **1.2 The purpose and scope of this document**

- 1.2.1 In accordance with article 4 of the Regulatory Reform (Housing Assistance)(England and Wales) Order 2002, this document sets out in full the policy that has been adopted by Peterborough City Council, and includes details of –
  - (a) how the Council intends to exercise its article 3 powers and ensure that the statutory qualifications to that power are observed;
  - (b) the types of assistance the Council may make available;
  - (c) the circumstances in which persons will be eligible for assistance;
  - (d) how the amount of any assistance awarded will be calculated;
  - (e) the conditions that will apply to the provision of assistance;
  - (f) how and in what circumstances any assistance made may be repaid.
- 1.2.2 The Housing Act 2004 has brought about changes to the way in which properties are assessed and has replaced the former system based on the test of fitness for human habitation.
- 1.2.3 The Housing Health & Safety Rating System [HHSRS] assessment process incorporates a full inspection of the residential premises to identify any deficiencies. The inspecting officer will judge whether the deficiencies mean that there are any hazards that are significantly worse than the average for residential premises of that age and type. The inspecting officer then assesses the likelihood of an occurrence that could cause harm over the next twelve months and the severity of the outcomes from such an occurrence.

1.2.4 A hazard is a situation where there is risk of harm. The hazards assessed by the inspecting officer are:

- Damp and mould growth – exposure to dust mites, damp, mould or fungal growth
- Excess cold – exposure to low temperatures
- Excess heat – exposure to high temperatures
- Exposure to asbestos & manufactured mineral fibres
- Biocides – exposure to chemicals used to treat timber and mould growth
- Carbon Monoxide and fuel combustion products – exposure to carbon monoxide, nitrogen dioxide, sulphur dioxide and smoke
- Ingestion of lead
- Exposure to radiation
- Exposure to uncombusted fuel gas
- Exposure to volatile organic compounds
- A lack of adequate space for living and sleeping
- Difficulty in keeping the dwelling secure against unauthorised entry
- A lack of adequate lighting
- Exposure to noise
- Domestic hygiene, pests and refuse – poor design, layout or construction such that the dwelling cannot readily be kept clean, exposure to pests; an adequate provision for the hygienic storage and disposal of household waste
- Food Safety – an inadequate provision of facilities for the storage, preparation and cooking of food
- Personal hygiene, sanitation and drainage – an inadequate provision of facilities for maintaining good personal hygiene, sanitation and drainage
- Water supply – an inadequate supply of water free from contamination, for drinking and other domestic purposes
- Falls associated with toilets, baths, showers or other washing facilities
- Falling on any level surface or falling between surfaces where the change of level is less than 300 mm
- Falling on stairs, steps or ramps where the change of level is 300 mm or more
- Falling between levels where the difference in levels is 300 mm or more
- Exposure to electricity
- Exposure to uncontrolled fire and associated smoke
- Contact with controlled fire or flames, hot objects, liquid or vapours
- Collision with, or entrapment of body parts in doors, windows or other architectural features
- An explosion in the dwelling
- The position, location and operability of amenities, fittings and equipment
- The collapse of the whole or part of the dwelling

1.2.5 To allow for the comparison of the significance of the widely differing hazards, the HHSRS uses a formula to generate hazard scores. Hazards are classified as either Category 1 or Category 2.

- 1.2.6 The Housing Act 2004 imposes a duty on Local Authorities to deal with Category 1 hazards and a power to deal with Category 2 hazards. Providing financial assistance to owner occupiers as well as taking enforcement action are two ways Local Authorities may exercise that duty and power.
- 1.2.7 The Decent Homes Standard applies to both the social and private housing sectors. To meet the decent homes standard, a property must
- (i) be free of health and safety hazards assessed as Category 1 under the Housing Health & Safety Rating System
  - (ii) be in a reasonable state of repair
  - (iii) have reasonably modern facilities (i.e. kitchen and bathroom) and
  - (iv) provide a reasonable degree of thermal comfort (i.e. adequate heating and insulation)
- 1.2.8 Assistance may be made available where the property is identified with one or more Category 1 hazards as defined in the Housing Act 2004 and related guidance. Works carried out to remove a hazard must also ensure the property meets decent home standards.

### **1.3 Commencement and transitional arrangements**

- 1.3.1 This revised policy shall have effect from 1<sup>st</sup> April 2011.
- 1.3.2 An otherwise valid application for assistance made under Chapters I, II or III of Part 1 of the Housing Grants, Construction and Regeneration Act 1996 received for approval after 1<sup>st</sup> April 2011 will be determined under the provisions of the policy described in this document.
- 1.3.3 From 1<sup>st</sup> April 2011 a valid application for assistance made under a power derived under article 3 of the Order will be determined under the provisions of the policy described in this document.

### **1.4 Introduction to Peterborough**

Peterborough is a city with huge ambitions. The vision for the city is:

*“A bigger and better Peterborough that grows the right way, and through truly sustainable growth:*

- *Improves the quality of life of all its people and communities and ensures that all communities benefit from growth and the opportunities that it brings*
- *Creates a truly sustainable Peterborough, the urban centre of a thriving sub-regional community of villages and market towns. A healthy, safe and exciting place to live, work and visit, famous as the environmental capital of the UK.”*

The Peterborough Sustainable Communities Strategy 2008 - 2021 is the overarching strategy that guides the work of Peterborough City Council and its partners. Its four key priorities to create a bigger and better Peterborough are as follows:

- Creating strong and supportive communities
- Creating the UK's environmental capital
- Creating opportunities – tackling inequalities
- Delivering substantial and sustainable growth

This Policy has been informed by the Private Sector Stock Condition Survey 2009 and is part of the Housing Strategy 2011 – 2014 which sets out the vision for housing across the authority. With safe, warm and good quality housing, the residents of the City can achieve good health, good employment and good educational attainment for their children. Good quality housing is fundamental to the Council's vision and to achieving the key priorities for the Authority.

## **1.5 Peterborough's Private Sector Housing Problems**

1.5.1 There are approximately 74,900 dwellings in the city, of which 49,765 are owner occupied and 10,288 are privately rented. The remainder is made up of 14,846 registered social landlord properties.

1.5.2 As part of Peterborough's legal duty to regularly review the condition of its housing conditions, a private sector stock condition survey was commissioned in 2009 and published in February 2010. The key findings of this survey are:

- An estimated 22.7% of private sector dwellings have a Category 1 hazard as defined by the Housing Health & Safety Rating System (HHSRS), equating to 13,610 dwellings in Peterborough.
- The main hazards identified relate to excess cold and the risk of falls on stairs
- Single pensioner and lone parent households are most likely to have hazardous homes
- 39% of dwellings in the private sector failed the decent homes standard (equating to 23,216 dwellings) with 59% on non-decent homes failing because of the presence of a Category 1 hazard and 49% failing due to a poor degree of thermal comfort.
- 13.4% of private sector households are in fuel poverty representing 7,749 households. 22.6% of all vulnerable households are estimated to be in fuel poverty.

1.5.3 The survey estimated that to remedy all Category 1 hazards in the private sector would cost £26.5 million and almost two thirds of this cost (£17.3 million) would be to remedy excess cold. The survey further splits the total cost down to £12 million for owner occupied properties and £14.5 million for the private rented sector.

- 1.5.4 The survey also studied faults to dwellings and associated repair costs and estimated that the average cost per dwelling of urgent repairs (i.e. those needing to be done within the next twelve months) was £1,171 which totalled £70.3 million across the City. The main disrepair issues related to external doors and windows and heating systems.
- 1.5.5 The proportion of vulnerable households living in decent accommodation in the private sector is estimated to be 55.2%, well short of the 70% target set by Government for 2010. The total cost of remedying non decent homes occupied by all households in the private sector is estimated to be £62.5 million.
- 1.5.6 According to recent projections the population of Peterborough is due to increase from 173,100 in 2010 to 199,800 by 2026. A significant increase in the percentage of local people aged over 75 is also predicted and almost a 90% increase in the population aged over 85. The ageing population, coupled with the likely increase in the need for care will result in a significant pressure on the Disabled Facilities Grant programme which funds the necessary adaptation that enables vulnerable and disabled people to remain living independently in their own homes.
- 1.5.7 The Warmer Homes, Greener Homes: A Strategy for Household Energy Management has the overarching aim of reducing household carbon emissions by 29% over the next ten years. It proposes to achieve this by providing all homes with loft and cavity wall insulation (where practicable) by 2015 and providing “eco-upgrades” to 7 million homes by 2020. The range of insulation assistance and energy efficient boiler and central heating systems proposed in this policy will contribute to savings in carbon emissions, help to tackle fuel poverty in the most vulnerable households and contribute to the Council’s aspirations to become the UK’s Environment Capital.

## **1.6 Types of Assistance Available**

- 1.6.1 The following forms of assistance are available from Peterborough City Council to address the issues described above:
- (i) Repairs Assistance
  - (ii) Repairs Assistance (Insulation Measures)
  - (iii) Repairs Assistance (Boiler & Central Heating Systems)
  - (iv) Repairs Assistance (Warm Front Top Up)
  - (v) Disabled Persons Relocation Grant
  - (vi) Disabled Facility Grant

To get more information about the assistance available, please contact the Housing Programmes Team on telephone number (01733) 863767

## **CHAPTER 2**

### **2.1 Repair Assistance**

- 2.1.1 Assistance may be made available where the property is identified with one or more Category 1 hazards as defined in the Housing Act 2004 and related guidance. Works carried out to remove a hazard must also ensure the property meets decent home standards.
- 2.1.2 The maximum repair assistance where a property is considered to have one or more Category 1 hazards is £20,000.
- 2.1.3 All Repairs Assistance is project managed and delivered by the Care & Repair Home Improvement Agency. A fee for this service is charged and is added to the amount of assistance awarded.
- 2.1.4 Repairs Assistance funding will only pay for the works detailed in the Schedule produced by the Care & Repair Home Improvement Agency.

### **2.2 Making a valid application**

- 2.2.1 An application for repair assistance will not be considered a valid application unless the Council is satisfied that –
  - (a) the applicant has an owner's interest (alone or jointly with others) in every parcel of land to which the application relates; or
  - (b) the applicant is a qualifying tenant (including a joint tenant) of the dwelling to which the application relates; or
  - (c) the applicant is an occupier (alone or jointly with others) of a qualifying houseboat or a qualifying park home.
  - (d) the applicant is 21 years old or over on the date the application is made.
  - (e) the application is made to the Council in accordance with the provisions of the policy.
  - (f) the applicant has provided all such information or evidence (including information relating to his financial circumstances) as may reasonably be required for those purposes of determining an application for assistance.
  - (g) the applicant has not received financial assistance from the City Council in the last 15 years other than for insulation measures.
- 2.2.2 If the property was purchased in the last 5 years, any defect that was apparent when the property was purchased will not be grant funded. The applicant must provide a copy of the surveyors report at the time of purchase if requested to do so by the Council.



- 2.2.3 For the purposes of paragraph 2.2.1 (a) -
- (a) “owner” has the meaning specified by article 5 (2) of the Order; and
  - (b) “owner’s interest” has the meaning specified in section 101 of the 1996 Act.
- 2.2.4 An application made under paragraph 2.2.1 (a) is called an “owner’s application”.
- 2.2.5 For the purposes of paragraph (b) a “qualifying tenant” means a tenant –
- (a) who is required by the terms of his tenancy to carry out the works to which the application relates; and
  - (b) whose rent has reduced from what it would otherwise have been to compensate him for his repairing obligation.
- The Council will make such enquiries or seek such advice as is necessary and, in particular, seek the advice of the Cambridgeshire Rent Service, to satisfy itself that condition 2.2.5 (b) is met
- 2.2.6 For the purposes of this paragraph a person with a right to exclusive occupation for life or more than five years may be counted as a tenant.
- 2.2.7 An application made under paragraph 2.2.1 (b) is called a “tenant’s application”.
- 2.2.8 For the purposes of paragraph 2.2.1 (c) “occupier” means the person legally in occupation of the qualifying houseboat or qualifying park home.
- 2.2.9 An application made under paragraph 2.2.1 (c) is called an “occupier’s application”.
- 2.2.10 An owner’s application for repair assistance will not be considered a valid application unless it is accompanied by an owner-occupation certificate or a tenant nomination and rent setting agreement in respect of the dwelling to which the application relates.
- 2.2.11 A tenant’s application for repair assistance will not be considered valid unless it is accompanied by a tenant’s certificate and a statement of consent to the works signed by the person who at the time of the application is the landlord under the tenancy.
- 2.2.12 Except where the Council consider it to be unreasonable in the circumstances, an occupier’s application will not be considered a valid application unless it is accompanied by an occupier’s (repair assistance) certificate.
- 2.2.13 No assistance will normally be made where the application is for assistance in respect of premises provided (by construction or conversion) less than 10 years before the date of the application.

## **2.3 Determining a valid application for repair assistance – eligibility conditions**

### **Prior residency qualification**

2.3.1 The Council will not normally approve an application for repair assistance accompanied by an owner-occupation certificate, a tenant's certificate or an occupier's certificate unless –

(a) the applicant (or, in the case of a joint application, one of the applicants) has had an owner's or a tenant's or an occupier's interest in the property for at least three years before the application is made; and

(b) has lived in the property as his only or principal residence for at least three years before the application is made.

2.3.2 The Council will notify in writing an applicant who has submitted, in the Council's opinion, a valid application for repair assistance whether that application is approved or refused within 6 weeks of receiving a complete application.

An application is not a valid application unless all sections of the application form are completed or, where they do not apply, marked appropriately.

Unless the Council directs otherwise in any particular case, an application for assistance is not valid unless it is accompanied by at least 2 estimates from different contractors of the cost of carrying out the works to which the application relates.

### **Work started or finished before assistance is approved**

2.3.3 The Council will not approve an application for repair assistance if the works to which the application relates have been started before the application is approved.

### **Amount of assistance approved**

2.3.6 Where the Council approves an application for repair assistance accompanied by an owner-occupation certificate, a tenant's certificate or an occupier's certificate, the amount and type of assistance approved will be calculated according to the provisions of sections 2.4, 2.5 and 2.6 of the Policy.

## **2.4 The means test – owner-occupier's, tenant's and occupier's applications**

2.4.1 This section applies to an application for repair assistance which is –

(a) an owner's application accompanied by an owner-occupation certificate;  
or

(b) a tenant's application; or

(c) an occupier's application

2.4.2 For those applicants who are in receipt of: -

- (a) income support
- (b) income-related job seekers allowance
- (c) Income based Employment Support Allowance
- (d) Guaranteed Pension Credit

Or have

- (e) a combined gross household income, from all sources including assessed income from savings and/or capital, of less than £18,000

at the time the application is made their contribution towards the Repair Assistance will be NIL.

2.4.3 For those applicants not included within paragraph 2.4.2 above, the Housing Renewal Grants Regulations 1996, as amended, shall be applied to calculate the applicants contribution in order to assess the extent to which any assistance may be given up to the maximum eligible expense limit

## **2.5 Determination and notification of amount of assistance**

2.5.1 Where the Council has decided either to approve or refuse an application for repair assistance, it will notify the applicant of the outcome no later than one calendar month after the date of valid application.

2.5.2 If the application is refused, the Council will notify the applicant of the reasons for the refusal and inform the applicant of the Council's review procedure.

2.5.3 If the application is approved the notice will –

- (a) specify the works for which assistance is approved (the “approved works”);
- (b) specify the full cost of the works for which assistance is approved;
- (c) specify the amount of assistance that is approved (the “approved amount”);
- (d) provide a statement of the conditions to which assistance is subject;
- (e) make a formal offer of assistance.

2.5.4 For the purposes of subparagraph 2.5.3 (b) “the full cost of the works” is –

- (a) the cost of the building works; plus
- (b) the cost of any approved preliminary or ancillary services and charges.

2.5.5 With regard to 2.5.4 (a), unless the Council decides otherwise “the cost of the building works” will be the cost of the lower (or if more than two, the lowest) of the quotes that accompanied the application, whether or not that contractor is the contractor that carries out the work.

- 2.5.6 With regard to 2.5.4 (b), “approved preliminary or ancillary services and charges”, means any charges agreed by the Council to be necessary for the preparation and execution of the approved works and may include –
- (a) fees necessary to establish ownership of the dwelling;
  - (b) architect’s fees;
  - (c) Peterborough City Council Care and Repair fees;
  - (d) property valuation fees;
  - (e) structural engineer’s fees
  - (f) Building Control fees
  - (g) any other fees the Council may decide in any particular case.
- 2.5.7 If, after an application for repair assistance has been approved the Council is satisfied that owing to circumstances beyond the control of the applicant the work cannot be completed for the approved amount, the Council may re-determine the approved amount within the overall cost limits applying.
- 2.5.8 If, for any reason, the approved works under subparagraph 2.5.3 (a) are required to be varied, such variation will only be made according to the provisions of article 5 (6) of the Order.

## **2.6 Payment of repair assistance and conditions for repayment**

- 2.6.1 The Council may pay repair assistance –
- (a) in whole after the work has been completed; or
  - (b) in part by instalments.
- 2.6.2 Where repair assistance is paid in instalments, the aggregate of instalments paid before the works are completed shall not exceed 90% of the original approved amount.
- 2.6.3 It is a condition of payment of repair assistance that the approved works are carried out within 12 months from the date of approval unless the Council agrees otherwise in any particular case.
- 2.6.4 The payment of repair assistance is conditional on –
- (a) the approved works being carried out to the satisfaction of the Council, and
  - (b) the Council being provided with an acceptable invoice or receipt for payment for the building works and for any other approved services and charges, and
  - (c) the work being carried out by the approved contractor appointed by the Care & Repair Home Improvement Agency whose quote accompanied the application unless the Council agrees otherwise by prior notification in any particular case.

- 2.6.5 The Council will pay repair assistance directly to the contractor.
- 2.6.6 Where the approved work has not been carried out to the satisfaction of the applicant the Council may, at the request of the applicant and if it considers it to be reasonable, withhold payment.
- 2.6.7 Where an award of repair assistance has been approved but before the date on which the works are certified as having been completed to the satisfaction of the Council (the “certified date”) –
- (a) it subsequently appears to the Council that the applicant was not, at the time of approval, entitled to the award, or
  - (b) if the applicant has ceased to be a person entitled to the award.
- then no award will be payable or, as the case may be, no further payment will be made.
- In the case of a joint application, the provisions of this paragraph do not apply unless all the applicants who were so entitled to the award cease to be entitled.
- 2.6.8 Where 2.6.7 above applies, the Council may demand that any payment of repair assistance which has been made is repaid, together with interest on that amount from the date on which it was paid until the date of repayment, at such reasonable rates as the Council may determine.
- 2.6.9 An applicant is a person not entitled to repair assistance if, at the time of the application or any time before the certified date, he did not have the required owner’s, qualifying tenant’s or occupier’s interest in the property, or
- 2.6.10 Where an award of repair assistance has been approved but –
- (a) the amount of the award was determined on the basis of inaccurate or incomplete information with regard to section 2.4 of the Policy, or
  - (b) the approved works were started before the award was approved without the consent of the Council, or
  - (c) the eligible works were not completed to the satisfaction of the Council within the period specified in paragraph 2.6.3 or any extended period agreed under the provision of that paragraph, or
  - (d) the work was not carried out by an approved contractor appointed by the Care & Repair Home Improvement Agency whose quote accompanied the application
- then the Council may –

- (i) refuse to pay repair assistance or, as the case may be, any further instalment of repair assistance, or
- (ii) re-determine the amount of repair assistance

and may in both cases demand that any payment of repair assistance which has been made is repaid, together with interest from the date on which it was paid until the date of repayment, at such reasonable rates as the Council may determine.

## **2.7 Repair assistance conditions**

2.7.1 This section will apply when an owner's or an occupier's application for repair assistance has been approved by the Council and an offer made to the applicant which the applicant has accepted.

2.7.2 It is a condition of repair assistance that if the owner of the property makes a relevant disposal (other than an exempt disposal) –

- (a) of the whole or part of the property,
- (b) after the date on which approval of repair assistance is issued by the Council, and
- (c) before the date on which the approved works are certified as completed to the satisfaction of the Council

he shall repay to the Council on demand the amount of award, if any, that has been paid, together with any interest owing at a rate determined by the Council (as per 2.6.10(d))

2.7.3 Repair Assistance will be registered as a local land charge binding on any person who is for the time being an owner of the dwelling, for a period of 30 years from payment of the assistance.

2.7.4 Where the Council has the right to demand repayment under paragraph 2.7.2, it may determine not to demand payment or to demand a lesser amount if:

- (a) the owner, or any member of the owner's family who lives in the dwelling as their only or main residence, is aged 60 or over, or is infirm, and
- (b) the disposal is being made for the purpose of enabling that person who is aged 60 or over, or is infirm to be cared for, and
- (c) the Council is satisfied that such arrangements for the care of that person who is aged 60 or over, or is infirm will not otherwise be possible.

2.7.5 Where the Council has the right to demand repayment under paragraph 2.7.2, it may determine not to demand payment or to demand a lesser amount if:

- (a) the sale is made to enable the owner or his partner to take up employment and the Council is satisfied that the offer would otherwise not be able to be accepted, or

- 2.7.6 Where an application for an award was accompanied by –
- (a) an owner-occupier's certificate, or
  - (b) an occupier's certificate,
- it is a condition of the repair assistance that the dwelling is occupied in accordance with the intention stated in the certificate for a period of 30 years.
- 2.7.7 It is also a condition of the repair assistance that if at any time when that condition is in force the Council serve notice on the owner or the occupier of the dwelling requiring him to do so, he will within 21 days beginning with the date on which the notice was served provide the Council with a statement showing how that condition is being fulfilled.
- 2.7.8 In the event of a breach of a condition under this paragraph, the owner or the occupier for the time being of the dwelling shall on demand repay to the Council the amount of the loan together with compound interest on that amount as from the certified date or, if it seems to the Council to be more appropriate, from the date on which the breach may reasonably be assumed to have first taken place, calculated at such reasonable rates as the Council may determine and with yearly rests.
- 2.7.9 The Council may determine not to make a demand under subparagraph 2.7.8 or demand a lesser amount in any particular case if it is satisfied that there is good reason why the condition has not been met.
- 2.7.10 Where, under paragraphs 2.7.4, 2.7.5 or 2.7.6 an owner makes an application that the amount of the award should not be repaid or, as the case may be, some lesser amount than the approved amount should be repaid, that application shall be made in writing to the Council's Housing Strategic Manager who may refuse such an application.
- 2.7.11 Where subparagraph 2.7.10 applies, the Housing Strategic Manager will –
- (a) give the owner his/her reasons in writing why the application has been refused, and
  - (b) inform the owner of his/her rights under the Council's complaint procedure and the local authority Ombudsman procedure, and
  - (c) he/she will do so within 30 days of having made such enquiries and requested such evidence as he/she thinks is necessary to determine the application.
- 2.7.12 It is a condition of repair assistance that for the condition period of 30 years the homeowner will ensure that the property is kept maintained and that the property has appropriate house insurance cover. The Council will require copies of the annual house insurance policy from the applicant to satisfy this condition. On payment of repair assistance the applicant must notify the Council of the insurance company the policy is held with.

## **2.8 Meaning of relevant disposal**

- 2.8.1 For the purposes of this Policy, a disposal is a relevant disposal if it is –
- (a) a conveyance of the freehold or an assignment of the lease, or
  - (b) the grant of a lease (other than a mortgage term) for a term of more than 21 years otherwise than at a rack rent, or
  - (c) in the case of a mobile home or a houseboat, the sale, pledge or assignment of the mobile home or houseboat.
- 2.8.2 For the purpose of subparagraph 2.8.1 (b), it shall be assumed –
- (a) that the option to renew or extend a lease or sub-lease, whether or not forming a part of a series of options, is exercised, and
  - (b) that any option to terminate a lease or sub-lease is not exercised.
- 2.8.3 The grant of an option calling for a person to make a relevant disposal shall be treated as such a disposal made to him.

## **2.9 Meaning of exempt disposal**

- 2.9.1 For the purposes of this Policy, a disposal is an exempt disposal if it is the disposal of the whole or part of the dwelling to which the award relates of any of the following descriptions –
- (a) a conveyance of the freehold or an assignment of the lease where the person, or each of the persons, to whom it is made is a qualifying person (as defined in subparagraph 2.9.2), this disposal does not activate immediate re-payment, however the conditions attached to repair assistance remain in force for 30 years from the payment of the assistance;
  - (b) a vesting in a person taking under a will or on an intestacy, this disposal does not activate immediate re-payment, however the conditions attached to repair assistance remain in force for 30 years from the payment of the assistance;
  - (c) a disposal in pursuance of any such order as is mentioned in subparagraph 2.9.3;
  - (d) a compulsory disposal (see subparagraph 2.9.4);
  - (e) a disposal of property consisting of land included in the dwelling by virtue of section 184 of the Housing Act 1985 (land let with or used for the purposes of the dwelling house);
  - (f) a disposal by way of enfranchisement or lease extension under part 1 of the Leasehold Reform Act 1967;



- (g) a disposal in pursuance of an obligation arising under Chapter I or II of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993;
- (h) a disposal on the exercise of a right of first refusal under Part 1 of the Landlord and Tenant Act 1987 or in accordance with an acquisition order under Part III of that Act;
- (i) a disposal on the exercise of –
  - (i) the right to buy under Part V of the Housing Act 1985, or
  - (ii) the right conferred by section 16 of the Housing Act 1996 (right of tenant of registered social landlord to acquire dwelling);
- (j) a conveyance of the freehold or an assignment of the lease where –
  - (i) the person making the disposal is aged at least 70,
  - (ii) the disposal is to provide an annuity income, and
  - (iii) the person concerned is entitled to continue to occupy the premises as his only or main residence.

2.9.2 A person is a qualifying person for the purposes of paragraph 2.9.1(a) if –

- (a) in the case of an individual, he is –
  - (i) the person, or one of the persons, by whom the disposal is made;
  - (ii) the spouse, or former spouse, of that person or one of those persons; or
  - (iii) a member of the family of that person or one of those persons; or
- (b) in the case of a company, it is associated company of the company by whom the disposal is made.

For the purposes of 2.9.1 (b) section 416 of the Income and Corporation Taxes Act 1988 (meaning of associated company applies in determining whether a company is an associated company of another).

2.9.3 The orders referred to in subparagraph 2.9.1 (c) are orders under –

- (a) section 24 or 24A of the Matrimonial Causes Act 1973 (property adjustment orders or orders for the sale of property in connection with matrimonial proceedings);
- (b) section 2 of the Inheritance (Provision for Family and Dependents Act 1975 (orders as to financial provision to be made from estate);
- (c) section 17 of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders or orders for the sale of property after overseas divorce, etc); or
- (d) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents).

- 2.9.4 For the purposes of paragraph 2.9.1 (d) a compulsory disposal is a disposal of property which is acquired compulsorily, or is acquired by a person who has made or would have made, or for whom another person has made or would have made, a compulsory purchase order authorising its compulsory purchase for the purposes for which it is acquired.
- 2.9.5 The grant of an option enabling a person to call for an exempt disposal shall be treated as such a disposal made to him.

## **2.10 Cessation of repayment conditions**

- 2.10.1 If at any time while a condition of repair assistance remains in force with respect to a dwelling –
- (a) the owner of the dwelling to which the condition relates pays the amount of the repair assistance to Peterborough City Council,
  - (b) a mortgagee of the interest of the owner in that dwelling being a mortgagee entitled to exercise a power of sale, makes such a payment,
  - (c) Peterborough City Council determine not to demand repayment on the breach of a repair assistance condition, or
  - (d) Peterborough City Council demand repayment in whole or in part on the breach of a repair assistance condition and that demand is satisfied,
- that repair assistance condition and any other conditions shall cease to be in force with respect to that dwelling.
- 2.10.2 An amount paid by a mortgagee under subsection 2.10 (b) above shall be treated as part of the sums secured by the mortgage and may be discharged accordingly.
- 2.10.3 The purposes authorised for the application of capital money by –
- (a) section 73 of the Settled Land Act 1925,
  - (b) that section as applied by section 28 of the Law of Property Act 1925 in relation to trusts for sale, and
  - (c) section 26 of the Universities and College Estates Act 1925, include the making of payments under this section.

## **2.12 Death of applicant**

- 2.12.1 This section applies to any repair assistance made under the provisions of the Policy.
- 2.12.2 Following the applicant's death during the condition period of the Repair Assistance, references in the Policy to the applicant will be construed to be a reference to his personal relatives.
- 2.12.3 Where the applicant dies after liability has been incurred for any preliminary or ancillary services or charges, the Council may, if it thinks fit, pay repair assistance in respect of some or all of those matters.
- 2.12.4 Where the applicant dies after any works have been started and before the works have been completed, the Council may, if it thinks fit, pay repair assistance in respect of some or all of the works already carried out or any works for which assistance has been approved.

## **CHAPTER 3**

### **Repairs Assistance – Insulation, Boiler & Central Heating Measures & Warm Front Top Ups**

#### **3.1 Repairs Assistance (Insulation)**

3.1.1 The City Council may award assistance to applicants under specific loft and cavity wall insulation projects it may undertake to improve the energy efficiency of houses to alleviate fuel poverty and to reduce carbon emissions in domestic dwellings. All enquirers will be screened for their eligibility for the Government's Warm Front Scheme, or any such other scheme that may replace it.

3.1.2 The qualifying criteria for Repairs Assistance (Insulation) is:

Applicants who are in receipt of: -

- (a) income support
- (b) income-related job seekers allowance
- (c) Income based Employment Support Allowance
- (d) Guaranteed Pension Credit

Or have

- (e) a combined gross household income, from all sources including assessed income from savings and/or capital, of less than £18,000.

3.1.3 Priority will be given to those properties with no existing loft and/or cavity wall insulation.

3.1.4 There are no repayment conditions on Repairs Assistance (Insulation).

3.1.5 The required work will be carried out by the insulation contractor who has submitted a successful specification of rates as part of the Loft & Cavity Wall Insulation Contract tendered by Peterborough City Council on an annual basis.

#### **3.2 Repairs Assistance (Boiler & Central Heating Systems)**

3.2.1 If, under the Housing Health & Safety Rating System (HHSRS), the hazard of Excess Cold is identified as a Category 1 hazard, Repairs Assistance may be available. All enquirers will be screened for their eligibility for the Government's Warm Front Scheme, or any such other scheme that may replace it.

3.2.2 For those applicants who are in receipt of:

- (a) income support
- (b) income-related job seekers allowance
- (c) Income based Employment Support Allowance
- (d) Guaranteed Pension Credit

Or have

- (e) a combined gross household income, from all sources including assessed income from savings and/or capital, of less than £18,000.

at the time the application is made their contribution towards the Repair Assistance will be NIL.

- 3.2.3 For those applicants not included within paragraph 3.2.2 above, the Housing Renewal Grants Regulations 1996, as amended, shall be applied to calculate the applicants contribution in order to assess the extent to which any assistance may be given up to the maximum eligible expense limit
- 3.2.4 Priority will be given where a boiler and/or central heating system is either not working or has not been installed in the property.
- 3.2.5 The required work will be selected from a schedule of rates administered by the Care & Repair Home Improvement Agency and allocated to one of the heating contractors working in partnership with Peterborough City Council.
- 3.2.6 It is a condition of Repairs Assistance (Boiler & Central Heating Systems) where works of repair or replacement to central heating boilers/systems/controls are included, that for a period of 5 years the applicant must have the appliance(s) serviced by a qualified contractor on an annual basis. The first two years servicing will be included in the Repairs Assistance awarded. The applicant must pay for a further 3 years servicing and supply the Council with a copy of the service report on request.
- 3.3 The processes relating to Repairs Assistance apply to Repairs Assistance (Insulation) and Repairs Assistance (Boiler & Central Heating Systems) for the making of a valid application, means testing and the determination and notification of assistance, payment and conditions as outlines in Chapter 2 of this policy. However, the repayment condition on Repairs Assistance (Boiler & Central Heating Systems) is reduced to 5 years.

#### **3.4 Repairs Assistance (Warm Front Top Ups)**

- 3.4.1 The Warm Front grant programme, administered by Eaga on behalf of the Department of Energy & Climate Change, makes an important contribution to meeting the thermal comfort criterion for the Decent Homes Standard and tackling fuel poverty by awarding grants of up to £3,500 to applicants on qualifying benefits for insulation and heating works. The grant limit is increased to £6,000 where oil central heating is required.
- 3.4.2 Repairs Assistance (Warm Front Top Up) may be given where an offer of a Warm Front grant does not cover the cost of the full installation and where the applicant's contribution exceeds £100
- 3.4.3 There are no repayment conditions on Repairs Assistance (Warm Front Top Up)

## CHAPTER 4

### 4.1 Disabled Person Relocation Grant

4.1.1 Applications for assistance made for the purpose described under article 3 (1)(a) of the Order (assistance to enable a person to acquire living accommodation) may be approved to enable a person to move to more suitable accommodation if –

- (a) advice has been received from Adult Social Care or Children's Services under section 24 (3)(a) of the Housing, Grants Construction and Regeneration Act 1996, and
- (b) the adaptation recommended by Adult Social Care or Children's Services is for any of the purposes mentioned in section 23 (1) of the 1996 Act, and
- (c) in the Council's opinion the disabled person's existing accommodation is unsuited to being adapted in the manner advised due to the matters mentioned in section 24 (3)(b) of the 1996 Act or due to cost or to social reasons, and
- (d) the aggregate cost of all assistance made by the Council under the Policy and the 1996 Act would not, in the opinion of the Council, exceed the cost of adapting the disabled person's existing accommodation.

4.1.2 An award made under this section may include the cost of –

- (a) removal expenses;
- (b) carpets, window coverings and white goods where the replacement is wholly and necessarily required as a consequence of the relocation;
- (c) estate agent's fees;
- (d) redecoration;
- (e) security measures;
- (f) any other expense of relocation reasonably incurred.

4.1.3 Unless the Council decides otherwise, a grant made for the purpose mentioned in subparagraph 4.1.2 (a) above will be calculated according to the cost of the lower of two quotations provided by the applicant to the Council and found to be acceptable by the Council.

4.1.4 Grant made for the purposes mentioned in subparagraph 4.1.2 (b) will be calculated according to the replacement value of goods of a standard equivalent to the applicant's existing goods.

4.1.5 Grant made for the purposes mentioned in subparagraph 4.1.2 (c) will be made to the full extent of the expense incurred only where the Council accept such expense is reasonable.

4.1.6 Grant made for the purpose mentioned in subparagraph 4.1.2 (d) may not be paid if the applicant is transferring to a rented property and redecoration is the owner's responsibility.

- 4.1.7 Applicants will not be means tested for this grant
- 4.1.8 No repeat relocation grants will be awarded
- 4.1.9 A visit will be made to the property being considered for relocation by the Council and an Occupational Therapist from Adult Social Care or Children's Services to ensure that it is suitable and will meet the needs of the disabled person.
- 4.1.10 A Disabled Facility Grant may also be subsequently awarded after relocation to meet the disabled person's needs.
- 4.1.11 Maximum grant payable will be £30,000 which includes both the relocation element and the adaptation costs in the new property.
- 4.1.12 Where an award has been made under this section of the Policy and the applicant dies before the relocation has taken place, the Council may pay the relocation grant or any part thereof.

## **CHAPTER 5**

### **Mandatory Disabled Facilities Grant (DFG)**

#### **5.1 Introduction**

(for the purposes of this section 'dwelling' includes houseboat and park home)

5.1.1. The provisions governing Mandatory Disabled Facility grants are set out in the Housing Grants, Construction and Regeneration Act 1996, as amended by the Regulatory Reform (Housing Assistance)(England & Wales) Order 2002.

5.1.2The DFG process has been under review and a number of recommendations have been made for changes to the current system both in respect of the mandatory DFG process and at the broader strategic level. Only one recommendation has so far been introduced abolishing the means test for parents of disabled children. This is incorporated into this policy and further changes may be required at a later date.

5.1.3The Disabled Facility Grant and Home Repair Assistance (Maximum Amounts)(amendment No 2) Order 2001 places a limit of £30,000 on the amount of mandatory disabled facility grant which may be given.

5.1.4All owner-occupiers and tenants, licensees or occupiers who are able to satisfy the criteria in sections 19 to 22A of the 1996 Act are eligible for DFG. Landlords may also apply for a DFG on behalf of a disabled tenant but must also satisfy the requirements in those sections. Council tenants and housing association tenants are eligible to apply for DFG and are assessed for needs on the same basis as private owners and tenants and under the same means testing arrangements

5.1.5The parents of disabled children are not means tested for applications approved after 31<sup>st</sup> December 2005. Full grant entitlement up to a maximum of £30,000 is available for eligible works

5.1.6Housing Association tenants who are entitled to a mandatory disabled facility grant will receive funding from Peterborough City Council and the relevant Housing Association on 50/50 split. Peterborough City Council's 50% funding will not exceed £15,000.

5.1.7Where the works cost in excess of £30,000 and the applicant and/or his/her family is considered to be in financial hardship, the Care & Repair Home Improvement Agency will investigate alternative means of funding the applicant's costs above the value of the DFG.

5.1.8All large scale proposals will be subject to a feasibility visit by the Council and an Occupational Therapist from Adult Social Care or Children's Services. The feasibility visit will look at the disabled persons needs identified by the Occupational Therapist and establish the most suitable housing solution to meet those needs.

5.1.9First consideration will be given to the internal alteration or rearrangement of living accommodation within the existing dwelling.



- 5.1.10 If the property does not lend itself to internal adaptation, consideration will be given to assessing the disabled person's (and family's) ability to relocate to a more suitable property. The Disabled Persons Relocation Grant is covered in Chapter 4 of this policy.
- 5.1.11 Only when internal alteration, rearrangement or relocation is not feasible will consideration be given to providing additional sleeping and/or bathing accommodation by way of an extension to the existing dwelling.
- 5.1.12 Other than in exceptional circumstances agreed, by the City Council, all Disabled Facility Grants are project managed and delivered by the Care & Repair Home Improvement Agency. A fee for this service is charged and in most circumstances will be included in the grant award.
- 5.1.13 In circumstances where the applicant wishes to and can demonstrate to the Council that they have the financial resource to achieve an adaptation which exceeds that which the Council has deemed is needed to meet the needs of the disabled person, then the Council may consider funding those elements of the adaptation which it could have funded under the mandatory DFG
- 5.1.14 The only works that the Council will consider funding in relation to section 5.1.13 are the disabled facilities needed in ground floor adaptations.
- 5.1.15 If the Council has not received a full DFG application for any proposal in relation to section 5.1.13 within a period of 6 months from the time it was first raised with the Council, the case will be closed.
- 5.1.16 The purposes for which mandatory disabled facilities grants may be given are set out in section 23(1) of the 1996 Act. They fall into a number of categories.

## **5.2 Facilitating Access and Provision**

- 5.2.1 These include works to remove or help overcome any obstacles which prevent the disabled person from moving freely into and around the dwelling and enjoying the use of the dwelling and the facilities or amenities within it. In particular,
- (i) facilitating access to and from the dwelling or the building in which the dwelling or, as the case may be, flat is situated;
  - (ii) facilitating access to a room used or usable as the principal family room;
  - (iii) facilitating access to a room used or usable for sleeping, or alternatively providing such a room for the disabled occupant;
  - (iv) facilitating access to a room in which there is a lavatory, a bath or shower (or both) and a wash basin or providing a room in which there is such a facility or facilities;
  - (v) facilities for the preparation and cooking of food.

- 5.2.2 In considering applications for grant towards such works, the presumption should be that the occupant should have reasonable access into his home, to the main habitable rooms with the home – namely the living room and bedroom, and to a bathroom or shower room in which there are suitable facilities for washing and/or showering.
- 5.2.3 Items that will attract Disabled Facility Grant funding include adaptations requiring structural modifications as long as they are reasonable and practicable and form part of the mandatory works for the disabled person and may include:
- (i) A ramp (and associated guard rails if necessary) to gain access into and out of the property
  - (ii) Thresholds and associated doors including the relocation of door handles etc
  - (iii) Internal door adaptations to:
    - a. the principle family room if more than one person
    - b. the sleeping area
    - c. the WC, bath or shower and wash hand basin, including provision of lever taps where necessary
    - d. the preparation and cooking of food area
  - (iv) Overhead tracking with associated electrics and joist strengthening

### **5.3 Making a dwelling or building safe**

- 5.3.1 Section 23(1)(b) allows grant to be given for certain adaptations to the dwelling or building to make it safe for the disabled person and other persons residing with him. This may be the provision of lighting where safety is an issue or for adaptations designed to minimise the risk of danger where a disabled person has behavioral problems which causes him to act in a boisterous or violent manner damaging the house, himself and perhaps other people. Where such need has been identified, DFG is available to carry out appropriate adaptations to eliminate or minimise that risk.
- 5.3.2 For those with hearing difficulties, an enhanced alarm system, which may be required in the dwelling to provide improved safety for the disabled occupant in connection with the use of cooking facilities or works to provide means of escape from fire could also qualify for mandatory grant under subsection (1)(b).
- 5.3.3 It would be inappropriate to be prescriptive on the particular works covered under subsection (1)(b) but they might include the provision of specialised lighting (or measures such as special blinds to reduce lighting where the disabled person has sensitivity to light), toughened or shatterproof glass in certain parts of the dwelling (i.e. in doors and side panels at entrance points) to which the disabled person has normal access or the installation of guards around certain facilities such as fires or radiators to prevent the disabled person harming himself. Sometimes reinforcement of floors, walls or ceilings may be needed, as may be cladding of exposed surfaces and corners to prevent self injury.

## **5.4 Room usable for sleeping**

- 5.4.1 While in some cases a living room may be large enough to enable a second room for sleeping to be created, in smaller homes this will not be possible. The provision of a room usable for sleeping under section 23 (1)(d) should therefore only be undertaken if the housing authority are satisfied that the adaptation of an existing room in the dwelling (upstairs or downstairs) or the access to that room is unsuitable in the particular circumstances. Where the disabled occupant shares a bedroom with another person, mandatory grant may be given to provide a room of sufficient size so that the normal sleeping arrangements can be maintained.
- 5.4.2 If a single disabled person applies, consideration will be given to adapt an existing room to provide a bedroom or create a bed-sitting room.
- 5.4.3 If a relative is living as part of the family and conversion of the existing property is impracticable, e.g. understairs cupboard conversion for a WC or sub-dividing an existing room, consideration will be given to providing an adequate sized extension. See section 5.1.11

## **5.5 Bathroom**

- 5.5.1 The provisions in section 23(1) relating to the provision of a lavatory and washing, bathing and showering facilities have been separated to clarify that a disabled person should have access to a wash hand basin, a WC and a shower or bath (or if more appropriate, both a shower and a bath). Therefore subsections (1)(e) to(1) (g), provide that mandatory grant should be given to provide a disabled person with each of these facilities.
- 5.5.2 Facilities may include:
- (i) flush floor harmer type shower or low level shower tray including curtain and rail
  - (ii) specialised bath including hydraulic shower seat when manual hoisting cannot be used with existing bathroom
  - (iii) lower height bath
  - (iv) overbath shower including curtain and rail
  - (v) wall mounted wash hand basin
  - (vi) large vanity type wash hand basin where no bath or shower is to be used
  - (vii) WC including plinth where necessary
  - (viii) washing WC where self hygiene cannot be achieved satisfactorily
  - (ix) including provision of lever taps where necessary

## **5.6 Facilitating preparation and cooking of food**

- 5.6.1 The provision in section 23(1)(h) covers a wide range of works to enable a disabled person to cater independently. Eligible works include the rearrangement or enlargement of a kitchen to ease maneuverability of a wheelchair and specially modified or designed storage units, gas, electricity and plumbing installations to enable the disabled person to use the facilities independently.

#### 5.6.2 Facilities may include:

- (i) one sink unit (adjustable, if partner is abled bodied) including lever taps where necessary
- (ii) 1 meter of work surface for the preparation of food (maximum)
- (iii) raising and lowering of power points (i.e. two double points and cooker panel where appropriate)
- (iv) relocation of existing units – if units cannot be relocated due to condition, allow one double storage cupboard.
- (v) consideration will also be given to the colour differential between cupboards and work surfaces and existing tiling and wall surfaces

5.6.3 Where most of the cooking and preparation of meals is done by another household member, it would not normally be appropriate to carry out full adaptations to the kitchen. However, it might be appropriate that certain adaptations be carried out to enable the disabled person to perform certain functions in the kitchen, such as preparing light meals or hot drinks.

### 5.7 Heating, lighting and power

5.7.1 Section 23(1)(i) provides for the improvement of an existing heating system in the dwelling to meet the disabled occupant's needs. Where there is no heating system or where the existing heating arrangements are unsuitable to meet his needs, a heating system may be provided. A DFG should not be given to adapt or install heating in rooms which are not normally used by the disabled person. The installation of central heating to the dwelling should only be considered where the wellbeing and mobility of the disabled person would otherwise be adversely affected.

#### 5.7.2 Provision may include:

- (i) Heating to the main living room, bedroom and bathroom
- (ii) Where no other form of heating to the bathroom, allow for one diplex or similar heater and storage heaters, or extend the existing system
- (iii) Where there are no adequate means of heating to the main living room, bedroom and bathroom, the existing heating system, if any, will be extended or a new heating system maybe installed in these rooms. Consideration will be given to each individual case with regards to installing electrical storage heaters or a new gas boiler and radiators.
- (iv) New gas pipe including appropriate boiler and connection to the mains supply, even outside the curtilage of the dwelling, if the only means of a suitable source of heating for the disabled occupant is by a wet radiator system.

5.7.3 Section 23(1)(j) provides for works to enable a disabled person to have full use of heating, lighting and power controls in the dwelling. Such work includes the relocation of power points to make them more accessible, the provision of suitably adapted controls where a disabled person has difficulty in using normal types of controls and the installation of additional controls.

#### 5.7.4 Provision may include:

- (i) Raising power points – one double power point in the bedroom, and two double power points in the living room or equivalent
- (ii) Lower light points to access the main living room, bedroom, kitchen, bathroom and hallway, if appropriate.

### 5.8 Dependent residents

5.8.1 Section 23(1)(k) provides for works to a dwelling required to enable a disabled occupant better access and movement around the dwelling in order to care for another person who normally resides where whether or not they are related to the disabled person. This may include spouse, partner or family member, another disabled person or a child. Importantly the dependent being cared for need not be disabled. Such works could include adaptations to part of the dwelling to which the disabled person would not normally need access but which is used by a person to whom they are providing care and therefore it is reasonable for such works to be carried out.

### 5.9 Access to garden

5.9.1 Section 23(1)(l) and The Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008 provides for works for

- (a) facilitating access to and from a garden by a disabled occupant, or
- (b) making access to a garden safe for a disabled occupant.

### 5.10 Equipment

5.10.1 Equipment which can be installed and removed fairly easily and where structural adaptations are not required, remain the responsibility of Adult Social Care or Children's Services and will not attract Disabled Facility Grant funding. These items include:

#### 5.10.2 Facilitating Access & Provision

- Electric door entrance units and openers (i.e. EZi enter systems), alarms for the deaf, first alert and smoke detectors
- Replacement hoist, sling and motor for overhead tracking

#### 5.10.3 Making a dwelling or building safe

- Specialised lights, alarm systems, guards around fires and radiators, safety locks, play areas, safe rooms, hardstanding

#### 5.10.4 Bathroom

- Body dryer
- Mobile hoist into existing bath where room allows
- Shower seats and stretchers
- Grab rails
- Portable specialised shower screens

- 5.10.5 Facilitating preparation and cooking of food
  - Provision of any new units and specialised cooking equipment
  - Mobile storage units
- 5.10.6 Heating, lighting and power
  - Portable heating appliances

This list is not exhaustive.

Where an applicant's prognosis implies that degeneration in the short term will occur, then this should be taken into account when considering the eligible works.

## **5.11 Grant conditions on Disabled Facility Grants**

- 5.11.1 Under the Housing Grants Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008, where the cost of the Disabled Facility Grant exceeds £5,000; a charge will be placed on the adapted property, but will be limited to a maximum of £10,000. This charge applies if the applicant has a qualifying owner's interest in the property on which the adaptations are to be carried out.
- 5.11.2 The charge on the adapted property will last for 10 years from the completion of the Disabled Facility Grant
- 5.11.3 The placement of the charge will be at the discretion of the Council and will be determined on a case by case basis reflecting the individual circumstances of each applicant.

## **CHAPTER 6**

### **6.1 Review**

- 6.1.2 Any decision made under the Policy may be reviewed at the request of the applicant.
- 6.1.3 A request for a review should be made according to the provisions of this section.
- 6.1.4 The review request should be addressed to the officer who made the decision being appealed against –
  - (a) in writing, and
  - (b) within 21 days of the date of the decision letter unless the Council determines otherwise in any particular case.
- 6.1.5 The review will be conducted by a senior Council officer not previously connected with the case (the “Review Officer”).
- 6.1.6 The Review Officer will make such enquiries and request such evidence as he/she thinks necessary and will inform the appellant in writing of his/her decision within seven days of receiving such evidence.
- 6.1.7 Where he/she refuses an appeal, the Review Officer will inform the appellant of his/her rights under the Council’s complaint procedure and the local authority Ombudsman procedure.

### **6.2 Reviewing the Policy**

- 6.2.1 The Policy may be reviewed whenever necessary but in any case no less often than annually.
- 6.2.2 Changes to the Policy may be made by the Housing Strategic Manager in consultation with the Cabinet Member for Housing, Neighbourhoods and Planning. All changes will be recorded by Decision Notices signed by the Cabinet Member for Housing, Neighbourhoods and Planning

### **6.3 Budgetary matters**

- 6.3.1 The budget for Repair Assistance for 2011/2012 is set at £1,020,000.
- 6.3.2 The budget for mandatory disabled facility grants for 2011/2012 is £1,400,000.
- 6.3.3 The budget will be reviewed and incorporated into the policy annually.

## **6.4 Performance Indicators**

- 6.4.1 The performance of the policy will be monitored as part of the City Council's Performance Management Framework with the statutory and locally determined performance indicators published in line with the framework.

## **6.5 Cases falling outside of the policy**

- 6.5.1 For those applicants whose circumstances fall outside the scope of this policy, the applicant must put their case in writing to the Housing Strategic Manager who will review the circumstances of the case with the Cabinet Member for Housing, Neighbourhoods and Planning. Should the case be refused the applicant can exercise their right to complain through the Council's complaints procedure